

TOWN OF ESSEX
Conservation Commission

29 West Avenue • Essex, Connecticut 06426
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Executive Board

Kathleen Tucker, Chairman
Jeffrey Lovelace, Vice Chairman

Regular Members

Richard Helmecki
Adrienne Forrest
Robert Ward
Mark J. Reeves
Frank Hall

Alternate Member

Jerri MacMillan

Unapproved

Minutes
Special Meeting
Wednesday, January 14, 2015 at 7:30 P.M.
Town Hall, 29 West Avenue
Auditorium

The Essex Conservation Commission conducted a Special Meeting on January 14, 2015 in the auditorium of the Essex Town Hall.

Attending Members

Kay Tucker
Jeffrey Lovelace
Richard Helmecki
Adrienne Forrest
Mark Reeves
Frank Hall
Robert Ward
Jerri Macmillan

Absent Members

Staff: Stella Beaudoin Recording Clerk

Also present: Norman Needleman, First Selectman

1. Call to Order

K. Tucker called the meeting to order at 7:30 p.m.

2. Introduce and Welcome New Commissioners

K. Tucker welcomed the new members and asked for a brief introduction.

Frank Hall stated that he has been a resident of Essex for eleven years and that he has been involved for the past 9 ½ years with the Essex Historical Society. In 2006 he spearheaded the Essex Citizens for Clean Energy. F. Hall stated that he is looking forward to working with the Conservation Commission to conserve resources in Essex.

Mark Reeves stated that he has been a resident of Ivoryton for eight years and that he is a building contractor by profession with his business situated in Old Saybrook. M. Reeves serves on the Essex Water Pollution Control Authority Commission, on the Essex Land Trust, and he is a consistent contributor in many ways. M. Reeves stated that he is interested in the conservation of land and resources.

Bob Ward stated that he has lived in Essex for five years and that he holds degrees in Physical Science and that he is an environmental engineer and an environmentalist.

Jerry Macmillan stated that she has lived in Town for a long time and that she is a rational environmentalist and very conservative. J. Macmillan creates art from cork. Her contribution will be the ability to listen and to bring a degree of commonality.

Mr. Helmecki distributed to the new members, caps with the “Essex Conservation Commission” logo emblazoned on the front.

3. 2015 Election of Officers: Chair and Vice-Chair

M. Reeves asked to change the order of business and to place the Election of Officers at the bottom of the Agenda.

4. Old Business:

a. Review and discuss Viney Hill Brook Park/Preserve Beaver Management Plan Prepared December 13, 2014.

A copy of the report prepared by Michael Callahan, Owner of Beaver Solutions entitled, Viney Hill Brook Park/Preserve Beaver Management Plan, Town of Essex, was distributed. On December 11, 2014 M. Callahan and a group gathered at Viney Hill Brook Park and visited Quarry Pond and Wollock Pond areas. M. Callahan presented a report on suggestions for the beaver management within a few days of the walk.

It was noted that beaver activity has been long standing in the areas of Quarry and Wollock Ponds and when Quarry Pond was abandoned and sold to Mr. Wollock, he would go in and break up the beaver dams.

First Selectman Norman Needleman stated that the beavers come and go from swamp land off of Ingham Hill Road.

J. Lovelace stated that this cycle has been ongoing for many years.

K. Tucker stated that in 2003, the Conservation Commission started cleaning and clearing around Viney Hill Brook Preserve and began slowly creating the trails. K. Tucker noted that the vegetation is coming back because nature is recycling itself.

J. Lovelace stated that beavers habitat in areas along streams and ponds and they will remain in that area until their food supply is depleted, which can be up to ten years. The wood vegetation disappears and the area around the pond becomes a meadow. Eventually the growth of woody vegetation will come up and after a period of ten to fifteen years. During the time of re-growth, the beavers will disappear and then come back when the habitat has been renewed.

J. Lovelace referenced M. Callahan’s report noting that he talks about the presence of beavers and the dams they create which are critical for protecting biodiversity. J. Lovelace stated that the beavers are not creating dams to dam up a small stream, and the effects of the damming can be extensive and far reaching.

N. Needleman stated that the Commission made a decision a while ago on a method to remove the beavers. There was substantial outcry from the public and the Commission was urged to research other avenues. The discussion at the December 2014 Conservation Commission meeting was specific to a piece of property purchased by the Town for the purpose of passive recreation. N. Needleman stated that the Commission has taken many steps to preserve that property. At the December meeting, many volunteers offered their time and services to help the Conservation Commission. N. Needleman suggested that the pros and cons of M. Callahan's report be discussed and reviewed at the leisure of the Commission.

N. Needleman referenced M. Callahan's report noting that despite the best intention of the Commission in past efforts to control the beavers, the beavers can be managed and can remain in that location as long as there is vegetation. N. Needleman stated that the management of keeping the beavers, will he hopes, fall to volunteers with the assistance of the Town Crew.

N. Needleman stated that the impetus for the new members who recently volunteered their services to the Conservation Commission may have been as a result of the interest in the beaver matter. N. Needleman stated that this is not the time to be defensive and urged members to progress from this point going forward, moving on to other matters. N. Needleman suggested that the Commission make a motion to rescind the order to trap the beavers and to table the approval of the December 2014 minutes pending the attachment of the letters that were submitted at the December meeting, scanned into the record.

MOTION made by F. Hall to move ahead to Page 6 of the Beaver Management Plan as prepared by Michael Callahan, to the assessment and recommendations portion of the report, and make a decision. **SECONDED** by M. Reeves; **Voting In Favor:** R. Helmecki, K. Tucker, J. Lovelace, A. Forrest, M. Reeves, F. Hall, B. Ward; **Opposed:** None; **Abstaining:** None; **Approved:** 7/0/0.

J. Lovelace presented a synopsis of the report.

K. Tucker noted a typo on the first paragraph, second line of page 6; "cut down or are in the process of being cut down by the resident *bears*". To be changed to *beavers*.

K. Tucker commented on the third paragraph, first sentence on page 6 which references the downed trees. K. Tucker noted that a felled tree was observed on the January 1, 2015 walk.

Section two on page 6 – "Pointed stumps as a potential hazard": It was suggested that the Commission review the site walk with the Town Engineer. When the beavers cut saplings they leave stumps and spikes that create a hazard, per feedback from residents walking the trails. The Commission has made great efforts to keep ahead of the process and cut back the stumps.

J. Lovelace noted that the beavers do work at night, leaving trees hanging on vines that come down during the day, creating a potential hazard to people hiking the trails.

M. Reeves stated that as per the report, falling trees can occur for many reasons. M. Reeves indicated that he would not necessarily emphasize that beavers hasten the process.

J. Lovelace commented on point 3 of page 6; "Drain pipe in Quarry Pond was blocked by beavers in the past." M. Callahan is referencing the drain pipe that goes through the levy and in the past that pipe has been so sufficiently blocked that members made several unsuccessful attempts to remove the debris utilizing a 2' x 4'. The services of the Essex Volunteer Fire Department were offered and they came in with a pump truck and cleared the pipe at no cost to the Town.

F. Hall referenced the January 13, 2011 Conservation Commission minutes in which there was a discussion about the pipes use as a water control device: "Ms. Tucker spoke to the installation of the water control

device and noted that this within the purview of the IWWC. Mr. Lovelace clarified that the pipe that was installed was not a water control device.” F. Hall stated that J. Lovelace has referenced the pipe as a water control device and in the Minutes, stated the opposite. F. Hall stated that he spoke with M. Callahan who indicated that this was in fact not a water control device. F. Hall spoke with Mr. Haney who informed him that the pipe was installed by his uncle. F. Hall asked for clarification noting that J. Lovelace stated in the Minutes that it was not a water control device and he further requested that J. Lovelace refrain from publicly referencing to this pipe as a water control device.

J. Lovelace stated that the reference in the January 2011 Minutes is to a pipe that the Commission previously replaced.

J. Lovelace referenced page 7 of the report, item 4: “The beaver dam at the Quarry Pond Spillway”: M. Callahan states that “a Flexible Pond Leveler could be installed here to ensure the spillway stays open. However, if one is installed on the drain pipe, we would not need one there.” J. Lovelace stated that he disagrees with this statement and in fact it would be necessary for a drain pipe to be in place in that location.

J. Lovelace noted that in 2011 when the beavers were trapped, the service was at no cost to the Town. The Commission briefly discussed sterilization of the beavers, as mentioned in M. Callahan’s report.

Page 7, item 5 discusses the monitoring of the beavers which the Commission has been doing over the past several years, and will continue to do so.

J. Lovelace stated that many years ago a small, inflexible pipe was installed in Quarry Pond which was not properly functioning. The Commission installed another pipe and it has worked efficiently since. J. Lovelace questioned why the Commission would swap out the existing flexible pipe for a Flexible Pond Leveler.

MOTION made by F. Hall to install an exclusion fence around then current outlet pipe that is on the east side of Quarry Pond at a cost of \$250, and to monitor the situation over the next year. If the exclusion fence does not resolve the problem, the Commission will look at the installation of the more expensive, Flexible Pond Leveler. The maintenance agreement will not be necessary, as volunteers will monitor the area on a weekly basis. **Discussion:** B. Ward suggested that this discussion be tabled noting that he received the report and supporting paperwork this evening and has not had the opportunity to review and research.

K. Tucker stated that after the January 17, 2015 site walk, members would be in a better position to discuss the proposed installation of the Flexible Pond Leveler. K. Tucker suggested that members bring the report along with them on the site walk for reference.

MOTION made by M. Reeves to rescind the vote taken at the November 6, 2014 meeting on a Motion made by J. Lovelace to engage a state licensed trapper whose services the commission previously utilized; **Discussion:** K. Tucker stated that rescinding a motion is a terrible precedent to set. K. Tucker cited the reserve and availability of funds to be considered when preparing the budget. By rescinding the motion, any funding for the purposes of payment to the trapper would be lost. K. Tucker noted that the motion was made in November which does not necessarily mean that it must be immediately acted upon. It would not be acted upon unless there was a major undermining of bridges, etc. **SECONDED** by F. Hall; **Voting In Favor of Rescinding the November 6, 2014 vote to engage a state licensed trapper:** R. Helmecki, A. Forrest, M. Reeves, F. Hall, B. Ward; **Opposed:** J. Lovelace, K. Tucker; **Abstaining:** None; **Approved:** 5/2/0.

M. Reeves stated that if the Commission determines that the mitigation efforts discussed in M. Callahan’s report is not working and the only viable solution remains that the Commission must do something about the beavers, he will support that motion.

F. Hall stated that at the December 4, 2014 meeting, the public comment was very decisive and the Commission needs to respond to their requests that the motion to trap beavers is rescinded. F. Hall indicated that he is in agreement that if a crisis develops and if there is a public safety issues, the First Selectman can intervene. F. Hall stated that the Commission needs to send a message to the public that their comments and desires have been heard. F. Hall reminded the Commission that they serve at the request of the public and it is the role of the Conservation Commission to serve the residents of the town and support their decision.

B. Ward stated that if a decision is made without the aid of good data, and you obtain better data, you did the best you could with the information available.

K. Tucker stated that she does not feel any shame in having made the motion, or in supporting the motion to hire a licensed trapper. K. Tucker reminded members that the Commission is appointed and serves as the Board of Selectmen requests, and the Board of Selectmen asked the Commission to manage Viney Hill Brook Park as a recreation facility. The Board of Selectmen empowered the Commission to make decisions surrounding Viney Hill Brook Park. As such, if members feel that each motion made should depend on the wants and needs of those audience members in attendance at the meetings, members should keep in mind that there were seventy people in attendance and there were forty of people in favor. A motion that is made should not be rescinded.

N. Needleman stated that there is validity to the idea that the Commissioners are appointed by the Board of Selectmen noting that their appointments are voted on at a Town meeting. Not every decision should be subjected to the will of the people. However, in this case the decision made by the Conservation Commission was done so in good faith. However sentiment this strong, expressed by this many people requires consideration. There are cases when decisions are made that need to be reconsidered. People left the December 2014 meeting and there was a fairly substantial outcry to reconsider the retention of a trapper. There is an overriding interest to move forward and evaluate the situation over the next year and then see where we are. N. Needleman stated that he supports the motion to rescind the previous vote on the retention of a licensed trapper.

J. Lovelace stated that the motion was not made lightly and in fact the Commission arrived at this decision after five years of extensive research on the topic. J. Lovelace stated that he personally walks that park once monthly, if not more frequently, monitoring the situation. The CT DEEP recommends beaver harvesting on a consistent basis as the best, long term solution to maintain balance between beaver population and stability to the habitat.

M. Reeves acknowledges that it is a difficult issue and the motion was not made lightly. There are times when what the public wants and public perception is important to take into consideration. M. Reeves stated that rescinding the motion does not foreclose future actions. He suggested that members start off with a clean slate and proceed as a full Commission.

Robert Doane, P.E., Town Engineer presented. R. Doane walked the site and reviewed the situation from an engineering point of view, considering the stability of the levies, the pipes and the water shed, all the way through Viney Brook. There is a 200 acre water shed feeding Quarry Pond down to Wollock Pond and to summarize the topographic plan of the watershed and he stated that he saw nothing that would jeopardize the levies. There was no problem with the streams nor the watercourses that run through the property. R. Doane stated that it is important to maintain the pipes that have been installed which have thus far functioned very nicely. It is very important to maintain the opening under the Scout Bridge as well. R. Doane stated that he would be happy to attend the January 17, 2015 site walk and point out the areas discussed this evening. It is important that the outlet be maintained as it is an outlet to the pond in storm events, which in fact leaks down to the CL+P right of way. There are some lower areas where, if the culvert gets plugged the channel is breached and the water runs down to the pond. In summary, as long as the status quo is maintained, the water elevations and the ability for the channels to function the way they are today, there is no reason why the

beavers cannot stay there. A maintenance program of the existing structures can be established and what structures are needed in place to maintain the outlets. R. Doane stated that he did not see anything that would jeopardize the levies. In the event that there was an excessive rain and additional water backing up as a result of beaver activity or massive storms, the integrity of the levies would not be jeopardized. R. Doane stated that it is helpful to manicure some of the trees on the levy. The small saplings are of no concern however the larger trees could present a problem if one blows over.

B. Ward questioned if part of the function of Viney Hill Preserve to serve as a recharge area.

R. Doane indicated that anytime you have a gravel source and the water supply and the water shed, it is an aquifer area. However it is not a function of Viney Hill Brook Park as a recharge area. It is in a water protection area.

b. Schedule Site-walk to Inspect Quarry and Wollack Ponds and Adjoining Trails

The Essex Conservation Commission will conduct a site walk on Saturday, January 17, 2015 at 11:00 a.m. The purpose of the site walk is to inspect Quarry and Wollack Ponds and adjoining trails within Viney Hill Brook Preserve and to obtain a base line of the location of the existing trees; to determine the size of the beaver lodge and to get a reading of the water level in the area of the inflexible pipe. Members will meet at the passive recreation area parking lot at the head of Cedar Grove Terrace.

c. Trail Reports for Bushy Hill and Canfield Meadow Woods

F. Hall reported on Canfield Meadow Woods noting that the trails were in good shape.

R. Helmecki replaced a slat in the big bridge on the blue trail and there are several others that will need to be replaced. He has the boards and will replace as necessary, preferably when it gets warmer.

R. Helmecki reported that the spruce tree near the Falls River area has fallen over, however it should be easy to get to the ground. The three bridge trails are all flooded and the by-pass trail proved to be a good way to get around. There is water flowing at the little pond and all of the pipes are clear and working well.

K. Tucker suggested that the services of the new members be utilized for assistance of new foot bridge construction and repair of the same.

d. Authorize Expenditures and Reimbursements

K. Tucker stated that payment of Michael Callahan has been authorized and paid out of the Conservation Commission budget. K. Tucker presented receipts for photos of the beaver pictures which were produced for the December 2014 meeting.

MOTION made by M. Reeves to pay the bills; **SECONDED** by F. Hall; **Voting In Favor:** R. Helmecki, K. Tucker, J. Lovelace, A. Forrest, M. Reeves, F. Hall, B. Ward; **Opposed:** None; **Abstaining:** None; **Approved:** 7/0/0.

e. Review New Year's Day Walk

This discussion is tabled.

5. New Business:

a. Discuss Recommendation to Establish Escrow Account Line Item for Beaver Management

K. Tucker spoke with Keller Sterner, Deputy Treasurer who informed her that there an escrow account for the Town with lined items on which people can designate donations. Several people stated that they were willing to contribute funds to the Commission for beaver management. K. Tucker suggested that the Commission recommend to the Board of Selectmen to make a referral to the Board of Finance to establish an escrow lined item for beaver management.

N. Needleman stated that approval from the Board of Finance is not necessary, people just need to donate to the escrow account entitled beaver management. The money made available to expend would be utilized in a joint effort between the Conservation Commission and the Board of Selectmen. Audience member Susan Malan presented the First Selectman with a check for beaver management.

J. Lovelace suggested that a link be placed on the Town's website reflecting the availability of this line item and he will forward a message to the First Selectman reflecting the same.

6. Prepare Fiscal Year 2015/16 Budget (January 23 deadline)

K. Tucker stated that "Consultants" have a budget of \$900 and \$250 was just authorized for payment to Michael Callahan for the preparation of the Beaver Solutions Report. Other consultants include a forest management consultant to advise on Bushy Hill for management of the trees that should be cut down.

In the past the Commission retained a consultant to work on the GIS Website and although the Essex Wetlands Enforcement Officer offered to work on that project going forward, it has been determined that he does not have the time to do so.

Grounds maintenance also includes a DEEP permit and All Habitat Services for an aquatic permit to remove the phragmites. The cost is over \$1000 to have a spring treatment, however the Commission must contract for that service and encumber that money in the budget.

All Habitat also provides tick treatment which is imperative along Broadwalk and right-of-way roads where the passive recreation area is. The cost for the tick treatment is \$800 and that will occur in the spring and in the fall.

The Japanese Knotweed which are a tenacious invasive to eradicate will be factored into the budget.

Mosquito abatement in Bushy Hill will also be factored into the budget. In 2013 they were unbearable and in 2014, after treatment, the situation was tolerable. A recommendation to treat in 2015 for a cost of \$1200.

Phragmite control \$1,175.

Tick treatment at Broadwalk and Quarry Pond \$800.

Japanese Knotweed from the right-of-way to the wildflower meadow and through the field \$900. Trail maps \$300;

J. Macmillan stated that she hikes every day and suggested the placement of a laminated map at the trail head as opposed to individual map hand-outs.

F. Hall questioned why the budget has increased from last year, more particularly the part time clerk lined item.

K. Tucker stated that previously the Town's staff was handling the administrative piece of the clerk's position, generating and posting the Agenda, sending out the mailings, creating the meeting schedules, updating the member list and handling general clerical maintenance associated with the Commission. The Town then decided that the Conservation Commission would have their clerk resume her previous duties, handling the administrative work associated with the Commission.

F. Hall suggested to have office supplies lined item increased. He asked R. Helmecki how much is needed for lumber for the construction of five additional foot bridges. The cost will be at \$30 per piece of lumber which would roughly be an additional \$200 to cover the cost.

\$300 for printing services will remain in the budget.

Other consultants include Mrs. Malcarne who researches each conservation easement that the once yearly.

Consultants will remain at \$900.

Grounds maintenance and repair \$5,825 with the contingency for the purchase of fencing, flow pipe and inflexible pipe, for a total of \$7,800.

J. Lovelace stated that in order to protect from further beaver damage, to wrap 400 trees. The cost for wire that is fifty feet long and four feet high, with the average tree at 1 ½ feet in diameter, one roll of 50 foot wire will wrap ten trees. If 400 trees are to be wrapped, volunteers will need forty, 50 foot lengths. Each length is \$55 per roll for a total \$2, 220 to wrap 400 trees.

F. Hall suggested that the trees be painted to detour the beavers. A survey of the trees will need to be conducted and F. Hall stated that he will organize that effort. The amount of trees that have been cut down by the beavers will be identified and volunteers will be asked to step up and come in on a weekly basis to update that accounting of trees.

K. Tucker stated that member s will walk the site on Saturday and at that time will march off the circumference on how far we think they will go and make a grid and assign. She further suggested that member research individually and bring their findings to the walk on the Saturday. It was suggested that \$1500 be earmarked in the budget for remediation.

F. Hall stated that he will organize the volunteer group and the process should be simple from thereon. The trees will be identified and marked with paint which F. Hall will contribute, and any new trees that come up will be recorded along with the date that they were cut down.

K. Tucker broke down the numbers discussed this evening:

Professional Services

Phragmites \$1175.

Tick Treatment \$800

Japanese Knotweed \$900

Mosquito Abatement \$1200

Maps \$300

Part Time Payroll \$2400

Office Supplies \$100

Printing Services \$300

Consultants \$900

Grounds Maintenance and Repair \$9300

Total \$13,475

K. Tucker stated that the Commission has until January 23, 2015 to make a determination on the budget. She will prepare what was discussed this evening and submit with the caveat that there has not yet been a final vote, however there will be a discussion and vote at the February 5, 2015 regularly scheduled meeting.

MOTION made by M. Reeves to forward the budget as prepared by the Commission to the Board of Selectmen and the Board of Finance with the contingency that a vote will be taken at the February 5, 2015 meeting; **SECONDED** by J. Lovelace; **Voting In Favor:** R. Helmecki, K. Tucker, J. Lovelace, A. Forrest, M. Reeves, F. Hall, B. Ward; **Opposed:** None; **Abstaining:** None; **Approved:** 7/0/0.

5. 2015 Election of Officers: Chair and Vice-Chair

MOTION made by J. Lovelace to nominate Kathleen Tucker as Chair: **SECONDED** by A. Forrest; **Voting In Favor:** R. Helmecki, K. Tucker, J. Lovelace, A. Forrest, M. Reeves, F. Hall, B. Ward; **Opposed:** None; **Abstaining:** None; **Approved:** 7/0/0.

MOTION made by K. Tucker to nominate Jeffrey Lovelace as Vice-Chair: **SECONDED** by A. Forrest; **Voting In Favor:** R. Helmecki, K. Tucker, J. Lovelace, A. Forrest, M. Reeves, F. Hall, B. Ward; **Opposed:** None; **Abstaining:** None; **Approved:** 7/0/0.

6. Review and Approve November and December, 2014 Meeting Minutes

The following change was suggested: Page 2, second paragraph, change to *Quarry Pond*.

MOTION made by J. Lovelace to approve the November 2014 Minutes as amended; **SECONDED** by K. Tucker; **Voting In Favor:** R. Helmecki, K. Tucker, J. Lovelace, A. Forrest, M. Reeves, F. Hall, B. Ward; **Opposed:** None; **Abstaining:** None; **Approved:** 7/0/0.

F. Hall stated that the Conservation Commission does not have bylaws. He will research other Towns and will report his findings at the March 2015 meeting.

MOTION made by M. Reeves to table the approval of the December 2014 Minutes as presented; **SECONDED** by A. Forrest ; **Voting In Favor:** R. Helmecki, K. Tucker, J. Lovelace, A. Forrest, M. Reeves, F. Hall, B. Ward; **Opposed:** None; **Abstaining:** None; **Approved:** 7/0/0.

7. Adjournment

MOTION made by M. Reeves to adjourn the Special Meeting at 10:15 pm. to the next regularly scheduled meeting which will be conducted on Thursday, February 5, 2015 at the Essex Town Hall, Room B – second floor, 29 West Avenue: **SECONDED** by R. Helmecki; **Voting In Favor:** R. Helmecki, K. Tucker, J. Lovelace, A. Forrest, M. Reeves, F. Hall, B. Ward; **Opposed:** None; **Abstaining:** None; **Approved:** 7/0/0

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary