



**CITY OF DANBURY**  
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**DRAFT MINUTES**

**February 25, 2009**

7:00 pm

**Common Council Chambers**

Next regularly scheduled meeting March 11, 2009.

The meeting was called to order by Acting Chairman Bruce R. Lees at 7:05 pm. Present were Vice Chairman Lees, William J. Mills, Matthew Rose, and Mark Massoud. Absent were Chairman Bernard Gallo, Craig D. Westney, Jon Fagan, Alternate Derek Roy.

Staff present were Daniel Baroody, MPH, RS, and Secretary Patricia Lee.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was lead by Matthew Rose.

**OLD BUSINESS:**

**44 Payne Road**

**Regulated Activity # 825**

**Nejame Development, LLC**

Assessor's Lots N12003,N12004,N12005, IG-80 Zone.

Date of Receipt: 12/10/08

Building addition, incl.parking, drainage.

First 65 Days: 2/13/09. Second 65 Days: 4/19/09. R.J. Gallagher, Jr., PE. Site walk scheduled 2/18/09. Received plans showing forebay & extension letter 2/25/09, today. Notified Bethel 2/24/09. This item was introduced by Acting Chairman Lees at 7:06. Ralph J. Gallagher, Jr., PE, identified himself and handed out some revised plans to Commissioners. At the site walk and the last meeting, Gallagher said, we were requested to show the details of the detention basin, the forebay, hooded catch basins; we have 3 ft. sumps, extra deep to hold more silt, and we will float an oil absorbent boom, which he explained. Again, the proposal is to take the existing building, enlarge it; the existing gravel parking, bring the parking around the south and the west sides of the building, do away with the septic system. Discharge goes through the neighbor's property, and he reminded the commissioners of the stormwater easement in the deed. You have the deed,

Gallagher said. However, we are not going to do that. We have a stormwater treatment system for detention and filtration for when it is paved, or if it is paved. That's the proposal. Bill Mills had a comment: we did a site walk just the other day. We were concerned by the trailer bed and cement forms there; I would suggest that if this application is approved, after the new submittals, one of the conditions of approval should be removal of these things off the property, and if any damage is done doing that to the wetlands, the applicant would have to repair that. Get that cleaned up. If there's any additional damage to the wetlands, you will clean it up, Mills repeated. Gallagher said, Mr. Mills, there are no wetlands on our property, so we could not damage any wetlands. Mills said it's basically all on Mr. Nejame's property. Tom Nejame stood up and said one thing I want you to be aware of: he had some trailers and we had him remove them, and a little bit of fence, that's also being removed. The forms you are talking about are actually not on our property, Nejame said. All that stuff is really on his property, just to let this Commission know and understand. Anything on our property will definitely be removed, Nejame concluded. Mills thanked Nejame and the Chairman. Dan Baroody identified himself for the record. We ask that you table this, as we just received the revised plans today, and we can go back out and verify just where the property line is. The Nejame representative on the site walk indicated that the stuff *is* on Nejame property, Baroody said. Gallagher described the vicinity and that trailer on the property. Mills made a motion to **table** this. Rose seconded the motion. The motion carried unanimously at 7:15 pm.

**26 Waterview Drive**

**Regulated Activity # 826**

**Russell Neumann**

Assessor's Lot # 107016, RA-20 Zone.

Date of Receipt: 12/10/08.

Garage & SF residence additions, drainage.

First 65 Days: 2/13/09. Second 65 Days: 4/19/09. F.G. Fowler, PE, LS, report, site plan rec'd. 2/9/09. Comments from CLA rec'd. 2/23/09. Screening report by Baroody 2/24/09. Lees introduced this item as Russell Neumann and Frank G. Fowler, III, PE, LS, came forward and identified themselves at the mic. Fowler said we are in receipt of the comments by the two entities. Neumann said I purchased the property in deplorable condition about 12 years ago in foreclosure from a bank. Neumann described how his wife and I have put in hundreds of plants and beautified it. I am positive that many that we have installed were within your list. Neumann said I have a couple of pictures here that might help explain what's been done down by the Lake. The first picture shows a perennial garden that we installed 3 or 4 years ago, just above the 440 line. The second picture you will see is the house from a boat. That lattice board was removed two years ago, and I've continued the plantings there to help to stabilize and beautify the property. There's a narrow strip of lawn that's always been there that actually acts as an incredible sponge. I feel that I've far exceeded what most people would do as far as a buffer to the Lake. The entire property has received a lot of plants. Lees said can I go to Staff to answer that question? Dan Baroody, RS, MPH, said in my staff report we're recommending an approval with conditions, and one condition being that a Lake buffer area be constructed according to the CLA comments. I know Larry Marsicano has talked to the applicant. Although there is some buffer there, he wants it enhanced. Rather than hold up his permit, Baroody said, we can work that out between the CLA and the applicant during construction. Neumann said Mr. Marsicano has been on the property several times. I have no problem working with that.

Massoud said I'm curious as to what the waiver to the septic system was? Fowler said there were seven waivers, actually, which he enumerated, both from the State and from the local building department. Fowler read from his "Site Development Plan For Sewage Disposal System Expansion" dated 10/5/07, the seven waivers previously granted from Health Code requirements. Fowler re-identified himself for Mr. Lees. Neumann said I pay the bills. We abandoned the old septic, and they gave us the variances to the septic pretty easily. Baroody said, again, we are recommending a summary approval with 5 conditions, and Baroody read the screening report recommendation summary into the record, including the input from the CLA. Also I should add, I checked with Peter Dunn, and he has reviewed and approved the B-100 plan and the waivers including those from the State Health Department. Lees asked for an appropriate motion. Rose made a motion to **approve** this with five conditions of approval. Mills seconded it. The motion carried unanimously at 7:25 pm, being no further discussion.

**22 Shelter Rock Lane**

**Regulated Activity # 828**

**His Vineyard Christian Fellowship**

Assessor's Lot # L15006, IL-40 Zone.

Date of Receipt: 1/14/09.

Construction of church with parking.

First 65 Days: 3/20/09. Second 65 Days: 5/24/09. Benjamin Doto, PE. Soil report received 1/20/09. Staking done 1/26/09. Steve Danzer's report received 1/28/09. Site visit 2/24/09, 2 pm. Discuss possible Public Hearing. Acting Chairman Lees reminded the applicants to identify themselves before they speak. Lees introduced this item. Ben Doto identified himself, apologized about losing his voice. I want to introduce my client Gary Baldelli; he's been in on the whole process, the layout. He'll talk to you first. Baldelli said we have been in the Danbury area for 21 years, and it's always been in our hearts to be in Danbury. We looked for five years, and found Mr. Moody's property on Shelter Rock Lane. This will be a great influence and help to us for what we'd like to do for the Greater Danbury area. It's been a venture, that's for sure. We're hoping you will see it favorably. Baldelli concluded, are there any question for me? Lees thanked Gary Baldelli for coming in. Ben Doto said I know three of us here were at the site walk yesterday. I just want to say, for the record, one of the comments from Abdul Mohammed was to widen the driveway. It is necessary to access the site. In the process of setting up the meeting with Abdul, he felt it was not necessary to meet as long as we kept in touch on the phone, Doto continued. What he agreed upon was something short of what it would take to widen the driveway to his initial specifications, so there's a 1000 square foot difference in the result. Abdul wants a two lane exit plan, and Ben Doto distributed the e-mail and correspondence between he and Abdul Mohamed to the Commissioners. Doto explained where the cars will head out of the driveway, towards Danbury, and on Sundays this area is a ghost town. A couple of questions on the deep tests done were asked on the site walk. What conditions were there? There were shallow ground water, topsoil on top of a gray soft material, which is why we've laid out the site the way we did. I could type these up if you want. The deep tests are in the engineering report, Doto said. Lees listed who was on the site walk. Doto continued one of the comments: the word "alternatives" keeps coming up with the driveway, and I still feel that this is the most suitable, feasible and most reasonable way to construct the driveway, and it just makes sense. Steve Danzer asked was the alternative considered to use the Shelter Rock Business Center property for the driveway. Doto described the vicinity they saw yesterday at the site walk. To go through this site you'd have to travel over 1000 feet,

over an industrial piece of property, by loading docks, a separate lot. If this was an industrial use at the site, but this is a church. That's not something that's done from a planning standpoint, nor from a safety standpoint. Again, for a church is just does not make any sense, and I feel strongly about this, Doto said. A bridge does not make any sense. I plan also to use the driveway as a utility corridor: gas, water and maybe sewer in the future. These can all be laid in the driveway fill package. It's just something we see, as a corridor for utilities, and as a safety standpoint; the shortest distance between two points. Massoud asked Doto explain your alternate layout for me. I see the alternative driveway limits, yet you're trying to make the point that you're having less of an impact. Doto explained Abdul's comments in the correspondence in answer to Mark Massoud, referring to the second to last page. We are cognizant that we are crossing a wetland. Abdul asked for this. I don't think you were here at the last meeting, but I brought it up at the last meeting. This is a pretty big deal in my mind; and it throws you into that next category that we want to avoid, involving the Army Corps of Engineers, and Doto clarified it's basically 1000 less than what he initially asked for. Massoud said the total amount of wetland loss under the current compromised plan is 1912, plus 264 in this area; and over here it is 1550 square feet. The total is increased; we're at about 3500 square feet. It's agreed on that this is the better quality wetland. Massoud asked Doto, and the use of property directly to the north is what? Doto replied industrial. Massoud said so you're crossing takes place at the edge of a wetland. Doto said go there and walk it and look. Helicoil's property is a little higher than ours. Massoud said thank you. Doto said another question came up about the flag numbers, 36 and 37; whether the standing water was due to the seasonal conditions. And Henry Moeller said today it probably is the seasonal thawing. I consider the property one big property; I've been the engineer for the whole property; there are 220 flags out there. The only difference is that Steve Danzer is involved now. If Danzer wants to go out there, I'd like to have Henry Moeller out there with him. Henry has also prepared an amended soils investigation, and Doto went through Moeller's comments dated 2/24/09; and again, the report is 8 pages, and I don't think there is a need for me to read it. A lot of these things were discussed yesterday. Danzer said that the New England Highway measure "does not apply to such small scale" projects such as a driveway crossing. Doto again went over his alternative A and Alternative B at the easel. We feel our alternative is the best proposal from several standpoints: there are no fish here; it's a wild meadow. This is not recreational. I know the question is: is a Public Hearing necessary? I don't feel it is. I think we could get through that, Doto said. We've been through this with the Public; there was not one person in opposition, Baldelli said, and Doto reiterated this. Mills asked to share what we did on the site walk, and to get an 8 page update from Henry Moeller; quite frankly I'm not a soil scientist, but I felt uneasy with where the flagging ended. There was a small stream or channel coming down, and the realization of a big hill beyond the property line; it does come down the hill quite fast. I feel uncomfortable with it, Mills said again. We should get Dr. Danzer with Mr. Moeller; I feel as a lay person that this could be a significant impact where the water is coming down, and the only way to determine if it is; I make a motion to have a Public Hearing. I feel it is a significant impact and I appreciate Mr. Doto's presentation and alternatives, Mills declared. Lees said on the floor now we have a motion to go to Public Hearing. There is no second so your motion fails, Lees said. (Tape 1 flipped to side B). Massoud said, not to put you on the spot, Dan, but does this revised layout change the nature of the proposal? Baroody replied the revised driveway is a lot less filling than what we talked about at the last meeting. Still it's 3500 sq.ft. of fill; we have to look at the whole project. We need more time to go over this new report, and again go over the alternatives, Baroody said. Does a feasible alternative exist or not? Massoud asked is there possibly some outstanding wetland or fill violations on the site? Ben Doto said the adjacent

property probably has been filled right up to the wetlands. And someone else has extended up into there, probably before the wetland commission even existed. The garbage that's been dumped there is probably from people who've pulled up here in their cars; the tires, the old metal signs, the buckets. We would do this down during the dryer time of the year, and at that time we would remove any debris. Those stock piles are part of the Shelter Rock Business Center. They are not completely done with their site yet, but their approved site plans calls for, if you can recall, that stockpile has to be removed in order for them to get their C.O., Doto said. Yes, there has been some dumping done. In the wintertime, it's pretty obvious; but that could easily be cleaned up, Mark. Massoud said if there is to be a Public Hearing, it does need to commence within the first 65 days, so that might be problematic. I did in fact miss the second meeting. Ben Doto added we had a weather cancellation also. Massoud said, so, I don't know; it might be wise to consider scheduling a Public Hearing. That's not a proposal, just thinking out loud. If that pile is there, I would want some siltation fence there. I would ask you for some type of barriers for when the spring rain is going to come. Doto said ironically it's been frozen all winter. Doto asked Secretary Lee about the timing of this project. Baroody explained if we are going to go to Public Hearing, it should be decided tonight. Mills said no comments. Rose said no comments. Baroody asked, on the wetland flags, do you want our soil scientist to go out with the auger with their soil scientist? Lees said it is well worth the expense. I'd love to be invited, and Mr. Mills would like to go. Baroody said the other issue is violations. The health department would be willing to work with the applicant during the building process to clean those up. Lees reiterated the need for fence. Doto said it would make less of a mess to do it during construction. Unless the flagging changes; I'm going through it in my head; if it's what we have to do we will do it, obviously. Massoud asked Ben to show the extent of the parking that would be allowed. Doto replied that was two permits ago, Mark, so it is gone. Doto showed on Plan C01, Proposed Site Plan, where the parking will be,. So this was what was approved two approvals ago, and Doto explained that old plan. This was going to be one big all industrial complex. We never got to that point because the plans changed; they did a smaller addition, and they sold this area to Gary Baldelli and his church. Lees said you had two alternatives, didn't you, Ben? Doto explained for Mark Massoud the history of the proposal, its reduction, and being more aesthetically pleasing. They want to have some architectural control over how this was going to look. By shifting the building, Doto said, my approach in this design was to buffer the wetlands, and we all know they creep over time. He clarified the Proposed Site Plan at the easel for the Commissioners. We are doing very little grading on the whole site. It seems to be a flat site, but it does pitch, and Doto explained the retaining walls, the natural drainage patterns, the best design for the church, and preserving the wetlands, with three oil/ water separators; it's a plus, plus, plus, good design here, protecting the wetlands. Are you asking us to move the building, Mark? Doto continued we have a hefty parking requirement. Gary (Baldelli) sought this parcel for the amount of church parking needed, and Doto discussed trying to locate a church in Danbury. We need this parking. We put the septic system in the back. We have some green space here that will look nice, but it could be shifted back to the east a little bit, Doto said. We're kind of ham strung, as you can see. This strip must be planted behind us, per zoning: a 25 foot strip. Massoud said thank you. Lees asked will the drains be properly labeled? Doto answered that's on the to-do list, yes. Lees said I look for a motion. Massoud made a motion to **table** application #828 to our next meeting. Rose seconded the motion. The motion carried unanimously at 8:13 pm. Thank you, Lees said.

**NEW BUSINESS:**

**49-51 Backus Avenue**

**Regulated Activity # 831**

**4244, LLC**

Assessor's Lots #E18005, E18006, IL-40 Zone.

Date of Receipt: 1/28/09.

Prof. office building, parking, driveway, utilities.

First 65 Days: 4/3/09. Second 65 Days: 6/7/09. Douglas DiVesta, PE. Application postponed from 2/11/09 to tonight for a quorum. Commissioner Jon Fagan recused himself. This application was introduced by Bruce R. Lees at 8:14 pm. Again, gentlemen, please identify yourselves, for the record. Doug DiVesta took the mic and identified himself and the location of the site. The application before you tonight, on the west side of Backus Avenue, is about 500 feet from Miry Brook, opposite the Waterworks building; that's where the project is, DiVesta said. It's approximately 1.2 acres in the IL-40 zone with currently two single-family residences on it. DiVesta described the access, the mild slope; it was field checked in 2005 by Henry Moeller. There are two wetland areas; approximately .13 acre of wetland. There is a corrugated plastic pipe currently, manicured lawns, open areas in the back, wood and scrub growth. The proposal is to develop it with an approximately 12,000 sq.ft. building, with a footprint just under 6000 sq. ft. with required parking. Since it's fairly flat, we've looked at sheet flow coming off, breaking the site into separate areas; a wet pond, treatment, and peak rates of run off. The whole site is within the 100-foot Regulated Area. The layout here on the site plan shows you the parking configurations and so forth. A little pocket of wetlands here and there will be filled; approximately 500 sq.ft. will be filled; about a three to one ratio. We did provide a retaining wall to reduce the amount of grading and filling into the wetland. We are removing the 12" plastic pipe, replacing it with a 24" corrugated plastic pipe, allowing the flow to go off the site. The quantity of fill is approximately 37 cubic yards. DiVesta discussed the stormwater management program, the culvert under Backus Avenue, heading toward the airport; pretty much the water that falls on the site stays on the site. With our site, it's fairly flat, so using catch basins would not really work, so we looked at something different. What we did was remove the curbing on two sides, graded it so that the water will sheet flow off into the detention areas. Roof leaders will also drain into the detention area. Short little walls will be the forebays, allowing some time for settling out of the stormwater. DiVesta discussed the detailed blow-up of each of the detention areas on your last page; the erosion controls; SP-8 shows you more details, the check dams, long corridors, long passes, through the vegetation. We did do a hydraulic analysis which DiVesta described. For sedimentation and erosion controls we do provide silt fence throughout the site with hay bales during construction. Here will be tracking pads at the entrance and exits, and at the stockpile areas. The site will be served by municipal water and sanitary sewer. Are there any questions from the commissioners? Mills said I would like to do a site walk, so flag the wetlands, and stake the four corners of the building. Notify Pat lee when this is done. Lees confirmed that the houses are occupied, so notify the tenants too. I'll notify Pat, DiVesta said. Lees asked, as far as the alternatives, you say you have two alternatives? This is a large area; you're squeezing in all this development, you've used up every little bit of this property; does the scale of this project have to be so big? DiVesta said as I said, the whole project is in a Regulated Area, and Lees and DiVesta discussed scaling it back. The wetlands are on both sides of the property, here and here, so whatever we do, we will be in that Regulated Area, DiVesta said. We are adding nice features; it really enhances the site. A detailed planting plan we are proposing, and we are improving the quality of the area. Lees asked for a reduced

proposal. DiVesta said I will certainly show you the other proposals at the next meeting, and why this is the best plan while fitting my clients wishes. Lees and DiVesta discussed detention areas versus detention basins, and a wet pond, which DiVesta clarified for Lees on the plans; the treatment train. A terminology mix up, Lees said. (The client Robert Kaufman was seated in front row). Kaufman identified himself and his address, saying I'm the owner of the property. We did Waterworks and Federal Express, so I don't think we'll depreciate the area, Kaufman said. Massoud said along the line of the alternatives, did any of these include how that affects the overall site layout, an upland impact, a direct wetland impact? Not that you have to answer right now. DiVesta showed on tissue paper at the easel one of the alternatives. Pushing the building back does not really help us at all as far as impacting the wetland goes, DiVesta said. A more linear building would require more spaces. This one here we felt utilized the property the best, considering the wetland quality. Lees asked does staff any comments? Baroody replied not at this time. Massoud made a motion to **table** this to the March 11<sup>th</sup> meeting. Motion seconded by Mills. The motion carried unanimously at 8:36 pm. So moved, Lees said.

**25 Plumtrees Road**

**Regulated Activity # 833**

**Plumpar, LLC**

Assessor's Lot # M12014, IG-80 Zone.

Date of Receipt: 2/25/09.

Office/warehouse building, parking, drainage.

First 65 Days: 5/1/09. Second 65 Days: 7/5/09. B. Doto, PE. 5.5 acres±. Bruce R. Lees introduced this new business and Ben Doto introduced himself again. This was before you many years ago. This is the Kenosia Construction spot. Shelter Rock Road's new alignment empties out almost opposite the site. Doto gave the history of the site; they never built the building for Earthmovers, and then Kenosia Construction bought the property. The site was basically a 4000 sq.ft. building, with asphalt paving, a driveway, and the whole back yard was a gravel storage area; a large detention basin back here, and no stormwater treatment. It's built. They have their C.O.'s. (Tape #2, side A installed.) The road was realigned. The previously approved septic system was not needed, since the City sewer came down. You'll see a sewer easement. There were some unusual conditions. See these trees; wetland flags go around here, and it all goes into an area behind the old dump. We propose to take the site, with a very similar footprint, and bring it up to a more industrial warehouse / office type building. Change the truck parking spaces into vehicle parking spaces, equipment storage, material storage, to honor the previous approval and build a 26,000 sq.ft. facility there. Doto continued describing the phased project, and what his clients can afford to build at any given time. We'll re-use the existing detention basin that Ralph J. Gallagher, Jr., PE designed. Doto talked about sheet flow, forebay, stone berm attenuators, the increased flow path, booms to catch any oils, the gravel; simply to maintain the existing footprint, and the existing basin, Vortech unit, some modifications to the pond, a more natural pond bottom, and still maintain pre-development levels. We did look at alternatives, which Ben Doto described. Any developer wants to know how much they can build. Doto described the alternatives 1 and 2 at the easel. It's a 5.5 acre site. Again, the wetland lines are here. We felt, and my client agreed, that this is a better alternative; it improves wetland quality and the drainage system. These trees are there; there's no need to take them down. They were sort of planted as the buffer line for the previous approval. The sanitary sewer City easement runs through our front lawn. It's a pretty straight-forward proposal. The existing driveway right now, because of the traffic out here; we did change as recommended, making this driveway one-way out only. It really messes up traffic patterns.

It works really well. A gate may be used also. Now Bartlett Tree is moving their operation into this building. We're well outside of that wetland area. Lazy Creek Mills is the old Viking Wire. Doto asked are there any questions? Lees asked can it be staked, the building corners? Doto replied, yes, we could stake it out there. Lees said just let us know. Mills added I'd like it staked. Doto said we're trying to clean up the edges also; the grade change causes no encroachment. Lees asked does Staff have any comments? Massoud said I wrote the original approval for this site, when it was being used as a rough yard for the construction of the Ginsberg site, and I think those trees were planted to maintain a buffer from the wetland. The drainage picks up a good portion of that hillside, a source of a lot of erosion when it was under construction. That detention basin was built to keep down erosion from the site. And then it dumps into the wetland behind. Doto explained why his proposal will be flat out nicer. What is there is in conformance with previous approval, Doto said. Lees asked for any comments or a motion. Mills made a motion to **table** this to 3/11/09. Rose seconded the motion. The motion carried unanimously at 8:53 pm.

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:** None.

**ADMINISTRATIVE STAFF ACTIONS:** None.

**CORRESPONDENCE:**

Notice from Artel Engineering of proposed Bethel project, 16 Grassy Plain Street, within 500 ft. of Baroodybury line. Bruce R. Lees read all these three items.

**EIC ADMINISTRATION & FUTURE AGENDA ITEMS:** None.

**ACCEPTANCE OF MINUTES:** 2/11/09 Meeting. Motion to accept these minutes by Rose. Second by Bill Mills. The motion carried unanimously.

Mills asked to discuss the application and violation by Mr. David Tinker, which was denied as incomplete in December 2007 (EIC # 767), the Notice of Violation sent; Mills gave a history and said nothing's been done. And when we looked at the Nejame property (EIC # 825), Tinker is operating with a Cease and Desist Order and a Notice of Violation. He's stockpiling more stuff, Mills continued, and I am wondering, Mr. Chairman, would it be appropriate to direct our able Staff to write a letter to Corporation Counsel to come before us at the March 11<sup>th</sup> meeting to explain why nothing has happened. It's not being done. Secretary Lee said, as a point of order, the Chairman should be asking Corporation Counsel for their presence at a meeting. Dan Baroody took the mic and said this guy is ignoring everything, and he said there was some defect in the Cease and Desist order. Secretary Lee said Tim Rosati's new Cease and Desist order went out today. It's a zoning issue, plus an EIC issue. I'm just trying to give you an update; It went out today. Baroody said nothing is wrong with our orders to him. EIC had issued a Notice of Violation. Massoud suggested why don't we issue a Cease and Desist order, and then forward it to Corporation Counsel. A Cease and Desist order says he has to stop doing what he is doing, Baroody explained. If he ignores a Cease and Desist order, the City then can go for an injunction. A new Cease and Desist order came out today from Zoning, Baroody continued. It will make a better case for the City if they have to go after the guy. Massoud said I agree with Dan Baroody absolutely. Whatever the time frame is for correction, seek an injunction or take it to Superior court, and impose some fines. Mills said, through the Chair, you want to send the message that you are fair and equitable to everybody. Baroody said we have had meetings with the

Zoning officer, Timothy Rosati, Sean Hearty, Mr. Tinker, and Neil Marcus, promising to clean it up. And we tried to cooperate with them, but it has not worked. Lees said so tomorrow you're going to take the proper action. Massoud made a motion to issue a Cease and Desist to David Tinker on Payne Road. Mills seconded the motion. The motion carried unanimously at 9:05 pm. So moved, Lees remarked.

**ADJOURNMENT:** Motion to adjourn by Matt Rose. Second by Bill Mills. The motion carried unanimously at 9:06 pm.

The next regular DEIC meeting will be held on March 11, 2009.

Respectfully submitted,

Patricia M. Lee, Secretary

*This is a DRAFT only, not yet formally adopted and approved by the Commission.*