

**Wallingford Inland Wetlands & Watercourses Commission**  
**Regular Meeting**  
**Wednesday, January 3, 2024, 7:00 p.m.**  
**Robert F. Parisi Council Chambers**  
**Second Floor, Town Hall**  
**45 South Main Street, Wallingford, CT**

**MINUTES**

Chair James Vitali called this Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission to order on Wednesday, January 3, 2024, at 7:00 p.m. in the Robert F. Parisi Council Chambers, Second Floor of Town Hall, 45 South Main Street, Wallingford, CT.

**PRESENT:** Chair Vitali, Vice Chair Deborah Phillips, Secretary Nick Kern, and Commissioner Michael Caruso, Alternate Commissioners James Heilman and Mrs. Caroline Raynis, and Environmental Planner Erin O'Hare.

**ABSENT:** Commissioner Jeffrey Necio and Alternate Commissioner Aili McKeen.

Chair Vitali asked Alternate Commissioner James Heilman to participate and vote tonight along with the Regular Members.

There were five persons in the audience.

**C. CONSIDERATION OF MINUTES**

**1. Regular Meeting, Dec. 6, 2023**

Chair Vitali requested that the December Minutes would be tabled tonight and considered at the February 7 Regular Meeting. The Commissioners agreed.

**D. OLD BUSINESS**

**1. #A18-12.2 / 32 Barnes Road - Rowland Industries - Request for release of bond**

Ms. O'Hare said this request is not ready.

**2. #A18-1.2 / 801 North Colony Road & 6 Beaumont Road / Padens Brook - IAmTheWalrus, LLC - River Corridor Restoration - Request for release of bond**

Ms. O'Hare said the Applicant's Ecologist had wanted to be present tonight. However, I talked with Corporation Counsel Janis Small, and I was directed to send the file to that office.

Chair Vitali said, It's best to let Attorney Small straighten this out.

**E. NEW BUSINESS**

There was no New Business.

**F. RECEIPT OF NEW APPLICATIONS**

There were no New Applications.

**G. REPORTS & COMMUNICATIONS**

**1. Discussion of proposal to adopt fines for violations**

There was no discussion here.

**2. Farm Hill Road Detention Basin**

There was no discussion on this topic.

**3. CACIWC 2023 Conference - Copies of informational materials (submitted by attendee Vice Chair Phillips)**

Chair Vitali thanked Vice Chair Phillips for bringing the CACIWC materials back to the Commissioners. He said those were helpful and interesting.

**4. IWWC #A23-10.1 & IWWC #A22-12.3 / 1 North Main Street Extension - In Memorium Cemetery Association, Inc. - installation & design failure**

Ms. O'Hare said, Here I am looking for direction from the Commission. They started and failed, and now they are redesigning for the third time. The contractor did not install it the way it was designed. Do you want me to issue a Notice of Violation, or do you want to have them come in for another modification?

Chair Vitali said, We had a conversation on this. Their modifications and design changes were approved by the Town Engineer, but they failed. I don't know how we could put out a Notice of Violation unless it gets resolved to have them apply for a Modification to Permit with a new design.

Ms. O'Hare said, Yes. I'll let you know when it comes in.

**H. VIOLATIONS**

**1. Notice of Violation Remains - 1245 Old Colony Road & Quinnipiac River - Jerzy Pytel - (unpermitted clearing & filling near river) - NOV issued 6/4/19; NOV to be recorded on Land Records per 10/4/23 action. (See Motion below.)**

Ms. O'Hare said there has been no change. The Town Planner and I may be meeting with them.

**2. Cease & Correct Order Remains - 67 Schoolhouse Road - Michelle Millican & Michael Gerace - (new filling over prior filling) issued 4/25/23 ; 11/1/23 extended deadline for removal to 9/4/24. (See Motion below.)**

Chair Vitali stated that this is to be reviewed in September.

**3. Cease & Correct Order Remains - 67 Schoolhouse Road - Karl Kieslich - (new filling over prior filling); issued 4/25/23; tabled. Not discussed. (See Motion below.)**

**4. Notice of Violation Remains - 24 Mapleview Road - Patricia Clarke c/o James W. & Patricia Clarke, Trustee of The Clarke 2022 Living Trust - (alteration & filling within wetlands and in Upland Review Area on 24 Mapleview Rd. & on 13 Rolling Meadow Dr.) - issued 4/21/23**

Chair Vitali asked, Are we going to be putting something on the Land Records? This has gone on for years. I think you need to tell the Law Department what the situation is and what the violations are.

Ms. O'Hare said, Do you want to go for one more month?

(See Motion below.)

- 5. Notice of Violation Remains - 119 Quigley Road - Matt Turner** - (clearing & grading in wetlands); issued 9/29/23.

Ms. O'Hare said, I have to look at it in spring to see how many plants have made it over the winter.

(See Motion below.)

- 6. Cease & Correct Order Remains - 55 Kondracki Lane - Fifty-five, LLC** - (correction plan to comply with 6/5/18 Order approved 12/6/23)

(See Motion below.)

**MS. PHILLIPS: MOTION THAT THE NOTICES OF VIOLATION AND THE CEASE & CORRECT ORDERS REMAIN ON THE VIOLATIONS LISTED UNDR ITEMS #1-6.**

**MR. CARUSO: SECOND.**

**VOTE: MR. KERN - AYE; MS. PHILLIPS - AYE; MR. HEILMAN - AYE; MR. CARUSO - AYE; CHAIR VITALI - AYE.**

- 7. NOTICE OF VIOLATION - 4 Mellor Road - Robert and Rhonda Doolittle** - (unpermitted clearing, installation of rock wall in channel, footbridge, drainage pipes, fire pit, seating area, stone path, and fencing); issued 11/30/23; on 12/6/23 tabled to 1/3/24

Ms. O'Hare said, Mr. Doolittle said they will be out of town until after this Meeting. Also, his engineer could not meet with him yet.

Chair Vitali said, You have the list of what's been done and what is unauthorized activity. Have you talked with the Law Department?

Ms. O'Hare said, In June, he was fully aware of what been done on his property, and he knew the Town Planner and I had been out there. So I asked Corporation Counsel Small, What do you do when someone doesn't show up? She suggested making an appropriate finding tonight. She requested to know what was in the Notice of Violation that went out November 29th as unpermitted and unauthorized actions in a regulated area. I added another bullet point in what I gave to you tonight on the footbridge and the stream channel reflecting what he has done along the driveway further to the south. Since the 1993 permit issued to Mr. Doolittle to move a gravel driveway, and he also added a turnaround. So I would add another bullet point to what's here.

Chair Vitali asked, Could Corporation Counsel Small do a ruling?

Ms. O'Hare said, She suggested for the Commission to state the findings and to make an Order: It could be to remove all unpermitted activities--or other orders that you think--and for him to contact the Environmental Planner about discussing how to do the removal.

Commissioner Kern said, I'd like to have him present. You ought to make a list of what he wasn't supposed to do. Could he be heard? He's not here tonight, so wait another month so we can have him here. I'd table it to next month.

Chair Vitali said, He's not come here for two months in a row, but I'm not against waiting another month.

Vice Chair Phillips, Commissioner Caruso, and Alternate Commissioner Heilman each agreed to another 30 days.

Chair Vitali directed Ms. O'Hare to put out a one-page Notice of the problems on this site.

Ms. O'Hare said, I will also send him a Certified Letter about the findings at this meeting and that "The Order will occur at the next Meeting, and that he should attend."

Chair Vitali said, That's fine.

This Notice of Violation remains in place, and it is tabled to the Meeting on February 7, 2024.

**8. Cease & Desist Order - IWWC #A23-2.2 & IWWC #A23-9.1 / 86 Barnes Road - 950 North Main Street Extension Wallingford, LLC - storage unit facility - (numerous violations & permit non-compliance)**

Appearing was Owner Mr. Vincenzo Perretta.

Mr. Perretta said, I don't have any attorney or engineer with me tonight. I understand there's issues we need to address. My wife Lisa Ann is here with me.

Chair Vitali said, As from Ms. O'Hare, you failed to meet the Conditions of the original Approval. Silt fence not put in; you cut back too close to the wetlands; you cut down vegetation. You didn't notify her that it was starting. The wetlands along North Main Street--I thought they were larger than what you left there. Now there's a sidewalk which wasn't on the print?

Ms. O'Hare said, It was on the print. But there was no grading or filling with it, and now Mr. Perretta wants to grade and fill to construct that sidewalk.

Chair Vitali said, There were so many things. We had a heavy rain--between that and your open site, your neighbors got loaded with mud and silt. So this hearing tonight is for whether we revoke your Wetland Permit, or how are we to resolve the issue?

Mr. Perretta said, I agree. You have the option to revoke it if you wish. I'm here to do the right thing.

Chair Vitali said, What have you corrected? How close are you to the original permit or Conditions of Approval?

Mr. Perretta said, The silt fence has been toed-in, and there's been hay bales put behind the far corner of the property for extra protection.

Chair Vitali asked, That's it?

Mr. Perretta said, Yes. As far as the remediation of some other issues--the sidewalk, the taking down of a couple trees there--which in my eyes are kind of border--on the line of limits of clearing. But it's not for me to decide that.

Chair Vitali asked, How about the neighbor?

Mr. Perretta said, I believe the neighbor got flooded out with six inches of rain. I have concern for my neighbors. I did 19 years ago, too, when we started next door and we fixed that channel. Unfortunately, the channel did overflow with 6" of rain. We have pictures. I guess it did breach between the Odd Lot and the Go-Kart property--overflow, along with the channel that runs parallel with their parking lot at the back side of our property on the 929 North Main Street side. That channel did overflow in three areas. The center of the channel did overflow by the first dogleg, on the current and old plans. Unfortunately, a lot of water came down. I understand silt went in there, too, brown soil. Silt fence would have helped; but I think it would have toppled over anyways, if the silt fence was there, for the amount of water that we received and the amount of time that it fell.

Chair Vitali asked, What comments have you got, Erin?

Ms. O'Hare said, One comment is a bookkeeping thing. I'd say this is a Cease and Desist Order. For this, the Commission is required to hold a hearing within 10 days. And so this is the Hearing, as opposed to the other matters on our agenda, which are just Regular Meeting items and violations. This is an actual Hearing. So that means a few things: People in the audience can comment.

Chair Vitali said, We'll get to that. But I asked, what are your comments?

Ms. O'Hare said, O.K. Copies of my letter of the Cease & Desist Order went out in your packet Friday night. It's lengthy--eight pages. The reason it's so long is there were a lot of different things that happened during that storm, a lot of different violations, and non-compliance items. The most noticeable thing was the flooding--the tremendous amount of sediment that ended up offsite, particularly on the property of Holiday Cinema, 970 North Colony Road. You were sent 10 photographs.

Chair Vitali said, We all know. But what's going on with this site? We know it flooded the parking lot. Have you checked and seen--has the silt fence been put back? Are hay bales there?

Ms. O'Hare said, Yes, I was out there twice since the flood. On Friday I took pictures and I have more. Yes. Mr. Perretta informed me he went out there within a day or two and did put up the extended silt fence, toed it in, got the hay bales snug on his northwest corner between his property and the cinema property. And he continued the silt fence all the way down. I'm not sure if all the required silt fence is in as of today. There are a bunch of strings of silt fence around the wetlands that were significantly altered--kind of three separate lines of silt fence. He was directed to put silt fence around the sediment piles or giant stockpiles. I don't think that was done yet. But I think that's all that was done. There was a bit of grading done in the northwest corner, bring it up a little bit, because the water was traveling off the northwest corner and down that side slope to the cinema.

Chair Vitali asked, Wasn't there orange construction fence supposed to go up?

Ms. O'Hare said, I'm just saying what Mr. Perretta has done in the last week. No, the orange fence isn't up yet. Frankly, there's not a lot to protect--it's gone. Commissioner Kern had asked for orange silt fence so workers wouldn't stray in there. It's all cleared out. So there's not a whole lot left--some spindly trees in the wetland and tire tracks in between them. That patch of phragmites is gone--it'll grow back. But also, Mr. Perretta hired a wetlands scientist to do a detailed report, which this Commission approved. In it, Mr. David Lord had a specific way: He was going to cut and then treat the phragmites. There's a lot of work to be done.

Chair Vitali said, O.K., we'll come back to this. Commissioners, any questions?

Mrs. Raynis asked, When you explained what happened, you mentioned a couple of trees on the line that were cleared. But in the report we have it says a dozen trees were cut. Do you know how many trees were actually cut?

Mr. Perretta said, There were two trees, probably with a 12-inch-round radius, maybe double trees. One was on the wetland line of the side that runs parallel with the side of the channel. The other was more or less up on North Main Street Extension, and it's there next to the guardrail that's going to be moved. I believe we have to get another permit to do the sidewalk. Yes, I was premature on maybe an area of 30 feet of 2- to 3-inch, maybe 6-inch-wide trees.

Mrs. Raynis said, To clarify, you say there were two; were the rest smaller trees or what?

Mr. Perretta said, Yes, smaller.

Mrs. Raynis asked, But you would say there were a dozen trees that were cut?

Mr. Perretta said, If you want to call them trees or brush, that's however you want to call them.

Mrs. Raynis said, O.K., thank you.

Commissioner Kern said, I was concerned about the orange fence around the site. I was also concerned to be a good neighbor--and from the pictures you show us, it looks like the abutting parking lot to the cinema and behind the cinema still have mud silt. Out of good faith, don't you think that it should be cleaned up, or maybe hire a street sweeper to come in and take the bulk of it out of there, so the patrons are not going to be tracking it into the cinema? What are your intentions?

Mr. Perretta said, To be quite honest, I haven't thought about it because I spoke with Erin--three phone calls. She told me about Mr. Laflamme, who was the contact person. I met him years ago when we started the North Main Street Extension site. I haven't been contacted by anybody. So, if I was contacted by anybody to go and have a physical walk, of course I would. I'd look at catch basins, would have gone and looked at silt or this or that. I'm not going to lie to you and say I didn't go on my own and take my own pictures. But I'm anticipating a phone call, which I haven't received.

Commissioner Kern said, Well, there's six of us here that have pictures of it. It's pretty obvious what's going on back there. The first thing I would do is want to keep him happy because of the incident.

Mr. Perretta said, Right, true, Mr. Kern. And one of the main things I was talking with Erin, today and before, is I just want to know what I'm going to be responsible for. I did ask Erin, and I will ask the Commission: Am I responsible for the actual channel breaching and overflowing? Or am I respon-

sible just for the silt that came off of the 86 Barnes Road site? I'm looking for clarification. I don't know if I can really take responsibility for a breach in a channel that is upgrade, even though the stream pitches downgrade towards Route 5. I understand over there, there's a lot of silt that came over. More or less, it was a breach in the actual berm, which is made of sandy material. It couldn't hold up at that height, being 6 to probably 7 feet and topped over with water. I'm just asking. Where does my responsibility start and end with my neighbor? And I would love to walk it with my neighbor.

Commissioner Kern said, When we gave you permission to develop the site, you had an engineer that was going to design it so nobody was going to be altered with your project. You were going to save the trees that needed to be saved; you were going to dike or riprap the dam or whatever needed to be done, so that your neighbor wouldn't be encroached on with silt and mud. It wasn't his fault that the rain came. It's obvious that you/we got more rain than you expected. I believe the first priority would be to go over and either meet with him or get the machines over there and clean the mess up, get it back on your side of the fence. The fence--that would be the first important thing. And then, from there, you need to stabilize it. You need to get your engineer back on line, David Lord or whoever you've hired, to redesign this so this doesn't happen again. We're going into the winter months now with rain, snow, sleet, whatever, and there's a chance we're going to get more of this.

Mr. Perretta said, Uh-hm.

Commissioner Kern said, In some of the pictures, I see the erosion is coming from your developed site already. So all that water is barreling down into the slot, going down to the lower section there.

Mr. Perretta said, Correct.

Commissioner Kern said, So it's a no-brainer.

Mr. Perretta said, And that's what I'm asking: Where does my responsibility start and stop? Does it start with 86 Barnes Road water and stop with that, and clean that area? Or does it go all the way up the channel where it breached and overflowed? I'm sure Tommy K's parking lot was flooded out. I get water from North Main Street Extension from above the old Calcagni place, down across the road and onto the site, also. I understand what you're saying. I am not saying I'm not responsible for anything. All I'm looking for is clarity. I believe I could talk with the neighbor and we can reach something there.

Commissioner Kern said, We're not here to design, develop your project. You're here to get us to approve of what you think was going to be safe to allow the project to go forward. It's obvious, because of the weather, it didn't work. So now she wants to do a Cease & Desist, pull your application/your permit. You need to get back in touch with your engineer or David Lord, Soils Scientist, and start from scratch and get this all rebuilt back to where it belongs. I believe the first priority would be to stabilize that channel down there so this won't happen again. Don't use sandy soil to make a dike--either use riprap, sandbags or whatever. You've been in industry long enough to know what you need.

Mr. Perretta said, I understand that. So you're saying that I need to go onto somebody else's property and stabilize something.

Commissioner Kern said, I didn't--did I say that?

Mr. Perretta said, No--I'm not sure that we're talking about the same location. I'm not arguing with you.

Commissioner Kern asked, Are you in charge of the channel all the way down?

Mr. Perretta said, Not down to--I'm in charge of the channel to where my property ends, 929 North Main Street, which ends behind the go-kart place and the back of the Job Lot or Odd Lot parking lot.

Commissioner Kern asked, What about the south side, how far down do you go there? You go right to where the road is, the old Barnes Road?

Mr. Perretta said, I go to from North Main Street Extension in between Barnes and 86 Barnes.

Commissioner Kern said, To the curb, the driveway for the parking lot.

Chair Vitali said, You're doing great, Nick. But there's one question: Who owns the ground that the channel is on?

Mr. Perretta said, I own the ground.

Chair Vitali said, Go ahead, Deb.

Commissioner Phillips said, I think it's important to do some cleanup because it came from your silt fencing not being properly installed. To be a good neighbor, I think we need some cleanup.

Mr. Perretta said, I agree with that. I agree with doing the cleanup there.

Chair Vitali asked, Mike?

Commissioner Caruso said, The one thing I'm going to point out is that, with or without the rain, the conditions of the permit weren't followed.

Mr. Perretta said, Correct.

Commissioner Caruso said, So the rain doesn't matter at this point. It's the permit was never followed to begin.

Mr. Perretta said, Right.

Commissioner Caruso said, That's the bigger issue, unfortunately.

Chair Vitali asked, Jimmy?

Commissioner Heilman said, There are three storms from the Pacific Ocean into the west coast and across the continent currently coming this way. In light of that, I would say the first priority is to stabilize this situation that exists so that it cannot happen again. Coinciding with that, a cleanup of what has flushed onto that property, all that silt. But my primary concern is this project should go no further until there is complete stability of everything here. Stability should have been established prior to this event. It's got to be done immediately, so this doesn't happen again over the next weeks.

Chair Vitali said, O.K. Erin pointed out this is a public hearing, so if there's any comments from the public, I'll take them now. Name and address for the record. Sit there or stand. Make sure you speak



into the mic, please.

Mr. Robert Laflamme said, Good evening, Mr. Chairman, Commissioners. My name is Bobby Laflamme. I live at 218 Coon Road in Southbury. My son and I own our family business, the Wallingford Cinema--there for almost 20 years. And we believe we're a good neighbor with what we do for the community and with the theater. That's why I was glad to hear in the opening remarks of my neighbor that he wanted to do the right thing. But we never heard a word from him when we were cleaning mud, which made it inside the cinema. There was a lot. The amount of mud that came, it was just like sheet-flowing right off the property with nothing to stop it. I couldn't actually believe it. And then I said to myself, as you get older, you check things like the weather all the time, and sometimes they exaggerate it. I don't think what was coming was exaggerated. But you always do the right thing, you do your due diligence. And if you have to do something and you just completely disregard it so it impacts the property--where the storm drains are filled with mud and the cinema has mud in it, and all of which we had to deal with, and not a word from our neighbor. He said that I should have gone to him. Well, that's not the way I treat my neighbor, and I don't think anyone does that. The last thing I want to do is hurt anyone or see anyone slow down, because development is good. But I think that until this site is stabilized, with the amount of mud--and I think we sent Erin videos of what happened that day--it was just reckless. And I think whatever needs to be done--a review of the plan and if the one silt fence wouldn't have held it back even though it wasn't up--maybe double silt fence, hay bales, double hay bales--whatever the engineer says. But until all that's done, I think it shouldn't proceed forward because it's too scary. Right now, we have storm drains that are filled with mud. So what's going to happen on the next storm? We have to find a way to get all that mud out, never mind the mud that's all over the parking lot. If you've seen the videos, it was unbelievable. So I just hope that what we're hearing now from my neighbor is true and that he's going to do the right thing. I really think we need it. The cinema struggled with Covid, and we made it through; and this is the last thing we needed, to clean mud out of the cinema at a busy time of the year when we normally do business. So anything the Commission can do to help us, I, my son, and our family would greatly appreciate it. Thank you.

Chair Vitali said, I think the Commission's power is limited, other than to show concern for a Good Neighbor policy. The legal side of it, I can't tell you. Something like this could happen again.

Mr. Laflamme said, Yes, Sir.

Chair Vitali said, We haven't got to the point of where we are in your Application. But, if the brook channel is on the property--and 86 Barnes Road, did that always flow into the same channel? I don't think so. But apparently now it flows into that channel. It breached that back corner, and that's where the mud came from, going into that channel. Now, if that's the elevation of your map, your application, it sounds to me like you've got to modify the channel going out across your property behind the theater. If that's what we approved, to go that way, shame on us--that corridor needs to be enlarged possibly. It needs to be opened up; it needs to be ripped; it needs to be higher--all kinds of things. Fortunately, 86 is probably the last site to develop on that watercourse coming from up in Barnes Park North. It's been developed. So the channels on your property--if it needs to be expanded, yes, you need a permit. I'm sure the permit is not going to be held up, other than the fact to make sure the channel is big enough. Now where are we in this? It sounds like one Commissioner feels that the Cease and Desist stays in effect. Or is it a Cease and Correct? This is coming back to where we have jurisdiction. How do we get this Application back in line?

Ms. O'Hare said, About the Cease and Correct: This is a Cease and Desist. Cease and Correct we've

only done twice: once was a sewer line that broke in a wetland, and once was the bridge in 55 Kondracki, the driveway crossing that fell in.

Chair Vitali said, That's O.K.

Ms. O'Hare said, So that's an emergency. So this is a Cease and Desist.

Chair Vitali said, But you're going to tell them to do some corrective work.

Ms. O'Hare said, Oh, totally. And we've got two pages of corrections.

Chair Vitali said, Is that where we have Cease and Desist?

Ms. O'Hare said, Under Cease and Desist, it says you, Mr. Perretta are to "cease all development action and not do anything on the site except as directed in this document" that went out. Now the Commission can add more bullet points; you can take some of these away. That's your function. I did this notice. You can reaffirm what I wrote and all the bullet points, all the directives. You can add more; you can subtract some. At the end of it, I say you have another alternative, or an additional action: You can suspend or revoke the permit. We've never done that since I've been here, 19 years; and I don't think it was ever done by this Commission. There's so many things non-compliant with this permit that it rises to that level. But I wrote as my second-to-last bullet point here on page 8, "Should the Commission not act to suspend or revoke the permit, I'm suggesting--I direct four things that he's got to do to make this a better project. Because it dawned on me that this is a floodplain with that stream in the wetlands, and the flows go back and forth: the floodplain goes like this, like an accordion--it's not static. We were protecting the wetland from the dirt from his site--but, guess what, the wetland had its own ideas to go this way, too. So it goes back and forth.

Chair Vitali asked, What did the map say? Which way was the flow going to go off this site from the map that was submitted? To the south?

Ms. O'Hare said, No. Before he cleared it, it was going toward the wetlands--the wetlands that are along the stream in the photographs.

Chair Vitali asked, To the north between the two properties?

Ms. O'Hare said, To the north, yes--the big wetlands, not the tiny one by North Main Street.

Chair Vitali said, So that's where the flow of water was going, to that back corner?

Ms. O'Hare said, It has for years gone that way.

Chair Vitali asked, Did it mainly sit because it was all sand until a lot of fill got dumped in there? It was recharging right in the ground right there.

Ms. O'Hare said, Sure. Some of it was going down, sure. It's very sandy soil.

Chair Vitali said, Now it's not recharging in the ground, and now it headed to the stream?

Ms. O'Hare said, It's both things. Obviously, we've gotten unprecedented, record-breaking amounts of

rain this year and fall especially. So the groundwater is saturated. Everything's sitting on top. You see puddles all over town. Things are not draining. This site, even though it's so sandy--

Chair Vitali said, We know all that. Where do we take this gentleman's project here? What's going to happen now? What do we do to get this to move along? Do we stand still until these four points are corrected? Do we put a Cease and Desist until everything is recorrected and you review it?

Ms. O'Hare said, The Cease and Desist has been issued. I would like you to affirm it before the end of the evening tonight. I would like you to affirm all these bullet directives that I've put in here. One directive was to contact the owner of the cinema property. That's halfway down page 7: ""Immediately contact the owner of 970 North Colony Road."

Chair Vitali said, That's a directive. But that's not the four bullet points on page 8. I'm sure he's going to contact the gentleman sitting next to him.

Ms. O'Hare said, O.K. So you're saying regarding my second-to-last directive, which was "Should the Wetland Commission not suspend or revoke, hand in all these four things with the arrows." Those four things I want handed in. The first thing is a Dewatering Plan. We didn't think we needed a dewatering plan--guess what? We do.

Chair Vitali said, But this, if we satisfy those four questions, he continues on with his project?

Ms. O'Hare said, It's up to the Commission. The Cease and Desist would hold until you release it.

Chair Vitali said, But you have quite a few points here. Besides those four, you're looking for him to do all these things that are on your report? "You are hereby directed to:" starting on page 6?

Ms. O'Hare said, Yes, yes.

Chair Vitali said, O.K. So you want him to do page 6, 7, and 8.

Ms. O'Hare said, Yes, unless there's something you object to--you can remove any of those bullets.

Chair Vitali said, I wouldn't say I object to any of them. But I'm afraid that, if the water is going to flow into the stream, the stream needs to be enlarged.

Ms. O'Hare said, Good. Thank you for circling back to that. The problem is--in this photograph I took last week--it all narrows down between the cinema and the go-kart. It narrows down into a very narrow channel and a small culvert under Route 5.

Chair Vitali said, But that's the State's problem. How are you going to blame the cinema for that?

Ms. O'Hare said, I'm not.

Chair Vitali said, If you're telling me that we can't enlarge the stream because we're going to flood out Route 5?

Ms. O'Hare said, If you enlarge the stream, it'll get the water to this channel faster--to the "ditch" faster.

Chair Vitali said, And if you don't enlarge it, it's going to overflow its banks and hit the cinema.

Commissioner Kern said, They've already revamped that from Route 5 all the way back up--that whole channel has been stripped, cleaned, and redeveloped. It goes across the street down into behind Robinson's place.

Ms. O'Hare said, Yes, it goes into--I didn't measure--a two-foot culvert. I took a picture of it last week. I can show you. It all narrows down, funnels down into this two-foot-wide culvert.

Chair Vitali said, But there's a lot of storage in the meantime. So you don't need to enlarge the stream to handle the new water that's being increased there.

Ms. O'Hare said, You're on the right track. I think an engineer/hydraulic engineer should look at this as to what should we do with this floodplain?

Commissioner Heilman said, Yes, I agree. This needs an engineer to look at it. You're asking very important questions. We don't have answers to those.

Chair Vitali said, No, but it's not on your report here that says that that stream has to be--

Commissioner Heilman said, That's why she suggested we could add to this or take things away.

Chair Vitali said, That's what I was trying to get to. Something's got to be addressed because you're going to pave 86 Barnes Road; and, if the water's going in the same direction, I don't see any better situation going on there, unfortunately.

Ms. O'Hare said, Let me clarify. If he's allowed to build his storage units and pave, it's going down in the ground in his giant infiltrator he's going to build and some of it's going into the catch basins on Barnes Road. So it's not going into the wetlands--just a little bit.

Chair Vitali said, I think that would be a good place to put it because there's nothing but sand and gravel underneath that site.

Ms. O'Hare said, A good place to put what?

Chair Vitali said, This water to go down below the blacktop --

Ms. O'Hare said, Oh, yes, and we approved--

Chair Vitali said, Either infiltrators or dry wells or whatever.

Ms. O'Hare said, Sure. This Commission approved that; Planning and Zoning approved it that way, yes. It's approved. But we're not there yet. It's going to be a while until he installs that unit.

Mr. Perretta said, If I may say something

Chair Vitali said, Yes, Sir.

Mr. Perretta said, The finished plan is, I'm not too sure, elevation 96 or 98. It's level. The parking lot

is level. Catch basins are all pitched 6" up or down to collect water in the pavement going to an underground detention basin in the front of the property on Barnes Road Extension--concrete galleys, I think there's 125 of them. I don't know the calculation, the volume, but that's all done by engineers and approved and checked. That area that we're talking about in the corner, that wetlands area--where the parking lot ends there--is a catch basin there.

Chair Vitali said, In the final plan?

Mr. Perretta said, In the final plan. Now we'll have grading, etc. We have our limits of clearing. Maybe we just get a permit or something to go into that area where there is that old breach that was corrected 20 years ago--that needs to be addressed now. That seems to be overflowing into the channel. And we just maybe pipe that area back into the catch basin to take it into the detention basin slowly, at a certain elevation. I'm not an engineer--but sometimes things make common sense on the site and you bring things forward to change plans. I don't know if that's an option. I can run that by the engineer.

Chair Vitali said, What if there's a temporary sediment basin in that corner, so it gets down to the sand? And what water comes off of that site will go in there until you get further with your galley system? I don't know if that makes sense.

Mr. Perretta said, That corner is the lowest corner.

Chair Vitali said, But no depression, and is it cut--has it got fill on top of it?

Mr. Perretta said, There's one area--like maybe 12' by 12'--it's a round area., complete round circle, that is a depression there. It wasn't natural; it was made prior.

Chair Vitali said, Well, maybe it needs to be made 24' by 24', something different right now.

Mr. Laflamme asked, Mr. Chairman, If I could. This isn't the biggest storm we'll ever see. It was a good-size storm. But, with the idea that zero runoff comes off of that property and doesn't come on mine, I don't know if the original engineering design contemplated the water that we're referring to--or the amount or the size of the storm. which isn't the biggest we've had or might have. Maybe the suggestion was made, if we get a peer review or something of the engineering, contemplating all the issues--the ditch that my neighbor owns or everything else--just to make sure that this doesn't happen. Because who wants to go through this again? This is just terrible. And just to err on the side of caution. I don't want to hold this project up. But if someone reviews this with fresh eyes, all the information that happens, we might solve it to prevent it again. And none of us will have to deal with this again in this nice New Year.

Chair Vitali said, I believe the Town Engineer looked at it somewhere. You just got a whole bunch of crazy things that took place here. Is this the storm to end all storms?

Mr. Laflamme said, No.

Chair Vitali said, When the property was covered, either with dump truck loads of material or things, it seemed to not have a problem. All of a sudden, this has had a problem. You've had water before, but you never had mud, right?

Mr. Laflamme said, Yes. We've had water, never to the level that came. Because we were not only

dealing with the water we had to deal with before, we were dealing with it coming off the side--if you watch the video, it was massive. The dumpsters with the weight inside floated away, right out of the parking lot.

Chair Vitali said, Prior to this storm in years past, you've had flooding in that parking lot.

Mr. Laflamme said, Nothing that came to the level of this. I've never seen anything that reached that. It would be water, if anything--but never a level like this with sheer mud and water coming from his. All I wanted was zero runoff from his property.

Chair Vitali said, I remember, Route 5 before they corrected the culvert there was flooded. I know Lowe's before wanted to put their superstore behind Mr. Perretta's property.

Mr. Laflamme said, Right.

Chair Vitali said, So there's been a lot kicking around on this site with water and the water coming off Barnes Park North. You guys are right there where the original wagon shop was for Barnes Orchard.

Mr. Laflamme said, If you could imagine mud getting in the cinemas through the fire-rated doors, coming down the steps and everything, that intense.

Chair Vitali said, Well, I believe he wants to talk to you on getting that straightened out? Am I correct?

Mr. Perretta said, Yes.

Chair Vitali said, The rest of this, Erin, do you want to just hold this intact until those two pages are done, till you're satisfied? You said some of the things are done already.

Ms. O'Hare said, Anywhere I used the word "immediately" should be done immediately, if they haven't been already. I have a feeling some of these things won't be--like it's going to take time to get David Lord.

Chair Vitali said, Erin, I don't know how to solve this problem-- if it's a David Lord situation or if it's this situation. Either it stops completely--

Ms. O'Hare said, Oh, no. I think, yes, his project should stop completely--absolutely.

Chair Vitali said, It's going to stop completely?

Ms. O'Hare said, Except for the directives.

Chair Vitali said, Yes.

Ms. O'Hare said, He has to go out there and move silt fences and do things, maybe.

Chair Vitali said, OK. That's where we are then--the Cease and Desist until these things are corrected.

Ms. O'Hare said, Yes, and submitted. Not to wait till the next meeting. As they get done, to submit to me as soon as he can. Like the figures I asked for, surveys, a Wetland report--submit to me. And

tonight we've added a new question because Mr. Perretta brought it up: He wants to enlarge that stream, and he wants to maybe drain a certain pocket.

Mr. Perretta said, I never said that.

Chair Vitali said, No, he didn't bring it up--I brought it up.

Ms. O'Hare said, Oh, O.K. But his idea was to drain--there's a ponded pocket of stream, like an oxbow of the old stream. And he wants to drain it to prevent it from sailing over to the cinema. Now I'm not saying it's a ridiculous idea--it just has to be looked at.

Chair Vitali said, I don't think the stream ever naturally took a 90-degree bend in that corner. Nick, that flowed right across, straight?

Commissioner Kern said, Straight across, yes..

Chair Vitali said, Before all the development there--before it was KMart. So where are we, Erin?

Ms. O'Hare said, I just had an idea to bring that 90-degree bend closer to his existing storage units. That's one idea--there's plenty of room.

Mr. Perretta said, If I may interject. Erin, I know you'd like to meet all these orders, and I have no problem doing them. Some are pertaining to Mr. Lord--maybe some new plans or more engineering, surveying plans made. But I think to continue forward I should be allowed to just go back to the original plan--take that; continue what I'm doing; do some of this extra stuff that involves the water leaving the property in this corner that I'm talking about; be allowed to go in there and at least excavate something. Because, if you give me a Cease and Desist Order and you want me to meet all these other orders--it's going to take time. A lot of the work isn't going to get done. I mean, we're going to clean up, meet with the neighbor. But I want to just expedite this and move along, also.

Chair Vitali said, Well, you expedited it a little too quickly.

Mr. Perretta said, I understand that.

Chair Vitali said, So, if all the requirements were done and the water overflowed--

Mr. Perretta said, Correct.

Chair Vitali said, I think it would be unfortunate for your neighbor, but you lived up to your part of the deal--in this case, not so.

Mr. Perretta said, I understand.

Chair Vitali said, So I don't know how much you can go back and continue what you're doing without getting some of these other things done. But, Erin, you're the person that's got to determine here on what he needs to get done so he can continue.

Ms. O'Hare said, O.K.

Chair Vitali said, I mean, if you want to use the plan that he has--we haven't decided on changing the plan, have we, anybody?

Commissioner Kern said, He hasn't followed the plan, so why would we change it? We gave you the plan. You told us what you were going to do. You didn't do any of it. It looks like a battlefield out there. You got brush piles everywhere. In good faith, you haven't done anything you said you were going to do. So this little incident--what you didn't do just added to this incident.

Mr. Perretta said, Um-hm.

Commissioner Kern said, I don't even see a spot on there you could start dumping fill you need for around your buildings. I think you should come to a screaming halt, re-adjust your print, or have your engineer re-adjust your print to address the water issue first. I don't think going down into that lefthand corner where there's sand and making a swale to catch the water coming off that lot is the answer to this. You need to address the whole stretch there so your neighbors aren't going to have any more water. Whether that means trenching that--I don't know what it's going to mean. I'm not the engineer. But in good faith, Vinnie, I don't see anything you said you were going to do.

Mr. Perretta said, You're correct, correct. I need to start over. That's what I'm asking for.

Commissioner Kern said, Well, that--my opinion is you should just start over. Stop where you are. Get the neighbors happy. Clean that mess up. Then go from there--either talk to David Lord or whoever your engineer was that told you this was going to work. Because, if you look at your pictures, it didn't work on your first project. The erosion you got coming off your first project. I know that those things happen, and they need to be addressed. From what I can see, that hasn't been addressed. It's just gotten deeper and deeper.

Mr. Perretta said, Would the original plan stop the erosion? Yes. So that's what I'm saying, go back to the original plan, start with that there, and continue forth with some of these orders. But, if it's going to hold me back from doing a sediment pond, a temporary sediment pond or something in that lower corner--is it helping the project, or can I do that? That's what I'm saying.

Commissioner Kern asked, Is that the answer?

Mr. Perretta said, It's a temporary answer. Of course, an engineer has to overlook everything.

Commissioner Kern said, I don't think it's even a Band-Aid. You can't tell how much percolation is going to go down there in that sandy corner. I wouldn't want you to disturb that sandy corner, waste your time on doing that and it doesn't work. And then it overflows again, and he's scooping the mud out of his cinema.

Mr. Perretta said, Agreed then.

Commissioner Kern said, So I would concentrate on cleaning that--readjusting and fixing that water-way to get the water on your property to stay on your property. Then come back to us with either a new print or we'll activate the old print if it's going to work--if it's done the way it's supposed to be. Silt fence is supposed to be toe-nailed--you know. It's unfortunate--because this is the time of year you probably can get fill to put on the site to do your project. I don't feel comfortable doing it because any fill you bring in there is going to be sitting on your neighbor's back door. I'm just one out of five.



Mr. Perretta said, No, I agree. I'm not going to argue.

Chair Vitali said, So that's where we're at. We're at--you're starting over and getting this thing straightened out right from the beginning?

Mr. Perretta said, Yes.

Chair Vitali said, O.K.

Ms. O'Hare said, Mr. Chairman, I need to clarify something. Commissioner Kern, one of the things you just said was you would like him to fix the waterway. Would you be more specific? Because, if he's going to tinker with anything, he needs a Wetland Permit for any kind of fix.

Commissioner Kern said, He's got to address the waterway behind the building on his property. He has already admitted that waterway is his property. I don't want to say what he needs to do. He needs to talk to the engineer. If it was me, I would go down deeper, and I'd riprap it with a shot rock or something so the water wouldn't erode it and it would flow the way it's supposed to flow. If there's a problem with that, he needs to redesign his project.

Ms. O'Hare said, O.K. So he needs to--

Commissioner Kern said, We don't need to tell him. He can do just Part 1 of the plans he came in front of us with. We're telling him what's important that needs to be done now.

Ms. O'Hare said, Right. But what I think he should be directed to do is come up with a plan for that fix, not to just go out there and fix it--come up with a plan that can be reviewed. If he wants to widen that stream channel--if his engineer said, yes, it's a good idea, let's widen it three feet--or whatever he says, put a berm on it or whatever the engineer comes up with--that has to be reviewed for a permit.

Commissioner Kern said, Well, that's nice if you want to be sitting in the cinemas when we have the next big rain because we're waiting for his engineer to design a print. I think he's been in the industry long enough to know what needs to be done. And that's why I mentioned: either bank it, sandbag it, riprap it, whatever--it needs to be fixed. That's the priority here, to fix it--whether you give him permission or he has an engineer design what he's going to do, that's fine.

Ms. O'Hare said, Maybe the engineer can come up with a temporary emergency fix--not a permanent fix?

Commissioner Kern said, I don't want to see a temporary emergency fix, but I'm just one of six. I want it fixed and to be fixed right. Because from the corner of the building to Colony Street has been all dredged and they took all the garbage out of that and they opened that waterway right up. So it barrels down through there, goes across North Colony Road, down by Neil Robinson's, and it ends up in the Quinnipiac River. And I watch all the cans and bottles float by my house there. So I don't want to see him waste a month or two with an engineer trying to come up with an emergency fix. Get in there and fix what needs to be fixed--sandbag, shot rock. Don't use sand because sand's just going to blow out, wash away. I don't need to tell him. He's been around long enough to know what needs to be done.

Chair Vitali said, There is a breach in that berm behind the cinema, is that true, or is it just overflow?

Mr. Perretta said, Overflow.

Chair Vitali said, O.K. All right, so you're going to attack the list, and you're going to address to see what that channel needs, and you'll work closely with Erin on that. Commissioners, anything else?

Commissioner Heilman, What's the difference between Cease and Desist and Cease, Desist and Correct? I saw in something that we got handed out here.

Chair Vitali said, Was it the violation with 55 Kondracki Lane?

Commissioner Heilman said, It might have been. How does the distinction between them come about, and do we have the authority to make changes, such that this would be titled "and Correct"? I mean, he cease and desists from the planned project. But this now, because of the emergency status which exists before us, can this also be Cease, Desist on this, but Correct? That would be seen officially as an application, would it not? When you order "Correct", it requires an application? I'm just asking.

Ms. O'Hare said, No.

Chair Vitali said, No.

Ms. O'Hare said, We've only used Cease and Correct twice in the 20 years I've been here. One was for a sewer line that broke in a wetland, and one was for the 55 Kondracki driveway that fell in. So it's for an emergency--that's how I was trained by DEEP.

Commissioner Heilman said, That's what I'm hearing being described here, emergency. We got to get this--more storms coming.

Ms O'Hare said, O.K. I understand what you're saying. I don't think it would convey any more efficacy. He's got to do--he's under orders here to do this. I don't think changing the title--he's got to do this ASAP. I don't think changing the title or issuing a second order, which would be called a Cease and Correct Order, would effectively change it much. He's got to do this. Are you concerned something will lag and he won't get on it and do it?

Commissioner Heilman said, No, I'm just concerned about why are we using that other terminology? You said we've only used it twice. I don't remember it. Where did that suddenly come up from?

Ms. O'Hare said, I'm guessing it came up from the 2006 re-overhaul of the DEEP model regulations. It came on when, what do you do when you can't wait till the next regular meeting.

Commissioner Heilman said, That's my point: We are describing kind of an emergency thing. We're wanting them to correct. I'm just saying, maybe that's what DEEP was trying to do--not just Cease and Desist, that's rather explicit in legal terms. Cease, Desist and Correct is also explicit, in the fact that the Commission is ordering you to do something more than just, "Stop what you're doing--fix it." That's the difference I see, and a distinction between the two.

Ms. O'Hare said, O.K. Mr. Perretta has already taken some action. It's not enough, but he has immediately jumped on this when he got this Order--actually before he got the Order, he jumped on it

in that intervening Christmas week. He got on it. There's more to be done.

Commissioner Heilman said, More to be corrected, is that correct?

Ms. O'Hare said, Yes.

Commissioner Heilman said, Bingo.

Ms. O'Hare said, I would not recommend letting him start with his project again until we know what's going on with this. I really don't--with how that stream flows and what are we going to do about that stream. He needs a dewatering plan; he needs a lot of things.

Mr. Perretta said, If I may say again, that stream's been there for how long?

Chair Vitali said, Longer than us.

Mr. Perretta said, And I think, if I say it correct, a lot of the overflow comes from Barnes Road still and travels onto North Main Street Extension. Is it still the problems up there? Silted, retention/detention basins maybe from the years past and stuff like that. That still flows into that channel.

Commissioner Kern said, Before you went in there and disturbed all the vegetation, a lot of that vegetation, trees included, took a lot of the rainfall.

Mr. Perretta said, Right.

Commissioner Kern said, That was a watering hole for all that vegetation. Now that you've got what looks like a battlefield in there, it's just laying there dead.

Mr. Perretta said, Um-hm.

Commissioner Kern said, So I don't agree with Jim Heilman that we gave you--you gave us an application and we agreed to it. You did nothing to that application. Nothing that I can see. I'd be ashamed if it was mine.

Mr Perretta said, I did apologize to Erin. I do owe you folks an apology.

Chair Vitali said, O.K. All right. Then we'll get--see you back here next month, I'm sure.

Mr. Perretta said, O.K.

**Note: See the Motion voted for this Item 8 after the discussion on Item 9 below.**

Ms. O'Hare said, O.K., now he's going to stay for the next item on the agenda. So can we close this, that at 8:15 this Cease and Desist Hearing is closed?

Chair Vitali said, Yes. Then we'll see you back here next month, I'm sure.

Mr. Perretta said, O.K.

Ms. O'Hare said, Now, he's going to stay for the next item on the agenda. All right, at 8:15 the Cease and Desist hearing is closed?

Chair Vitali said, Yes.

**9. NOTICE OF VIOLATION - 950 North Main Street Extension (aka 929 North Main Street Extension) - 950 North Main Street Extension Wallingford, LLC - storage unit facility - (erosion & stormwater management system failure)**

Appearing was Owner Mr. Vincenzo Perretta.

Chair Vitali said, I think he knows at 950 he's got another issue from his previous Application that needs some attention.

Mrs. Lisa Anne Perretta said, My husband is not a man of excuses. But I am going to say it. My husband would never not come to a person and not apologize. I am not standing here tonight to make an excuse, but I will tell you that just a lot of stuff went on in December, with the passing of my mother, and a lot of things. My husband would never say anything because he would never want that to be seen as an excuse for any improper conduct. But I want to publicly apologize to you for that, and that's what went on almost the whole month of December. It's not an excuse, Sir, but I just want to apologize to you. And that's it.

Mr. Laflamme said, I really, I'm sorry about your mom's passing. My understanding is that your husband feels it's an Act of God, and I think it was his failure to do everything that was supposed to be done, right?

Mrs. Perretta said, Yes.

Mr. Laflamme said, But he certainly got the work done, right, during all that time. But he still didn't do what was required. So I don't think--

Mrs. Perretta said, I'm not addressing that. I'm addressing to publicly apologize to you for not apologizing to you, nor my husband, that was all. And the rest of the council, and Erin O'Hare here--let's face it, there's many things that have gone on in Wallingford. With the coming of the rains, there were multiple businesses that got affected and actually got flooded out, all across town. So, yes, it is an Act of God. But the other thing here, too, is I think as Wallingford residents and also businesses ourselves, and live in here--I see that, yes, everything has to come to a course where it needs to be addressed. But also Mrs. O'Hare, I would just like to say to you: I agree with you on things; but the other thing is I think it's important to work with developers in our town to move projects forward. I understand about, you know, reprimanding and all that sort of thing. But I just feel it's extremely important to work with developers that develop properties, whether residential or business. My husband's been a businessman for--and I also--30 years in Wallingford developing properties. I'm not sure you could go back in our records and see types of violations of this sort. Unfortunately, my husband addressed the council today; but I would also like to address you and say, you know, have mercy and grace on people, also. Nobody's trying to do anything against you or your commission. But we are asking that you work with people in your town. That's all I would like to say. Thank you.

Chair Vitali asked, You all set?

Mr. Laflamme said, I would say that none of this would have happened if he just did what he was supposed to. So I think if he does do what he's supposed to, and he can after it's all completed--that's why a Cease and Desist until the work is completed would be the logical step. Because then we'll know all the steps--because, as he was talking, he said, "Well, I can do some of these" or whatever. But get the list done to the satisfaction of Erin and your Commission, and then he can start. Winter's coming; frost is in the ground. You're going to get more runoff than ever and less drainage. And then we're going to hit the spring rain. Should this thing just keep moving ahead, unless we have some type of assurance from engineers that this is going to work, I don't feel comfortable. The cinema's been there almost 20 years, and we never had to shovel mud out of it. So this is really, really scary. I don't know how many more times we could take a hit. Thank you.

See the Motion for this Item 8 made below.

**9. NOTICE OF VIOLATION - 950 North Main Street Extension (aka 929 North Main Street Extension) - 950 North Main Street Wallingford, LLC - storage unit facility - (erosion & stormwater management system failure)**

Chair Vitali said, This is not the same application. It's 950 North Main Street Extension, which happens to be Mr. Perretta's, also.

Mr. Perretta said, There's a pipe at the end of that channel, covered over, that needs to be excavated--an overflow pipe, which would take care of the overflowing at the end of the channel. It's a high-level overflow pipe at the end of the channel into the detention pond.

Chair Vitali asked Ms. O'Hare to describe the issue.

Ms. O'Hare said, Mr. Perretta said he thought an engineer has to look at it. But look at the photograph of the giant swale that was built about 15 years ago--all that vegetation is piled up there. It looks like somebody cut it as maintenance, and failed to haul it away. It's in the channel. So he'll maintain that. But this is important for the whole town: Even if a developer or owner is doing the proper maintenance for stormwater management plans that we and P&Z approve, with these storms, they have to go out more than twice a year.

Chair Vitali said, O.K. You know what you got to do.

Mr. Perretta said, Agreed.

No Motion was made on this Agenda H.9. It will remain on the Commission's agenda for February 7, 2024.

Then the Recording Secretary inquired whether there should be a disposition Motion to handle Item 8 above. Ms. O'Hare recommended that there should be a vote that the Cease and Desist Order is affirmed and remains.

The Commission returned to Item 8. above.

**MS. PHILLIPS: MOTION THAT THE CEASE & DESIST ORDER ON 86 BARNES ROAD - 950 NORTH MAIN STREET WALLINGFORD LLC, REMAIN IN EFFECT.**  
**MR. CARUSO: SECOND.**

**VOTE:**                    **AYE BY UNANIMOUS VOICE VOTE OF MR. KERN, MS. PHILLIPS, MR. HEILMAN, MR. CARUSO, AND CHAIR VITALI.**

**NEXT REGULAR SCHEDULED MEETING:** February 7, 2024.

**I. ADJOURNMENT**

**MS. PHILLIPS:**    **MOTION TO ADJOURN THE MEETING.**

**MR. CARUSO:**    **SECOND.**

**VOTE:**                    **UNANIMOUS TO ADJOURN.**

The Meeting was adjourned at 8:26 p.m.

**J. NEXT SCHEDULED REGULAR MEETING:** February 7, 2024.

Respectfully submitted,

Kathleen L. Burns, Recording Secretary