



# Town of Griswold



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GRISWOLD INLAND WETLANDS & WATERCOURSES  
CONSERVATION COMMISSION  
& AQUIFER PROTECTION AGENCY  
GRISWOLD TOWN HALL

MINUTES  
MARCH 19, 2015

### III. Aquifer Protection Agency

#### 1. Call to Order

Chair Courtland Kinnie called this regular meeting of the Aquifer Protection Agency to order on March 19, 2015 at 9:07 p.m.

#### 2. Roll Call & Determination of Quorum

**Present:** Courtland Kinnie, Robert Parrette, Gary Serdechny, Clarence (Pete) Merrill, Kevin Franklin, Town Planner Mario Tristany, WEO Peter Zvingilas, Recording Secretary Donna Szall

**Absent:** Stacie Stadnicki, Edward (Jay) Waitte, Glen Norman, Lawrence Laidley, Alternate Lauren Churchill,

**Also Present:** Atty. Eliza Heins and Atty. Caleb Hamel, Town Counsel

C. Kinnie appointed P. Merrill to sit for G. Norman and K. Franklin to sit for J. Waitte. There was a quorum for this regular meeting.

#### 3. Approval of Minutes

##### A. Approval of Minutes of the Regular Meeting of February 19, 2015

C. Kinnie asked for omissions or corrections. G. Serdechny stated that under the quorum that he was appointed to sit for J. Waite but that he is a member. C. Kinnie stated that he would not appoint L. Churchill to sit for C. Kinnie.

**MOTION:** R. Parrette moved to accept the minutes as corrected. G. Serdechny seconded the motion. All were in favor. The motion was carried.

#### 4. Matters Presented for Discussion

##### A. **APA 01-15 Pasquale Camputaro/American Industries, Inc., 630 Plainfield Road, Griswold** Municipal Registration for Regulated Activities in Aquifer Protection Areas.

H. Heller was present to represent American Industries. He explained that town counsel felt that we had not address the feasible and possible alternatives test. He stated that we did not agree that it was a requirement as the registration applies to us; but we agreed without prejudice to address this issue and submitted a copy of the Pollution Prevention Assessment Supplement to the registration and should make the registration complete.

C. Kinnie stated that in letter from the State, there were extra categories to the registration. M. Tristany stated that subcategories for bituminous concrete were added; C. Kinnie stated these subsections should be under H in the registration. H. Heller stated that he had not received that letter but Boundaries may have received it. C. Kinnie stated that it does not change the scope of the registration.

H. Heller stated that we can comply with that. C. Kinnie stated that a copy should go to H. Heller and two town counsel. H. Heller stated that they would need more time because of the conditions and nothing can be moved until it is thawed. He asked that this be table to the April meeting. C. Kinnie stated that we have 180 days from date of receipt. There was discussion of this matter

C. Kinnie stated that there are changes to the Spill Prevention Plan from the first one submitted. He asked how substantial the changes were. H. Heller stated that those were the give and take with deep. He stated that an amended spill prevention plan will be submitted. He stated that the remediation is complete at the site. C. Kinnie stated that DEEP brought up the scrap metal. M. Tristany stated that the scrap metal used at American Industries is for their own use; but it is not a scrap metal business. There was discussion of this matter.

C. Hamel stated that the spill prevention plan explained that the feasible and possible. He stated that there is no case law for the feasible and possible alternatives to management practices so this is new ground and can give no guidance as an Aquifer protection agency. He stated that when there is no guidance in the law; try not to think of theoretical possible alternatives that may not be reasonable. He cautioned that if the APA goes too far in apply the feasible and possible alternatives, it may scare away potential registrants fearing strict interpretations pushed on to them; and it can potentially lead to a court appeal that can limit your power and other aquifer protection agencies in the future. C. Hamel stated that you decide what modifications can be made to this spill prevention plan and management practices, and we can tell you whether it can be defended upon appeal or something that should be shied away from. There was discussion of this matter and when the APA regulations were adopted and when the APA regulations became effective.

**MOTION:** R. Parrette moved to table this registration to the April 16, 2015 meeting at 7:30 in this room. P. Merrill seconded the motion. All were in favor. The motion was carried.

- B. Discussion of and updates from DEEP regarding one outstanding registrant including complaints from neighbors received by DEEP Aquifer Protection Agency Program (APA Program) and any updates from Town attorney and/or registrant's attorney.

## 5. Adjournment

R. Parrette moved to adjourn. G. Serdechny seconded the motion. All were in favor. The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Donna M. Szall  
Recording Secretary