

Town of Ridgefield
Board of Selectmen Special Meeting
Wednesday, June 20, 2018 - 6:30 pm
Town Hall (Large Conference Room)
400 Main Street, Ridgefield, Connecticut
APPROVED MINUTES

These minutes are a general summary of the meeting and are not intended to be a verbatim transcription.

In attendance: R. Marconi, B. Hebert, B. Manners, S. Zemo, M. Kozlark

Agenda

1. Public Comment
2. Recognition of RHS State Championship Teams – Girls Soccer and Boys Lacrosse
3. Senior Tax Credit Discussion - Al Garzi
4. Reappointments:
 - a. Youth Commission – Denise Qualey, Mark Robinson, Caroline Whelan
 - b. Economic & Community Development Commission – Paul Levine, Arnold Light
5. Economic & Community Development Commission Ordinance Change Request
6. Proposed Fracking Ordinance – Kristin Quell, Jen Siskind
7. Acceptance of Charter Revision Commission Draft Report; Set 7/18/18 Public Hearing
8. Schlumberger Discussion
9. Acceptance of Vendor Ordinance Change Petition
10. Proposed Abandonment of Sky Top Road
11. Neglected Cemetery Grant Resolution
12. Approval of Tax Refunds
13. Selectman's Report
14. Approval of Meeting Minutes: 6/6/18 special, 6/6/18 regular

R. Marconi called the Board of Selectman's Meeting to order at 6:30pm.

1. Public Comment

Chuck Hancock, 480 North Street -- stated Dick Larson and the Schlumberger Committee have done a tremendous amount of work to bring forth what the public thought should happen with the Schlumberger property. Mr. Hancock stated he has heard the Committee and the BOS are backing away from possibly doing a band shell. And that is wrong. There is plenty of room for another cultural venue in town. We should listen to what the public really wants. Mr. Hancock stated he encourages the Committee and the BOS to rethink withdrawing the money that had been allocated.

Amanda Cordano, 160 Florida Hill Road – stated she supports bringing the Fracking Waste Ban forward to the Town.

Louise Washer from the Norwalk River Watershed Association – supports the Fracking Waste Ordinance.

Wayne Goldman, 49 Olcott Way-- stated he opposes the musical venue on Schlumberger.

Daniela Sikora, Great Hill Rd resident & Artistic Director of the Ridgefield Chorale -- stated the people who do the arts in town are being painted as opposition. There is nobody who works in the arts that does it for anything but the good of this town. She stated she was unaware about the money that was allocated. The arts people are requesting a hearing to formally speak with the BOS.

Arnold Light, Nursery Road – explained the purpose of the allocation was an exploratory amount so that the Committee could explore all the possibilities that exist. It wasn't necessarily to go ahead with it. This outdoor facility is an economic driver for the town.

R. Marconi explained the funds were to proceed to Planning and Zoning with traffic studies, engineering designs etc.

Dick Larson – stated there has been confusion about where the Committee is with this project. The purpose of that small allocation is to do some work to find out what this facility is going to be so that we can have a fact-based discussion.

Pamme Jones – Executive Director of Ridgefield Theater Barn stated the stage came in third in the vote of the people and there wasn't any discussion on the first and second choice. As an organization that has been here for 53 years, The Barn needs improvements. There is a desperate need for a parking lot, access and lights. It's hard to talk about money and discuss another facility when the Theater Barn has been there for 53 years in the black, self-funded, employees people, sold-out all the time and bring in about 5000 people. The theater barn desperately needs the sewer to be done, so that the parking lot can be built.

Dick Larson clarified the outdoor stage was the third most popular item. The most popular was walking trails which were included in the concept design. Number 2 item was an athletic field.

2. Recognition of RHS State Championship Teams – Girls Soccer and Boys Lacrosse – the BOS decided to move the recognition ceremony to the Fall, second meeting in September.

R. Marconi called RSH senior intern Tom Vilinskis and Town Tax Assessor Al Garzi to discuss the fiscal impact on the Town of the new federal tax plan.

Tom V. gave a brief overview of the project and explained that Local Tax Property Right off and State Income Tax Deductible will have a significant impact on the Town and all the residents. The data that was used to gather the information is a combination of a meeting with Tax Assessor and numbers from the Census Bureau.

The projected increase in property taxes Ridgefield residents will have to pay the upcoming year is \$7,975,737.6. Projected loss in Income Taxes to taxpayers and town is \$19,209,600. The total Taxpayer Loss is \$27,185,337.60.

Possible solutions to offset the tax burden at the town level include 501(c)3 charitable foundation donations, which is out of the question. Tom V. stated the IRS wants to prevent any measures intended to offset the change in taxes. Another potential solution would be budget cuts, but that won't cover the entire gap. The third potential solution would be to privatize Town departments that do not generate revenues such as Parks and Rec.

B. Hebert asked if there was any analysis done based on the housing price and if that is going to be an additional loss of tax revenue with the larger homes. Al Garzi explained Ridgefield has a very diverse housing market and it was taken into consideration during the assessment. New York State has a much higher effective tax rate. We may not be as bad as other communities.

3. Senior Tax Credit Discussion - Al Garzi

Al Garzi approached the Board to discuss Senior Tax Credit programs.

A. Garzi stated there are 1675 households (65 and older, lived in the house 183 days out of the year) that receive \$1,739,079 through the Ridgefield tax credit program.

M. Kozlark asked if the committee has thought about doing a means test. A. Garzi stated it was tried twice but the vote from the public was no means test.

B. Hebert asked if there is a number of how many people over the age of 65 live in town and if all of them apply. A. Garzi stated there are about 100 applications received every year, but he is not familiar how many people 65 and older live in town.

Ridgefield 65 and older deferred with means test. It is a two-year application process and residents can defer different amounts. 47 households participate; deferring a total of \$2,106,752.

Ridgefield Funded State 65 and older credit with means test (Based on income) – 112 household are part of the program and they receive \$67,750.

Cost of possible changes to Ridgefield \$1048 credit program:

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|---------------------------|------------------------------|
| a. From \$1048 to \$1,100 | Increase yearly of \$87,100 |
| b. From \$1048 to \$1,200 | Increase yearly of \$254,600 |

Cost of New Freeze Program for persons 75 and older with no means test:

1. Credit/Benefit is to exempt the increase on taxes annually.
2. Of the 1675 household receiving the Ridgefield 65 & older credit program: 949 households are 75 and older.
3. Estimated Cost for this Program would be the average tax bill times the estimated tax increase of 2% times the estimated number of households 75 and older receiving the credit program (of 949)
Yearly Increase of \$225,108.

Increase Deferment means test from \$55,000 to \$65,000 and/or from \$55,000 to \$75,000.

S. Zemo and B. Manners support the increase deferment means test from \$55,000 to \$75,000.

R. Marconi asked what the effective date would be if the Board were to move the Increase Deferment immediately. A. Garzi stated it would be for the next fiscal year.

BOS discussed and decided to revisit the Senior Tax Credit Discussion at the October 10, 2018 meeting.

4. Reappointments:

Youth Commission: - Denise Qualey, Mark Robinson, Caroline Whelan

D. Qualey and C. Whelan came in front of the Board. D. Qualey stated the Youth Commission had a great year. The Kindness Mural was installed on the exterior of the Teen Barn and an article about it appeared in Ridgefield magazine.

C. Whelan stated the Youth Commission would like to get more youth involved in earlier grade levels to join the Commission. D. Qualey stated the Commission is looking to expand the Substance Abuse Awareness Program.

S. Zemo moved and B. Manners seconded a motion to reappoint Denise Qualey, Mark Robinson and Caroline Whelan to the Youth Commission for another term. Motion Carried 5-0.

The Special Town Meeting commenced at 7:30pm; those minutes are under separate cover.

Board of Selectman meeting entered into regular session at 7:37pm

Economic & Community Development Commission – Paul Levine, Arnold Light

Paul Levine and Arnold Light came in front of the Board. A. Light stated it has been a productive year for the ECDC. The commission has upgraded the website, increased the speed and made the website mobile friendly. There has been a lot of activity with the website.

The gold card is now online, and it been very successful.

B. Hebert asked what does successful mean for the Gold Card. A. Light stated the Commission printed 250 Gold Card books and they were all gone in a couple of weeks. There are more merchants involved than ever before. People use it all the time and it brings economic activity to retailers.

R. Marconi asked if the Commission has had any success in attracting new businesses. A. Light stated there are always new businesses opening. The Town continues to get recognition from various media. ECDC got a call from Reader's Digest because Ridgefield has been nominated as the best small town in the USA. ECDC also puts the parking maps for CHIRP concerts on the website. We are supporting the Jazz Fest in September and the Film Fest in October. There is a need for a hotel in Town.

M. Kozlark asked who gets the calls from the website. A. Light stated he does. ECDC also has an outside answering service that direct calls to A. Light's cellphone.

S. Zemo asked about the First Floor Incentive. A. Light stated the ECDC is working on one; it hasn't happened yet, but it's still possible. A. Light stated the ECDC has an opening and is looking for volunteers with computer experience to fill in that position.

B. Manners moved and S. Zemo seconded a motion to reappoint Arnold Light and Paul Levine to the Economic & Community Development Commission for another term. Motion Carried 5-0.

5. Economic & Community Development Commission Ordinance Change Request

John Devine joined Arnold Light and Paul Levine in front of the Board to discuss this matter. R. Marconi read Chapter 19. Boards, Commissions and Committees; Article X. Economic Development Commission; 19-64. Powers and Duties that states:

G. The Commission may advertise and may prepare, print and distribute books, maps, and charts and pamphlets and may collect, compile and disseminate information relative to the natural, economic and other resources of the Town which will further the official purposes of the Commission.

The New Language states:

The Commission may market, with consent, both non-profit and for-profit organizations and businesses with funds contributed by organizations, groups, businesses and individuals. The Commission may manage funds from private entities for the purpose of economic development.

J. Devine stated these funds will be used to increase awareness of events in Town and to do different marketing to bring more people in town. These funds will help ECDC expand.

B. Manners moved, and B. Hebert seconded a motion to set a Public Hearing and Special Town Meeting for August 8, 2018 at 7:30 pm in the Town Hall large conference room to receive public comment and act on the requested ECDC Ordinance Change. Motion Carried 5-0.

6. Proposed Fracking Ordinance – Kristin Quell, Jen Siskind

Kristin Quell and Jen Siskind came in front of the Board. R. Marconi gave a brief overview about the Fracking Ordinance.

J. Siskind lives in South Glastonbury, CT. About 5 years ago, J. Siskind found out there were efforts to try to bring fracking waste into the state of Connecticut. Being familiar with the contamination that is occurring from this process, J. Siskind decided to join the fight to ban fracking. She became Food and Water Watch local coordinator. She has been giving presentations around the state for about 4 years now and has worked with different environmental and advocacy groups to get the bill passed at the state level that would ban fracking waste. Unfortunately, a temporary moratorium was passed that very narrowly defies what fracking waste is. It only deals with waste from the hydraulic fracking process. J. Siskind stated even though there is a moratorium in place, there are many other types of waste that could still come into the State of Connecticut.

The state of Vermont has banned both fracking and the handling of its waste. In 15 counties, their legislators have passed specific waste bans. In NY State, they discovered that even though there were laws in place, different waste was getting permitted to be used that weren't defined in those laws. J. Siskind stated in 2014, a more comprehend language was developed with a variety of stakeholders and since then 5 counties legislators have passed that specific language. And that is the language that was borrowed to be used in CT.

J. Siskind stated this past year at the state level, the Environment Committee voted to add in this language to an amendment to their current moratorium, but it did not get called on the Senate for a full vote.

R. Marconi asked if the language was a modification to the current statute that would allow the Commissioner of DEEP to establish specific regulations that would allow the use of fracking waste. J. Siskind stated the same language that was passed in 2014, DEEP Is mandated to create regulations and once those regulations are created people can start applying for permits. And once permits are granted, the towns don't have authority to restrict.

B. Hebert asked for what purpose would somebody bring fracking waste in Ridgefield? J. Siskind stated there are a variety of different wastes. One of them is drill cutting and those don't have any federal guidelines. The oil and gas companies have to dispose of this material somehow, and because we don't have any state law to deal with drill cutting waste, any contractor could use it for any type of construction project in Ridgefield. Another way this waste can get into Ridgefield is contaminated salt. These are the ways a town can be impacted if they don't have an ordinance in place.

B. Hebert asked if the town would have to require that any suppliers the town is using be certified that there is no fracking waste in their materials. J Siskind stated that language can be included in the ordinance but that is up to the town to decide. K. Quell stated contractors should be able to certify that because they have to have a manifest on their material.

R. Marconi explained contractors have MSD issued and the town has copies.

J. Siskind explained the process of fracking and the difference between natural gas and oil extraction activity waste.

B. Hebert stated that the original proposed Fracking Ordinance had more to do with transporting the fracking waste through the town not any other use.

J. Siskind stated she has not recommended any ordinance that deals with transportation because it would violate Interstate Commerce Laws. This ordinance would ban any use in the town, disposal and transfer. Towns are taking action because they haven't been able to get action at the state level.

M. Kozlark asked if the moratorium's language is now strong enough to protect the state and municipalities. J. Siskind stated it is not.

K. Quell stated the Special use permits can go before DEEP and they can choose to allow that permitting system.

R. Marconi asked why the Federal Government or DEEP are not involved with this. J. Siskind stated congress has exempted the Oil and Gas industry out of key portion of every environmental act that's been passed since the 1970's. The Oil and Gas industry is one of the most powerful lobbying industry in the world. In the State of Connecticut, we don't have fracking, but we have a law that says DEEP will write regulations and bring this waste up to hazardous waste code.

J. Siskind stated the Connecticut Conference of Municipalities was one of the key lobbyists that killed the bills this year at the state level. CCM and CT Construction and Industry Association and the CT Petroleum Council where the key lobbyist that wanted to not have comprehensive language. They wanted to have the language amended so that DEEP would regulate not prohibit this waste. CCM went as far as saying they wanted to have regulations that would preempt all 47 cities and towns that have already passed ordinances.

B. Manners left the meeting at 8:26 pm.

7. Acceptance of Charter Revision Commission Draft Report; Set 7/18/18 Public Hearing

R. Marconi informed the BOS he received a Charter Revision Commission Draft Report, but this draft report is going to be modified. R. Marconi asked Joseph Shapiro, member of the Charter Revision Commission, about the changes to the draft report. J. Shapiro stated there are two changes that the Charter Revision Commission is contemplating of any significance from the draft report that was already publicly distributed on June 13.

Item 1 concerns the fact that a 2% threshold at the annual budget meeting was intended to apply to all votes to change the budget. As written it would only apply to reducing or deleting a budget item of the town budget or reducing the BOE budget but it failed to apply to that provision of the Charter which allows the town meeting to eliminate any capital item under \$100,000.

The second change is the proposed Charter Article 11 Standards of Conduct. It's been completely redrafted. In addition of some language to the draft language it will begin a process for a town official to apply for a waiver from the application of the provisions of those ethics language to that particular town official. J. Shapiro stated these are the two changes that caused the commission not to finalize the draft. The Commission will finalize the draft on Monday, June 25.

8. Schlumberger Discussion

R. Marconi gave a brief overview of the Schlumberger process and the concerns that have arisen from the public about this matter. R. Marconi stated the Arts Council had a meeting on this and it was overwhelming from those present that they wanted to put the brakes on this project. R. Marconi stated we have to look at this project from a positive prospective.

S. Zemo stated we have an amazing arts community because of the efforts of the volunteers. We have a community of vocal people with a lot of energy and competing opinions. S. Zemo stated we are in process to figure out what our next steps are. One of the options is to get some more community input on this matter.

B. Hebert stated from the very beginning it was said that the open area was going to be used as an open space and perhaps in the future it will be used for a bandshell that was going to be put together by a private organization.

R. Marconi stated there have been Letters to the Editor of people voicing opinions. The idea on a potential bandshell has scared a lot of people in town.

BOS discussed possible ideas about forming a Committee or having a Public Hearing.

M. Kozlark asked what is the \$25,000 encumbered for? D. Larson stated out of \$25,000, \$2,600 is for the survey, \$6,000 for the traffic study and \$12,000 for Engineering and CCA to develop a full set of materials that Planning and Zoning can look at.

Daniela Sikora stated when BOS voted to accept the Schlumberger Committee, they said the next step would be to appoint a Committee to study implementations.

Allison Stockel stated that there was discussion for a location for sculpture artists to display their work.

Don Daughters from the public stated it was the BOS that appointed the Schlumberger Citizens Committee. The Committee spent a year and a half communicating with the town per BOS instructions to bring back what this community wanted and that's what the Committee did. We did come in with conclusions and the BOS agreed with our conclusions. The next step for the Committee was to do a professional study of the land. The town stated they wanted a park that replicates Ballard Green, and now all of the sudden we are talking about a bandshell like what they have in Westport.

R. Marconi explained BOS does not know where the idea about the bandshell came from.

Don Daughters stated it is not fair for the Committee's conclusions not to be taken into consideration when creating another committee.

R. Marconi explained it was the Schlumberger Committee's recommendation to create an implementation Committee.

The people in public started to get agitated; R. Marconi called the meeting to order.

S. Zemo suggested the formation of a Committee with representatives from the old committee and representatives from the Arts Council and some people that aren't involved. R. Marconi opposed this approach.

B. Hebert suggested a survey to determine the topography of the land first and then create a committee. Does not think we have to allocate \$25,000. We seem to be in agreement in making this a cultural center.

All were in agreement with this approach.

9. Acceptance of Vendor Ordinance Change Petition

R. Marconi read the Proposed Amendment to the Ridgefield Code of Ordinance Section 274-8.

The BOS discussed the language in the petition and suggested some changes. R. Marconi stated he will ask Town Counsel whether the petition can be modified.

R. Marconi asked Rob Kaye from Nod Hill Brewery what are the brewery's intended mobile food truck operating hours? R. Kay replied the intentions are to have it open during the hours the brewery is open for business. If there are people in lines or lingering, we would like to open it one or two hours early or close one or two hours later. This language is what we put forth in the petition. The BOS might not agree with this, but this is the language provided to us by Town Counsel.

M. Kozlark stated the fault is in the process is that BOS should have looked at it before so that BOS was comfortable with the language that was being amended and then allow 400 people to sign it.

S. Zemo asked how many food trucks are being anticipated. The answer was one.

B. Hebert moved and S. Zemo seconded a motion to set a Public Hearing and Special Town Meeting on July 25, 2018 at 7:30 pm in the Town Hall large conference room to receive public comment and act on the proposed change to the vendor ordinance as proposed in the petition. Motion Carried 4-0. (B. Manners left the meeting early).

10. Proposed Abandonment of Sky Top Road

James Coyle, Conservation Commission Chairman, was present in the public. A chain is located at end of road--M. Kozlark drove there and stated the roadbed is more like a path with overgrown weeds. The roadbed extends approximately ½ mile beyond the chain. R. Marconi spoke with Highway Department and permission was given to the landowner abutting property on the east to enter his property through the abandoned roadbed. Conservation suggested putting large rocks in place of the chain. The BOS discussed placing the boulders beyond the chain, which would allow the resident access to his property but block access to the open space for ATV riders. BOS suggested James Coyle present that to the Commission and see what they say.

11. Neglected Cemetery Grant Resolution

B. Hebert moved and M. Kozlark seconded a motion to approve the resolution authorizing First Selectman Rudy Marconi to sign the State of Connecticut Neglected Cemetery Grant application. Motion Carried 4-0.

12. Approval of Tax Refunds

S. Zemo moved and M. Kozlark seconded a motion to approve the Tax Refunds in the amount of \$13,633.96 as submitted from Tax Collector Jane Berendsen-Hill on 6/14/2018. Motion Carried 4-0.

13. Selectman's Report

- Interns survey on Substance Abuse - Interns presented it at the Coalition meeting saying there is no science that e-cigarette is harmful.
- Ann Carter -Member of the Ridgefield Board of Assessment Appeals has resigned effective June 29th. She is a democrat elected position. It's the BOS responsibility to pick a member of the same party to fill that vacancy.

- BOE requesting BOS discuss and approve the BOS 2018-2019 technology lease for \$ (did not get the number)

14. Approval of Meeting Minutes: 6/6/18 special, 6/6/18 regular

BOS decided to review the minutes at the next meeting July 25.

B. Hebert moved and S. Zemo seconded a motion to adjourn the Board of Selectman Meeting at 10:11p.m. Motion Carried 4-0.

Respectfully Submitted,
Nita Asani