

PUBLIC HEARING & BOARD of SELECTMEN MEETING – JANUARY 4, 2012

TOWN HALL/LARGE CONFERENCE ROOM – 7:30 P.M.

REVISED/APPROVED MINUTES

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

In attendance: R. Marconi, A. Bodner, M. Kozlark, B. Manners, D. Masters

Public Hearing

*Notice is hereby given that a **Public Hearing** will be held on January 4, 2012, at 7:30 p.m. in the Town Hall Large Conference Room, 400 Main Street, Ridgefield, Connecticut to receive comments on the proposed lease of Town of Ridgefield-owned property on South Salem Road (CT Route 35) to The Ridgefield Historical Society Incorporated.*

BOS Meeting Agenda (immediately following Public Hearing)

1. Recognition of 2011 Ridgefield FCI, Level 14 Cheerleading Team
2. Public Comment
3. Library Presentation
4. Winters Brothers Contract
5. Affordable Housing Moratorium Discussion
6. Remain with HRRRA Discussion
7. Reappointments:
 - Historic District Commission – Dan O’Brien
 - Building Code Board of Appeals – Val Ericson
 - Director of Civil Preparedness - Fire Chief Heather Burford
 - NW CT Public Safety Corporation Member – Fire Chief Heather Burford
 - Town Attorney – David Grogins, Cohen & Wolf
 - Appointment: Sanitarian – Jennifer Eielson
8. Approval of Tax Refunds
9. Selectman’s Report
10. Approval of Meeting Minutes: 12/12/11 Special Mtg; 12/14/11 Regular Mtg; 12/22/11 Special Mtg.

Public Hearing

R. Marconi called the Public Hearing to order at 7:30 p.m. and read the Notice for the Public Hearing. The Peter Parley Schoolhouse on Route 35 and West Lane was previously administered by the Ridgefield Garden Club. This proposed lease will provide administration of the Schoolhouse by The Ridgefield Historical Society. Kay Ables, Town Historian, was present and stated how schoolhouses like this one are recognized throughout the country as valuable historic buildings to preserve. A Town Meeting to vote on the proposed lease is scheduled for January 18.

The decision has been made to minimally heat the building to aid in preservation of the structure. There was an issue with the old oil burner which needed to be replaced. A Ridgefield High School graduate who now lives in Germany read about this need and has donated a new oil burner. The fuel costs will be covered thru the BOS budget.

There were no further comments from the public. R. Marconi closed the Public Hearing at 7:35 p.m.

Board of Selectmen Meeting

1. Recognition of 2011 Ridgefield FCL Level 14 Cheerleading Team

The Level 14 Cheerleading Team and their coaches came forward to be recognized for their success at securing the first place championship at the United Youth Football and Cheerleading National Competition on December 3, 2011 at the Lakeland Center in Lakeland, FL. The team members were introduced by their coaches and thanked for their hard work and dedication. R. Marconi presented the team a certificate of congratulations.

2. Public Comment

Linda Lavelle inquired about the due diligence issue regarding Schlumberger. R. Marconi replied that the Town is in the middle of this process currently. The second part of the due diligence process is starting this week and there are a few issues outstanding. Additional drilling is being done. Our consultant does not expect to find anything else.

Dom D'Addario, Tanton Hill Rd., inquired about the possibility of the Town not purchasing the Schlumberger property if additional concerns arise. R. Marconi responded that the BOS has to be satisfied that all due diligence issues have been fully covered and answered satisfactorily or the BOS may well decide to not proceed with the purchase.

3. Library Presentation

Peter Coffin, Chairman of the Ridgefield Library Expansion Task Force, came forward to present a video presentation of the committee's recommendations. The video included the following topics:

- 1) Task Force
- 2) Library Trends
- 3) The Need and the Plan
- 4) Value and Benefits for the Community
- 5) Timeline
- 6) Financial Overview – Private Fundraising and Requests for Town Support

The Task Force was created in 2009 and was made up of representatives from the Chamber of Commerce, Planning & Zoning, School administration, Library Board, Community leaders and elected officials. They looked at the minimum possible for a cost of \$4-6 million. This would cover just the renovation of the current building, the infrastructure issues, and not improvements. With some improvements added, the cost would be \$5-8 million. Next came the beginning of the current project – a new building. Since 1985 the Library has been experiencing a steady upward trend in circulation numbers. This number is way above Connecticut numbers as a whole. This shows how Ridgefield values the Library – 18.6 pieces/resident were checked out. The Library is not just about books. The staff includes 26 full-time equivalent individuals, a professional and expert staff. Many outreach programs are sponsored. Reference staff assist with technology.

The Library is a Ridgefield destination. The building was built in 1903, and several additions have been added over the years. It is currently a very inefficient space. Library needs have changed. The last major Library expansion was in 1984. Computers were not used then as they are now. The building is not designed for technology.

The proposed new building provides for a new level below the current two levels. Access to the building will be available to the patron's point of interest with parking close to the various entrances. The top level will be the adult floor, the middle level for the children's and common areas, and the lower level will provide the new program rooms. The plan is to reopen the doors on

Main Street. The new building will consist of 46,000 sq. ft, which includes the Morris Building of 5,000 sq. ft. The Library Commons area will be a “grab & go” place where patrons can talk and congregate. The building will be filled with light from the many windows with seating around the perimeter by the windows. No increase in full-time staffing is planned. The staff will be able to oversee a 70% increase in space because of the openness and shorter stacks – ADA compliant space. The Library will provide new study rooms, a technology resource center, and flexible teen space.

What is the timeline? They are at this evening’s BOS meeting to request a February referendum, and a resulting July ground-breaking. Building costs are currently lower and it is felt that if the economy starts to turn around, costs will begin to rise. A space has been located that would provide an interim site. Programs will also be held at other sites around town. The new building is expected to take 16 months to complete.

What about projected annual operating costs? The forecast for the interim period is expected to be lower than the current 2011-2012 period. Utilities and full-time equivalent staffing costs will be the same as the 2012 forecast.

The budget for the new building is set at \$20 million, with an estimated construction cost of \$16.5 million. Some contingencies are built into these numbers. This budget does not include the cost of fundraising. That is to be kept outside of the cost of the project. The committee is committed to raising \$15 million. They are currently at \$13.8 million which includes 1055 contributors, and of that 1055 - 20 six-figure gifts. There is a lot of momentum for this project right now. The committee is requesting \$5 million from the Town of Ridgefield. The question is should this \$5 million be raised thru a special referendum or part of the regular budget? M. Kozlark inquired as to the cost ramifications if there is not a February referendum and there is a delay in the start-date of July. The estimate is \$150,000 cost for a delay as construction costs are favorable right now and an interim rental space is available.

Library Director, Chris Nolan, has selected five speakers for this evening.

- 1) Diana Karish stated how she moved here in 1962. The Library is currently the same building as when she moved here. She is requesting a referendum be scheduled to raise the Town’s contribution of \$5,000.
- 2) Marianne Ross stated that she served on the 2009 Task Force. Spending dollars to fix the existing building is a poor investment. The Library is a cornerstone of our community with its many facets of service. This proposed public/private partnership is the best alternative.
- 3) A resident new to the U.S. and has been in Ridgefield for the past five years, stated how he feels the Town needs to support this proposal for a new Library.
- 4) Martha Campbell stated how the Town has control over this project. We lost the Grand Union in the center of town and the post office was moved to a location not as favorable. Let’s support this project.
- 5) Keith Miller stated how the \$5 million should be part of the regular budget process. A referendum on February 28 is too soon. We need to have a Public Hearing, hold a Town Meeting, approval of the Board of Finance and involvement of Town Counsel. It takes time to do this in a timely manner.

Hal Marcus, Sharp Hill Rd., stated how he does not have an issue with the dollars, but needs for a Library have changed greatly. We need to define what will be our needs for a Library 5-10 years from now. Technology to be used five years from now has not yet been invented. This is an evolving process and not one that we can definitely determine at this time.

Ed Foster stated how his son uses the Library to help with his technology needs. He would like to see this issue on a special referendum.

Linda Lavalley asked P. Coffin about the use of a flat roof. We have had many problems and expenses with the flat roof at the high school. Can we change to a peaked roof? Also, the plans include two floors of glass. The cost of maintaining glass in the future will continue to be the same as the current cost or more. How can the building be heated for the same amount as the current cost with all this glass? P. Coffin responded that flat roof technology has changed. To do a pitched roof on a building like this would result in too high of a structure. The best solution is a flat roof with pitched places allowing for drainage. This is architecturally the right type of construction. The proposed new building is a highly sophisticated structure with triple-pane glass, quality glazing and modern efficiencies in heating and cooling. The building will be tighter and more energy efficient than today's building. We are building something for the "long haul".

P. Coffin stated that he agrees with Hal Marcus that we do not know what the Library should look like in ten years. This new building consists of large open spaces that can be re-configured however the needs arise.

R. Marconi brought the discussion "back to the table" – Should there be a special referendum on February 28th? That is the question? R. Marconi expressed his opinion. He was very happy to see elevations pictured in the video presentation, and is very appreciative of the collaborative effort to make all this happen. To make any changes to the existing structure, would open up the building to ADA compliance. The current aisles between the shelves are not adequate. To redo the existing building will result in a reduction of useable space. To be asked to raise \$5 million is an incredible investment for the Town. Our charter does allow for a special appropriation and process for something like this. Does this process have to happen quickly outside the budgetary process? He would like to avoid the \$150,000 cost incurred if a delay, but he would also like to see a breakdown for this proposed \$150,000. There is an advantage to getting the bids out in a weak construction market. He therefore supports a February 28 referendum. How does the committee plan to raise the additional \$1.8 million?

Philip Lodewick, Chairman of the Fund Raising, indicated that the Committee wants to see the Town make the commitment for the \$5,000. Would the May referendum work? Yes, but it looks like a weaker commitment than a Feb. 28 referendum. What about if they raise over \$15 million? That would be a "happy situation". There are other costs for fund raising, etc., which would then be covered.

Andy Bodner asked about the exact status of the sale of the Webster Building? Due diligence is currently being undertaken. The due diligence period expires sometime in the middle of February. Planning & Zoning approval is needed. The sale is expected to be finalized in mid-February. P. Coffin commented on the "good energy" between the two parties. D. Masters stated how the closing first needs P&Z approval, and application for such has not been submitted. The formal application has to be received and then goes thru a congested pipeline. They have had a preliminary hearing which was satisfactory.

Becky Mucchetti, Chairman of P&Z, stated that the Webster Bank purchaser came forward with a pre-submission, which was well received. No formal application has been received from either the Library or Webster Bank. The process usually takes 3-5 months from beginning to end. This process takes time.

Andy Bodner inquired as to what are the issues – proposed interim Library, structural issues? B. Mucchetti responded that due diligence is in process regarding the interim space. Approval was given last evening by P&Z.

P. Lodewick stated that some cash has been committed and more is “anticipated”. He explained the gift table schedule. Chris Nolan stated that dollars anticipated means pledges that are committed but not signed. There are also matching funds in process.

D. Masters stated how the sale of the Webster Building for \$2.53 million should be in the “anticipated” column until they have gone to contract. P. Coffin indicated that \$10 million cash in hand needs to be received before there can be a shovel in the ground.

B. Manners commented on how the individuals working on this project have done an incredible job. The Library Board has worked very hard. She thinks the \$5 million from the Town should be part of the May referendum. She does not support the Feb. 28 urgency. Many more come to vote in May than those that have voted in the past for a special referendum. A lot of residents are out of town in February. There is usually a 30%+ turnout for a May vote as compared to a 12-15% vote turnout for a special election. This is too important an issue to not have a larger vote.

R. Marconi responded that this issue already has the support of so many of the residents. There is no question that a referendum on this issue is going to pass. To save the \$150,000 cost to delay is a reason for an earlier vote.

M. Kozlark stated that perhaps the \$150,000 estimate is too high, but the Town is responsible for the current upkeep of the Library building and there is always the possibility of unexpected costs when maintaining an old building. Delay of construction would also change the schedule and result in construction during two winter cycles.

D. Masters stressed how P&Z needs to receive the permit application as soon as possible. P. Coffin responded that the P&Z application is essentially ready. It should be submitted in a week or so. Going to bid requires prior P&Z approval. Documents need to be 100% complete.

B. Manners stated how the application can go to P&Z, but we really need a vote from the greatest number of residents possible. The operating agreement going forward should also be in place. Right now the Town picks up 75% of the operating costs based on a 30-year old document. The Library needs to be looked at in the context of the total budget. A May referendum will allow plenty of time for a Public Hearing and a Town Meeting.

P. Lodewick stated how he prefers that a referendum on the Library not be combined with a vote on other budget numbers. Let’s let the residents say “yes” or “no” for just the Library. Let’s get this project going!

Matt Byrnes, Wooster Rd., stated that when is the last time a group in town has come forward with pledges of \$13.8 million? A single vote for or against the Library project is more effective. More people may vote in May but this would be a less decisive vote when the residents would be voting only on the Library. If the issue will pass either way, then why delay and incur additional costs?

Andy Bodner stated how the BOS all supports the \$5 million. The question is only when do we have the referendum? He has an inherent bias against doing something piecemeal. The Town should be managed with an overall budget. Are we voting on the \$5 million contingent upon the \$15 million or flat-out? What about the sale of the Webster Building? Is this part of the \$15 million? How does the financing work if some of the pledges are for five years and construction is to be completed in 16 months? We need something in writing about operating and equipment costs. These are all issues. P. Coffin responded that the Committee is stating with conviction that operating costs for the new building will not be more than current operating costs.

M. Kozlark stated how during the budget process we will look at the numbers for the operating budget. P&Z still has much to do. She agrees with A. Bodner but supports a referendum for February 28. The new Library is a project that the Town has talked about for years. Let's show the Town we do support it!

Chris Nolan stated that she agrees with the questions. Can the BOS give support for the project and go to the BOF for their approval as well? Can we set this process in motion as well? The referendum has to pass and then the residents will donate.

D. Masters stated how she strongly supports this project, but there is work to do before May. Input needs to be received from the Village District, the AAC and P&Z. The referendum needs to have our endorsement. The Webster Bank sale needs to be closed. She prefers May because of all these loose ends.

John Katz, Old Ridgebury Rd., stated how the Agenda listed this as a Library presentation – not a vote. The BOS can give their consensus.

Andy Bodner stated how he would like to understand all the missing pieces. He prefers May with the P&Z approval in place. He does not like to make commitments piecemeal.

R. Marconi stated again how he supports the February referendum to show that the BOS is as supportive as possible – to acknowledge how \$15 million has been raised. Let us say that the BOS is in agreement and wants the Town's \$5 million to go to referendum. We will come back to the table to discuss further on January 18th with referendum language from Bond Counsel. In the interim we will know more about the P&Z schedule and the Webster Bank sale.

4. Winters Brothers Contract

R. Marconi stated that it is necessary to update our contract with Cerreta Waste Systems because they have been sold to Winters Brothers Waste Systems, Inc. The terms of the contract remain the same and the new contract has been reviewed by Town Counsel.

D. Masters moved and A. Bodner seconded a motion to approve the changes in the existing Agreement between Cerreta Waste Systems to Winters Brothers Waste Systems, Inc. (the new owners of Cerreta Waste Systems) and the Town of Ridgefield, effective May 1, 2009 thru April 30, 2014, and the rate may not increase by a total of 2% in any five year term. Motion passed 5-0.

5. Affordable Housing Moratorium Discussion

Betty Brosius, Director of Planning, and Becky Mucchetti, Chairman of Planning & Zoning, came forward to discuss the affordable housing issue. They shared with the BOS the affordable housing process for approval, which is outside of the normal zoning requirements. Occasionally such a

request comes thru, but within the last year there has been a real focus on Main Street – 5 requested projects within a two block area. Traffic, location density and height of the proposed buildings cannot be considered. Only public health and safety are issues to be considered when reviewing for approval an application. Betty Brosius indicated that she has been keeping detailed records of how many development Ridgefield has or has not approved. Neighbors are becoming concerned and are starting to mobilize and hire professionals. Ridgefield (as other municipalities) has to have 10% deed-restricted housing to become immune from additional such development. The request for 509 Main Street was denied. The real problem is if the request is appealed and goes before the Housing Court. They feel the recent desire for rentals is the cause of this upsurge in applications.

Ms. Brosius indicated that she feels Ridgefield has enough affordable housing to reach the 2% exemption. A municipality does not automatically qualify for an exemption but must apply for the State Certificate of Affordable Housing Completion. They are asking for the BOS to authorize R. Marconi to submit this application. This application will include a list of the deeds approved by the Town Clerk that qualify as affordable housing. It is a 22-page application which is then certified by an attorney and forwarded to the State. The moratorium if granted is good for four years and a town can then apply for an extension. We need to hire a land-use attorney to certify our application. Once the application is submitted, the State has 90 days to make a decision. This process is not something that many CT towns have done – not a lot of moratoriums have been issued.

Andy Bodner suggested that the Town encourage property owners to deed restrict the apartments on their property as affordable housing. There must be a separate entrance and a certain amount of square footage to comply.

R. Marconi will set up an appointment with Robin Kahn of Cohen & Wolfe. He feels Robin is very knowledgeable and understands well the issue of affordable housing. B. Brosius indicated that this application will require a team effort and include the assistance of Al Garzi and the Town Clerk.

B. Mucchetti reviewed Planning & Zoning's expansion of accessory apartment eligibility five years ago, and not just within the Village District. Most of these apartments are restricted but not deed restricted, which would put an encumbrance on the property when for sale. The concern is what is happening to Main Street.

This issue will be reviewed again at the next BOS meeting once info is received from Cohen & Wolfe.

6. Remain with HRRRA Discussion

The November 1, 2011 letter received from Michael Gill, Chairman, of the HRRRA (Housatonic Resources Recovery Authority) was reviewed and discussed. Ridgefield is part of HRRRA, but we use our own facility for recycling. The question is whether Ridgefield wants to continue to do our own recycling or function totally thru HRRRA. Studies show that towns that have "single stream" recycling experience a 20% increase. A. Bodner stated that he thinks there is more to explore on this issue, but for now we should stay the way we are. We are probably not going to see any increase in recycling unless our facility can handle larger trucks. The larger trucks would have to go elsewhere. The other BOS members expressed agreement with this decision for now.

7. Reappointments:

Historic District Commission – Dan O'Brien

Building Code Board of Appeals – Val Ericson
Director of Civil Preparedness - Fire Chief Heather Burford
NW CT Public Safety Corporation Member – Fire Chief Heather Burford
Town Attorney – David Grogins, Cohen & Wolf
Appointment: Sanitarian – Jennifer Eielson

It was agreed to reappoint Dan O'Brien, Val Ericson, and Fire Chief Heather Burford, and Appoint Jennifer Eielson, but not reappoint at this time David Grogins as Town Counsel. It as agreed to seek bids for Town Counsel before making an appointment decision for this position. Note – The Charter Commission required that Fire Chief Heather Burford's title remain as Director of Civil Preparedness and not be changed to Director of Emergency Management.

A. Bodner moved and M. Kozlark seconded a motion to approve the following reappointments: Dan O'Brien to the Historic District Commission; Val Ericson to the Building Code Board of Appeals; Fire Chief Heather Burford as Director of Civil Preparedness; Fire Chief Heather Burford as NW CT Public Safety Corporation Member; and Appointment of Jennifer Eielson as Sanitarian. Motion passed 5-0.

8. Approval of Tax Refunds

M. Kozlark moved and A. Bodner seconded a motion to approve the refunds totaling \$10,507.48, as requested in the 12/29/11 memo received from Tax Collector Jane Berendsen-Hill. Motion passed 5-0.

9. Selectman's Report

Nothing to report.

10. Approval of Meeting Minutes: 12/12/11 Special Mtg.; 12/14/11 Regular Mtg.; 12/22/11 Special Mtg.

A. Bodner moved and M. Kozlark seconded a motion to approve as written the minutes of the following Board of Selectmen Meetings: 12/12/11 Special Meeting; 12/14/11 Regular Meeting; and 12/22/11 Special Meeting. Motion passed 5-0.

R. Marconi moved and D. Masters seconded a motion to adjourn the Board of Selectmen Meeting at 10:45 p.m.

Respectfully submitted.

Janet L. Johnson