

## **BOARD of SELECTMEN MEETING – SEPTEMBER 7, 2011**

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

### REVISED/APPROVED MINUTES

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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 (via phone from Calif.), D. Masters

#### **Agenda**

1. Public Comment
2. Edward Marchitto, Stephen Walsh – Firefighter Appointments
3. Youth Commission Interview: Jack Orzechowski
4. Historic District Commission Interview: Briggs Tobin
5. Schlumberger Property
6. Peter Parley Schoolhouse Lease
7. Jesse Lee Tax Abatement Request: Al Garzi
8. Blight Ordinance Discussion
9. Leukemia, Lymphoma, Myeloma Awareness Month Proclamation
10. Kids in Crisis 2011-12 Agreement
11. Approval of Tax Refunds
12. Selectman's Report
13. Approval of Meeting Minutes: 8/3/11 Special Mtg, 8/3/11 Regular Mtg.

R. Marconi called the BOS Meeting to order at 7:30 p.m. B. Manners called in to tie in with the meeting via speaker phone. R. Marconi welcomed everyone to the meeting after the trials of Hurricane Irene the previous week.

**D. Masters moved and M. Kozlark seconded a motion to move #5 on the agenda, “Schlumberger Property” to #2, immediately following “Public Comment”. Motion passed 5-0.**

#### 1. Public Comment

John Keegan, Clearview Drive, had asked for some time to speak before the BOS. Mr. Keegan expressed his concern over the safety of his neighborhood – behind Rainbow Lake. Their roads are in very poor condition, including some low-hanging wires. It is difficult for emergency vehicles to get through and he personally has a neighbor needing dialysis 3x/week and a mother with dementia. The school bus company will no longer drive into the neighborhood because of the roads. R. Marconi stated how the majority of the roads in this area are not town roads; they are narrow and do not meet town standards. They are at the bottom of the list to be paved and drainage issues have not been addressed. Mr. Keegan stated how some of the residents purchased property in this area without awareness that the roads were not town roads and thus not maintained by the town.

D. Masters indicated a desire to have Peter Hill look at all the roads in town, including those that are not town roads and present an inventory of what needs to be done throughout the town. R. Marconi responded that P. Hill has such an inventory ready. The question is whether the town is willing to take on the repair and care of some of these roads? A. Bodner stated how to take on the care of additional roads is going to cost additional dollars. It is a real issue if buyers are not told that they are purchasing a house on a private road that needs to be maintained by the

neighborhood. R. Marconi indicated that in the past the town has helped with potholes, but the residents are responsible for re-paving.

M. Kozlark stated how the BOS needs to know where we are in road maintenance – are we behind? How do we address this situation? Peter Hill will be asked to come to the next BOS meeting.

John Palermo, Blacksmith Ridge Rd., expressed a thank you to the Police Department, Fire Department, all the volunteers, and the BOS for all their hard work last week with the Hurricane. They provided water, ice, shelters and got everything working the best they could. Mr. Palermo also expressed support for the requested tax abatement for Jesse Lee church. These parking spaces provided by the church are important to the town and could not easily be replaced.

R. Marconi pointed out that “Public Comments” should cover items not already on the evening’s agenda.

## 2. Schlumberger Property

Also present for this discussion were Town Clerk Barbara Serfilippi, and Town Counsel David Grogins. R. Marconi indicated that the Schlumberger Property has been a topic of discussion in many BOS meetings and executive sessions. A decision regarding what to do with this property needs to be made. R. Marconi is proposing a question on the ballot on the November 8<sup>th</sup> election to avoid the cost of a special election. Also, the turnout is likely to be greater at an election involving federal positions. Bond counsel Robinson & Cole has drafted this proposed resolution. For a question to be on the November 8<sup>th</sup> ballot, it has to be presented sixty (60) days prior to the election date, which is tomorrow, September 8<sup>th</sup>. In the interim, public hearings will be held to inform the public. If desired, the question can be taken off the ballot but cannot be put on the ballot without this 60 days window.

R. Marconi stated that the question on the November 8 ballot will be as follows “Shall the Town appropriate \$4,000,000 for the acquisition of 30 plus or minus acres of land from Schlumberger Technology Corporation on Old Quarry Road in the Town of Ridgefield and authorized the issuance of \$4,000,000 bonds of the Town to meet said appropriation and pending the issuance thereof the making of temporary borrowings for such purchase”.

R. Marconi summarized the terms of the resolution. The Schlumberger Property is 45 acres in total. The Town of Ridgefield will purchase 30 +/- acres off Quarry Road and 10 acres on Sunset Lane for a total of \$2.9 million. The resolution is asking for approximately \$4 million to cover the purchase price and associated costs, disposition of the buildings, and whatever direction the town decides to take with the property. Negotiations with Schwab and the developer continue. R. Marconi read the question that will appear on the ballot.

Andy Bodner expressed support for acquiring the property, but there are many “open” items. Negotiations have not been concluded with Schlumberger nor the developer. He is concerned about having these items all firmed up by November 8<sup>th</sup>. He suggests that the Town of Ridgefield offer to purchase the entire 45 acres and then can back down. He feels the resolution should ask for funds to purchase the entire property. The Town can always ask for less.

R. Marconi responded that the Town of Ridgefield is not in the real estate business. We should not be dividing up the property. We received complaints about this with regard to Bennett’s Farm. We do want to continue to retire our debt service.

D. Masters stated that she favors a conservative approach. She thinks we need to look at what we want to use this property for and spend as little as possible. She agrees with R. Marconi that to try to purchase the whole property would be riskier. We can still exit the resolution. She would not vote to go to referendum until all questions are fully answered.

M. Kozlark stated how she understand A. Bodner's point of view, but is in agreement to only ask for \$4 million.

B. Manners indicated that this proposal would result in a loss of tax revenue for a shorter length of time if the property were to be sold to a developer than if Schlumberger were to take the property off the market and put it into open space. Open space property results in no tax income to the town. The property has been so for sale for about three years now and has been looked at by many – from corporate development to age-restricted housing. R. Marconi stated how Schlumberger also wants to see “an end in sight”.

Andy Bodner stated that he would feel differently if agreement had been reached with the developer, but there are still some substantive open items.

R. Marconi agreed that there are open questions that need to be resolved. Public Hearings will be held and there will be full understanding of any commitment prior to referendum time.

John Palermo stated how the Town did not purchase a piece of property awhile back and that was a mistake. We need to look at the entire purchase as A. Bodner suggests.

Jan Rifkinson stated how it would be helpful to move the referendum until December 31<sup>st</sup> in order to resolve all the open questions. He would prefer waiting and pay for a special election. He is concerned about raising the town's debt level. R. Marconi indicated that the town can borrow up to \$8 million before raising the debt level. The primary purpose is to take control of the property. This would be an asset for the town. D. Masters repeated that she is not willing to move forward until all the open questions have been resolved. She is not willing to participate in anything with any unanswered questions.

B. Manners expressed support for moving ahead with a referendum as part of a general election. It is important to get as big a vote as possible.

Briggs Tobin, Downesbury Ct., expressed support for seeking appropriation for the entire property.

Chris McQuilkin, Nod Rd. asked if the Library is going to also be on the November 8<sup>th</sup> ballot? The answer is no; no request has been received from the Library at this time. They are still in their fund-raising mode.

**B. Manners moved and D. Masters seconded a motion to approve the language of this resolution and present this resolution to the voters on the ballot on November 8, 2011:**

**SHALL THE TOWN APPROPRIATE \$4,000,000 FOR THE ACQUISITION OF 30± ACRES OF LAND FROM SCHLUMBERGER TECHNOLOGY CORPORATION ON OLD QUARRY ROAD IN THE TOWN OF RIDGEFIELD AND AUTHORIZE THE ISSUANCE OF \$4,000,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE**

## MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

### **RESOLVED:**

**Section 1.** The sum of \$4,000,000 is appropriated for the purchase of approximately 30 acres, more or less, from Schlumberger Technology Corporation on Old Quarry Road in the Town of Ridgefield, Connecticut (the "Town"), demolition of structures thereon, costs related to such property acquisition, and for administrative, financing, legal and costs of issuance related thereto, said appropriation to be inclusive of any and all State and Federal grants-in-aid thereof.

**Section 2.** To meet said appropriation \$4,000,000 bonds of the Town or so much as shall be necessary for such purpose, shall be issued maturing not later than the twentieth year after their date, provided that state grants received for such purpose shall reduce the amount of bonds to be issued. Said bonds may be issued in one or more series as determined by the First Selectman and the Town Treasurer, in consultation with the Board of Selectmen and the Board of Finance, in the amount necessary to meet the Town's share of the cost of the projects determined after considering the estimated amount of any State and Federal grants-in-aid of the property acquisition, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the costs of issuance of said bonds. The bonds shall be in the denomination of \$5,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds including the rate or rates of interest shall be determined by the First Selectman and the Town Treasurer in the best interest of the Town.

**Section 3.** The bonds of each series shall be sold by the First Selectman, in consultation with the Board of Selectmen and the Board of Finance, in a competitive offering or by negotiation in his discretion. The bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be approved by the First Selectman and the Town Treasurer.

**Section 4.** The Town Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the First Selectman and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the Town Treasurer, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the

Town Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, may be included as a cost of property acquisition in Section 1. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

**Section 5.** The Town hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the “Regulations”), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this ordinance in the maximum amount and for the purposes described in Section 1 with the proceeds of bonds, notes, or other obligations (“Bonds”) authorized to be issued by the Town. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The First Selectman or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds.

**Section 6.** The Town Treasurer is hereby authorized, on behalf of the Town of Ridgefield, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the “MSRB”) and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

**Motion passed 4-1. A. Bodner voted no.**

3. Edward Marchitto, Stephen Walsh Firefighter Appointments

Edward Marchitto and Stephen Walsh came forward to express their interest in becoming Ridgefield Firefighters. Chief Burford, Assistant Chief Tappe and Laurie Scholl, Director of Human Resources, came forward to request approval of these two appointments. Chief Burford stated that presentation of these two applicants is the result of an extensive process. These two candidates “came to the top”. Many more applications were received than before.

M. Kozlark asked the applicants to share their goals and why they are interested in joining the Ridgefield Fire Department. Steve Walsh stated how he has served as a volunteer fireman in Ridgefield for the past 3+ years. He comes from a Ridgefield firefighter family. Ed Marchitto stated how he has served as a volunteer and EMS in New Haven for the past 5 years.

B. Manners asked if either applicant is interested in pursuing paramedic training? They both said yes. Edward expressed a long-term goal to become a paramedic.

D. Masters asked about the training process. Where are these two applicants with this process? Chief Burford responded that there is a 14 week residential program which these two applicants will start immediately. They will then participate in on-the-job training back in Ridgefield for 4 to 5 weeks and will then be put on a shift. A. Bodner stated how he supports these applicants who are endorsed by Chief Burford.

**A. Bodner moved and D. Masters seconded a motion to approve the appointment of Edward Marchitto and Stephen Walsh as Ridgefield Firefighters. Motion passed 5-0.**

4. Youth Commission Interview: Jack Orzechowski

Jack Orzechowski came forward to express his interest in serving on the Youth Commission. He became aware of the Youth Commission when his father and sister became members about four years ago. His focus would not be just on "The Barn". R. Marconi stated how communication with the youth needs to be much more open. M. Kozlark asked Jack about his interests. He is interested in athletics, especially baseball, and in acting. We need more participation in dialogues. Many students do not know about the Youth Commission. D. Masters stressed how the community is interested in hearing from the youth.

**A. Bodner moved and D. Masters seconded a motion to appoint Jack Orzechowski to the Youth Commission for a two-year term as a Youth Member. Motion passed 5-0.**

5. Historic District Commission Interview: Briggs Tobin

Briggs Tobin came forward to express his interest in serving on the Historic District Commission. Both alternates do not want to move up to the full-time position. Mr. Tobin indicated that he has met with Commission Chairman, Leslie Ide, has participated in two site visits with the Commission, has attended a Commission meeting, and reviewed the Connecticut State Handbook summarizing the law and guidelines for local HDC's. Mr. Tobin grew up in Guilford, CT, a town with many 18<sup>th</sup> century buildings, and moved with his family back to Connecticut in 2002 as a Lead Transactions Lawyer for GE.

**D. Masters moved and B. Manners seconded a motion to appoint Briggs L. Tobin as a member of the Historic District Commission for a five-year term as a full member. Motion passed 5-0.**

6. Peter Parley Schoolhouse Lease

Nancy Selander was present but some changes are being made in the lease relative to the oil burner. The preference is to be put on the agenda once the lease is complete.

7. Jesse Lee Abatement Request: Al Garzi

Al Garzi, Tax Assessor, and Bill Pfohl, Pastor of Jesse Lee United Methodist Church, came forward to discuss Jesse Lee's tax abatement request. The church provides a parking area for commuters. Al Garzi stated how he has to tax property if not used for religious reasons. This property is on the Grand List and is leased by the church to the State of CT. The church receives \$8300 in rent/year and deducted \$3170 for expenses. The result is \$5100 in net income.

Andy Bodner inquired as to whether this abatement was part of the original agreement for Jesse Lee to provide this parking area? Al Garzi responded that this abatement has been approved each year. A commuter bus then takes the commuters from the parking area to the train station in Katonah. We are also subsidizing the Hart bus. D. Masters indicated her support for the abatement as recommended by the Assessor.

Ed Tyrrell, Pond Rd., stated how he does not think the abatement was part of the original agreement. R. Marconi stated how the abatement has to come before the BOS each year for approval. The abatement was part of the discussion but not written into the agreement.

John Palermo stated how it would cost the town a lot more than the abatement to find another parking location. He believes most residents are glad to support this.

Pastor Pfohl indicated that the church has made the driveway wider and safer and added lighting. They are on a ten-year paving plan. This parking area is not looked upon as a money-maker, but a contribution to the town.

**D. Masters moved and M. Kozlark seconded a motion to approve the abatement request from Jesse Lee United Methodist Church for the 2011/2012 fiscal year in the amount of \$869.69 as forwarded by Al Garzi, Tax Assessor. Motion passed 5-0.**

B. Manners indicated that she would have to leave the meeting (via phone) at 9:05 p.m.

8. Blight Ordinance Discussion

R. Marconi indicated that the State of CT has changed the state statute regarding blight problems and how a municipality can handle such a situation. These changes might alter how we structure a possible blight ordinance for Ridgefield. He is asking Cohen & Wolfe for input on this and then will put this issue on another agenda.

9. Leukemia, Lymphoma, Myeloma Awareness Month Proclamation

R. Marconi summarized the Proclamation and read the final resolution paragraph.

**D. Masters moved and A. Bodner seconded a motion to approve the Proclamation that the Town of Ridgefield joins with The Leukemia, Lymphoma Society in designating the Month of September 2011 as Leukemia, Lymphoma, Myeloma Awareness Month. Motion passed 4-0. B. Manners left the meeting early.**

10. Kids in Crisis 2011-12 Agreement

R. Marconi pointed out that this agreement is identical to last year's agreement. It also must be approved by the Board of Education.

**D. Masters moved and M. Kozlark seconded a motion to approve the Agreement between the Town of Ridgefield and Kids in Crisis, Inc., which provides for a TeenTalk Counselor at Ridgefield High School for the 2011-2012 school year. Motion passed 4-0. B. Manners left the meeting early.**

11. Approval of Tax Refunds

**A. Bodner moved and D. Masters seconded a motion to approve the 9/2/11 memo request from Tax Collector, Jane Berendsen-Hill for tax refunds totaling \$9,531.89. Motion passed 4-0. B. Manners left the meeting early.**

12. Selectman's Report

- R. Marconi expressed thank you to the Police Department, Fire Department, Emergency Operations Center, Dick Aarons, and the many, many volunteers and town workers for all their efforts during Hurricane Irene and the days following. A. Bodner inquired as to any ideas about the costs involved? R. Marconi responded that overtime is the biggest number. A trailer was rented for the ice. Finance Director, K. Redmond is putting all the numbers together. Chief Burford is filing a report with FEMA. Ridgefield was the worst hit town west of the

Connecticut River. There were a couple of tornado touch-downs in town. Best of all, no one got hurt. A post-incident analysis is being prepared. The biggest problem was the lack of line crews. The town generators all worked well. A. Bodner stated how the utility companies are being pressured to charge less, which is resulting in less tree trimming. Lack of Federal and State funding affects us directly.

- Letter received from Government Finance Officer's Association awarding Kevin Redmond, Director of Finance, "Excellence in Financial Reporting" – highest award in government accounting and financial reporting. He will receive an achievement plaque. Thank you to Kevin!

13. Approval of Meeting Minutes: 8/3/11 Special Mtg., 8/3/11 Regular Mtg.

**M. Kozlark moved and A. Bodner seconded a motion to approve as written the minutes of the Board of Selectmen Special Meeting on August 3, 2011. Motion passed 3-0-1. D. Masters abstained as she was not present on 8/3/11. B. Manners left this evening's meeting early.**

**M. Kozlark moved and A. Bodner seconded a motion to approve as written the minutes of the August 3, 2011 Board of Selectmen Meeting. Motion passed 3-0-1. D. Masters abstained as she was not present on 8/3/11. B. Manners left this evening's meeting early.**

**R. Marconi moved and M. Kozlark seconded a motion to adjourn the Board of Selectmen Meeting at 9:25 p.m. Motion passed 4-0. B. Manners left the meeting early.**

Respectfully submitted,

Janet L. Johnson