

PUBLIC HEARING & BOARD of SELECTMEN MEETING – JANUARY 21, 2009

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, D. Masters, J. Plock

Absent: B. Manners (due to illness)

Public Hearing

*Notice is hereby given that a **Public Hearing** will be held on January 21, 2009, 7:30 p.m., Town Hall Large Conference Room, 400 Main Street, Ridgefield, Connecticut to receive comments and recommendations on the proposed Sex Offender Ordinance.*

Board of Selectmen Meeting Agenda (immediately following Public Hearing)

1. Conservation Commission Interview: Alan Pilch
2. Charter Revision Commission Interviews: John McNicholas, Matthew Peterson, Charles Primerano, Mark Robinson, Don Romoser
3. EDC Appointments
4. Insurance Risk Management Committee Discussion
5. Reappointments: Board of Ethics (Dominic D’Addario, Geoff Harrington, Susan Horner); Conservation Commission (Benjamin Oko, Pat Sesto, Beth Yanity); Historic District Commission (James Hancock, Leslie Ide); Director of Social Services (Mary Ann Baldwin); Tax Assessor (Al Garzi); Tree Warden (John Pinchbeck); WPCA (Kevin Brody, Max Caldwell, Ronald Hill, Gary Zawacki); Youth Commission (Ruth Leibowitz, John Katz, Denise Qualey).
6. Deer Committee Request for Hunt on Golf Course
7. Branchville Commuter Parking Lot
8. Boehringer Ingelheim Easement – set Public Hearing & Special Town Meeting Date
9. Selectman’s Report
10. Approval of Meeting Minutes: 12/10/08, 1/12/09
11. Executive Session: Police Chief Contract; Possible Vote

R. Marconi called the **Public Hearing** to order at 7:30 P.M., and read the call for the Public Hearing to consider the proposed Sex Offender Ordinance. Police Chief John Roche came forward to participate in the discussion. Also present was Town Counsel, David Grogins.

Police Chief Roche had sent the proposed Sex Offender Ordinance to the Connecticut State Attorney’s Office for their review. The ordinance was returned with two comments. R. Marconi read the letter that was received. The first comment was whether the failure to comply with the ordinance is an infraction or a violation. Town Counsel Grogins responded that Ridgefield needs a violation given the amount of the fine, which is not very substantial. The other comment was that the majority of children are victimized by someone they know.

The following changes were made to the ordinance’s wording:

Sec. 1-6. Enforcement.

(a) If a police officer reasonably believes that a child sex offender is in a Child Safety Zone in violation of this Ordinance, the officer shall require the suspected child sex offender to provide his/her name, address, and telephone number. If it is established that the individual is a child sex offender, then the officer may issue an infraction ticket to affirm that the person is in violation of this Ordinance and require the offender to leave the Child Safety Zone.

(b) Any person in violation of this Ordinance shall be fined in the amount of two hundred fifty dollars (\$250.00) for each violation or the maximum imposed by State statute.

Sec. 1-8 Effective Date.

This Ordinance shall become effective (15) days after approval by Town Meeting and published in a newspaper having general circulation in the town.

A discussion followed regarding the use of the word “may” versus “shall”. Chief Roche expressed his preference for the wording “may”. By not limiting what the charge must be, the investigating officer has the option to go for a more serious charge if it is warranted – it leaves the door open to better suit the situation.

John Katz, Ridgebury Rd., commented on how a fine of \$250 is not a deterrent. The wording “may” makes the Ordinance seem too lax.

J. Plock suggested the wording, “shall at the very least”. D. Grogins responded that he would need to do additional research on this wording issue.

D. Masters inquired as to the wording in such an ordinance in other neighboring towns – If our ordinance is modeled after Danbury’s, they used the word “shall” throughout their ordinance.

Jackie Hodges asked if the list of Child Safety Zones should not also include the playground associated with Ridgefield Housing. Ridgefield Housing is a separate entity and not an agency of the town, but this playground can be added to the list.

R. Marconi pointed out that the purpose of the ordinance is to give the Police Department some authority. If a sex offender is sitting in a park, the Police can currently do nothing. If there is an ordinance in effect, the Police can then arrest the individual for not respecting a Child Safety Zone. Chief Roche stated how the ordinance is “another tool for the Officer”.

Dom D’Addario, Tanton Hill Rd., asked for the number of known sex offenders in Ridgefield. The answer is 4. D. Masters reported how she had researched this info on the computer and noted how the listing is by In-State Residents and Out-of-State Residents. She noted how the numbers seemed lower than in the past. Danbury’s listed number was lower also; perhaps this is the result of a new way of recording the count.

R. Marconi closed the Public Hearing at 7:52 p.m., and called the Board of Selectmen Meeting to order.

Board of Selectmen Meeting

J. Plock moved and D. Masters seconded a motion to set a Town Meeting for February 18, 2009, 7:30 P.M., Town Hall Large Conference Room, to vote on the proposed Sex Offender Ordinance. Motion passed 4-0.

1. Conservation Commission Interview: Alan Pilch

R. Marconi indicated that Alan Pilch had called indicating that he was held up at work and would arrive later in the evening.

2. Charter Revision Commission Interviews: John McNicholas, Matthew Peterson, Charles Primerano, Mark Robinson, Don Romoser

John McNicholas came forward to discuss his candidacy for the Charter Revision Commission. He had interviewed previously for the former Commission. R. Marconi read the August 23 letter received from Mr. McNicholas. J. Plock asked if he had attended any of the former Charter Revision Commission meetings? He replied no. Mr. McNicholas asked if the charge for this Commission is to redo the entire charter or just certain sections? R. Marconi then read the charge for the Charter Revision Commission. There is a definite timeline for the Commission to follow based on the existing charter. J. Plock asked Mr. McNicholas if he had the time to devote to this Commission? Yes was the response.

A. Bodner inquired as to the procedure – is the BOS to accept or reject or can the BOS make changes as well? J. Plock commented on how the last time, the BOS received the revised charter in parts, which is perhaps not in consideration of the total document. The BOS needs to review the proposed changes in total as well. The BOS final vote is to approve or reject.

Mr. McNicholas commented on how a document like this charter needs to be regularly “tweaked” to make it work for the Town. There is a need to communicate with those involved in the use of the charter. D. Masters asked if Mr. McNicholas had any particular areas in the charter that he is anxious to fix? No – nothing other than the one particular loophole referred to in his letter – fine tune the referendum process.

Matthew Peterson – R. Marconi read the letter received from Mr. Peterson and asked him to tell the BOS about himself. He grew up in Hamden, CT, attended UCT for his BA, University of Pittsburgh for Law School and Carnegie Mellon for his MBA. His background is in finance and investments and currently works in Greenwich. Mr. Peterson indicated how he was attracted to Ridgefield in that he wanted to live in a town with an identity of its own – not just a suburb of NYC. If one lives in a town such as Ridgefield, then one should volunteer to help in the town. He saw the ad for the Charter Revision Commission and applied. D. Masters asked if there was anything in particular he wanted to fix or change in the Charter? Mr. Peterson indicated that he had no specific issues to change. He commented on how the challenge for the government in a small town is to operate with flexibility and cost effectiveness. All small towns continue to be challenged to do this.

Andy Bodner commented on how Mr. Peterson has a wonderful background. Does he feel that 3 ½ years as a resident in Ridgefield is long enough to serve on this Commission? One needs to understand the mechanics of what the various boards should be doing and they relate to one another. Mr. Peterson’s response was that there are many ways one can be involved. He has been involved with various Town functions, but not the Town government as such. The Charter Commission seemed to fit with his interest and abilities, but he has not had years of experience working on various Town committees.

Ms. Plock asked Mr. Peterson about his time availability. He indicated that his schedule is fairly flexible as long as he can plan in advance. He would be willing to serve on other commissions/committees as well.

Charles Primerano indicated how he used to visit Ridgefield to see his aunt and uncle in the late 60's and how he had continued to be attracted to the town. He moved to Ridgefield five years ago. His career is as a professional writer since 1986. He works with Fortune 500 companies writing policies and procedures, working with teams melting together thoughts and finding a middle ground thru language. He does speech writing and political commentaries. A. Bodner commented on how a good writer can make something clear or vague. Mr. Primerano responded that one strives for clarity. One needs to look ahead in the future; what are the possibilities for the future and what about the contingencies? A. Bodner responded that this is a difficult task. Here the approach is more looking at the practical rather than the ideology. Mr. Primerano responded that he sees himself as a technical consultant.

D. Masters commented on after watching the last two Charter revisions carefully, partisanship is not an issue, but rather volunteers promoting their special interests. It is not really a Republican, Democratic or Independent Charter, but it is weakened by special interests which are not welcome.

J. Plock asked if Mr. Primerano has been on any other committees or boards? The response was no, but he has been active on the Democratic Town Committee. He understands the various functions of different boards.

Mark Robinson – R. Marconi read the September 24 letter received from Mr. Robinson detailing his background. He is a 16 year resident of Ridgefield. In the early 1990's, he served on the Governor's local/regional initiative to explore and evaluate diversity in the state's educational system. He then chaired a Ridgefield Board of Education sub-committee on Educational Quality & Diversity in Ridgefield, which later evolved into an independent citizens' initiative called ROUND (Ridgefielders Organized for Understanding & Diversity). He served as Chairman of ROUND for 4 years and this group launched Diversity Day, Humanitree celebrations at the Community Center, the annual Martin Luther King Day celebrations, the first Gay Pride celebration & picnic, and others. In 1996, Mr. Robinson served as a member of the board of A Better Chance of Ridgefield for 7 years, and as Vice President of that board for the last 3 of those 7 years. He has served as a member of the Ridgefield Democratic Town Committee and from 2000 to 2005, served as Vice-Chairman of the DTC. In 2000, Mr. Robinson was appointed by the Governor to serve on the State's Martin Luther King Commission, which oversees how the State and local municipalities observe the Martin Luther King holiday. In 2005, he was elected Vice Chairman of the Commission, a position he still holds today. Mr. Robinson also currently serves as Chairman of a citizen's initiative group called Effective Leadership for Ridgefield. Mr. Robinson is an advertising executive professionally.

J. Plock asked if Mr. Robinson had attended any of the Charter Commission's meetings the last time. He responded no, but he did seek out some members of the Commission for their input. D. Masters asked if he had any area of the Charter that he particularly wanted to work on. Mr. Robinson responded that his inclination is to try to prevent a specialized agenda. He sees the Charter as an architectural document or blueprint. The goal should be to not make changes that result in unanticipated effects on something else. He is also interviewing for the EDC and would not do both.

Don Romoser has been a Ridgefield resident for the past 1 ½ years. Mr. Romoser has n actively volunteered in other communities where he has lived. His focus in Ridgefield has been with the schools. He watched as the budget referendum system seemed to work so well here until the vote went out to the public and it "fell apart" last year. Sixteen years ago in Illinois, Mr. Romoser

indicated that he led the education capital campaign effort and served on the Board of Education. He then lived in California in a 35,000 student school system with 26 elementary schools. Here again he was very involved with the school system and the grassroots effort to raise dollars. He then moved to Arkansas and served on various education commissions there in an area that was changing from a rural area to a suburban environment. At that location, Mr. Romoser was involved in the start-up of a YMCA.

J. Plock asked Mr. Romoser if he would have the time to serve on the Charter Commission. He indicated that for the past seven months, he has been the “Dad at home”. D. Masters inquired as to any special interests he has with regard to revision of the Charter. Mr. Romoser responded that the Charter should be a “living document” – special interests should be kept out. He was the confusion last year because of the referendum vote. This situation needs to be cleared up. A. Bodner asked if his stay in Ridgefield is permanent? Mr. Romoser responded that CT is the home location for his wife’s company and they plan to stay here. Is Mr. Romoser indicated that he is open to other opportunities to serve in Ridgefield besides the Charter Commission?

R. Marconi indicated that the BOS will continue to interview as additional applications are received to serve on the Charter Revision Commission. The current charter provides for establishment of a Charter Revision Commission every four years.

3. EDC Appointments

R. Marconi reviewed the list of applicants who have been interviewed. Two vacancies remain. Chris Fisher and William Markus were appointed to the EDC on 11/19/08. The remaining applicants include: Frank Lowe, Magdalena Fincham, Mark Grindle, Mark Robinson and Daniel Baransky. Stephen Hackenburg was appointed to the Insurance Risk Management Committee. R. Marconi indicated that he had met earlier today with the EDC. They are actively working on their overall plan and they did not indicate any preferences as to who else should be appointed to the EDC. D. Masters stated the need to look at the “skill sets” of the various applicants and how someone IT focused would be helpful.

D. Masters moved and J. Plock seconded a motion to appoint Magdalena Fincham to fill one of the vacancies on the Economic Development Commission for a one-year term. Motion passed 4-0.

Mr. Belote suggested that Mark Robinson be asked whether he would prefer to serve on the EDC or the Charter Revision Commission. He responded that he would prefer the EDC. When asked about his IT experience, Mr. Robinson replied that his career has been in business building, operations team-building and has built a few websites.

J. Plock moved and D. Masters seconded a motion to appoint Mark Robinson to fill the remaining vacancy on the Economic Development Commission for a one-year term. Motion passed 4-0.

4. Insurance Risk Management Committee Discussion

R. Marconi requested that this discussion be postponed to a later date to allow time for additional research.

5. Reappointments: Board of Ethics (Dominic D’Addario, Geoff Harrington, Susan Horner); Conservation Commission (Benjamin Oko, Pat Sesto, Beth Yanity); Historic District Commission (James Hancock, Leslie Ide); Director of Social Services (Mary Ann Baldwin); Tax Assessor (Al

Garzi); Tree Warden (John Pinchbeck); WPCA (Kevin Brody, Max Caldwell, Ronald Hill, Gary Zawacki); Youth Commission (Ruth Leibowitz, John Katz, Denise Qualey).

J. Plock moved and D. Masters seconded a motion to reappoint Dominic D’Addario, Geoff Harrington, and Susan Horner for an additional four-year term to the Board of Ethics. Motion passed 4-0.

D. Masters moved and A. Bodner seconded a motion to reappoint Benjamin Oko, Pat Sesto, and Beth Yanity for an additional three-year term to the Conservation Commission. Motion passed 4-0.

J. Plock moved and D. Masters seconded a motion to reappoint James Hancock, and Leslie Ide to an additional five-year term on the Historic District Commission. Motion passed 4-0.

J. Plock moved and D. Masters seconded a motion to reappoint Mary Ann Baldwin for an additional one-year term as Director of Social Services. Motion passed 4-0.

J. Plock moved and D. Masters seconded a motion to reappoint Al Garzi as Tax Assessor for an additional term not to exceed five years. Motion passed 4-0.

J. Plock moved and D. Masters seconded a motion to reappoint John Pinchbeck as Tree Warden for an additional one-year term. Motion passed 4-0.

J. Plock moved and D. Masters seconded a motion to reappoint Ruth Leibowitz, John Katz, and Denise Qualey for an additional two-year term to the Youth Commission. Motion passed 4-0.

6. Deer Committee Request for Hunt on Golf Course

Tom Belote, Chairman of the Deer Management Implementation Committee, Stefano Zandri, and Police Chief John Roche came forward to discuss this request. They shared a map which outlines the proposed location of deer hunts at the Ridgefield Golf Course. The Deer Management Implementation Committee is requesting a renewal of permission for bow hunting on the Golf Course until January 31, 2009. They would like to include the wetlands area as well. Ed Tyrrell, Chairman of the Golf Committee, indicated that the Golf Committee has approved this request. Tom Belote explained how the hunters shoot from elevated stands 10-15 yards away. Archery has been used since October 15 to cull the deer herd and it has been quite effective in these small parcels of land. They have not had a single deer be wounded and run. The deer-taken totals this year are 106, 78 for last year and 25 for the first year.

J. Plock moved and A. Bodner seconded a motion to approve the Deer Committee request for hunting on the Golf Course until January 31, 2009, and to include the wetlands area as detailed on the submitted Golf Course map. Motion passed 4-0.

7. Rescheduled – Conservation Commission Interview: Alan Pilch

Mr. Pilch, a landscape architect and civil engineer, came forward to express his interest in serving on the Conservation Commission. R. Marconi read the letter received from Dr. Oko, Chairman of the Conservation Commission, in support of Mr. Pilch’s appointment to the Commission. Mr. Pilch has been a Ridgefield resident since 1996 and is very well qualified. He has experience in storm water planning. D. Masters asked Mr. Pilch why he did not list his previous membership on the Architectural Advisory Committee. He responded that he did not list this committee as he was

unable to be very active as he continued to have a business conflict with their meeting schedule. Mr. Pilch indicated that the Conservation Commission ties in very closely with his years of experience. He knows how to get something done when needed, but understands environmental ramifications as well. In response to Mr. Bodner's question – yes, he also does represent developers.

J. Plock moved and A. Bodner seconded a motion to appoint Alan Pilch to fill the vacancy on the Conservation Commission for a three-year term. Motion passed 4-0.

8. Branchville Commuter Parking Lot –

The desire is to establish a parking fee at the Branchville Train Station. J. Plock pointed out that the Town of Ridgefield is responsible for the maintenance of this parking area and thus the funds are needed to pay for this. The parking area is in bad need of repaving. The Town has applied for grants in the past. A. Bodner requested a way to differentiate between the amount paid by residents and non-residents. R. Marconi responded that such a differentiation cannot be established – there has to be one fee. The Town has a lease for 20 years from October 1995 to 2015 from the State of Connecticut for no charge. He has checked on the lease and the State wants everyone to pay equal. Previous discussions had suggested a charge of \$240/year for a parking pass at the station. If the charge is more than \$100/year, permission to do so has to be obtained from the State. Day parking has to be made available also. A. Bodner inquired as to the possibility of charging also for parking at the lot by the Bark Park? We should get the same amount that is being charged at the Jesse Lee parking lot. R. Marconi indicated that he will request an update of the parking fees charged up and down the train line. Any fees charged and income generated has to be spent on maintenance of the Branchville location. The lot would have to be policed and a kiosk whatever set up for daily charges.

9. Boehringer Ingelheim Easement – Set Public Hearing & Special Town Meeting Date

The proposed easement requested by Boehringer Ingelheim (the Grantor) is an area of 3,900+/- square feet for highway purposes along the undeveloped 801-83 Ridgebury Road on the Town's lands on the west side of Ridgebury Road owned by Boehringer Ingelheim Pharmaceuticals, Inc. located in Parcel ID#CO1002 or street address numbers 81 through 83 on Ridgebury Road, in the Town of Ridgefield, Connecticut.

J. Plock moved and D. Masters seconded a motion to set a Public Hearing for February 4, 2009, 7:30 P.M., Town Hall Large Conference Room and a Town Meeting for February 18, 2009, 7:30 P.M., Town Hall Large Conference Room for the requested Boehringer Ingelheim Easement along undeveloped 81-83 Ridgebury Road. Motion passed 4-0.

10. Selectman's Report

- DPUC (Department Public Utility Control) hearing on 1/29, Town Hall, regarding fire hydrants. All the hydrants have been retested. A confirmation is needed as to whether this will take water out of the homes – breakdown in the gallons available. A. Bodner stressed the need to make sure the Town is not liable for any damage to the homes involved. This has been the situation for many years. If the pumping rate is increased, both pumps could work together for the storage tank

- Budget Meetings scheduled for 2nd week in February. R. Marconi indicated that the various departments have already started working on their budget requests. Capital numbers are expected to come in at about \$4 million – will zero out all but emergency items. Need to decide about the road repair program; this has been cut back each year.

Revenue is expected to be a \$1.1 million deficit – interest coming in less than expected and severe reduction in building projects. The Board of Education is not filling any positions that do not have to be filled with an saving's estimate of \$325,000. The Board of Education submitted yesterday a preliminary increase of 2.66% for next year – the lowest increase in the recent past. Ridgefield residents will have to realize that the Town will not be able to do everything.

- HSA's will have a long-term effect. A bigger difference is needed between the co-pays. Laurie Scholl commented on how the numbers are less, but what are the various scenarios for the Town to see a benefit?

11. Approval of Meeting Minutes: 12/10/08, 1/12/09

J. Plock moved and A. Bodner seconded a motion to approve as amended the minutes of the December 10, 2008, Public Hearing & Board of Selectmen Meeting. Motion passed 3-0-1. D. Masters abstained as she had left the December 10th meeting at 8:15 p.m.

J. Plock moved and D. Masters seconded a motion to approve as written the minutes of the January 12, 2009, Board of Selectmen Special Meeting. Motion passed 4-0.

12. Executive Session: Police Chief Contract; Possible Vote

J. Plock moved and A. Bodner seconded a motion to recess the Board of Selectmen Meeting at 10:15 p.m. and go into Executive Session to discuss the proposed Police Chief Contract with a possible vote. Laurie Scholl, Director of Human Resources, was invited to participate in the Executive Session. Motion passed 4-0. The Executive Session ended at 11:11 p.m. with no vote. The Board of Selectmen Meeting was reopened.

J. Plock moved and A. Bodner seconded a motion to adjourn the Board of Selectmen Meeting at 11:11 p.m. Motion passed 4-0.

Respectfully submitted,

Janet L. Johnson