

PUBLIC HEARING & BOARD of SELECTMEN MEETING – MARCH 19, 2008

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, B. Manners, D. Masters, J. Plock

Public Hearing

Notice is given that a **Public Hearing** will be held on March 19, 2008, 7:30 P.M., Town Hall/Large Conference Room, 400 Main Street, Ridgefield, Connecticut to discuss the proposed Zoning Citation Ordinance.

Board of Selectmen Meeting Agenda (immediately following Public Hearing)

1. Recognition of Recycling Poster Contest Winners
2. Recognition of Girls' and Boys' Ski Teams
3. Parks & Recreation Commission Reappointments: Evie Bottali, David Thaxter
4. Certified Local Government Discussion – Phil Esser, Mary Dunn (State of CT Dept. Culture & Tourism)
5. Proposed Sex Offender Ordinance
6. Golf Course Rate Increase Approval
7. Approval of Meeting Minutes: 2/13/08, 2/14/08, 2/19/08, 3/3/08, 3/4/08, 3/5/08
8. Selectman's Report

Public Hearing

R. Marconi called the Public Hearing to order at 7:30 p.m. and read the notice for the Public Hearing to discuss the proposed Zoning Citation Ordinance. Zoning Enforcement Officer, Richard Baldelli, came forward to discuss the proposed ordinance. He passed out a packet of information which included a copy of the one page "Proposed Citation Ordinance" for the Town of Ridgefield, three pages of "Notes and Information" prepared by Betty Brosius, Director of Planning, which detail the following:

1. What is the normal, day-to-day method used to enforce the zoning regulations?
2. What is the Citation Ordinance, and why do we need it?
3. What is the procedure set up by the Citation Ordinance?
4. How often would the Citation Ordinance be used?
5. What other towns have adopted similar Citation Ordinances?
6. What method is there to stop a Zoning Ordinance Officer from the Ordinance inappropriately, for too much "police power"?

and copies of a "Warning", a "Citation", a "Notice of Citation", "Certification of Non-Payment and No Demand for Hearing", "Citation Decision and Notice of Assessment Without Hearing", "Citation Decision and Notice of Assessment After Hearing", "Letter to Respondent", and "Certification to Superior Court by Hearing Officer in Accordance With Connecticut General Statutes 87-152c(f)", and a memo to Mr. Baldelli from Thomas W. Beecher, Esq. regarding "Town of Ridgefield Zoning Citation Procedures", dated 06/14/07.

Mr. Baldelli explained how this citation ordinance will be a useful tool in implementing regulations. The environmental enforcement and zoning staff currently consists of one person full-time and one person half-time. The current enforcement system is archaic; it is costly to continually pursue someone in violation as a civil suit has to be filed or opening up a criminal investigation. There is nothing in between. Control of the issue then goes to the courts. With the proposed citation procedure, control remains within the Town of Ridgefield. A Hearing Officer is appointed. The individual has three opportunities to appeal citations before the Hearing Officer. This should provide an adequate timeframe to deal with the situation. A citation will be issued only when other methods have failed; the zoning officer speaks with the individual, a written warning is given, and then a citation may be issued if these earlier methods are ignored.

Mr. Baldelli listed some examples of zoning infringements: auto repair in a residential zone, commercial store in a residential zone, retail sales out of a home in a residential zone, manufacturing in a residential zone, continual selling of autos from a residence, a land fill without a permit, failed erosion control, operation of an illegal boarding house, and sign violation, to name a few. The goal is compliance – not punishment. The Planning & Zoning Department has worked hard on these regulations and this Zoning Citation Ordinance will be a welcome tool to aid in enforcement of these regulations.

Charles Kramer, Sprucewood Drive, came forward to present his opposition to this Zoning Citation Ordinance. He has served on the Zoning Board of Appeals in Ridgefield for the past thirty years. Mr. Kramer distributed copies of the current State regulations and explained why he feels this citation should be refused. Connecticut has an appellate system in place for zoning regulations. Any citation currently goes to the Zoning Board of Appeals and then can go from there up thru the courts. This proposed new system could result in an increase in legal costs to the Town. Mr. Baldelli responded that Mr. Kramer is “mixing apples and oranges”. We still will have some State statutes which can be appealed; other issues can go before a Hearing Officer. D. Masters inquired as to research from other towns and what have they done about zoning issues? Betty Brosius, Director of Planning, responded that legal counsel was consulted and assisted in the drafting of the proposed citation, the warning, the notice of citation, etc. This citation is in keeping with the State law.

Steven Tobin, Silver Spring Rd. inquired as to how enforcement is currently handled if someone is in violation and is asked to move a shed? What if this individual doesn't comply? Mr. Baldelli responded that we can only issue a penalty, and then go to court and sue the individual and be awarded damages.

John Katz, Ridgebury Rd. stated that Planning & Zoning has approved this proposed Zoning Citation Ordinance; what about Town Counsel? David Grogins, Town Counsel, responded that he has reviewed the proposed ordinance and thinks it is OK.

Dr. Ben Oko, Chairman of the Conservation Commission, indicated that 95% of the residents are in compliance; it is only the 5% for which such an ordinance is needed. Regulations without enforcement do not work. This ordinance will aid in the maintenance of the environmental quality of the Town.

Barbara Joblin, Dillman Ct., referred to the letter she had written indicating her support for this citation ordinance. She has a private well for her water. The destruction of wetlands and the deforestation of an area affects the underground water supply.

Phil Esser, Prospect St., and Chairman of the Historic District Commission, submitted a letter indicating the Historic District Commission's support of the proposed citation regulation. He stated how there have been a number of willful violations in the Village District with the feeling that compliance is “close

enough” to the Planning & Zoning approval. There needs to be an ordinance to prevent these willful violations.

Edith Moffley expressed her support for the ordinance. There is flagrant violation of land use in Ridgefield. If such an ordinance is available, then it will make individuals be more careful.

Carol Stoddard, Bridle Trail, stated that the Ridgefield Garden Club had discussed this proposed citation ordinance in length and had written a letter in support.

Helen Dimos, Barlow Mountain Rd., read the letter she had sent to the Board of Selectmen in support of the citation ordinance. Ms. Dimos has served on the Architectural Advisory Committee for 13 years, sold commercial real estate in NY for 10 years, and is a landscape architect with a degree in site management. She agrees that builders make changes when there are no consequences. Our enforcement officers need some help in enforcing Ridgefield’s zoning and environmental regulations.

Michael Autuori, Florida Rd., indicated that he remains philosophically opposed to an increase in ordinances, but understands the desire for such an ordinance. We have the freedom to determine what we want on our own property. He is concerned about the use of citations when the non-compliance is a matter of artistic opinion. He would like to know how this ties into the Zoning Board of Appeals. Mr. Kramer asked what are the specific violations that are being addressed by this zoning citation ordinance? Mr. Baldelli replied that an artistic non-compliance can be discussed before the Hearing Officer.

Patrick Walsh, Hunter Lane, expressed support for the citation ordinance. We are talking about violations here. The public has not expressed opposition, just details of the context.

Tom Swett, Salem View Dr., commented on how 95% of the residents are in compliance. Out-of-compliance is tolerated until there is a serious violation. He sees a need for a ordinance such as this.

R. Marconi closed the Public Hearing at 8:30 p.m. It was agreed that research on the various questions raised will be conducted and the issue brought back to the BOS for discussion and then a Town Meeting.

Letters in support of the proposed zoning ordinance include those from:

- John Kinnear, Cains Hill
- Ridgefield Garden Club with 28 signatures
- Brad & Barbara Joblin, Dillman Ct.
- Corey & Kathy Fogg, Spring Valley Rd.
- Philip & Christine Lodewick, Spring Valley Rd.
- Tom & Mary Swett, Salem View Drive
- Carol Stoddard, Bridle Trail
- Maurice Sendak, Chestnut Hill Rd.
- Phillip Esser, Prospect St. & Historic District Commission Chairman
- Helen Dimos, Barlow Mountain Rd.
- Lynda Hanley, Treasurer of the League of Women Voters
- Edith Moffley

Note – A motion was made at the end of the evening’s meeting to set a Town Meeting for April 23, 2008 for consideration of the proposed Zoning Citation Ordinance.

Board of Selectmen Meeting (immediately following the Public Hearing)

R. Marconi called the Board of Selectmen Meeting to order at 8:35 p.m.

D. Masters moved and J. Plock seconded a motion to add to the evening's Board of Selectmen Meeting Agenda as Item #9, Public Hearing for the Small Cities Grant. Motion passed 5-0.

1. Recognition of Recycling Poster Contest Winners –

Wendy Lionetti and Virginia Roebuck came forward to present awards to the Recycling Poster winners, sponsored by HRRRA (Housatonic Regional Resource Authority) and Union Savings Bank. The awards are as follows:

- 1st Place – 4th Grade Ridgebury Elementary School – Mackenzie Mitchell
- 6th Grade – East Ridge Middle School – 2nd Place Heather Ogden; 3rd Place, Rachael Johnson, and Honorable Mention Isabelle Gorden
- 1st Place - 6th Grade, Scotts Ridge Middle School – Sandra Carpenter
- 7th Grade – East Ridge Middle School – 1st Place Casey Briody, 2nd Place, Erin Ceconi, and 3rd Place, Amanda Tagliaferri

Ridgefield also has two Regional Winners – Sandra Carpenter and Casey Briody Regional recognition will be held at 5:30 p.m., April 3 at the Union Savings Bank main office in Danbury.

2. Recognition of Girls' and Boys' Ski Teams –

The coach and captain of the Boy's Ski Team came forward to receive recognition for their accomplishments during the 2007-2008 season by achieving a 17-3 team record and achieving a tie for 1st place in the "Class L Championship". R. Marconi read the award presented to the Boys' Ski Team.

The coach and captains of the Girls' Ski Team came forward to receive recognition for their accomplishments during the 2007-2008 season by achieving a 12th straight win with a 14-0 record and winning the "Class L Championship". R. Marconi read the award presented to the Girls' Ski Team.

3. Parks & Recreation Commission Reappointments: Evie Bottali, David Thaxter –

There is one vacancy on the Parks & Recreation Commission. Evie Bottali and David Thaxter have both served on the Parks & Recreation Commission and they are both up for reappointment. Evie and David both came forward to personally express their desire for reappointment for a three-year term and both had written letters indicating their continued interest in serving on the Parks & Recreation Commission. R. Marconi read their letters. Mr. Thaxter indicated that he had started with Parks & Rec by serving on the Building Committee three years ago. He has enjoyed his experience with Parks & Rec and feels the Rec Center is a superb facility. Ms. Bottali served as a volunteer with Parks & Rec for two years before being appointed to the Commission two years ago. She has found working with the staff a rewarding experience and is proud of the quality of the Parks & Rec programs. Evie has worked with other non-profit organizations such as the American Heart Association and likes to see the Rec Building used for a wider range of health-oriented programs in addition to youth activities. Mr. Thaxter commented on the non-adversarial relationship between Parks & Rec and the Boys' and Girls' Club, which is a benefit to the Town. He realizes that the parking problem continues at the Rec facility.

D. Masters raised the topic as to how these two Commission members feel about the growth of the membership. When is the time right to be happy with the current membership numbers and the number of offered programs? David commented on the current lap swimming issue. What does

the community want? This issue needs to be addressed. Another issue is how these new buildings will begin to age and will need rejuvenation and a redo.

It was agreed that instead of reappointment at this time, it would be a courtesy to interview all the applicants first before making a decision. Parks & Recreation Commission applicants will continue to be scheduled for interviews at upcoming BOS meetings.

4. Certified Local Government Discussion – Phil Esser, Mary Dunn (State of CT Dept. Culture and Tourism –

Phil Esser, Gary Singer and Mary Dunn came forward to discuss their proposal for Ridgefield to become a CLG community. Mr. Esser stated how he had grown up in Ridgefield and continues to be concerned about maintenance of the character of the Town. He became familiar with CLG (Certified Local Government), established in 1980, which is a municipality agreement to assist in maintaining historic architectural resources. Ms. Dunn explained the history of CLG. They take a role in National Register nominations. There are currently 35 CLG designated municipalities in Connecticut; some are more active than others. It is a preservation partnership. B. Manners asked if CLG takes away from the municipalities their autonomy? Ms. Dunn said no; it operates at the local level. Ridgefield already has the Historic District Commission. CLG assists with funding. It provides eligibility for two grants – the Historical Preservation and Enhancement Grant, and a \$2800 Federal grant that the municipality does not have to match. The CLG designation “gives an edge” on other grant applications as well. On the State level, CLG assists with preservation planning on Town-owned buildings. One gets “extra points” if CLG designated.

Phil Esser commented on Ridgefield’s Community Center and how it is such an incredible building, both architecturally significant and historical being the Governor’s building. How can Ridgefield afford to do repairs on this building? Being CLG would help with this.

Andy Bodner indicated that it all sounds wonderful – are there any downsides? Mr. Esser responded that he has checked into this and Ridgefield is more than eligible. Regarding any downsides – there would be some bookkeeping (financial management) involved and many grants are reimbursable. The Town has to put up the dollars and then would be reimbursed. We would have to budget for these “up-front” expenditures. 15% can be part of the matching and can be used for administrative costs. They then discussed what is meant by “administrative costs”? An annual report needs to be submitted by a participating municipality. A lot of this we already do with our Historic District Commission.

R. Marconi pointed out two possible projects – the Catoonah Street house, and preservation of the railroad station. Up to \$200,000 could be available thru the Historical Preservation Fund for each project. It was suggested that Wayne Gannaway attend a future BOS meeting to discuss further.

J. Plock asked if there is an agreement? Yes, Mary Dunn provided a copy of such, which R. Marconi as First Selectman would sign. It was decided that a Town Meeting would not be necessary; a BOS vote regarding membership would be sufficient.

Betty Brosius, Director of Planning, stated how this looks like a wonderful program. If Ridgefield were to become a CLG municipality, does the Historic District Commission receive and administer the grant? Does a grant eligible project have to be within the Village District? The answer is no – just any town-owned property. Ms. Brosius stated that it sounds as if CLG is a

method to get Federal dollars to the State and local level. Is this correct? Yes, this is a very beneficial and concrete use of CLG. It is a way of promoting preservation at the local level.

Phil Esser asked if the building to be restored has to be a registered building? The building has to be on the State register. Not all municipal buildings are historically significant.

D. Masters asked Mr. Esser if the Historic District Commission had the staff to handle this CLG connection? Can they handle grant processing, the paperwork involved, an annual report? Someone would have to be in charge – a contact person would be needed. If this process is driven by the municipality, the question is the “who”? Can the Historic District Commission do this? It was suggested that Mr. Esser discuss this with his Commission and return with an organizational chart as to who would be responsible for what. D. Masters pointed out that we really already function like a CLG and thus we should take advantage of this opportunity for “fund money”. The next step would be to role play how we would apply for and administer a grant. Mary Dunn again suggested that Wayne Gannaway come and speak with the BOS about grant application and management. We can speak with some of the towns in Connecticut that he works with.

5. Proposed Sex Offender Ordinance –

David Grogins, Town Counsel, came forward to discuss this issue. He was then asked about his opinion regarding the evening’s Public Hearing on the zoning citation ordinance question. He indicated that he is comfortable with the ordinance as written and thinks a Town Meeting date should be set.

Mr. Grogins commented on Danbury’s Sex Offender Ordinance. A suit was brought by the ACLU. Danbury then chose to modify their ordinance with reference to a map that specifically delineated certain playgrounds, etc. Other towns have instituted ordinances like this. We just need to be as restrictive as possible regarding parks and places of public forum. As stated in the Sex Offender Ordinance Legal Analysis memorandum, dated February 28, 2008, submitted by David L. Grogins, Esq., and Joseph B. Schwartz, Esq., “in order to comply with the void-for-vagueness doctrine, the Town of Ridgefield needs to specifically identify every Child Safety Zone in the Ridgefield Ordinance. They can reference a map available at the Ridgefield Town Hall which illustrates every Child Safety Zone in the Town of Ridgefield.” There is probably no downside to having such an ordinance. It would provide the Police with an additional tool to escort someone away from a school or playground and they can then issue a citation.

R. Marconi indicated that we have nothing written at this point – anything would be better than nothing. The Board of Selectmen agreed that they want to move forward with this issue.

6. Golf Course Rate Increase Approval –

Frank Sergiovanni, Golf Course Director, and Ed Tyrrell, Chairman of the Golf Committee, came forward to present the Golf Committee’s request for a rate increase for the 2008 golf season. The Resident Rate increase would go from \$20 to \$25, and the Seasonal Permit Rate for residents would be increased accordingly. All other rates would remain unchanged. Senior residents (62 and over) and Junior residents (under 18) can play for \$15 Monday thru Friday. **A. Bodner moved and J. Plock seconded a motion to approve the proposed 2008 Golf Course Rate Structure as presented by the Golf Committee. Motion passed 5-0.**

7. Approval of Meeting Minutes: 2/13/08, 2/14/08, 2/19/08, 3/3/08, 3/4/08, 3/5/08

A. Bodner moved and D. Masters seconded a motion to approve as amended the minutes of the February 13, 2008, Board of Selectmen Budget Meeting. Motion passed 5-0.

J. Plock moved and B. Manners seconded a motion to approve as amended the minutes of the February 14, 2008, Board of Selectmen Budget Meeting. Motion passed 5-0.

J. Plock moved and A. Bodner seconded a motion to approve as amended the minutes of the February 19, 2008, Special Meeting, Public Hearing, & Board of Selectmen Meeting. Motion passed 4-0-1. B. Manners abstained as she was absent from the February 19, 2008 meeting.

J. Plock moved and D. Masters seconded a motion to approve as amended the minutes of the March 3, 2008, Board of Selectmen Budget Meeting. Motion passed 5-0.

J. Plock moved and D. Masters seconded a motion to approve as amended the minutes of the March 4, 2008, Board of Selectmen Budget Meeting. Motion passed 5-0.

J. Plock moved and D. Masters seconded a motion to approve as amended the minutes of the March 5, 2008, Board of Selectmen Budget Meeting. Motion passed 5-0.

8. Selectman's Report –

- Penny Kaufmann has retired – A letter has been received.
- R. Marconi read a letter received from Robinson & Cole, Bond Counsel, indicating that it is their policy to keep both the Board of Finance and the Board of Selectmen informed as to the status of the Town of Ridgefield's bonds.
- The Board of Finance has set up a budget review schedule for April 1, 2 and 3 (April 9 & 10 if needed). The Board of Selectmen's scheduled time is April 2 from 7:30 to 8:15 p.m., Town Hall Large Conference Room. The Library's meeting with the Board of Finance is scheduled immediately following at 8:15 p.m. The big items to be discussed with the Board of Finance are the proposals for the Police Station construction and Library redo and expansion, as well as the revenue projections. The BOS will meet in the Small Conference Room following their meeting with the BOF.
- B. Manners indicated that an article about the Library in the paper contained a number of errors. R. Marconi will send the paper an email regarding this.

9. Small Cities Grant –

J. Plock moved and B. Manners seconded a motion to set a Public Hearing for consideration of the Small Cities Grant for April 9, 2008, at 6:30 P.M., immediately prior to the Fire Commission Quarterly Meeting, Town Hall Large Conference Room. Motion passed 5-0.

D. Masters moved and B. Manners seconded a motion to schedule a Town Meeting for April 23, 2008, 7:30 P.M., Town Hall Large Conference Room, for approval of the proposed Zoning Citation Ordinance. Motion passed 5-0.

J. Plock moved and A. Bodner seconded a motion to adjourn the Board of Selectmen Meeting at 10:25 p.m. Motion passed 5-0.

Respectfully submitted,
Janet L. Johnson