

**PUBLIC HEARING & BOARD of SELECTMEN MEETING**  
**APRIL 22, 2009**

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

UNREVISED/UNAPPROVED 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, J. Plock, D. Masters  
B. Manners present at 8:20 p.m.

**Public Hearing**

**CONTINUED from April 6, 2009:** *Public Hearing to receive comments on the proposal to receive an easement from Boehringer Ingelheim Pharmaceuticals, Inc. for highway purposes on property consisting of approximately 3,900 sq. ft. along 801 Ridgebury Road.*

**Board of Selectmen Meeting Agenda** (immediately following Public Hearing)

1. Charter Revision Commission Interview: Tiffany Lenz
2. Graveyard Committee Interview – Frances Cudzilo
3. Vendor Permit Application: L&M&M Events LLC for Branchville Farmer's Market
4. Solid Waste Cerreta Agreement Approval
5. ICLEI Resolution
6. Proposed Blight Ordinance Discussion
7. Proposed Light Ordinance Discussion
8. Volunteer Week Proclamation
9. Selectman's Report
10. Approval of Meeting Minutes: 2/10/09, 3/18/09, 4/6/09

**Public Hearing**

R. Marconi called the Public Hearing to order at 7:30 p.m. to receive additional comments on the proposal to receive an easement from Boehringer Ingelheim Pharmaceuticals, Inc. for highway purposes on property consisting of approximately 3,900 sq. ft. along 801 Ridgebury Road. This evening's Public Hearing was a continuation from the previous Public Hearing held on April 6, 2009.

R. Marconi reported that this topic has been discussed at two previous Public Hearings. John Katz, Ridgebury Rd. had investigated the police and accident reports relative to this parcel of highway along 801 Ridgebury Road. There was record of only one previous accident at the intersection of Old Ridgebury Rd. (as the road was previously named) and Sawmill Hill and this was in 2003. Thus, this location does not appear to be an accident-prone curve and intersection. R. Marconi met again with John Hardeman, Facilities Manager for Boehringer Ingelheim Pharmaceuticals. Mr. Hardeman repeated again that there is no intention to relocate the main gates of the facility nor move truck traffic to this Ridgebury Rd. location. This proposal was the result of employee feedback and was added to the total redo and construction projects currently underway. There is no problem if the Town of Ridgefield decides to not accept this proposal.

Andy Bodner commented on how if the town accepted this property, Boehringer Ingelheim would then have to seek permits to proceed with the reconfiguration of Ridgebury Rd. R. Marconi pointed out that once BI gives the Town this easement, we could not in good faith accept the property and then turn down the proposed change in the road. Many neighbors of 801 Ridgebury Rd. have expressed their concern over the proposed change in the road. No one spoke in favor of this application at neither of the two previous public hearings nor at this evening's meeting. J. Katz commented on how acceptance of this easement has broader ramifications than just for the road change. It could open the location up to the possibility of a traffic signal and review by the Police Commission as well.

R. Marconi closed the Public Hearing at 7:45 p.m. The normal process would be for a Town Meeting to follow a Public Hearing. D. Masters and J. Plock indicated that they did not wish to move forward and accept this proposed easement from Boehringer Ingelheim. Acceptance or not of this proposal does not affect BI's expansion plans. John Hardeman indicated that BI would be willing to yield to the wishes of the neighbors. R. Marconi will send a letter to Boehringer Ingelheim indicating that the Town of Ridgefield does not want to pursue this action at this time.

### **Board of Selectmen Meeting** (immediately following the Public Hearing)

R. Marconi called the Board of Selectmen Meeting to order at 7:50 p.m.

1. Charter Revision Commission Interview: Tiffany Lenz

Ms. Lenz came forward to introduce herself to the BOS and express her interest in serving on the Charter Revision Commission. She has been a Ridgefield resident for the past eleven years, was a corporate lawyer for five years, and is now home with her young family. J. Plock asked if she had attended the meetings of any other boards? Ms. Lenz responded that she has not but she does watch Ridgefield's local TV coverage. She feels she does understand how the various boards work together.

D. Masters pointed out how the Charter Revision Commission could be a commitment of up to fifteen months. It can be time consuming to learn the intricacies of the various parts of the town government. Ms. Lenz indicated that, yes, she does have the time. Ms. Masters stressed the critical importance of the budget process. To date, Ms. Lenz has not attended any Board of Finance or Board of Education meetings.

Andy Bodner asked if she had any ideas about possible changes that need to be made in the Charter? Ms. Lenz indicated that she has read the Charter but does not have an agenda of issues that need to be changed. She is just starting to get more involved in the town.

D. Masters indicated how the skill sets of an attorney are very useful for the Charter Revision Commission and she appreciated Ms. Lenz's interest.

R. Marconi indicated that eleven applicants have now been interviewed. The previous Commission consisted of nine members. The BOS may decide that a Commission membership of seven members would be a better number. They will advertise one additional time and an article about the proposed Charter Revision Commission will also appear in the press. If there are no additional applicants, the BOS will proceed with the decision making relative to the makeup of the Commission.

2. Graveyard Committee Interview – Frances Cudzilo

Ms. Cudzilo had to withdraw her application because of her political affiliation – there are already five Republicans on the Committee.

3. Vendor Permit Application: L&M&M Events LLC for Branchville Farmer’s Market  
Mark Graham Nicyper of Rathbones Basil & Herbs, LLC and Lolly Dunworth/Turner of WhistleStop Bakery LLC came forward to discuss their vendor permit application for a Farmer’s Market at the Branchville Train Station. This proposal has been a couple of years in the making. R. Marconi asked Ed Briggs, Health Director for the Town of Ridgefield, to come forward also to participate in the discussion.

Mr. Nicyper indicated that he has been a food broker for the past 20 years and Ms. Dunworth has been in the bakery business for 27 years. They feel that the Branchville Train property is a great space for this type of market. All their vendors will be “hand picked”, and will include 1 organic farm from Roxbury, 1 farm from Niantic and 1 farm from Easton. The secret to success is to “know our source”. Their offering will include some great local cheeses and anticipate 10 to 16 vendors. Quality will be stressed. They will close off the north end of the parking lot and leave the south end for parking with market hours on Saturdays from 10 – 3. Ed Briggs stated that Mr. Nicyper and Ms. Dunworth have been working closely with Betty Brosius, Director of Planning for the Town of Ridgefield, regarding inspections. Ms. Brosius wants to be very sure that food handling will be done correctly. The question was shall we ask for a vendor permit from each participant in the proposed market or just this one permit request from these two individuals? Mr. Briggs indicated that he and Betty Brosius are both satisfied with this vendor application.

D. Masters inquired as to who is responsible for policing the litter and clean-up detail? Mr. Nicyper and Ms. Dunworth indicated that clean-up of the property is their responsibility. If it is not cleaned up, the Town has the right to revoke their permit.

The Branchville Train Station is a public property owned by the State of Connecticut. It took one year to get approval for such a market from the State of Connecticut and the Department of Transportation (DOT).

The Fire Department has visited the site and has requested warning signs and barricades across the Portland Avenue end of the parking lot so that the traffic coming across Portland Avenue from the Route 7/Route 102 intersection will not attempt to drive into the station parking lot at that end of the parking lot. Other than that request, the Fire Marshal saw no problem with this request.

**A. Bodner moved and J. Plock seconded a motion to approve the vendor application of DBA L&M&M Events, Lolly Dunworth/Turner of WhistleStop Bakery, LLC and Mark Graham Nicyper of Rathbones Basil & Herbs, LLC for a GreenMarket (Farmer’s Market) at the Branchville Train Station up to the end of 2009, contingent upon approval of their application by the Ridgefield Police Department. Motion passed 4-0. (B. Manners not in attendance for the vote.)**

4. Solid Waster Cerreta Agreement Approval  
Jerry Gay, Purchasing Director for the Town of Ridgefield, came forward to discuss the revised version of the Solid Waste Contract as reviewed by Town Counsel, David Grogins. Somers Sanitation, a New York State corporation, is the owner of the equipment; thus their name is also on the agreement. In case there is any change in ownership of the equipment,

Ridgefield will be able to again review the agreement and the Town has the right to cancel the contract within seven days. Cerreta Waste Systems LLC was the low cost bid and they do have the necessary certificate of insurance. There are no requirements that Cerreta Waste Systems have not met. Mr. Gay indicated that he is in favor of the BOS approving the contract. This is a good contract. J. Plock asked why the length of the contract was extended to five years? Mr. Gay responded that the minimum length is for three years – the agreement was extended to five years for a long-term relationship.

**Andy Bodner moved and J. Plock seconded a motion to approve the Solid Waste Agreement between Cerreta Waste Systems LLC and Somers Sanitation, Inc. and the Town of Ridgefield for a period of five years from May 1, 2009 thru April 30, 2014. Motion passed 4-0. (B. Manners not in attendance for the vote.)**

5. ICLEI Resolution

Patrice Gillespie and Dwayne Escola came forward to discuss again the proposed ICLEI Resolution. D. Masters commented on her conversation with the individual responsible for green initiatives for the city of Ashville, North Carolina. Ms. Masters asked this individual what can ICLEI membership do for us in Ridgefield? There are no hidden costs nor hidden agendas. This individual could not over-emphasize the value of their relationship with ICLEI. A. Bodner read the draft resolution which he wrote relative to the implementation of the Five Milestones for Sustainability set forth by the International Council for Local Environmental Initiatives – Local Governments for Sustainability. He indicated that he is comfortable with what he wrote. We all care about the environment, but there are costs for some of this which can outstrip the benefits. He stressed the need to be cautious about broad proclamations. We need to understand what we are endorsing.

D. Masters expressed her opinion about the Board of Education energy study and how she is not against savings in energy, but is against an ill-prepared proposal. She looks at this ICLEI Resolution as a synergy for common interests, which may well result in an energy study and possible grants.

Patrice Gillespie and Dwayne Escola expressed their support for the wording of A. Bodner's draft. B. Manners indicated that she supports joining also the U.S. Conference of Mayors' Climate Protection Program as it will make Ridgefield eligible for grant dollars and helps us to network on energy saving issues. There is no cost to join the Mayors' Clean Cities Program. A. Bodner indicated that he is not against big programs, but how are the dollars distributed? Will the monies trickle down to Connecticut and then down to Ridgefield?

**J. Plock moved and D. Masters seconded a motion to approve A. Bodner's Draft Resolution on ICLEI Sustainability Initiatives, dated 4/20/09, as follows:**

**“We, the Board of Selectmen of Ridgefield, Connecticut, hereby resolve to, as practical, implement the Five Milestones for Sustainability set forth by the International Council for Local Environmental Initiatives – Local Governments for Sustainability. Working together with the Ridgefield Action Committee for the Environment and others, we will support these initiatives as long as our membership is active.**

**The Town of Ridgefield hereby pledges to do its part, and to strive towards the goal of reducing greenhouse gasses 80 percent from Ridgefield's benchmark level by the year 2050, a benchmark we hope is achievable and that supports state, national and**

**international energy programs. Ridgefield can adopt proven tactics that will help quantify and lower our outputs of these atmospheric pollutants. We will work to reduce wasteful energy consumption and to access new cleaner energy, thus enhancing the functional balance of our air quality, protecting our temperate climate and encouraging the sustainability of our community.”**

**Motion passed 5-0.**

**B. Manners moved and D. Masters seconded a motion to approve the Town of Ridgefield’s proposed membership in the U.S. Conference of Mayors Climate Protection Program, and The Connecticut Southwestern Area’s Clean Cities Coalition Stakeholders. Motion passed 3-2. J. Plock and A. Bodner voted against this proposed membership.**

6. Proposed Blight Ordinance Discussion

Ed Briggs, Health Director, Bill Reynolds of the Building Dept., Richard Baldelli, Enforcing Officer and Bert Veilleux came forward to discuss the pros and cons of a possible Blight Ordinance. Do we want to institute something like this? Could such an ordinance open the door to other complaints? Is this not more of a problem in urban areas? Bill Reynolds commented on how with a single family building code, the Building Dept. is restricted in how much they can do. Blight is not included. It depends on how blight is defined – What should be the scope of such an ordinance? A definition and protocol will have to be established. How would such an ordinance be handled? At what point, would litigation be started – that would have to be established. There cannot be gray areas – details of the ordinance would have to be laid out carefully. Such an ordinance could pit neighbor against neighbor over petty issues. Both Farmington and New Canaan have blight ordinances in effect which would be helpful for us to review.

D. Masters commented on a house near the center of town a couple of years ago which constituted a health issue with prevalent garbage and rodents. The house was sold and then cleaned up avoiding the Town having to deal with the issue. Ms. Masters indicated that “we are talking about extremes”.

R. Marconi indicated that a blight situation results in devalued neighboring properties. Some towns have a Hearing Officer with a small court of three residents. D. Masters commented on how such a hearing can sometimes trigger the resident to get help. Ed Briggs commented on how even if an ordinance is passed, it is not that easy. Sometimes a situation will result in multiple court hearings for enforcement action. Danbury does not have any Housing courts.

B. Manners indicated that she has real reservations about instituting such an ordinance – “One man’s castle is another man’s nightmare.” R. Marconi inquired whether one resident has the right to go against someone else’s property? He then read New Canaan’s definition of blight – it is very broad. J. Plock indicated that she would like to read sample ordinances from other comparable size towns and think carefully about this issue. We need to limit what we are talking about to an extreme issue.

D. Masters stated that we are talking about cleanliness and health issues and not about landscaping. The Health Director cannot get into someone’s home unless there is a definite health issue. The BOS will review sample blight ordinances from other municipalities.

7. Proposed Light Ordinance Discussion

Do we want a Light Ordinance? R. Marconi read the March 9, 2009 letter received from residents, Elizabeth and Vincent Sganga. Their situation is an extreme example of a neighbor's light infringement upon others. The Police cannot enforce a lighting situation without an ordinance in place. D. Masters pointed out that such an ordinance would become immediate – there would be no "grandfathering". Everyone would have to comply regardless of when they put up their lights. Should such an ordinance cover all lighting or just spot lights? All lights would include those in parking lots, schools, and public buildings as well,

D. Masters suggested the adoption of a "good neighbor" ordinance instead, but this would be difficult to do. We need a blatant spotlight ordinance.

Carol Essig pointed out how light pollution creates a health issue as well. This is something about which we need to have an increased awareness. She has had to buy darkening shades because of her neighbor's lights shining into her home.

Michael Autori repeated again his concern about lighting. He feels strongly that a light ordinance is something the Town of Ridgefield needs to do. Residents need to lower the bulb limit in their carriage lights and need to prevent intrusive lighting that bothers others.

R. Marconi indicated that he will contact other communities and see if there are any light ordinances in effect currently. He also suggested that the BOS members drive by Partridge Drive to assess the disruptive lighting situation.

8. Volunteer Week Proclamation

**J. Plock moved and A. Bodner seconded a motion to proclaim April 19-25, 2009 as "National Volunteer Recognition Week" in the Town of Ridgefield. Motion passed 5-0.**

9. Selectman's Report

- Legal updates – R. Marconi indicated that he had spoken with Children's Corner as their lease expires in June 2009. They would like to extend for one year at the same rate with the CPI index. They have been impacted by the Boy's & Girl's Club and the economy resulting in a decrease in their enrollment. A. Bodner expressed a desire to have an independent broker assess what the rent should be for the Children's Corner space. They are currently paying \$16/sq. ft. with utilities included. With the cost of utilities, we are probably realizing only about \$9/sq. ft. D. Masters suggested that the lease be extended but with a timeline established for next year in time for the next renewal. The property should be evaluated by October 2009 with all information collected by that time. Andy. Bodner also asked that before we agree to an extension of the current lease, we need to contact the Board of Education on their planned use for this property. We need to send them a letter inquiring whether they are going to need additional space at this location. With the proposed "campus approach", will they want to change the proposed use of the buildings? We need to read the lease carefully to make sure that it is included that we have the right to take back the property if need be. R. Marconi indicated that he will furnish copies of the lease for the BOS to review, will contact a broker for their appraisal of the property's value as a rental, and will write a letter to the Board of Education as well.

- The Gaeta case is under appeal at the CT Court of Appeals. The CT Supreme Court has decided to hear the case instead. The case is now SC#18343. There is no court date yet. Fred Dorsey, our insurance attorney, has been handling the case. B. Manners indicated that appeal brief writing and arguing an appeal before a Supreme Court calls for very specific legal skills. R. Marconi will ask Stuart Edelstein of Cohen & Wolfe for his opinion regarding the best attorney to represent the Town of Ridgefield in this situation.
- R. Marconi provided a brief update of the Dah Min Yau case.
- The SEIU and the Fire Department have signed their labor contracts. No one is happy, but the contracts are signed. The Highway Department is the only department with additional layoffs. They will be effective July 1<sup>st</sup> if not before.

10. Approval of Meeting Minutes: 2/10/09, 3/18/09, 4/6/09

The approval of the minutes of the February 10, 2009 BOS meeting will be postponed until the next BOS Meeting on May 6, 2009.

**J. Plock moved and D. Masters seconded a motion to approve as written the minutes of the March 18, 2009 Public Hearing and Board of Selectmen Meeting. Motion passed 5-0.**

**J. Plock moved and B. Manners seconded a motion to approve as amended the minutes of the April 6, 2009 Public Hearing and Board of Selectmen Special Meeting. Motion passed 4-0-1. D. Masters was not present at the April 6 meeting.**

**J. Plock moved and A. Bodner seconded a motion to adjourn the Board of Selectmen Meeting at 9:48 p.m. Motion passed 5-0.**

Respectfully submitted,

Janet L. Johnson