

## **PUBLIC HEARING & BOARD of SELECTMEN MEETING – APRIL 28, 2010**

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

### **UNREVISED/UNAPPROVED 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 hereby given that a **Public Hearing and Special Town Meeting** will be held on April 28, 2010, 7:30 P.M. in the Town Hall Large Conference Room, 400 Main Street, Ridgefield, Connecticut to receive comments and to consider and act on the following proposed addition to the Code of the Town of Ridgefield, Connecticut – “Public Safeguards and Traffic Control During Construction Within Public Rights-of-Way”.*

### **Agenda** (immediately following Special Town Meeting)

1. Parks & Recreation Commission Interview: Cary Nadel
2. Architectural Advisory Committee Interview: John Clements
3. Vendor Permit Application: Cohen & Yolen Families; Gamze & Elif Ceylon, Kristin Frederick
4. Housing Authority Cooperation Agreement for Additional Units
5. Reappointment of Parks & Recreation Commissioners
6. Reappointment of Commission on Aging Members
7. Children’s Corner Lease
8. Proposed Road Name Change: Continental Drive Extension
9. Set Date, Time and Place of Referendum
10. Selectman’s Report
11. Approval of Meeting Minutes: 1/27/10, 3/3/10 (Special Meeting), 3/17/10, 4/6/10, 4/16/10 (Special Meeting)
12. Possible Executive Session: MIRMA., Cell Tower

### **Public Hearing**

R. Marconi called the Public Hearing to order at 7:30 p.m. for the purpose of receiving comments relative to the proposed addition to the Code of the Town of Ridgefield, Connecticut – “Public Safeguards and Traffic Control During Construction Within Public Rights-of-Way”.

Concerns, questions, recommended changes are all welcome.

Elizabeth Moyer, Nod Hill Rd., indicated that she wants to make an amendment to the proposed wording - (Attachment A). She wants to expand the definition of the work covered and the number of roads involved to include the ones originally recommended by Police Chief Roche. J. Plock stated that the Police Chief already has the right to put a police patrol on the road wherever he thinks necessary.

Jason Ferraro stated how the proposed wording for this code creates a financial hardship. There is a difference in pay between a police officer and a control agent. The charge for a policeman is between \$40 to \$65/hour depending on their rank, as they are paid 1/1/2x their regular rate, plus there is a 14% administrative charge over that. A traffic control agent costs about \$30/hour.

B. Manners stated that she does not feel comfortable about accepting language of an amendment that she hasn't had the time to study.

John Katz, Ridgebury Rd., stated that he does not believe this proposed ordinance is a safety ordinance. There is no data to show that a paid patrol officer is safer than a certified trained traffic control person. If this is a safety issue, then tree trimming, cable, CL&P and telephone line work should not be exempt. "This is not a safety ordinance, but a revenue enhancement of our valued officers." This proposed ordinance should be called what it really is.

Elizabeth Moyer stated that she agrees that all this work on the highways should not be exempt, but she disagrees with Mr. Katz about the increased safety created by the presence of a police officer instead of a trained traffic control person. With the police, their presence also often includes a parked patrol car with lights flashing – not just a sole flagger.

Jason Ferraro, Pond Rd., indicated that he is on the New Canaan Police force. New Canaan's ordinance provides for the support at first refusal of a police officer to direct traffic at a construction site. This ordinance should also not be limited to the hiring of a police officer only on certain roads, and should include work by tree, CL&P, cable companies, etc. Having as many officers available and visible as possible is a deterrent to criminal activity. New Canaan has a similar size police force and their ordinance similar to this one has been in effect for eight years. As a resident, it is best to have a police officer working on the street. Cell phones often do not work in this area of CT. A police officer carries a radio. This proposed ordinance should be all encompassing and not limiting.

Bill Wyman, Rockwell Rd. likes the idea of "first refusal". The police would do the job if available. If not, then the job would go to a trained traffic control person.

John Katz, Ridgebury Rd. questioned the use of a police vehicle on private duty. The Town pays for this car. One should not be forced by ordinance to hire a police officer over a certified patrol person.

David Grogins, Town Counsel, was asked as to the procedure for an amendment to be presented. Can the amendment be presented and then voted upon? There could be a motion for the issue to be tabled if the BOS and the public are not comfortable with voting on the issue at this time. The Town Meeting could be adjourned to a later date.

Allison Stockel, Olmstead Lane, asked if the BOS had fully checked into New Canaan's ordinance which covers all roads and sidewalks. Ridgefield's proposed ordinance was cut way back. Are we cutting back similar to other towns? R. Marconi responded that some towns do not have such an ordinance. They looked at about ten other towns to see what they have with regard to this issue. J. Plock indicated how the BOS members were concerned about the cost of this ordinance and did not want to create a burden to the taxpayer.

David Hopkinson asked about the list of roads. Chief Roche had made a recommendation which was not followed. R. Marconi responded that the BOS reviewed Chief Roche's suggestions and then made some changes. Chief Roche responded that he had selected the main traveled roads, primary town roads, and secondary roads which are used as cut-thru's. He also clarified that the Police Department cannot dictate to contractors as to their needs for flag people, but can shut someone down if the police feel it is a dangerous situation, until they get the proper control people. People do listen to people in uniform. He suggests adding utility and tree work as their primary work is with overhead lines. J. Plock pointed out that if an individual calls for a flag person, then that individual is going to be charged for the service.

D. Masters asked about what happens if there is an emergency situation and the off-duty police are called up for duty immediately. A policeman who is working overtime as a flag person on a construction site would have to leave the site immediately and report for police duty. This would temporarily shut down the construction project. Town safety issues must come first.

Andy Bodner indicated how the BOS has spent a lot of time on this issue. The obligation to hire an off-duty officer requires a four hour minimum. The current proposed ordinance was a compromise. D. Masters asked if the Town Meeting can be cancelled? Town Counsel, David Grogins, thought that the decision of the Town Meeting could be to postpone the issue to a later date.

Tom Reynolds, West Mountain Rd., and Chairman of the Police Commission, stated the Commission's opposition to the ordinance as presented. This issue is a public safety matter. The original version listed 55 roads selected by Chief Roche. The list is now down to 24 roads, with 55 miles of coverage down to 22 miles. This is a significant difference.

Jim Belote, Spire View Rd., responded regarding the question about the amendment. The amendment is also dealing with town safety and thus can come under the "call of the meeting".

Ms. Moyer stated that her amendment is not a new ordinance, and suggested checking with Robert's Rules of Order as to what should be done.

Guido Maiolo, Silver Hill Rd., stated how he feels there is a definite psychological difference when a policeman who is on the road at a construction site.

Rob Keneer, Peaceable Hill Rd., commented on the range of cost for a police flagger? The range would be from \$46 to \$65. John Katz responded that a squad car is also used, that would be an additional \$25/hour. There used to be a 25% administrative fee, which is now down to 14.5% to process the payment, plus a minimum of four hours for the police officer and the car. The cost does add up.

Allison Stockel, Olmstead Lane, stated how at the Playhouse when there is an event such as the annual Gala, she is mandated to hire a police officer and have fire coverage. She understands why this is necessary.

Chuck Schutte, Old Syb Rd., commented on how this ordinance addresses a huge safety issue. People do pay much more attention to a police officer than a line man. Private individuals do not often know how to make a road "safe".

Ann Stewart, Mimosa Dr., stated how people respect someone in uniform. When a nurse is needed in the hospital, it does not work to send a nurse's aid to do a nurse's job. J. Plock stated how most of Ridgefield's roads are narrow and there are few places for vehicles to pull over to the side in a safe manner.

Jim Stewart, Mimosa Dr., stated how most flagmen are always on the phone rather than actively directing traffic.

Walt Wieland, Seedon Dr., commented on how a police officer in uniform commands respect.

John Katz, Ridgebury Rd., expressed a desire to have this proposed version of the ordinance voted down at the Town Meeting – “We can do better!” The psychological benefit of having a police officer at a site is true, but this cannot be proved with statistics.

Dick Aarons, Danbury Rd., asked, “Where do we go from here? It is time to do something and call the Town Meeting.”

R. Marconi closed the Public Hearing at 8:30 p.m. and opened the Special Town Meeting.

Minutes of the Special Town Meeting are under separate cover.

### **Board of Selectmen Meeting** (*immediately following Special Town Meeting*)

R. Marconi called the Board of Selectmen Meeting to order at 9:10 p.m.

1. Parks & Recreation Commission Interview: Cary Nadel

Cary Nadel came forward to express his interest in serving on the Parks & Recreation Commission. He realizes that three positions are open for appointment or reappointment. R. Marconi indicated that all three Parks & Recreation Commission have written and indicated that they wish to continue on the Commission. Mr. Nadel commented on his many years of active participation in both youth and adult sports. He has coached swimming, softball and soccer and was one of the three founders of the Ridgefield Babe Ruth softball program for girls. He himself played intramural sports and worked 15 years as a lifeguard. He is a Board member of the Ski Team Booster Club and a ski instructor. He is first-aid trained and also has experience in fund raising, and field maintenance.

Mr. Nadel feels his knowledge of coaching, pool staffing and maintenance, and participation in sports would be an asset to the Parks & Recreation Commission. His “real job” is in marketing and would welcome the opportunity to help with membership. He could design a survey and find out why membership has declined? Is it just economics? Sometimes pricing has to be lowered to increase income from volume. B. Manners stated how there is no question about his qualifications, but the Commission is fully staffed and everyone on the Commission wishes to continue. She would not want to ask someone to step down in order to create an opening. If a vacancy opens up, the BOS knows that he has interviewed and expressed his interest. Mr. Nadel replied that some members have been on the Commission for a long time. He feels “new blood is needed”.

Andy Bodner asked Mr. Nadel how he would avoid conflict as a Commission member with some of the sports boards? He responded that he would excuse him from a vote where there is a conflict. Where does Mr. Nadel observe the need for increased strength? He responded that there used to be more membership in our Center. What programs can be expanded without increased cost? What do we need to cut out?

J. Plock commented on how Mr. Nadel does “so much”. Would he have the time to serve on the Commission? His response was that sleep is “over-rated”!! He would find the time. The BOS thanked Mr. Nadel for coming forward.

2. Architectural Advisory Committee Interview: John Clements

R. Marconi indicated that there is one vacancy on the AAC and alternate positions as well. The Committee was shrunk in size to reduce the number needed for a quorum.

John Clements came forward to express his interest in serving on the Architectural Advisory Committee. He has lived in Ridgefield for the past two years and is a licensed architect in both NY and NJ. His past 15 years of experience as an architect has been with residential and light commercial buildings as well as a background in construction. J. Plock asked if he had been to some of the meetings? Yes, he has, and he has the support of the Chairman of the AAC and some of the members as well. As an architect, he has been to a lot of architectural review processes representing clients. He knows how these meetings work.

**J. Plock moved and B. Manners seconded a motion to appoint John Clements as Alternate member of the Architectural Advisory Committee and appoint Alternate Glenn Lounsbury to fill the vacant position on the AAC. Motion passed 5-0.**

3. Vendor Permit Application: Cohen & Yolen Families, Gamze & Elif Ceylon, Kristin Frederick

Gamze & Elif Ceylon were unable to be present this evening.

Cohen & Yolen Families – Representatives from both families came forward to express their interest in securing a vendor permit. The request is in Lynn Cohen’s name. Police background checks have been completed on Lynn Cohen, William Yolen, Victoria Yolen, and David Yolen.

**D. Masters moved and B. Manners seconded a motion to approve the vendor permit for the Cohen & Yolen families to sell frozen novelty treats, specialty ice cream, ice pops, candy, soda and water in their business titled, “Pitch In for a Good Cause”. Motion passed 5-0.**

Kristin Frederick came forward to express her interest in securing a vendor permit. Her hot dog cart includes a grill and she commented on the many items she wishes to sell. She is working with Paul Roche, Chairman of Parks & Rec, to determine an appropriate location for her cart with a special permit to be issued. **J. Plock moved and B. Manners seconded a motion to approve the vendor permit for Kristin Frederick to sell grilled items, sorbets and ice cream, vegetable wraps, non-alcoholic beverages, smoothies and parfaits, based on approval of the location for the vendor stand by R. Marconi. Motion passed 5-0.**

4. Housing Authority Cooperation Agreement for Additional Units will be discussed at a later meeting.

5. Reappointment of Parks & Recreation Commission

All three of these Commission members were interviewed at a previous BOS meeting and Paul Roche, Director of Parks & Recreation, is in agreement with this reappointment.

**J. Plock moved and B. Manners seconded a motion to approve the reappointment of Phil Kearns, Jon Chase, and Barbara Dobbin for an additional three-year term on the Parks & Recreation Commission. Motion passed 5-0.**

6. Reappointment of Commission on Aging Members

**D. Masters moved and J. Plock seconded a motion to approve the reappointment of Sheila Silverman and Kathleen Brennan for an additional three-year term on the Commission on the Aging. Motion passed 5-0.**

7. Children's Corner Lease –

The following individuals came forward to discuss the proposed Children's Corner Lease – David Grogins, Town Counsel; Brian Kirsch, CCI Attorney, Stu Hoskins, Heidi Lockwood, and Michelle Mottola, Director.

Children's Corner is in agreement with the rent proposed by the BOS - \$175,279/year for the full square footage. They are not asking for a reduction in the rent but want consideration for unusable space, which would be a reduction of about 1,500 sq. feet – 8,696 sq. feet instead of 10,000 sq. feet. Michelle indicated that they cannot use this space. To be considered a room, there would have to be a bathroom connected. There are two problems – no heating and air conditioning, and insufficient lighting. The question to the BOS is that it is all one property - do we want to reduce the sq. footage? A. Bodner indicated that there is no longer a lease agreement if the space is reduced. The consultant came up with a dollar figure for this space, and the rent is for the entire space at \$17.24 sq. feet. B. Manners stated if there is a specific area that cannot be used, we could reduce the charge for just that area.

Stuart Hoskins commented that these past few years have been a “tough couple of years”. They are thinking about changing Children's Corner into a non-profit classification. If they were to sign a one year lease, then they could come back a year from now as a non-profit entity. One year would buy Children's Corner time. Their objective is to stay at this location for a long time. As a long-term tenant, they would like a reduction in the rent.

B. Manners pointed out how the Town of Ridgefield needs revenue. D. Masters stated that she would yield to the one-year notice for each side, but the competition clause has to come out. We are not willing to restrict ourselves. Children's Corner agreed to take out this clause.

David Grogins brought up the issue of the rent deduction last summer for the cost of water. That was “excessive”. R. Marconi indicated that the Town needs a statement from the water company indicating the exact charges for the water deliveries and that these water bills have been paid. The Town started buying water when the school building opened. We were not aware of any problem with the water prior to that time, nor had we seen any prior notification from the State relative to the water. Michelle indicated that Children's Corner had to purchase water starting in August 2003. Why wasn't the Town informed at that time? Children's Corner is responsible for full rent payments, the Town provides services to the rental property including water. J. Plock stated how the BOS needs to see proof of full payment for the water prior to the signing of any lease – documentation of the testing and details of payment are necessary

Regarding Schedule B, Michelle stated how they are a child care center as an I-4 facility. This is similar to nursing homes and hospitals with regard to fire safety codes. The current carpeting does not meet code. R. Marconi indicated that the carpeting estimate submitted by Children's Corner was \$17,000 for two rooms. Specs of the carpeting have been sent to the State Dept. of Health to comply with the code. If this carpeting does not meet the specs, the Town will get a carpet that does meet the specs. If you want a change in color, then any increase in cost is the responsibility of Children's Corner.

D. Masters indicated that if the BOS subtracts the square footage of the space that Children's Corner states is not useable, then we'll put a wall up providing access only from the other side. If Children's Corner is using this space, then they must pay for this square footage as well.

The proposed lease will be re-worded according to this evening's conversation and will be submitted again for approval from both Children's Corner and the BOS.

8. Proposed Road Name Change: Continental Drive Extension

Fire Chief Burford and Assessor Al Garzi came forward to express their desire to have the name changed from Continental Drive Extension, because of the confusion created with the name as it is. This became very apparent in a 911 house-on-fire call on March 13 to 13 Continental Drive Extension. There is no Continental Drive Extension as such. Al Garzi indicated that on tax maps and surveys, only Continental Drive is listed, no Continental Drive Extension. Two residents came forward and expressed their desire to have the name changed to Continental Court for the properties on what residents call "Continental Drive Extension".

**J. Plock moved and A. Bodner seconded a motion to approve the proposed name change of Continental Drive Extension to Continental Court. This will affect the following properties: D12-0066, 8 Continental Dr.; D12-0101, 13 Continental Dr; D12-0065, 18 Continental Dr.; D12-0102, 21 Continental Dr.; D13-0061, 27 Continental Dr.; D13-0060, 28 Continental Dr.; and D13-0062, 29 Continental Dr. Motion passed 5-0.**

9. Set Date, Time and Place of Referendum

**D. Masters moved and B. Manners seconded a motion to hold the voting on the proposed referendum for Tuesday, May 11, 2010, at Yanity Gym from 6:00 a.m. to 8:00 p.m. Motion passed 5-0.**

10. Selectman's Report –

- Upcoming meeting with residents of Mayer Rd. regarding redo of drainage.
- An I-beam has been located for the 911 Memorial.
- R. Marconi will email BOS members about the many legislative issues going on in Hartford.
- "Ridgefield Goes Country" – Saturday, May 1<sup>st</sup> – lots of festivities
- Sunday, May 2<sup>nd</sup>, 1:00 P.M. tribute to Ridgefield's military kick-off honoring both those currently serving in the military and past veterans as well
- Leash ordinance – questions have been coming up about this. There is currently in place a "Keep your animals under your control" ruling for the parks – not a leash law as such.
- Memorial Day coming up soon – Chief Burford to have the old fire truck ready for use.
- The following resignations have been received:
  - Ryan Bell – Ridgefield Arts Council
  - Christopher Lang – Insurance & Risk Mgt. Committee
  - Stan Madaloni – Ridgefield Arts Council

11. Approval of Meeting Minutes: 1/27/10, 3/3/10 ( Special Meeting), 3/17/10, 4/6/10, 4/16/10 (Special Meeting)

**J. Plock moved and D. Masters seconded a motion to approve as amended the minutes of the January 27, 2010 Board of Selectmen Meeting. Motion passed 5-0.**

**J. Plock moved and B. Manners seconded a motion to postpone approval of meeting minutes for the following dates: 3/3/10 (Special Meeting), 3/17/10, 4/6/10, and 4/16/10 (Special Meeting). Motion passed 5-0.**

12. Possible Executive Session: MIRMA, Cell Tower

**A. Bodner moved and J. Plock seconded a motion to adjourn the Board of Selectmen Meeting at 11:10 p.m. and go into Executive Session to discuss MIRMA, Cell Tower issue with Ben Oko, Chairman of the Conservation Commission, and Director of Finance, Kevin Redmond, invited to participate. Motion passed 5-0.**

**J. Plock moved and D. Masters seconded a motion to adjourn the Board of Selectmen Meeting at 12:00 p.m. Motion passed 5-0.**

Respectfully submitted,

Janet L. Johnson