

BOARD of SELECTMEN MEETING – JUNE 9, 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

Agenda

1. Youth Commission Interviews: Will Masters, Hugh Lasberg
2. Commission on the Disabled Interview: Bodhan Huzar
3. Vendor Permit Application: Branchville Farmer's Market
4. Seymour Lane Donation of Property
5. Parking Authority Presentation – Fees for Branchville Station Parking Lot
6. Children's Corner Lease
7. Ann's Place Sewer Line MOU
8. Approval of Tax Refunds
9. Selectman's Report
10. Approval of Meeting Minutes: 4/28/10, 5/12/10, 5/26/10

R. Marconi called the Board of Selectmen Meeting to order at 7:45 p.m. following Executive Session to discuss Cell Tower and MIRMA.

1. Youth Commission Interviews: Will Masters, Hugh Lasberg

D. Masters recused herself from the interviews with Will Masters and Hugh Lasberg. Both Will and Hugh came forward to express their interest in serving on the Youth Commission.

R. Marconi read the letter received from each of the applicants and asked if they had anything additional to add. Both applicants stated how they were excited about the possibility of serving on the Youth Commission. B. Manners asked if they had any specific goals in mind for the Youth Commission? Hugh responded that he would speak individually with youth in his grade who are having problems socially and academically. Will indicated that he would get the word out to his acquaintances about the goals of the Youth Commission. J. Plock stated how both applicants are quite well qualified, both have already attended two meetings of the Youth Commission, and how it is a good time for both of them to "jump in". A. Bodner thanked both applicants for coming forward. Mr. Bodner pointed out how the Youth Commission covers youth up thru high school and asked the applicants if they are comfortable being involved with issues of high school students older than they? They responded that they would do their best and they feel it is a good time in their school career to become more involved.

There are 7 adults and 5 youth members on the Youth Commission currently with 4 vacancies for a total of 16 members. John Katz, current member of the Youth Commission, indicated there is supposed to be a proportion of youth on the Youth Commission, not a specific number. There is supposed to be a balance of various disciplines on the Commission.

J. Plock moved and B. Masters seconded a motion to appoint Will Masters and Hugh Lasberg as Youth Members on the Youth Commission. Motion passed 4-0-1. D. Masters recused herself from the discussion and the vote regarding her son, Will Masters.

2. Commission on the Disabled Interview: Bohdan Huzar

Bohdan “Jack” Huzar came forward to express his interest in serving on the Commission on the Disabled. R. Marconi read the email received from Mr. Huzar. Mr. Huzar indicated that he recently moved to Ridgefield in January 2010, and reviewed briefly his resume and experience as a forensic accountant/financial investigator and a Court Examiner for Westchester County, 9th Judicial District. As a Court Examiner, he monitors the finances of the Incapacitated Person (IP) who is cared for by their Guardian and reports his findings to the Court. He also served as the caretaker for both a cousin and an aunt who were disabled.

B. Manners commented on how there are two vacancies on the Commission on the Disabled and Mr. Huzar has had experienced with the disabled. He indicated that he is self-employed and his time is his own. His hours are flexible and he has attended a meeting of the Commission. R. Marconi indicated that there are no other applicants for these two vacancies at this time.

B. Manners moved and J. Plock seconded a motion to appoint Bodhan “Jack” Huzar to fill one of the vacant positions on the Commission on the Disabled for a four-year term. Motion passed 5-0.

3. Vendor Permit Application: Branchville Farmer’s Market

Mark Nicyper came forward to request his annual renewal for a vendor permit for the Branchville Farmer’s Market with his partner, Lolly Turner of Whistle Stop Bakery located at the Branchville Railroad Station. Their hours will be each Saturday from 10-3 starting Father’s Day Weekend, June 19th, at the north end of the station parking lot. The market went well last year in spite of the bad economy and the rainy weather. They have additional vendors signed up for this year and all the vendors are fully insured.

J. Plock moved and D. Masters seconded a motion to approve the 2010 seasonal vendor permit as requested by DBA L&M&M Events/Mark Graham Nicyper and Lolly Dunworth Turner of Whistle Stop Bakery LLC for the Regional Green Market located at the Branchville Railroad Station on Saturdays from 10-3. Motion passed 5-0.

4. Seymour Lane Donation of Property

Michelle Luo of 50 Overlook Ave., Fairfield, CT, came forward to express her interest in donating a parcel of vacant land on Seymour Lane to the Town of Ridgefield. The vacant land is identified on Assessor’s Map E17 lot 0039 on Seymour Lane in Ridgefield. Ms. Luo purchased the 1.15 acres of property out of the tax sale and because the property is “so wet”, it is unusable land. Septic approval is not possible. Ms. Luo is a single Mom and does not want to incur tax expenses that she cannot pay on property that she cannot use.

J. Plock moved and D. Masters seconded a motion set a Public Hearing for 7:30 p.m., June 23, 2010 and a Town Meeting for 7:30 p.m., July 7, 2010, both at Town Hall Large Conference Room, 400 Main Street, Ridgefield, Connecticut, for the purpose of accepting the donation by Michelle Luo of vacant land on Seymour Lane, Assessor’s Map E17 Lot 0039, to the Town of Ridgefield. R. Marconi will send a letter to Tax Collector, Al Garzi, requesting abatement of the July 2010 tax bill. Motion passed 5-0.

5. Parking Authority Presentation –Fees for Branchville Station Parking Lot

On June 4, 2010, the Town of Ridgefield Parking Authority approved the following regarding the issuance of parking permits at the Branchville Metro North Train Station:

- a) Establishing an annual parking fee permit of \$250.00 per year beginning October 1, 2010. These permits would cover an estimated 130 spaces designated for permit parking only.
- b) Establishing a daily parking fee of \$6.00 per day beginning October 1, 2010.

In the Parking Authority's letter to R. Marconi, First Selectman, of June 4, 2010, the Parking Authority indicated that the Ridgefield Highway Department has resurfaced the severe pot holes in the lot as well as "re-lined" each space including Handicapped Spaces and reserved spaces for Whistle Stop Coffee Shop. This process was paid for from excess funds in the Highway Department Budget from last year.

The Parking Authority estimates the new permit procedures at the station would generate approximately \$50,000/year (less expenses). Any fees generated from the parking fees have to go into a special account to maintain and make repairs at the station and pay for lighting and utilities and other expenses. None of the income can go into the Town of Ridgefield's general fund.

D. Masters asked if some of the revenue can go toward repair of the antique bridge located at the railroad station. R. Marconi indicated that he would have to check on this. Extensive repair is needed on this bridge. R. Marconi expressed concern about having residents incur additional expenses in this bad economy. "We want people to take the train". The cost would be about \$1/day for those who purchase a permit for the year. R. Marconi indicated that he would prefer a charge of about \$150/year for the annual permit. A. Bodner asked if fee preference can be given to CT residents over NY residents? The answer is no – because the station is CT State land, we cannot distinguish between residents and non-residents. Any fee of above \$100 has to go to the State for approval as well.

Ed Tyrrell stated how he feels that \$6/day is high. At stations in NY State, the daily charge is \$3/day and \$4/day. Could we hire out the plowing?

Dom D'Addario inquired as to how would the \$6/day be collected? R. Marconi responded that is yet to be determined, but perhaps a procedure would be implemented thru the Whistle Stop.

J. Plock moved and B. Manners seconded a motion to set a Public Hearing and a Town Meeting for 7:30 p.m., June 23, 2010, at Town Hall Large Conference Room, 400 Main Street, Ridgefield, Connecticut, for the purpose of discussion and possible approval of the Parking Authority's request for fees for the Branchville Station Parking Lot. Motion passed 5-0.

6. Children's Corner Lease

The following individuals came forward to discuss the proposed Children's Corner lease: Ridgefield Town Counsel, David Grogins; Ridgefield Director of Finance, Kevin Redmond; Brian Kirsch, Legal Counsel for Children's Corner; and Heidi Lockwood and Stuart Howkins as representatives of Children's Corner. The current lease expires on June 30, 2010.

Town Counsel David Grogins indicated that since the last BOS Meeting when the Children's Corner lease was discussed, he has spoken with Brian Kirsch, Legal Counsel for Children's Corner, and a few more changes have been made in the proposed lease. Two draft copies are available – one is the first draft with the changes underlined, and the second copy incorporates the changes being requested by Children's Corner. This second copy is the one being considered.

The basic rent charge of \$162,589.50 includes everything, and includes an agreement to install an electric meter. The lease plans for rent escalation after year one, but this does not include the amount for electricity. Once the first year charge for electricity is established, that is the amount for electricity, and the rent goes up separate from that amount. The electricity is the responsibility of the tenant. The wording in the lease which provides for utility rent review every five years is to be removed because the purpose of the meter is to accurately determine the charge for electricity, which is to be paid solely by the tenant. The Town of Ridgefield will install the meter at the town's expense. Mr. Kirsch suggested starting a new base year when the meter has functioned for 12 months. R. Marconi indicated that the meter is scheduled to be installed this July before the beginning of August 2010. The year can go from August 1 thru June 30, 2011. Starting July 1, 2011, an estimate will be made as to what the rent should be and an adjustment can be made.

Regarding the issue of the non-competitive clause, D. Grogins indicated that there is a deed restriction on the property providing for education and recreation use only. Good faith is needed with regard to this issue. B. Kirsch indicated that another child care facility at the same location will not work. Heidi Lockwood stated that they are not talking about after-school activities; they are talking about real child-care competition to Children's Corner. D. Grogins indicated that the Town of Ridgefield reserves the right with consultation to use the space for educational/recreational purposes if the property is available. Mr. Kirsch indicated that he and his clients still have problems with this wording and this needs to be resolved.

Andy Bodner indicated the need with one year notice to be able to cancel this lease at any time for any reason. The BOS does not want any determination of damages because of cancellation of the lease.

Regarding improvements to the leased property, R. Marconi gave Mr. Kirsch the list received from Children's Corner Director Nan Howkins a couple of months ago. He read these items on "Schedule B", as the Town of Ridgefield's response to the requested improvements. Ms. Lockwood commented on the health requirements for carpeting for little children. There would be a number of approvals by the Health Department that would have to take place. R. Marconi indicated that if the carpeting is pulled up, Children's Corner would have to be shut down during the removal time.

Andy Bodner indicated a procedure of providing Children's Corner with an allowance to do what they want to do with the carpeting. If they terminate the lease in less than ten years, they would then be responsible for a certain amortized percent back to the landlord. Ms. Lockwood stressed the need for the tenant's control of the carpeting selection and installation. As stated in Schedule B, the approximate cost of replacement of carpet in Room CC7 is \$17,630. Ms. Lockwood asked what about the old carpeting in rooms other than CC7? "Old carpeting can be cleaned only so much". J. Plock indicated that the BOS recognizes that there are special requirements for operation of a pre-school; these are your costs to do business. Mr. Kirsch stated that if we do split the cost of the carpeting and the Town of Ridgefield exercises

their right of termination of the lease before ten years, then what would Children's Corner be responsible for? D. Masters stated that we could put in a "cap", and the amortized amount will not exceed the cap. What is the amortization rate?

Kevin Redmond, Director of Finance, reported on his reconciliation of the numbers relative to the cost of water delivery to Children's Corner. He audited the checks paid for the water for the last three years, and they were all OK. The only tax paid was for rental on the cooler. Children's Corner withheld \$30,000. The Town of Ridgefield is responsible for only about \$10,000 of this \$30,000 which is the cost of the water from the consent order forward. R. Marconi stated how the Town of Ridgefield never received notice from Children's Corner about the water being delivered. The Town of Ridgefield could have provided water at a lower price. There should have been a discussion with the Town of Ridgefield, the landlord, when the need for water delivery started. This deduction of the rent was done with "no notice". Children's Corner as the tenant is in default for \$20,000 at this time. A. Bodner suggested that the \$30,000 be split and Children's Corner and the Town of Ridgefield each cover \$15,000 of the outstanding amount. Ms. Lockwood indicated that this is a non-negotiable issue with Children's Corner. R. Marconi stated that this issue should have been discussed prior to any reduction made in the rent payment. The tenant doesn't just arbitrarily deduct and pay less rent.

The representatives of Children's Corner left the meeting with no agreements made. R. Marconi pointed out that the only remaining BOS meeting prior to expiration of their lease on June 30, 2010, is on June 23rd.

7. Ann's Place Sewer Line MOU

This issue regarding the proposed "Danbury-Ridgefield Memorandum of Understanding Sewer Line Easement Supplementary Agreement" will be discussed at a later BOS meeting.

8. Approval of Tax Refunds

Andy Bodner moved and D. Masters seconded a motion to approve the 6/3/2010 request for refunds submitted by Jane Bernedsen-Hill, Tax Collector, totaling \$14,144.31. Motion passed 5-0.

9. Selectman's Report

- The CT Dept. of Transportation is hosting Public Hearings as part of the National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS) process sponsored by the U.S. DOT's Federal Transit Administration (FTA). The meetings are "Pre-Draft Environmental Impact Statement" information sessions to offer the public a chance to review and provide input on the potential improvements to the Danbury branch commuter rail line that are presented to the EIS, and to review the potential environmental impacts that could result from these proposed improvements. Public hearings are scheduled on June 15 from 7 to 9 p.m. in Wilton and June 16 in Brookfield.
- The Walpole site is available to lease for \$1/year for a ball field if someone wants to invest in it. The lease could be for 10 years with two 5 year options.
- The Charter Revision Commission Public Hearing was held last evening, June 8th. The BOS will receive a letter from the Commission indicating that the Charter has been revised

and is “ready to go”. The letter will include a time schedule for implementation. Barbara Serfilippi, Town Clerk, will receive notice that the BOS has received the proposed revised Charter revision. R. Marconi commented on the “great job” done by the Charter Revision Commission and appreciation for their diligence and hard work.

10. Approval of Meeting Minutes: 4/28/10, 5/12/10, 5/26/10

J. Plock moved and D. Masters seconded a motion to postpone approval of meeting minutes for 4/28/10, 5/12/10, and 5/26/10 until the next BOS Meeting on June 23, 2010. Motion passed 5-0.

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

Respectfully submitted,

Janet L. Johnson