

**PUBLIC HEARING & BOARD of SELECTMEN MEETING – JUNE 17, 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, B. Manners, J. Plock

Absent: D. Masters

**Public Hearing**

1) *Notice is hereby given that a **Public Hearing** will be held on June 17, 2009, 7:30 P.M., Town Hall Large Conference Room, 400 Main Street, Ridgefield, Connecticut to receive comments on the proposal to receive a donation of land of approximately 0.061 acres from 76 Governor Street, LLC.*

R. Marconi called the Public Hearing to order relative to the donation of this small parcel of land to the Town of Ridgefield by 76 Governor Street, LLC. Steve Zemo came forward with a map to explain why his company wished to donate this “sliver” of property to the Town. The property is 30’ wide and irregular in shape. It will allow the Police Department to realign their parking area if they so desire and may result in angle parking rather than perpendicular parking. B. Manners asked if this property would still be a conforming property. The answer is no – the property was not conforming in the beginning. Chief Roche was asked and responded that he did not have any comments. The Public Hearing on this issue was closed at 7:40 p.m. A Town Meeting is scheduled for the July 1<sup>st</sup> BOS Meeting relative to this proposed donation.

2) *Notice is hereby given that a **Public Hearing** will be held on June 17, 2009 P.M., in the Town Hall Large Conference Room, 400 Main Street, Ridgefield, Connecticut to discuss the following proposed revisions to Sections 13-40 and 13-41.*

**Proposed Revision to: Article III. Driveways** (*Underlined italics* represent addition to existing language.)

**Sec. 13-40 Permit required for driveway construction.**

No person shall construct, build or establish any driveway abutting any town highway accessway, or private road without first obtaining a permit from the Director of Public Services

*The Director of Public Services, may, in his sole discretion, require a permit in the case of a major renovation of or an addition to an existing residence. In determining the need for a permit, the following, but not limited to the following, may be considered:*

1. *Whether the work to be accomplished requires the existing driveway be used for access by large machines or vehicles, or*
2. *Whether a temporary driveway is required.*

**Sec. 13-41 Performance bond requirements.**

Before any permit to construct, build or establish any driveway is issued, the permittee shall provide a cash deposit or a bond to the Director of Public Services in the amount of five hundred dollars (\$500.00).

In the case of a renovation or addition as described in Section 13-40 above, bonds shall be refunded upon the issuance of a certificate of occupancy. In the event the renovation or addition is not completed in one year, said bond may, in the sole discretion of the Director of Public Services, be forfeited.

R. Marconi called the Public Hearing to order at 7:30 p.m., and then read the call for the Public Hearing. This proposed ordinance has been presented by Peter Hill, Director of Public Services, and David Buccitti. D. Masters commented on the need for a higher bond amount. This amount is too low and may often not cover the expenses incurred by the Town. She suggests a \$5,000 bond with an incentive for project completion. Citizens usually post a regular check which is deposited in the Town's account. Upon satisfactory completion of the project, the amount of the check is returned to the individual. It was noted that Peter Hill can request a higher bond than \$500 if he feels that is appropriate to the project.

It was agreed that the proposed wording should be changed further to read:

**Sec. 13-40** The Director of Public Services, or his/her designee, may, at his sold discretion, require a permit, etc., and

**Sec. 13-41** In the case of a renovation or addition as described in Section 13-40 above, bonds shall be refunded upon the issuance of a certificate of occupancy. In the event the renovation or addition is not completed in one year, said bond may, in the sole discretion of the Director of Public Services, or his/her designee, be forfeited

There were no comments from the public. The Public Hearing on this issue was closed at 7:45 p.m. A Town Meeting followed the Public Hearing immediately relative to this \proposal. Minutes of the Special Town Meeting are under separate cover.

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

1. Recognition of Boys Lacrosse Team – FCIAC Champions
2. Vendor Permit Application: Lynn Tate & Clay Baldo
3. Vendor Permit Application Revisions
4. Economic Development Commission Member Reappointments
5. Land Conservancy Tax Abatement Request
6. Community Center Agreement Discussion
7. Year-End Transfers – Kevin Redmond
8. Selectman's Report
9. Approval of Meeting Minutes: 3/3/09, 3/5/09, 5/6/09, 5/20/09
10. Executive Session: Frank Sergiovanni Contract Renewal

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

**Andy Bodner moved and J. Plock seconded a motion to move Agenda Item #10 to Agenda Item #1A – Executive Session: Frank Sergiovanni Contract Renewal. Motion passed 4-0.**

1. Recognition of Boys Lacrosse Team – FCIAC Champions

R. Marconi invited the members of the Boys Lacrosse Team for 2008-2009 to come forward and receive recognition for their first FCIAC Championship. Mr. Marconi read the citation which was

then presented to the team for their recent success with their win record of 20 – 2. Three of their players made All American, and 8 players made the Connecticut All-State designation. R. Marconi then read the citation stating Matthew White’s award as the State of Connecticut’s Lacrosse Player of the Year. The players introduced themselves and stated where they will be going to college next year.

- 1A. J. Plock moved and B. Manners seconded a motion to recess the Board of Selectmen Meeting at 8:00 p.m. and go into Executive Session with Frank Sergiovanni, Golf Director, and Laurie Scholl, Director Human Resources, invited to participate. Motion passed 4-0.**

**Following the close of the Executive Session at 8:10 p.m., A. Bodner moved and J. Plock seconded a motion to approve the renewal of the contract with Frank Sergiovanni, Golf Director, effective from January 1, 2009 thru December 31, 2010. Motion passed 4-0.**

2. Vendor Permit Application: Lynn Tate & Clay Baldo

Lynn Tate and Clay Baldo came forward to support their application for a vendor permit to sell packaged ice cream by truck. They shared a picture of their 1977 model ice cream truck which is being completely refurbished. The truck has yet to be inspected. Parks & Rec has been their first contact. They sell ice cream at corporate events and to Danbury oncology patients outside their treatment center and also plan to cover neighborhood routes as other vendors do not seem to be canvassing neighborhoods.

**J. Plock moved and B. Manners seconded a motion to approve the requested vendor permit of Clay Buldo and Lynn A. Tate to sell packaged ice cream by truck pending Department of Public Health approval. Motion passed 4-0.**

3. Vendor Permit Application Revisions

Police Chief Roche came forward to discuss proposed changes to the vendor permit application. The revised application will request a cell phone number and inquire whether the applicant’s driver’s license has ever been suspended or revoked. R. Marconi read the proposed changes in the waiver/release. Wording suggestions were made. Chief Roche will make the proposed changes and bring the document back to the Board of Selectmen for their review again.

Are all the current vendor trucks approved vehicles? Chief Roche will look into this. A vendor has to have his/her permit with them at all times. A. Bodner suggested that a decal display of the permit might be helpful with an ID picture photo. The color of the permit could be changed from year to year.

Chief Roche indicated that he had spoken with D. Masters about a possible light ordinance and is checking on the possibility of a harassment ordinance as well. What the Police are allowed to do in the case of infringement upon others is covered by statute.

4. Economic Development Commission Member Reappointments

**J. Plock moved and B. Manners seconded a motion to reappoint for a one-year term until 7-01-10 the current members of the Economic Development Commission: Magdalena M. Fincham, Christopher Brown Fisher, Bob Knight, Paul Levine, William Markus, Richard O’Brien, and Mark S. Robinson. Motion passed 4-0.**

5. Land Conservancy Tax Abatement Request

R. Marconi read an April 21, 2009 letter sent to Al Garzi, Tax Assessor, from Doug Martin, President of the Land Conservancy of Ridgefield, Inc. requesting that taxes on 2159 sq. feet of parcel F17-0041 that was deeded to the Land Conservancy by Anita and Theresa Barz be abated for fiscal years 08/09 and 09/10. This transaction involved a land swap to accommodate an existing driveway encroachment. The related paperwork, deeds and survey map were filed on April 20, 2009. A. Bodner inquired as to why should the Town of Ridgefield lose tax revenue? R. Marconi will follow up with Al Garzi to inquire why Mr. Garzi is in agreement with this tax abatement request.

6. Community Center Agreement Discussion

Attorney Patrick Walsh came forward to discuss the proposed Management Agreement instead of a lease between the Town of Ridgefield and The Ridgefield Veterans' Memorial Community Association, Inc., the group responsible for the management of "The Community Center". He has incorporated some of the changes previously discussed in this latest version of the proposed agreement. B. Manners indicated that she is only interested in a lease and not a management agreement. She does not understand why the Community Center is different than the Playhouse. Why a management agreement rather than a lease? She does not want to see a change in the relationship between the Association responsible for the management of the Community Center and the Town of Ridgefield. Mr. Walsh responded that the sole purpose of the Veterans' Memorial Community Association, Inc. is to maintain the Community Center facility and its historic nature for the Town. A lease requires the Association to perform some of the objectives that they cannot do. They cannot mortgage the property to repair the roof. They have to look to the Town for long-term capital improvements. B. Manners responded that the Town does own the property; it was donated to the Town and the Association does do a great job. If we change the relationship, then a business plan would be part of a RFP. The BOS would then need to see the Association's business plan and a revenue statement.

Andy Bodner inquired if Mr. Walsh could see the Association coming to the Town within the next five years asking for dollars? His response was that there were no immediate needs. Would a management agreement as opposed to a lease change the liability situation? Yes, it would. Could we instead look at a lease and make the changes that are acceptable to all? Mr. Walsh agreed to speak to the Community Center's Board of Directors and to David Grogins, Town Counsel, and will return to the BOS for their review of a possible lease agreement that would be palatable to all. The current lease expired April 14, 2009.

7. Year-End Transfers – Kevin Redmond

**J. Plock moved and A. Bodner seconded a motion to approve Department of Finance Memorandum #200909, providing for year-end transfer for Police Special Services, with an increase in #10903-44230, Police – Special Services Revenue for \$220,000, and an increase in #10401-51020, Police – Special Services Revenue for \$220,000. Motion passed 4-0. (It is necessary so that the Police Patrol Expense line item does not close the year over-budget.)**

**A. Bodner moved and B. Manners seconded a motion to approve Department of Finance Memorandum #200910, providing for year-end transfer for ambulance billings, with an increase in #10903-44241, Fire – Ambulance Services Revenue, for \$20,000, and an increase in #10502-52414, Fire – Ambulance Billing Expense, for \$20,000. Motion passed 4-0. (This is necessary so that the EMS Expense line item does not close the year over budget.)**

**J. Plock moved and B. Manners seconded a motion to approve Department of Finance Memorandum #200911, providing for year-end transfer for snow related costs, with an increase in #10603-53210, Snow Removal Material, for \$150,000, an increase in #10602-51007, Highway Maintenance – Overtime for \$80,000, and an increase in #10605-52204, Road Maintenance – Contractors for \$30,000, and a decrease in #10605-52202, Road Maintenance – Road Sweeping for \$50,000, a decrease in #10060-51005, IT- PT Salaries for \$50,000, a decrease in #10150-51001, Building – FT Salaries for \$25,000, a decrease in #10356-5101, Rec Center – FT Salaries for \$25,000, a decrease in #10356-51001, Police Patrol – FT Salaries for \$50,000, and a decrease in #10356-51001, Fire Fighting – FT Salaries for \$60,000. Motion passed 4-0.**

**J. Plock moved and A. Bodner seconded a motion to approve Department of Finance Memorandum #200912, providing for a year-end transfer for Venus Building heating fuel, with an increase in #10682-52051, Venus Heating Oil, for \$50,000 and a corresponding decrease in #10690-52051, Town Utilities Heating Oil, for \$50,000. Motion passed 4-0.**

Kevin Redmond indicated that tax collections are holding steady and even getting somewhat better. The end of this fiscal year number will probably be about \$100,000+ over budget. He is estimating a \$250,000 surplus. He is keeping a detailed analysis of the numbers each department is holding to.

8. Selectman' Report  
R. Marconi had nothing to report.
9. Approval of Meeting Minutes: 3/3/09, 3/5/09, 5/20/09

**J. Plock moved and A. Bodner seconded a motion to table until the next Board of Selectmen Meeting on July 1, 2009, approval of meeting minutes for 5/6/09, 5/20/09, and 6/3/09. Motion passed 4-0.**

**J. Plock moved and A. Bodner seconded a motion to approve as amended the minutes of the March 3, 2009, Board of Selectmen Budget Meeting. Motion passed 4-0.**

**J. Plock moved and A. Bodner seconded a motion to approve as amended the minutes of the March 5, 2009, Board of Selectmen Budget Meeting. Motion passed 4-0.**

Children's Corner – Director, Nan Howkins and her daughter, Heidi Lockwood, came forward to discuss the upcoming lease renewal for Children's Corner. A copy of the outside appraiser's survey relative to the fair market rental value of the Children's Corner space was received immediately prior to the Board of Selectmen's Meeting. R. Marconi indicated that the Board members need to review the report prior to a discussion of the Children's Corner lease which expires on 9/4/09. This lease date was because the Certificate of Occupancy was originally issued the end of August and then Children's Corner had to wait for State approval. The Board of Education has requested an end date for the new lease of June 30, 2010, in case the BOE wants to use the building. Ms. Howkins pointed out that 80% of the Children's Corner's enrollments are Ridgefield residents. "The town needs a facility like this – the demand is there." If their lease is terminated, they would need 24 months to relocate and obtain accreditation at the new location. Their current funding from IBM is tied to their accreditation.

**J. Plock moved and B. Manners seconded a motion to put on the agenda for the July 1, 2009, Board of Selectmen Meeting, consideration of the lease with Children's Corner with Nan Howkins, Director, and her daughter, Heidi Lockwood. Motion passed 4-0.**

**B. Manners moved and R. Marconi seconded a motion to adjourn the Board of Selectmen Meeting at 10:05 p.m. Motion passed 3-0. (J. Plock had to leave at 9:45 p.m.)**

Respectfully submitted,

Janet L. Johnson