

PUBLIC HEARING & BOS MEETING – JUNE 30, 2010

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

Absent: J. Plock

Agenda (*immediately following Public Hearing*)

1. Comments and Recommendations on Charter Revision Commission Draft Report
2. Allocation of Funding for Economic Development Commission Request
3. State of CT Property for Sale: 84 Bobby's Court
4. Selectman's Report
5. Approval of Meeting Minutes: 5/26/10, 6/9/10, 6/9/10 Special

Emma Lou Benedict representing A.D.A. (Americans with Disabilities) stopped by with cupcakes in honor of the 20th anniversary of the Americans with Disabilities Act. She distributed invitations to the birthday celebration at the CHIRP concert in Ballard Park on July 27, 2010. This A.D.A. Birthday Party is being sponsored by the Ridgefield commission for the Disabled, Ridgefield Parks & Recreation and CHIRP. Come join the celebration with music and birthday cake in the park! The BOS thanked Emma Lou for her thoughtfulness in bringing cupcakes to the meeting.

Public Hearing

R. Marconi called the Public Hearing to order at 7:30 p.m. and read the call for the Public Hearing: *"Notice is hereby given that, in accordance with CT General Statutes Sec. 7-191 and 192, a **Public Hearing** of the Board of Selectmen will be held on Wednesday, June 30, 2010, at 7:30 p.m. in the Town Hall Large Conference Room of Ridgefield Town Hall, 400 Main Street, Ridgefield, CT 06877. The purpose of the hearing is to receive public comment on the following proposed amendments to the Town Charter brought forth by the Charter Revision Commission."* The Public Hearing date was changed from 7/7/10 to 6/30/10.

Ed Tyrrell, POND R., commented on the proposed Grants Commission. He feels it is the responsibility of the Board of Selectmen to create the budgets and make expenditure choices. This is what the BOS is elected to do. The members of the Board of Selectmen are elected and their biases are known. The "pot" is small for grants and this responsibility should not be sublet to someone else. Mr. Tyrrell also expressed opposition to the wording relative to Section 5-7.1. Grants Commission (b) "No grants shall be awarded to religious or political organizations." He feels this discriminates against people with religion who may be sponsoring very worthwhile activities.

CoCo Barron, resident of Ridgefield Housing, asked how can more tenants be represented on the Housing Authority? The tenants want respect and an increase in communication. They want someone to listen to them. She pointed out how repairs to her apartment were started in July '09 and are still not completed. The Chairman of the Housing Authority does not respond to calls from the tenants. A tenant representative needs to be from Prospect Ridge as well as Ballard Green. R. Marconi responded that The

Housing Authority is appointed by the BOS and consists of five members, each for a staggered five year term. He can see how it would be helpful to have a representative from each of the housing areas. The BOS advertises when there is a vacancy on The Housing Authority. We cannot be sure that an individual from both Ballard Green and Prospect Ridge will come forward and also be qualified. It is true the tenants do not vote for who is to represent them. The tenants are welcome to have their own meeting and select their own Chairman. They are welcome to use a room in the Town Hall for their meeting(s).

Ed Tyrrell, Pond Rd., indicated support for the referendum and budget process changes, but he would like to see the Tax Collector, Town Clerk and Treasurer all be appointed positions and not elected.

Kevin Redmond has asked that the language be changed as he doesn't want to be listed as "sponsor".

There were no additional comments from the public, but it was agreed to leave the Public Hearing open while the BOS reviewed the proposed amendments in case someone desired to comment further.

BOS Meeting

D. Masters moved and B. Manners seconded a motion to recess the Public Hearing at 7:45 p.m. to instead discuss first #2 on the Board of Selectmen's Meeting Agenda – Allocation of Funding for Economic Development Commission Report. Motion passed 4-0.

1. Allocation of Funding for Economic Development Commission Report

Bob Knight and Magda Fincham, Co-Chairs of the Economic Development Commission came forward to further support their request of \$5,000 to help launch the EDC's Incubator Without Walls (WOW) Initiative.

Andy Bodner moved and B. Manners seconded a motion to approve the allocation of \$5,000 out of the current fiscal year (2009-2010) Contingency Fund for the Economic Development Commission's request for funding of their Incubator Without Walls (WOW) Initiative. Motion passed 4-0.

Jan Rifkinson, New Rd., commented how this is a "wonderful use of \$5,000 – the Economic Development Commission is doing a good job."

The Public Hearing was resumed at 7:50 p.m.

2. Comments and Recommendations on Charter Revision Commission Draft Report

Sharon Hyde, Deputy Chair of the Charter Revision Commission came forward to receive comments and/or answer questions.

R. Marconi commented about the issue of Town agencies. He doesn't like the use of the word "department". It has happened in the past when the BOF requested a department to meet with them for a budgetary discussion. The BOS was not aware of this meeting and the department tried to put back budget dollars that had previously been cut by the BOS. He wants to keep the "chain of command" defined. Departments report to the BOS.

Andy Bodner asked what is a Town Agency? We need a definition. Sharon Hyde responded that according to Town Counsel, town agency is capitalized when a specific agency, otherwise not capitalized. R. Marconi indicated that if the agency being referred to is clearly defined, is that how "agency" is used in the Charter – people who have responsibility for budgets independently?

R. Marconi will check with Town Counsel, D. Grogins and F. Ercole of Robinson & Cole regarding this. This issue needs to be clarified. Jan Rifkinson, stated that he feels that if people vote on something, that should be the ultimate power. This year's ballot was worded a whole lot clearer.

B. Manners and R. Marconi stated how a ten day separation between a Public Hearing and a Town Meeting is not a "bad thing". To consistently follow this procedure would avoid problems.

Section 3-3. The Annual Town and Budget Meeting

It was suggested that the 1st sentence of the 4th paragraph be restored and would read, "The Board of Finance shall present the final budget proposed for adoption."

Section 3-5 Petitioned Town Meetings

With regard to (b) "for matters involving expenditures of \$250,000 or more", A. Bodner asked, "What is an expenditure?" What about exposure to liability? Isn't liability exposure an issue that the CRC should also consider?"

Section 3-7 Organization and Procedure - Check on the version of "Robert's Rules of Order" and be specific.

Section 3-8 Ordinances: General Powers and Provisions

(b) should read as follows: "Any ordinance enactment or repeal may be initiated by the Board of Selectmen or by a petition, as defined by Section 3-5 of the Charter. The call for the proposed meeting shall state the proposed ordinance in full and the final resolution and NO changes made thereto, shall provide for a yes or no vote. . . ." A. Bodner stated how the BOS are elected to make decisions and if the citizens do not like our decisions, we will not get voted back in. If changes made are substantive during a Town Meeting, than the BOS can make the decision to hold another Town Meeting. A Town Meeting should not vote on something that the public has not been notified about prior. The Town Meeting is to discuss and vote on what was the call of the meeting." R. Marconi will ask F. Ercole to look at the Charter's proposed wording regarding this issue.

Section 3-10. Bonds and Notes should read: "The authorization of bonds or notes (except notes in anticipation of taxes to be paid within the fiscal year in which issued) shall require approval either at a Town Meeting or by a majority vote in a referendum, provided, however, any borrowing of \$3,000,000 or more shall require approval by a majority vote in a referendum. The resolution authorizing the issuance of bonds or notes, shall establish the maximum principal amount."

Section 3-14. Membership in Regional Organizations. Sharon Hyde will speak with Town Counsel D. Grogins about this. Do we have an ordinance governing membership in regional organizations??

Section 4-9. Election of Tax Collector, Treasurer and Town Clerk. Andy Bodner stated how he also feels that a Tax Collector and a Treasurer should be appointed positions. He would like the Charter Revision Commission to look at this issue even though they chose to not make a change. These would be appointments based on credentials.

Section 4-14. Board of Police Commissioners

R. Marconi commented on the need to better define the responsibilities of the Police Commission. They deal with administrative functions, the internal workings of the Police Department. It was suggested to change the second sentence to read: "The Board of Police Commissioners shall organize, maintain, and have the general management and control of the Police Department and maintenance of its apparatus and equipment."

The third paragraph would read, "It shall make all necessary regulations for the administration of the Police Department . . ."

Section 4-15. Board of Finance -- technical changes. Under (c) Annual Town Report, it was suggested to read: "The Board of Finance shall approve a proposed budget and publish the annual town report. . ."

Section 5-7. 1. Grants Commission

B. Manners indicated that she does not like this provision at all. R. Marconi indicated that he did not like the idea originally, but he feels a conflict at budget time when he is also on the Board such as is the situation with Founder's Hall. Some of our grants are not really grants, but in reality a contract situation. D. Masters stated how each year at budget time, this is a problem. It is the Board of Selectmen's responsibility to make the decisions on grant money in full view. The citizens need to know what the BOS is doing, and the BOS is aware of the needs in our community. A. Bodner stated how this is a complicated issue, but a Grants Commission would make for a big process for not a lot of dollars. The BOS was in agreement to recommend that this Section 5-7.1 be deleted.

Section 5-8. Housing Authority

It was agreed to leave the wording of this Section as it is, but for the BOS to keep in mind when appointing members to serve on the Housing Authority that it would be preferable to have a tenant member from each housing area - Ballard Green and Prospect Ridge.

Section 5-10.1. Water Pollution Control Authority

It was suggested that the last sentence read: "The authority shall determine any excess capacity of the existing systems and recommend the appropriate use of such capacity to the Board of Selectmen. (Town Counsel will be asked to check on this.)"

Section 5-13. Removal for Cause

It was suggested to leave this Section as written, but A. Bodner pointed out how the Chairman of each appointive board or committee should be keeping attendance at their board or committee's meetings and filing minutes and attendance records as well. R. Marconi suggested that a quarterly reminder notice of this expectation could go out to the Chairs.

Section 9-1 Administrative Offices and Departments

"Director of Civil Preparedness" was changed to "Director of Emergency Preparedness".

Section 9-7 Constables

The BOS recommended that the position of constable be eliminated. This is a State position and CT is now requiring constables to be covered for liability and worker's comp. This would cost the town additional dollars – an “unfunded mandate”. D. Masters commented on how one of Ridgefield's constables is not a resident of Ridgefield.

Section 9-10 Fire Department

It was suggested that the last sentence of the paragraph read as follows, and an additional sentence be added as well regarding the Fire Commission: “The Board of Selectmen shall serve as the Fire Commission and shall establish such rules and regulations and appoint other officers as may be necessary for the operation of the department. As the Fire Commission, the BOS shall oversee the paid fire department, the volunteer fire department, and the department of emergency preparedness.”

Section 9-12 Health Department

It was suggested that the second paragraph be worded as follows: “The Director of Health shall serve for a four-year term expiring four years from the date of appointment.”

Sections 9-14, 15 & 16 Social Services Department, Town Attorney and Tree Warden

It was suggested to leave the wording as written. B. Manners indicated that their terms should be renewable at the discretion of the BOS. If the BOS does not reappoint, then the individual continues to serve until someone else is appointed. By having expiration dates of January 1st, it gives the BOS the option of not renewing.

Sections 10-1 Board of Finance

It was suggested that the second paragraph under (b) *Powers and Duties of the Board of Finance in Connection with the Preparation of the Budget for the Coming Fiscal Year*: be worded as follows: After the public hearing, the Board of Finance shall meet to consider budget requests against projected revenues and the overall financial condition of the town and recommend revisions to the budget as it deems advisable. The Board's objective in these considerations is prudent management of the overall fiscal situation and not how or where specific amounts are budgeted. Therefore, any changes made to the operating and capital budget requests of the town by the Board of Finance shall be limited to the budget as a whole rather than from the limited viewpoint of any one department and shall not address specific items.”

The next paragraph should read, “The Board of Finance shall approve (*and not prepare*) a proposed budget to be presented for discussion at the annual Town and Budget Meeting.”

Part (d) *Budget Referendum* should read: “The annual budget as proposed by the Board of Finance shall be submitted to a Budget Referendum. . . . “ The second paragraph should read, “If the annual operating budget of the Board of Selectmen and/or of the Board of Education is rejected, the Board of Finance shall meet and upon due deliberation publish a recommended budget for the failed questions. A subsequent referendum is to be held within three (3) weeks after the failed Budget Referendum. Subsequent referenda shall be held until a budget is passed, and should a budget not be passed by July 1, the town shall operate under the budget authorization of the previous fiscal year until a new budget is passed.” The third paragraph is to be eliminated.

Section 10-2 Additional Appropriations

It was suggested to eliminate the second paragraph under part (a).

It was noted that these are significant changes in the wording of the responsibilities of the Board of Finance. There may be other places in the proposed charter which will be affected as well by these changes. It was also suggested that the Board of Finance give recommendations on capital expenditures as well.

These are all BOF issues that were discussed and re-worded in the last charter update, but it is felt that there needs to be continued clarification. R. Marconi pointed out that we do not want to confuse operating budget issues and proposed capital expenditures, but we do want to give citizens the right to vote on all issues and expenditures. It was suggested that the Charter Revision Commission again review the issue of extra referenda.

Section 10-5. Powers and Duties of the Board of Finance in Connection with the Development of Long-Range Financial Planning

It was agreed to leave this section as worded regarding fiscal operating estimates three years ahead – upcoming fiscal year being worked on and two years ahead. It is helpful to look at capital expenditures in a five year plan.

The BOS expressed a special thank you to Sharon Hyde for her continued hard work on the Charter Revision Commission.

3. State of CT Property for Sale: 84 Bobby's Court

B. Manners moved and A. Bodner seconded a motion for the Town of Ridgefield to “not” take advantage of the “Right of First Refusal” of the State of CT Property for sale at 84 Bobby's Court, Ridgefield, CT. Motion passed 4-0.

4. Selectman's Report

R. Marconi reported that the Children's Corner Lease was signed today (6/30/10).

Town Meeting scheduled for July 7, 2010, 7:30 p.m. regarding the donation of the property on Seymour Lane to the Town of Ridgefield.

The next BOS meeting is as scheduled – July 28 and no meetings scheduled for August.

5. Approval of Meeting Minutes: 5/26/10, 6/9/10, 6/9/10 Special

It was agreed to postpone approval of the meeting minutes due to the lateness of the hour.

Andy Bodner moved and B. Manners seconded a motion to adjourn the Public Hearing and the Board of Selectmen Meeting at 11:10 p.m. Motion passed 4-0.

Respectfully submitted,
Janet L. Johnson