

PUBLIC HEARING & BOARD of SELECTMEN MEETING
JULY 2, 2008

TOWN HALL/LARGE CONFERENCE ROOM

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, J. Plock

Special Town Meeting

*Notice is hereby given that a **Special Town Meeting** will be held on July 2, 2008, 7:30 p.m. in the Town Hall Large Conference Room, 400 Main Street, Ridgefield, CT to act on the proposed property swap as requested by the Conservation Commission relative to where the accessway at 176 Old Branchville Road encroaches into Town of Ridgefield Open Space.*

Minutes of the Special Town Meeting are under separate cover. Barbara Serfilippi, Town Clerk, asked if possible for Town Meetings to be consolidated and scheduled on the same evening each month. Another idea was to schedule a Town Meeting Day one time/month during the day. It was agreed to be aware of this request and to try and schedule Town Meetings on the same evening if at all possible.

Public Hearing

*Notice is hereby given that a **Public Hearing** will be held on July 2, 2008, 7:30 p.m. in the Town Hall Large Conference Room, 400 Main Street, Ridgefield, CT to discuss: 1) the proposed Volunteer Fire Department Halpin Lane lot line adjustment, and 2) the proposed Lakeview Drive land donation to the Town of Ridgefield.*

Board of Selectmen Meeting Agenda (immediately following Public Hearing)

1. Pension Commission Interview: Keith Namiot
2. Virginia Roebuck Lease Renewal
3. Deer Management Implementation Committee
4. Use of Contingency Funds
5. Discussion of Capital Fund Balances
6. Transfers
7. AfSAP Update
8. Selectman's Report
9. Approval of Meeting Minutes: 6/4/08, 6/9/08, 6/18/08
10. Possible Executive Session: --Bennett's Pond Litigation Updates
--FOI Gaeta Litigation Updates

R. Marconi called the **Public Hearing** to order at 7:40 p.m. immediately following the Special Town Meeting.

1) R. Marconi read the notice for a Public Hearing relative to the proposed Halpin Lane lot line adjustment to accommodate the Volunteer Fire Department's construction of their new garage at the bottom of Halpin Lane. The building is 98% complete and it became apparent that a Town Meeting had

not been held to approve the lot line adjustment. A Public Hearing was needed prior to the Town Meeting.

J. Katz, Ridgebury Rd., commented on the descriptive wording on the back of each of the quit claim deeds and stated that he feels it should read, "for property" and not "over property". Barbara Serfilippi, Town Clerk, expressed agreement. This request will be relayed to Town Counsel and the change will be made if Counsel is in agreement.

D. D'Addario, Tanton Hill Rd., inquired as to the amount of square feet involved in the lot line adjustment? R. Marconi indicated that he will have the exact square footage available at the Town Meeting.

J. Plock moved and B. Manners seconded a motion to set a Town Meeting for July 16, 2008, at 6:30 P.M., Town Hall Large Conference Room, 400 Main Street, Ridgefield, CT relative to the proposed Volunteer Fire Department Halpin Lane lot line adjustment. Motion passed 5-0.

2) R. Marconi read the notice for a Public Hearing relative to the proposed Lakeview Drive land donation to the Town of Ridgefield. He indicated how he had been asked to research adjacent property owners to see if anyone is interested in purchasing the Gertrude Spitz estate property for the amount of the taxes owed (\$5,253.87) with the understanding that a conservation easement would be included. He had not yet contacted all of the neighbors.

Sue Baker was present representing the Conservation Commission. She read the May 27, 2008 letter from Dr. Benjamin Oko, Chairman of the Ridgefield Conservation Commission, to Ms. Rebecca Mucchetti, Chairman of Planning & Zoning, indicating that the Conservation Commission would like to see this property added to Town open space, and showed some pictures of the spot. It is mostly a bluff overlooking Fox Hill Lake and is not developed because of ledge. Although the lot is small, it would provide the public with access to the lake and would be a suitable location for the placement of a bench. The Town of Ridgefield does not set aside dollars for open space acquisition and this would provide the Town with additional open space for the nominal amount of forgiveness of the property taxes owed.

Ellen Burns, Great Hill Rd., indicated that she previously lived near the location in discussion. Fox Hill Lake has issues due to overdevelopment. She feels it would be to the benefit of the Town to accept this offer of 0.425 acres for approximately \$5200. John Katz, Ridgebury Rd., indicated as a citizen his endorsement of this acquisition.

Andy Bodner stated that he is not in favor of forgiving this tax obligation to the Town of \$5200. This would be money that could be spent elsewhere in this tight economy. In reality, we are spending \$5200. R. Marconi responded that he thinks this is a "good deal" as the property is right on the lake.

D. Masters stated that she has spoken to Jane Bernedsen-Hill to see if there are other little parcels of property that would be appropriate acquisitions for the Town. Sue Baker responded that the Conservation Commission has walked a lot of properties. It is not always easy to find the owners and track down these "little parcels".

B. Manners moved and D. Masters seconded a motion to set a Town Meeting for July 16, 2008 at 6:30 P.M., Town Hall Large Conference Room, 400 Main Street, Ridgefield, CT relative to the proposed Lakeview Drive land donation from the estate of Gertrude Spitz to the Town of Ridgefield. Motion passed 4-1. A. Bodner opposed.

R. Marconi called the **Board of Selectmen Meeting** to order immediately following the Public Hearing.

1. Pension Commission Interview: Keith Namiot

Mr. Namiot came forward to introduce himself to the BOS and express his interest in serving on the Pension Commission. There is one vacancy. R. Marconi read the email received from Mr. Namiot. In speaking about himself, Mr. Namiot indicated how he has an MBA in Finance and is currently employed in the pension industry. He is aware of regulatory issues and trends. He has lived in Ridgefield for three years and feels he would have the time to service on the Pension Commission.

D. Masters inquired as to his philosophy about investments that are performing poorly and about one in particular when the Town was not informed. Mr. Namiot responded that it is OK to hold a firm accountable if there is a validity to their negligence.

Andy Bodner inquired about any possible conflict with serving on the Pension Commission. Mr. Namiot responded that he had spoken to attorneys about this and there is not a problem. A. Bodner asked Mr. Namiot to characterize his investment policy. He responded that he would take into account the Commission's fiduciary responsibility to the Town's employees. The Commission is charged to provide a responsible diversification policy. Mr. Bodner asked if he would describe himself as "conservative, middle-of-the-road"? Mr. Namiot responded that, "Yes, that is appropriate. It is important to not be too conservative, but still deliver thru asset allocation. This is currently a difficult market with a lot of volatility. One has to manage this volatility."

The BOS thanked Mr. Namiot for his application, but feel they cannot make a decision without checking first to see if anyone else has expressed interest in being considered for this one current vacancy. The BOS hopes to make a decision at their next meeting on July 30.

2. Virginia Roebuck Lease Renewal

Ms. Roebuck came forward to express her interest in having her lease again renewed. It is a four-year lease with the stipulation that she is to come in annually for the one year renewal within each of the four years and then there does not need to be a Town Meeting for approval. This will be the third renewal within the four years. R. Marconi indicated that Ms. Roebuck is a very good tenant and she indicated that she is happy with the space. The utilities are not a separate item in the lease. J. Wahlberg stated that utilities are necessitating approximately a 3.5% increase or about \$150/year for her 298 sq. feet of rental space.

B. Manners moved and D. Masters seconded a motion to renew for one year from September 2008 to September 2009, with an adjustment for the increase in utilities, the lease between the Town of Ridgefield and Virginia Roebuck for 298 square feet of space known as Rooms #222A and #222C on the second floor of the Richard E. Venus Building, 90 East Ridge, Ridgefield, CT. Motion passed 5-0.

3. Deer Management Implementation Committee

The following individuals came forward to discuss the proposed hunt for 2008: Tom Belote, Chairman of the Deer Management Implementation Committee, Stafano Zandri, Huntmaster, and Major John Roche, member of the Committee.

R. Marconi read the June 27, 2008, letter received from Benjamin Oko, Chairman of the Ridgefield Conservation Commission indicating the Commission's approval of the Deer

Management Committee's schedule for the controlled hunt of 2008-09 with one change: Hemlock Hills and Pine Mountain hunt will end on Friday, December 19 rather than December 23. The letter also included comments about the signage policy, notification of the hunt on the Town website as well as to the schools, and the necessity for assuring the safety of the hunt.

This letter was written by Dr. Oko in response to the June 20, 2008 letter from Tom Belote of the Deer Management Committee outlining the recommendations for this year's hunt – locations, type of weapon, and dates. Mr. Belote reviewed details about each of the proposed hunt locations and why these locations were selected.

B. Manners expressed her concern about expansion of the hunt to so many different parcels. She feels that nine properties are a lot to oversee. Mr. Belote replied it is not prudent to leave an area in the middle not hunted when areas all around are being hunted. It is best to not have a safe area for the deer to run to. The hunters selected are not just recreational hunters; they need to know what they are doing and be committed. The first year which was the test year, the count was 24 deer. Last year it was triple that - 77. They had more hunters and more spaces for hunting. These past two years have been years of large acorns and thus deer do not have to move plus many days of foggy rain in the fall.

D. Masters inquired as to what is the Committee's goal – how many deer have to be killed to cull the herd? Mr. Belote responded that when we see reforestation and wild flowers returning to the woods, we will be achieving our goal. They are striving to reduce Lyme Disease, reduce deer-related auto accidents and see herbaceous regeneration. There is a measure for culling the herd of 12 deer/sq. mile. Mr. Belote indicated that they would feel that they are being successful if they can reduce the herd to about 20/sq. mile. Ridgefield is now at approximately 60/sq. mile – a long way to go!

R. Marconi read a letter received from Michael Cornish, Florida Hill Rd. expressing his displeasure with the controlled hunt. He is against expansion of the hunt into additional properties and feels that the statistics are not accurate, and the hunt has not been managed as was promised. J. Plock expressed objection to Mr. Cornish's letter. He never previously expressed any objections nor did he attend a Deer Management Committee meeting to learn more and express his opinion. R. Marconi will respond to Mr. Cornish and indicate that his letter was read at the BOS Meeting.

Major John Roche outlined the procedure for selection of the hunters. An applicant would submit their application to the Headmaster. They would then meet with Major Roche who would check on their background. If approved, then their picture is supplied and a permit is issued. The permits are orange in color with a visible photo and are to be carried at all times.

B. Manners expressed her desire for the hunts to remain with the same five parcels as in past years and do a study on the numbers, etc. R. Marconi pointed out how the Conservation Commission sees a need for hunting in some of the Town's open space. Mr. Belote stated how the Committee's charge is consistent with expansion of deer management into other areas of Town property. R. Marconi asked about Shadow Lake and the ball field area. Can this area be eliminated? Stefanou responded that this ball field is a practice field and is not used in the fall.

The Conservation Commission will be stressing signage. Perhaps a signage sub-committee would be helpful distributing notes to adjoining neighbors. How will the costs for signage be covered?

Perhaps an administration fee should be charged? They will research the cost for the proposed signage first.

D. D'Addario inquired about the number of deer killed in 2007 – 77 deer, and where does the meat go? The meat goes to the needy but it has to be butchered in New York State. John Frey is working on CT permits allowing the butchering to be done in Connecticut, but nothing is in place yet.

J. Plock moved and A. Bodner seconded a motion to approve the recommendation by the Conservation Commission for the 2008 Deer Management Committee Controlled Hunt as described in the June 20, 2008 memo from Tom Belote, Chairman of the Deer Management Committee to Dr. Benjamin Oko, Chairman of the Ridgefield Conservation Commission, with one change: Hemlock Hills and Pine Mountain hunt will end on Friday, December 19 rather than December 23, 2008. Motion passed 4-1. B. Manners opposed.

4. Use of Contingency Funds

J. Wahlberg, Town Controller, was present to discuss the use of Contingency Funds and Capital Fund Balances. These items were discussed together.

5. Discussion of Capital Fund Balances

The following individuals came forward to discuss the possible use of capital fund balances to purchase/lease patrol cars for the Police Department: Chief Richard Ligi and Major John Roche of the Police Department, and Police Commissioners – George Kain, Thomas Reynolds, Carl Lecher, and Charles Knoche.

Available for review was a chart showing the ten year history of police car purchases and what monies have been returned to the Capital Reserve Fund in years 1999 thru 2003 and again in 2005. J. Wahlberg indicated that it is the procedure to return the monies to the Capital Reserve Fund after three years, usually done in June. Currently there is \$10,254 left over from 2006, \$17,256 from 2007 and \$34,035 from 2008 (Vehicle Recovered Insurance Funds). B. Manners inquired as to why these monies were not disclosed during the budget discussions? J. Plock stated that if the BOS had known about these available dollars, it would have changed their thinking during the budget deliberations. When monies are left over, the Board of Selectmen needs to be advised of such. J. Wahlberg indicated that it is his habit to state when monies are available but he doesn't prepare a written report. It was agreed that he will present the BOS with a report in the future of capital project dollars left over. D. Masters suggested a report for the next BOS meeting.

A. Bodner inquired as to the procedure if a Police vehicle has a casualty and there is an insurance claim. J. Wahlberg responded that insurance pays the fair market value of the vehicle, which is a depreciated cost. Chief Ligi explained how he likes to have some funds in his capital fund so that he can purchase a replacement vehicle immediately without going thru the process of approval by the BOS and a Town Meeting. A replacement vehicle will cost more than the return from the insurance fund. A. Bodner stressed the need for a report on these numbers every single year and not after three years.

B. Manners suggested that perhaps there should be a cap on the amount carried over. She is in agreement that a report on the capital accounts not being closed out be presented to the Board of Selectmen, perhaps even twice a year.

D. Masters indicated her research on Police Departments nationwide that are saving dollars by idling their vehicles less – saving fuel and emissions. Chief Ligi stated that their vehicles are shut down and locked when the officer gets out of the car. They are also looking at reducing the octane in the fuel used in their vehicles. Anti-idling is a state-wide request.

A. Bodner suggested a close-out of the funds from 2006 and 2007 and use of the funds from 2008. Chief Ligi asked if a vehicle is in an accident, what is going to be the policy? Will the capital reserve be there to cover the difference between the depreciated value paid by the insurance coverage and the cost of the replacement vehicle? R. Marconi suggested a replacement cost insurance policy which would take care of this need for contingency dollars. Then the capital funds not spent could be closed out each year.

B. Manners indicated that the policy of rotation was adopted a few years back after much deliberation – buy one and lease one. To deviate from this policy, there needs to be a study. A. Bodner expressed agreement with a study, but the budget was challenged this year and capital funding was cut. The \$34,000 in the 2008 capital fund will cover the cost of two vehicles – one purchase and one lease. Chief Ligi indicated the need to realize that when the Police vehicles are kept longer, then there is less usage available when the vehicle goes to another department as in past years.

J. Plock moved and A. Bodner seconded a motion to approve the return to the Capital Reserve Fund the balance in the Police vehicle capital expenditure fund for 2006 of \$10,254 and for 2007 of \$17,256 and replace two Police vehicles by purchasing one and leasing one using the \$34,035 Police vehicle capital expenditure balance from 2008. Motion passed 5-0.

6. Transfers

John Pinchbeck, Tree Warden had previously requested an additional \$7930 to cover emergency tree removals in his memo dated June 4, 2008. He has withdrawn this request as July 1 started the new budget year. The BOS commented on the good job J. Pinchbeck does for the Town. Jan Rifkinson suggested an “Adopt a Tree” program with private funding.

J. Wahlberg presented several transfers requests.

1) Transfer request #200816 is because The Planning & Zoning Department has incurred costs associated with complex application reviews and conducting an erosion and sedimentation seminar for developers. The 2008 budget did not anticipate these additional costs to the various line items.

J. Plock moved and B. Manners seconded a motion to approve the Department of Finance Memorandum #200816, Intra-Departmental Transfer for the Department of Planning & Zoning providing for the following:

Increase:

10130-52001	Meeting Minutes	\$ 550
10131-53001	Board Expenses	850
10130-53001	Office Supplies	350

Decrease:

10130-52410	Professional Services-Consulting	\$1,250
10130-52407	Professional Services-Other	200

Motion passed 5-0.

2) Transfer request #200817 is an Appropriation from General Contingency from the Parks & Recreation Department as the result of an energy audit by the Barlow Mountain School which determined that the actual utility costs for the Barlow Mountain Pool are \$62,242 vs. \$30,500 as budgeted. The Parks & Recreation Department is requesting an appropriation from General Contingency to cover this utility cost increase. This is an unanticipated expense per Paul Roche. The BOS wants to verify the costs from previous years and the formula used for the 2008 budget. This utility cost covers both the pool and the daycare rental facility, Children’s Corner. It would be best if the utility costs for the daycare center were separate. This had been discussed previously and was found to be too expensive to set up. J. Plock requested numbers be obtained from the Board of Education for the past five years – verification of the formula used in the past.

3) Transfer request #200819 is a request from The Highway Department because of increased costs incurred in its supplies for drainage repairs and environmental expenses involved in the handling of the Town’s electronic waste program.

J. Plock moved and B. Manners seconded a motion to approve the Department of Finance Memorandum #200819, Intra-Departmental Transfer for the Highway Department providing for the following:

Increase:

10604-53076	Drainage Supplies	\$ 4,215
10670-52018	Environmental/Recycling	\$ 6,185

Decrease:

10605-52202	Road Sweeping	\$10,000
10601-53001	Office Supplies	400

Motion passed 5-0.

7. AfSAP Update

R. Marconi reported on the Town Meeting held the previous evening in Norwalk. Senator Dodd, Congressman Shays and Attorney General Blumenthal were in attendance to answer questions and participate in the discussion. Both Dodd and Shays are very supportive of the work of the Alliance for Sensible Airspace Planning and indicated their frustration with the FAA, their arrogance and their failure to respond to inquiries and concerns from the public. The plan is for the new air route to be in effect in January 2009. The GAO Report is due to be out the end of July and the Alliance is hoping that this will show how due process was not done.

R. Marconi commented on how there are computer systems available that the FAA are not yet using. They are about 40 years behind with their use of technology on the ground. The loss of air traffic controllers is a serious problem; currently about 5/day are leaving their jobs. The Department of Defense opened up the use of some of their designated airspace over the holiday peak travel periods, which was helpful. Can some of this airspace not be used other times as well?

D. Masters also attended the Town Meeting and commented on the sensational job being done by Mr. Marconi leading this group of incredible dedicated people from all these various towns – 12 towns in CT and Pound Ridge, NY. Citizens in our area need to be aware and very concerned about how these new flight plans are going to affect our quality of life.

A. Bodner indicated that this Alliance has been at work for one year now and they have spent what was allocated to them by the various towns. Will this be the last request? The answer is yes –

additional monies if necessary will need to come thru private funding. This invoice for \$12,154 is Ridgefield's share for an additional request for funds. Danbury allocated \$125,000 and said no more. R. Marconi indicated the need for Ridgefield to "stay in the fight". New Canaan, Ridgefield and Wilton will be greatly affected if this FAA plan is implemented. The FAA has not taken into consideration the effect this plan will have on general aviation with their restriction on flight patterns and a lowered ceiling in our area. J. Plock suggested the need to start a private funding request; make this issue a community-based effort. Private citizens have stepped up to needs like this in the past.

Bob Cascella inquired if Danbury does not pay their additional share, then does that raise the dollars required from the other towns? R. Marconi responded that this current invoice is our share. If anyone else does not pay, then their share has to be covered by private funding and not an increased allotment from the member towns.

B. Manners moved and D. Masters seconded a motion to approve the expenditure of \$12,154 out of the Legal Fund line, 2007-08 Budget, for the Town of Ridgefield's share for continued support of the Alliance for Sensible Airspace Planning. Motion passed 5-0.

8. Selectman's Report

- Ridgefield Housing Authority's (RHA) request for a waiving of the permit fees relative to the construction of 51 Prospect Ridge (\$18,442) and Gilbert St. (\$41,600). Permit fees have been abated in the past for Ridgefield Housing Authority projects.

The following individuals came forward to discuss this issue: Diana Burgos, Executive Director of the Ridgefield Housing Authority, Philip Bergquist, Chairman of RHA, AnnMarie Roller, RHA Commissioner, and Harvey Edelstein, Consultant REDI.

A. Bodner inquired as to the effect on the rent charged if there is no abatement of the permit fees? Harvey Edelstein responded that the permit fee charges would be divided between 132 units – it would not amount to a big difference in the rent charged – approximately an additional \$5.10/month in rent. The cost for these two projects is \$13 million with only \$860,000 debt subsidized. The balance is coming from grants.

R. Marconi stated that \$60,000 is not a big number. Everyone is experiencing tough times. It would good to be able to collect these dollars. A. Bodner stressed how the Town budget is a struggle. \$60,000 divided between 132 units over 20 years would not hurt the renters. What is going to be generated in the pilot? We will be getting revenues there not budgeted. Gross rents could be about \$1 million less utility costs. Mr. Edelstein pointed out that this is a \$13 million project privately funded by private investors for approximately \$8.5 million. The return will be about 9 cents/every \$1. The project should be completed by the end of 2009. A. Bodner indicated a reluctance to waive fees without an overall discussion about our priorities.

These building projects cannot be started until a decision is made relative to the payment or abatement of the building fees.

B. Manners moved and A. Bodner seconded a motion to approve the forgiving of the collection of the permit fees at the present time for the current Ridgefield Housing Authority building projects at 51 Prospect Ridge and Gilbert St. but roll these fees

(approximately \$60,000) into the pilot over a twenty-year period and account for a nominal interest dependent on the current bonding rate. Motion passed 5-0.

- June 18, 2008 Memo received from Michael J. Autuori regarding a sodium vapor street light on Prospect Ridge opposite the Little League field. Dr. Autuori expressed his dislike of such a light and how it should be replaced with a “white, full cutoff fixture as per Ridgefield policy”. Dr. Autuori favors Chief Ligi’s idea of turning off non-essential street lights. Ridgefield should not “succumb to any “deal” offered by CL&P which would allow installation of sodium vapor street lights in exchange for a “break” on the electric bill.” R. Marconi indicated that the question not yet answered is whether the Town of Ridgefield has jurisdiction over the street lights. We also do not yet know the costs involved for replacement with high pressure sodium vapor lighting.
- Donation to the Boys’ & Girls’ Club - Concern has been expressed over the Town’s decision to not provide the Boys’ & Girls’ Club with the \$50,000 previously considered. A Town donor has come forward with an offer to match if the Town will reconsider and donate the \$50,000. Would the donor be willing to match if the Town paid their contribution over a few years or would that individual match a lesser amount? The Boys’ & Girls’ Club did spend additional dollars on a pool that can be used for water supply in case of a fire.

B. Manners stated that she would not approve the donation at this time. The Boys’ & Girls’ Club is not a town-owned facility. They provide good services to the community but they do duplicate somewhat services the Town of Ridgefield does provide.

A. Bodner indicated that the Boys’ & Girls’ Club does provide after school activities for many children. We did make a commitment. The money would come out of the capital reserve which was the BOS original request. Would the donor match \$25,000? R. Marconi will call to check. This way the donation would total \$50,000. If so, it would be necessary to set a Town Meeting for this issue.

- Yanity Gym burner replacement/repair would cost about \$32,000.

9. Approval of Meeting Minutes: 6/4/08, 6/9/08, 6/18/08

D. Masters moved and A. Bodner seconded a motion to approve as written the minutes of the June 4, 2008, Board of Selectmen Meeting. Motion passed 4-0. J. Plock was absent from the June 4 meeting.

J. Plock moved and D. Masters seconded a motion to approve as amended the minutes of the June 9, 2008, Board of Selectmen Special Meeting. Motion passed 4-0. A. Bodner was absent from the June 9 meeting.

It was agreed to table approval of the June 18, 2008 BOS meeting minutes until the July 30, 2008 BOS Meeting.

10. Possible Executive Session: -- Bennetts Pond Litigation Updates
-- FOI Gaeta Litigation Updates

There was no Executive Session – Laurie Scholl, Director of Human Resources was on vacation.

J. Plock moved and B. Manners seconded a motion to adjourn the Board of Selectmen Meeting at 11:10 p.m. Motion passed 5-0.

Respectfully submitted,

Janet L. Johnson