

PUBLIC HEARING & BOARD of SELECTMEN MEETING – OCTOBER 5, 2005

7:30 P.M. – TOWN HALL/LOWER LEVEL 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, D. Masters, J. Plock, P. Yanity

Absent: B. Manners

PUBLIC HEARING

R. Marconi called the Public Hearing to order at 7:30 P.M for the purpose of consideration of a boundary line agreement between the Demrick Charitable Trust (Wachovia Bank as Trustee) and the Town of Ridgefield relative to property off of Pine Mountain Road. David Grogins, Town Counsel, showed the Assessor's map of the property being discussed. Once the boundary line is established, the property will be passed on to the Boy Scouts of America, Connecticut Yankee Council. The Town is pursuing a boundary line agreement, and, in turn, will receive from the Demrick Trust an easement for conservation open space in the amount of 5.731 acres.

A discussion followed as to the marking of the property for open space – open space markers in the corners of the property and possible signage designating that the property is open space.

Andy Bodner, Branchville Road, pointed out that this property will be Boy Scouts open space and not Town-owned open space. The ownership will remain private, but the usage of such is open to the Town.

Lindsay Held, Lynn Place, asked if this contract is in favor of the Town? The answer is yes. The Town can trim the vegetation and remove trees if need be. The usage will be in conjunction with the Boy Scouts.

J. Plock moved and D. Masters seconded a motion to hold a Town Meeting on October 19, 2005, Town Hall Lower Level Conference Room, 7:30 P.M. for consideration of a boundary line agreement between the Demrick Charitable Trust and the Town of Ridgefield relative to property off of Pine Mountain Road. Motion passed 4-0.

AGENDA – BOARD of SELECTMEN MEETING

1. Youth Commission Interviews – Jake Miller, Karinn Edwards
2. Vendor Permit Application – Frank Rocco & Domenick Farago
3. Deer Management Implementation Committee Interviews – T. Belote, R. Douville
4. Parks & Recreation Commission Appointment
5. Mapleshade Cemetery – Jeanne Timpanelli
6. Turner Hill Survey Funding – Request for Approval
7. Shadow Lake – Set date for formal dedication to Al Baker; transfer jurisdiction of land to Conservation Commission
8. Golf Course Concession
9. Approval of Bob Blake as Assistant Treasurer
10. DPH and CADC Grants – Ed Briggs; Fire Police Radios – Chief Lou Yarrish
11. Approval of meeting minutes – 4/4; 8/30; 8/31; 9/21
12. Selectman's Report

R. Marconi called the Board of Selectmen Meeting to order at 8:05 P.M.

1. Youth Commission Interviews – Jake Miller, Karinn Edwards

Both Jake and Karinn came forward to introduce themselves to the BOS. Accompanying them was Ruth Leibowitz, Chairman of the Youth Commission. Karinn is currently an 11th grader, and Jake is a 9th grader. J. Plock inquired as to the special talents each of them would be bringing to the Youth Commission? D. Masters commented on the importance of contributing to the community and asked what they see that needs to be done? What do you think you can do to make Ridgefield High School a better, safer place? Karinn responded that she really did not know yet as to what her contribution will be; she just wants to get involved. Jake responded that he has already volunteered to assist with the Pass Christian project.

R. Marconi pointed out how as a member of the Youth Commission, one fills an important role as a liaison between the school and the adults of the community. The BOS and the community are interested in hearing what they have to say. Anything we as adults need to hear or get involved with, please let us know.

J. Plock moved and D. Masters seconded a motion to appoint Jake Miller and Karinn Edwards as members of the Youth Council until graduation from Ridgefield High School. Motion passed 4-0.

2. Vendor Permit Application – Frank Rocco & Domenick Farago – Frank Rocco, Owner of Planet Pizza came forward to introduce himself and explain why he and his Manager, Domenick Farago, are seeking vendor permits since they already have a retail license. They wish to purchase a portable freezer from which they could sell Italian ices and ice cream in the front of their store on special occasions. This is really an extension of their current business and would occur right by their front window. R. Marconi commented on the possible concerns of adjacent neighbors. There is a parking lot in the rear and steps that go down the side. The stairwell is currently blocked off. Mr. Rocco responded that he is offering to clean the parking lot of any litter every couple of days. Mr. Marconi will call the neighbor that specifically inquired and expressed concern over issuance of this permit.

J. Plock moved and P. Yanity seconded a motion to approve the Vendor Permits requested by Frank Rocco, owner of Planet Pizza, and Domenick Farago, Manager of Planet Pizza, to sell Italian ices and ice cream for a period of one year. Motion passed 4-0.

3. Deer Management Implementation Committee Interviews – T. Belote, R. Douville –

Richard Douville came forward to introduce himself to the Board. R. Marconi read the e-mail Mr. Douville had sent expressing his interest in serving on the Deer Management Implementation Committee. He moved here 2 ½ years ago and has read all the controversy surrounding this issue. He previously lived for four years in Mendham, New Jersey, a community very similar to Ridgefield. They had very highly regulated control of hunting thru the local Police Department. The Police administered a proficiency test and issued a sticker for the hunter's car as well as a permit to be carried. This was a self-sustaining program with a fee charged to the hunters. It was a very well-run program. Mr. Douville believes he can provide insight into the deer management issue in Ridgefield.

Tom Belote came forward to again review his credentials for serving on the Deer Management Implementation Committee, including previously serving as the Co-Chairman of the Ridgefield Deer Committee and currently serving as Chairman and Ridgefield's representative to the Fairfield County Deer Management Alliance. R. Marconi read the letter received from Mr. Belote. D. Masters commented on how the BOS knows how familiar Mr. Belote is with all the deer management issues and appreciates his willingness to volunteer again. Mr. Belote responded that anyone serving on this committee should be "thick-skinned" as this is such a contentious issue. P. Yanity responded that Tom's experience and knowledge is very helpful. J. Plock pointed out that the BOS will be making the final decision as to the deer management issue and inquired if Mr. Belote is willing to go along and support whatever the BOS decides? He said yes.

It had previously been agreed that the Deer Management Implementation Committee should consist of seven members. The BOS has the right to determine the size of the Committee. Four applicants have been interviewed to date; there are six to eight more applicants to be interviewed. Town Counsel, David Grogins was requested to draft a charge for the Deer Management Implementation Committee to be reviewed at the October 19 BOS meeting.

Mr. Belote reviewed what Ridgefield's neighbors are doing about the deer hunting issue. Redding has opened 1000+ acres to controlled hunts. Wilton has expanded the property available for a controlled hunt for this year to the other side of town as well. South Salem is part of the Westchester county-wide program.

It was suggested that the additional candidates be interviewed as soon as possible.

4. Parks & Recreation Commission Appointment – There is one vacancy on the Parks & Recreation Commission of seven members for a three-year term. Two candidates have been interviewed to date – Evie Bottali and Bill Whelan. J. Plock wanted to nominate Bill Whelan. She feels he is very knowledgeable and seems to have a broad view of the role of the Parks & Recreation Commission. D. Masters commented that she has worked with Evie Bottali on the Parks & Recreation survey identifying the needs of the community. Ms. Bottali has been very involved with the high school and feels Evie would assume a strong leadership role. She has been active with the High School Booster Club and worked on the Relay for Life. R. Marconi indicated his desire to have an additional woman on the Commission as there is only one woman on the Commission currently. It was agreed to request that the Parks & Recreation Commission indicate which candidate would be their choice to fit their current needs. R. Marconi will send the Commission a letter requesting their input.
5. Mapleshade Cemetery – Jeanne Timpanelli - Jeanne Timpanelli, Doug Clewell and Susan Law came forward to present the Ridgefield Graveyard Committee's request for the Town of Ridgefield to accept ownership of Mapleshade Cemetery. R. Marconi read the report on Mapleshade received from the Ridgefield Cemetery Association, a newly formed association. Mapleshade is an active cemetery, however no funds have been accumulated and there has been little record keeping. There is no management structure. There are people who want to buy plots and there is no records of plots that have been sold. There is concern by families who have loved ones buried at Mapleshade. The cemetery has been owned by the Scott family and recently by Ed and Sidney Scott, now deceased. The brothers willed the cemetery to their respective families. However, by State Statute, cemeteries may no longer be privately owned. The Scott family is anxious for a decision as a 2002 will cannot be probated until ownership of

the cemetery is resolved. It currently costs about \$4,000/year for lawn maintenance. The Boy Scouts recently did a great job cleaning up the wall along one side of the cemetery.

Would Kane's Funeral Home be interested in taking over the management of Mapleshade? In the Spring an ad could be run in the Acorn Press for a couple of weeks asking individuals to come forward if they have purchased lots at Mapleshade. Perhaps some plots should be set aside in case anyone comes forward in the future showing ownership of a plot. Perpetual care needs to be guaranteed. People who purchase plots now could help to build up a start-up fund. But such a fund needs to be managed and someone has to be in charge of sales, record keeping, etc. J. Plock inquired as to what the cost would be if the Town were to take over the cemetery? It was suggested that Bob Reynolds be contacted. He has a wealth of knowledge in this area.

J. Plock moved and D. Masters seconded a motion to hold a Public Hearing on October 19, 2005, Town Hall Lower Level Conference Room, 7:30 P.M. for consideration of the proposed Town of Ridgefield's assumption of ownership of the Mapleshade Cemetery. Motion passed 4-0.

6. Turner Hill Survey Funding – Request for Approval -

Dr. Benjamin Oko, Chairman, Ridgefield Conservation Commission, and David Grogins, Town Counsel, came forward to discuss this issue. R. Marconi read Dr. Oko's letter of August 19, 2005, requesting the BOS to authorize money to survey the Turner Hill property to establish the open space boundaries. The estimate for such a survey is \$7000. An additional amount of \$2500 will be needed to mark and post the surveyed properties. This is a result of the open space violations at Turner Hill, a problem which was presented to the BOS in October 2004. David Grogins had sent a letter to Dr. Oko in December 2004 outlining Conservation Commission Enforcement Procedures.

Turner Hill is an unusual situation. The lots are small with the houses situated close to the property lines. Residents have been turning some of the open space into an extension of their own property – mowing the grass, placement of play equipment, etc. J. Plock inquired if harm is being done to the open space? The point is that the land should remain in its natural state. The question is whether the residents can do this legally? The property is not theirs to use as their own. There are now no permanent markers designating what is open space. The map of the area is a concept map, and not an accurate map based on surveying. It is not an enforceable map, although it is quite accurate with regard to the location of open space.

J. Plock inquired as to when does the Conservation Commission make exceptions? Can mowing not be allowed? Is it conceivable to work with mowing agreements, but we still need to know exactly where the open space is. Do the common areas count as open space? Some do and some do not – that is what is strange.

D. Masters pointed out that this is an unusual situation – environmental clustering of homes with small homes on small lots. There needs to be a proper survey, and then conversation and compromise can take place.

Dr. Oko reported that the Conservation Commission did come to the Board of Selectmen previously regarding this open space utilization and the Conservation Commission was told to enforce it.

R. Marconi commented on the uniqueness of this development which created problems specific to this situation. There are no side or rear setbacks. The original lines for open space had to be changed. He wonders if spending the \$10,000 for the surveying and marking is going to achieve the desired end result. The Conservation Commission has been put in a difficult position. He suggested that a review of the original subdivision be conducted as this is a unique situation. Perhaps we should be enforcing the “spirit” of the law and not just the “letter” of the law. We need to work with Planning & Zoning on this matter and look again at what is the intent. Creation of a buffer zone may be the answer.

David Grogins responded that the question previously was raised as to how this open space can be enforced. Due process is necessary. Notification is given, a clear line is set and then a hearing is held. The only way this open space designation is enforceable in court is if the lines of demarcation are clearly and correctly marked.

D. Masters commented that we need to look at what is the definition of the “Green Belt”.

William Folger, Turner Hill, inquired whether the Green Belt should be mowed or not? Is it not a transition zone into open space? Mowing keeps the ticks farther from the houses. R. Marconi responded that 10 feet can be mowed and then 10 feet would be designated as transition space.

Harold Morokuly, Turner Place, indicated that this is different than most open space. He feels the residents have tried to work with the Conservation Commission in an attempt to satisfy everyone. The concern is safety.

Lindsay Held, Lynn Place, commented that it is frustrating to hear the term “annexation” of property. We are talking about ten feet of weeds that would turn into poison ivy, and then the New York State line. The residents do want to work with the Conservation Commission and the Board of Selectmen. They are not asking for more land – it is a safety issue.

D. Masters indicated that she is sympathetic to the residents and sympathetic to Planning & Zoning as well.

Residents of Turner Hill made the following statements: “This is about mowing”! There used to be a path where one could walk to the pool. This path has not been taken care of in about three years. One resident pointed out that there is very little usage for the designated open space. If dollars are to be spent on this open space designation, it is not for open space that is available for use by the residents of the Town. He thinks the term “Green Belt” is more appropriate.

D. Masters moved and P. Yanity seconded a motion to send to Planning & Zoning a request for a review of the Green Belt/Open Space zoning and restrictions of the Turner Hill property. Motion passed 4-0.

7. Shadow Lake – Set date for formal dedication to Al Baker; transfer jurisdiction of land to Conservation Commission.

Previously the BOS had agreed on a ball field on four acres of the property. This agenda item is to discuss the usage of the balance of the property. R. Marconi showed a map of the area. It was never dedicated to open space as were looking at future school sites and ball fields, etc. The space is no longer needed for such usage and can move ahead with the suggestion that the property be dedicated to Al Baker and transferred to the jurisdiction of the Conservation Commission.

Dr. Yanity indicated that he thinks the space should be kept in reserve as passive open space and under the jurisdiction of the Board of Selectmen and not turned over to the Conservation Commission. R. Marconi reviewed the history of the property. A ball field was discussed and then later a park with designated trails. The neighbors did not want this. They were concerned about the possible traffic and usage by residents of other communities.

D. Masters moved and R. Marconi seconded a motion to transfer the Shadow Lake property (less the property set aside for the Shadow Lake Ball Field) to the Conservation Commission and dedicate such to Al Baker. The motion passed. The vote was 2-1-1. P. Yanity voted no and J. Plock abstained. Dr. Oko commented on the beauty of the Shadow Lake property.

8. Golf Course Concession - Todd Kolb, Al Fazi, Jay Saks, and Ed Tyrrell, members of the Golf Committee came forward to discuss the operation of the concession at the Golf Course. Prior to seeking bids, R. Marconi had asked the Health Department to see what needed to be done at the facility prior to the takeover by any new renter. A letter had been received from Barbara Hoch, Health Department Sanitarian. The concession area was renovated in 1991 and brought up to the current code for that time. She pointed out that the snack bar is overburdened with equipment and supplies, the need for storage space, cracked floor tiles, carpeting in the dining room buckled and frayed at the seams, concern for the condition of the 30 year old septic system, and the grease trap under the sink is not heat assisted and requires frequent maintenance. If a dishwasher is to be installed, then the septic needs to be looked at. A heated grease trap would be necessary. The existing equipment could be sold to a new leasee. A new vendor must enforce the No Smoking rule. If the BOS is to sign the lease, then the Board needs to be informed as to the terms of the lease. R. Marconi read Bid 06-18, "Specifications for Proposals for Operation of the Restaurant in the Clubhouse at the Ridgefield Golf Course."

D. Manners moved and J. Plock seconded a motion to approve the wording of the proposed lease for operation of the restaurant in the Clubhouse at the Ridgefield Golf Course as written including a provision for early opening on Lottery Days. Motion passed 4-0.

9. Approval of Bob Blake as Assistant Treasurer -

The question was raised as to where in the Charter does this position of Assistant Treasurer exist? As an agent of the Town, this individual performs the function of depositing funds. This should be designated as such in the Charter and the recommendation of such should be made to the Charter Revision Commission. There is a way in which the checks could be signed by a computer. This issue needs to be researched before an approval of Bob Blake can occur.

10. DPH and CADC Grants – Ed Briggs; Fire Police Radios – Chief Lou Yarrish

Ed Briggs came forward to explain the request for approval of the contracts and grants.

J. Plock moved and D. Masters seconded a motion to authorize the First Selectman to sign the application for the State of Connecticut Department of Health contract for grant dollars in the amount of \$50,040/year for each of two years, for a total of \$100,080. Motion passed 4-0.

J. Plock moved and D. Masters seconded a motion to authorize the First Selectman to sign the agreement between the Town of Ridgefield and the Connecticut Association of Directors

of Health, Inc. (CADH) in the amount of \$20,000, effective September 26, 2005. Motion passed 4-0.

J. Plock moved and P. Yanity seconded a motion to approve \$18,000 for Dian Marandola to provide training for Emergency Preparedness volunteers for one additional year or until the grant money runs out. Motion passed 4-0.

On October 25, there will be a tabletop testing of the Town's response to a Pandemic Flu outbreak. There will be a lot of scenarios. What are the responsibilities of the local government and the State government? Residents need to be kept informed on a constant basis.

Lou Yarrish came forward to discuss the need for five fire/police radios to be purchased out of the Emergency Preparedness Fund. **J. Plock moved and D. Masters seconded a motion to approve the expenditure of \$9,305.30 out of the Emergency Management Fund for five (5) Fire/Police radios to be purchased from Utility Communications, Inc. Motion passed 4-0.**

11. Approval of Meeting Minutes – 4/4; 8/30; 8/31; 9/21

J. Plock moved and D. Masters seconded a motion to approve as amended the minutes of the April 4, 2005 Board of Selectmen Meeting. Motion passed 4-0.

J. Plock moved and D. Masters seconded a motion to approve the minutes of the August 30, 2005 Board of Selectmen Emergency Meeting. Motion passed 4-0.

J. Plock moved and D. Masters seconded a motion to approve as amended the minutes of the August 31, 2005 Special Board of Selectmen Meeting. Motion passed 4-0.

J. Plock moved and D. Masters seconded a motion to approve as amended the minutes of the September 21, 2005 Public Hearing, Board of Selectmen Meeting, and Economic Development Commission Meeting. Motion passed 3-0-1. P. Yanity abstained as was absent from September 21, 2005 meeting.

12. First Selectman's Report – R. Marconi had nothing urgent to report.

D. Masters provided feedback from "Lunch with Di" on Wednesday's. Two topics have been raised: 1) What happened to the proposed sign board? Can this be on the agenda for the next meeting? 2) What about the proposed sidewalk on Market Street as many children walk to school? Branchville is being done now and Market Street is next.

J. Plock moved and D. Masters seconded a motion to adjourn the Board of Selectman Meeting at 10:55 p.m. Motion passed 4-0.

Respectfully submitted,

Janet L. Johnson