

# **PUBLIC HEARING & BOARD of SELECTMEN MEETING**

**OCTOBER 18, 2006**

TOWN HALL/LOWER LEVEL CONFERENCE ROOM – 7:30 P.M.

## **REVISED/APPROVED MINUTES**

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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

### **Public Hearing**

1. The proposed sublease of State of Connecticut property to Woodcock Nature Center from the Town of Ridgefield.
2. Change in Ridgefield Code under Chapter 14 Traffic – Town of Ridgefield Ordinance Section 14-10 Penalty for violation of Sections 14-1, 14-4 through 14-9, to read “Anyone violating sections 14-1, 14-4 through 14-9, of the Code of Ordinances shall be fined an amount not to exceed the sum of (ten dollars (\$10.00) **fifteen dollars (\$15.00)**, in addition to any other fine or fees contained specifically in the Code of Ordinances.

### **Board of Selectmen Meeting (immediately following Public Hearing)**

1. Branchville Railroad Station Fee Schedule
2. Architectural Advisory Committee Interview: Warren Arthur
3. Ridgefield Community Prevention Council Interview: Susan Dighton
4. Danbury Airport
5. Boys & Girls Club MV Tax Abatement
6. Water Main Extension Ordinance Review
7. Cross Hill Road (Anrico, Hung) Easement: 8-24 Referral, Set PH & STM Date
8. CGI Communications Contract
9. Approval of Meeting Minutes: 10/4
10. Selectman’s Report

R. Marconi called the meeting to order at 7:30 p.m. and convened immediately into the Public Hearing. There were two matters to be considered. R. Marconi read the notice of the Public Hearing.

1. The Proposed Sublease of State of Connecticut Property to Woodcock Nature Center from the Town of Ridgefield. Present for the discussion was Henryk Terazkiewicz, Executive Director of the Woodcock Nature Center. There are two items in the lease which the Board of the Woodcock Nature Center would like to have changed:
  - Page 3, Item B – eliminate the last sentence, “At least one program per season shall be conducted for Senior Citizens.” It is difficult for the seniors to come to the Center. Instead, the Center would like to bring programs to the seniors, for instance bring a program to Founders Hall. The Nature Center Board wants to be in compliance with the lease. Seniors can attend their adult programs. They have been so focused on children’s programs, but hope to do more with adult programming which will include senior programming as well.

- Page 3, Item C – delete completely. This paragraph requests a semi-annual report furnished to the Board of Selectmen detailing programs conducted and participation in each program. Such a report has not been furnished in the past. Mr. Terzkiewicz indicated that the Nature Center Board does an annual report and they will be glad to give a copy each year to the First Selectman. A sentence such as the following should be added to the end of Item B: The Woodcock Nature Center shall provide a copy of their annual report to the office of the First Selectman.

John Katz, Ridgebury Rd., indicated that he does not believe a lease should contain provisions as to the programming that occurs on the property. D. Masters indicated that she is very familiar with what the Nature Center does and agrees that a stipulation about the programs offered does not have to be part of the lease. A. Bodner stated, “If something is not broken, then let’s not fix it”. The past lease has been in existence for thirty-five years. J. Plock indicated that this lease was written thirty-five years ago when the Woodcock Nature Center was just starting up. It was probably appropriate at that time to state in the lease what the Nature Center would be about. The two changes in the lease will be made prior to the scheduled Town Meeting on November 1<sup>st</sup>.

**J. Plock moved and D. Masters seconded a motion to set a Town Meeting for November 1, 2006, 7:30 P.M., Town Hall Lower Level/Conference Room to approve the sublease as amended of the State of Connecticut property to Woodcock Nature Center from the Town of Ridgefield. Motion passed 5-0.**

2. Increase in the Parking Fee to \$15.00 – Mike Kaufman, Member of the Parking Authority and Penny Hoffman, representing the Chamber of Commerce, were both present for this discussion. R. Marconi read the September 21, 2006 letter received from Mr. Kaufman stating the Parking Authority’s recommendation for an increase of the parking fine from \$10.00 to \$15.00. Penny Hoffman researched the parking fines imposed by neighboring towns: New Canaan, \$15.00; Darien, \$15.00; Westport, \$25.00, Greenwich didn’t respond and Wilton doesn’t regulate their parking. Ridgefield’s parking fine of \$10.00 has been in effect since 1978. It is Parking Authority’s belief that an increased fine may help to manage the parking. The hope is for an increase in circulation of parking spots. R. Marconi pointed out that the initial fine will be \$15.00, a second ticket for not moving the vehicle and in the same spot will be another fine for \$15.00. The escalation of the fine is if the fine is not paid nor appealed within the stipulated time period.

**J. Plock moved and D. Masters seconded a motion to set a Town Meeting for November 1, 2006, 7:30 P.M., Town Hall Lower Level/Conference Room to approve the proposed change in Ridgefield Code under Chapter 14-10 Traffic, (Penalty for violation of Sections 14-1, 14-4 through 14-9) which will increase the parking fine from \$10.00 to \$15.00. Motion passed 5-0.**

R. Marconi closed the Public Hearing at 7:50 p.m. and immediately convened the Board of Selectmen Meeting.

**J. Plock moved and B. Manners seconded a motion add to the end of the BOS Meeting Agenda an Executive Session for discussion of possible acquisition of two pieces of property by the Town of Ridgefield. Motion passed 5-0.**

1. Branchville Railroad Station Fee Schedule – R. Marconi indicated that he had received one phone call and one email about this subject. Danbury, Bethel and Redding charge \$180/year for a parking pass. The monies collected cannot go into the General Fund, but have to be kept separately and be used for maintenance and improvements at the train station. The State of

Connecticut DOT prefers that the charge be the same at the stations on the same line. The question is whether the BOS wants to press forward on this issue. J. Plock pointed out that the West Redding Station is very close geographically to Branchville and thus the fee charged should be very similar. The fees need to be uniform. The Georgetown wire facility is planning to build a 600 car parking facility which will provide parking for commuters.

Penny Hoffman, Director of the Ridgefield Chamber of Commerce, indicated that she had researched parking charges at nearby towns: New Canaan - \$345 and \$3 for a daily charge; Darien - \$288 and \$3 for a daily charge; Westport - \$225; Wilton does not charge at either the Wilton or Cannondale Railroad Stations. Andy McKinsey as an intern, did an extensive study and submitted a Branchville Parking Recommendation in April 2005.

J. Plock commented on the practice of “overselling”. What happens when commuters show up and there are no empty spots? Many towns have overflow lots farther away. Ridgefield does not.

B. Manners indicated her desire to charge consistently with other towns, but not oversell by many. What about cheaper to Ridgefield residents and the remaining to other communities? If the demand is great, then a lottery system would have to be set up.

R. Marconi pointed out past requests to the DOT for additional express trains, but these requests have “fallen on deaf ears”. There is talk about the electrification study. Lighting, fencing, sidewalk maintenance, and plowing are the town’s responsibilities. MetroNorth is responsible for the platform.

Rob Kobalesky, stated that he has been a Ridgefield resident for nineteen years and a commuter for the last six years. Citizens pay taxes for town services that all residents do not use. He feels town tax dollars should go toward maintenance of the railroad station. Commerce should be encouraged to increase the revenue stream and thus hopefully result in lower taxes. To charge for parking is in conflict with the encouragement of the use of mass transportation.

Andy Bodner indicated that the question is – do we charge for railroad station parking? What about when the Gilbert & Bennett parking facility opens up?

R. Marconi suggested turning the subject over to the Parking Authority for their research, consideration, and recommendation. The Parking Authority could call Wilton and see if they are considering charging for their train station parking. John Katz suggested that the First Selectman call Gilbert & Bennett to see what exactly are their plans for parking.

Chris Denny indicated that he is also a commuter. If Ridgefield charges a fee for parking, residents will drive to South Norwalk to park and commute on the Main Line. Parking spaces need to be marked at Branchville, which would result in increased parking. R. Marconi indicated that Spring would be the appropriate time of year to do the striping. The suggestion was also made for an increase in the number of 15 minute parking spots to accommodate WhistleStop.

Lolly Turner stated that a lot of commuters from out-of-town are using the Branchville station. D. Masters indicated that it is now difficult to find parking availability at Branchville which was not the case in the past. It is difficult to charge for parking at a train station that has poor service. Ridgefield needs to lobby more for an increase in train service. Governor Jodi Rell is very “pro-train”. J. Plock suggested sending a letter and a copy of the minutes to the Governor expressing the need for improved train service on the Danbury Line.

2. Architectural Advisory Committee Interview: Warren Arthur – Mr. Arthur came forward to express his desire to serve again on the Architectural Advisory Committee. He previously served for six years. R. Marconi read the September 5<sup>th</sup> letter received from Mr. Arthur expressing his candidacy. R. Marconi also read a letter received from Betty Brosius, Town Planner, indicating that there is another applicant as well, Eugene Smith. She suggested that the Committee be contacted for their recommendation and stressed the increased responsibilities for the Committee and their review of pending building permits. Mr. Arthur was asked to tell the BOS about his history in Ridgefield. He has been a resident for thirty-five years and lives at Mamasasco Lake. He is an architect but does not currently have a heavy practice and thus has the time to be an active member of the Committee. His architectural career included residential projects, 4Seasons, interiors and library design. He is especially interested in the Ridgefield Library expansion project. It is important to get the design concepts in place.

D. Masters expressed her appreciation to Mr. Arthur for coming forward to express his interest in serving again. The AAC has a recurring problem with maintaining continuity of members on a project, working with Planning & Zoning and picking up loose ends. Mr. Arthur indicated that he now has the time to follow thru on a project. He has a particular interest in working on the Library project. There is strength in design. He has made a collection of pictures of “eyesores” around town. He worked on the selection of the street lights on Main Street and how he had stressed the need for cast iron quality lights. He commented on how beautifully the planters are maintained. A design is most successful when repeated.

Andy Bodner inquired as to his suggestion when there is tension with a property owner and friendly advice is not appreciated. Mr. Arthur replied that diplomacy is the answer. Considerations include design and appropriateness of the need. Landscaping is also important.

R. Marconi pointed out that the Library had already come before the AAC and recommendations were made. One of the ideas is to tear down the bank building and build closer to the street. Mr. Arthur commented on how the library would face two different streets. He “hasn’t stopped thinking about it”. It is important to study what would be the cost of ripping down the present building. The current entrance is not at all elevating and the lighting is bad. A library should not be just a “nuts and bolts” building with multiple uses. There needs to be something spectacular about it – a “wow” room!!

The November 15 BOS meeting will include presentations by the Library regarding their proposed new building and Parks & Rec regarding a new ball field.

3. Ridgefield Community Prevention Council Interview: Susan Dighton – Susan Dighton came forward to express her interest in serving on the Ridgefield Community Prevention Council. R. Marconi read the October 2<sup>nd</sup> letter received from Ms. Dighton. She has lived in Ridgefield for nine years and has three children in the school system. She currently works full time at Scotts Ridgefield Middle School as a Technology Paraprofessional. She feels this position has provided her additional insight into this age group and the pressures today’s youth face. She believes the adults of the community are accountable for the excesses of drugs and alcohol in our youth. She is committed to working toward the education and support of Ridgefield’s youth and their families.

B. Manners inquired as to the truth that alcohol and drug abuse starts at the middle school age. Is this true? Ms. Dighton replied that she does not hear the middle school children talking about drugs and alcohol, but she does see the pressures of today that these children face, how their lines

of communication are often lacking, how their support systems have changed, how they make decisions and the presence of the internet. It is harder to say no now. She has attended two meetings of the Ridgefield Community Prevention Council and participated in some of the educational forums the Council has presented. A. Bodner asked Ms. Dighton what would be her one focus? She replied that it would be education and fortification – the youth need to understand the consequences of their actions. D. Masters expressed her appreciation for Ms. Dighton’s energy and dedicated attitude. There are two openings on the Council.

**J. Plock moved and D. Masters seconded a motion to appoint Susan Dighton to fill the vacancy on the Ridgefield Community Prevention Council. Motion passed 5-0.**

4. Danbury Airport – R. Marconi distributed copies of the 1982 Stipulated Agreement. A detailed budget has been received from Cohen & Wolfe, dated October 16, with an estimated cost of \$29,232, which includes Ridgefield’s discount. R. Marconi requested an estimate on going forward with an appeal, but he did not ask for a review of the documents nor an opinion on the documents at this time.

There are two parts – the noise exposure map and the noise study. Cohen & Wolfe feels the map is not in compliance, should be appealed, and they would draft and file an appeal. The appeal would be filed with the 2<sup>nd</sup> Circuit Court of Appeals. Steptoe & Johnson is the firm in D.C. specializing in aviation law. R. Marconi did not contact them as from the D.C. office, they would have to file in D.C. It would be better if the filing was done in New York – closer to Ridgefield. The next step with Steptoe & Johnson would be to meet with someone from their New York office and get an estimate from them as well.

D. Masters proposed sending a certified letter to Danbury’s Mayor Boughton and the FAA putting Danbury on notice that Ridgefield does not approve of the Part 150 Study.

J. Plock stressed that we either stop now or go forward for a lot of dollars.

Mike Kroposki indicated that he was previously a corporate attorney responsible for hiring the legal counsel to do legislation. He thinks the Cohen & Wolfe budget may be a little high – this is his personal opinion.

B. Manners asked what is accomplished by setting this study aside? The letter to Mayor Boughton will accomplish nothing but put him “on record”.

D. Masters asked, “What are we trying to achieve?” \$3500 has been already spent to participate in the study; \$30,000 is the estimate to appeal the documents.

#### New York Air Traffic Pattern over Connecticut -

R. Marconi reported on the meeting he attended on 10/17 in New Canaan. This meeting was hosted by Congressman Shays and chaired by the representative of the Aviation Authority in Congress. The topic was the redesign of Metro New York air traffic. The purpose is an attempt to reduce delays and at the same time not reduce safety. The air traffic pattern will be further to the East into Connecticut and will probably result in double the present air traffic noise. The Public Hearings on this issue were closed and no one was notified. There was a meeting on this subject in Danbury in April with only six people in attendance. R. Marconi requested that he be sent any information relative to Danbury Airport.

J. Plock indicated that she had received emails expressing that many of the pilots at Danbury Airport were Ridgefield residents. R. Marconi reviewed the various emails he had received. There were expressions of opposition to the use of Ridgefield tax dollars to fight Danbury airport noise.

John Katz, Ridgebury Rd., expressed the opinion that Cohen & Wolfe is a fine general use law firm, but aviation law is not their expertise. B. Manners asked what is going to happen if we bring a case and win it? – “Nothing” because the city of Danbury owns and runs the airport and the FAA lets them have free rein to run the airport as they wish. The Danbury Airport Manager is still in place and the Mayor has done nothing to make any requested changes. The FAA’s business is solely to perpetuate air traffic.

Even if Ridgefield spends only \$10,000 on an appeal, what is the return? J. Plock pointed out that air traffic at Danbury Airport is a lot less than it was prior to 911. There is currently only one flight school where there used to be five.

R. Marconi expressed concern as the study should have specifically included the use of microjets and it did not. The question is how do we open up communication with Danbury; how do we reach the people on Danbury’s Airport Commission? J. Plock pointed out that what is needed is a new approach – can we work thru their City Council? A. Bodner indicated that we should compile the discrepancies found in the Part 150 Study and send an official letter to the FAA so that we go on record within the appeal time period. He agrees that regulatory law is “an art” and we should go to the experts for their opinion. The essence of the new noise study is to override the previous one.

John Katz replied that the 1982 agreement was never enforced. Airport Manager Estefan never enforced the agreement; the runway choice was always “pilot choice”. Airport management is not willing to work with Ridgefield.

R. Marconi asked if he should seek an estimate from Steptoe & Johnson? B. Manners indicated that not only is an estimate needed, but advice as to what the Town of Ridgefield can do. What is the likelihood of setting this Study aside and what do we gain by having the Study set aside?

Michael Kroposki stated that he feels that the FAA is ignoring Congress. We need to go to court and have the FAA follow the rules as written. The FAA will pay more attention to a court decision than they will to a group of citizens from Ridgefield. We want the airport noise reduced and the use of the runways spread out evenly. So much is left out of the Study that the map is worthless.

R. Marconi will contact Steptoe & Johnson and will report back to the Board. A conference call with everyone participating is one idea.

5. **Boys & Girls Club MV Tax Abatement - J. Plock moved and D. Masters seconded a motion to approve as requested by Al Garzi, Tax Assessor in his October 11, 2006 memo, a tax abatement for the Ridgefield Boys & Girls Club for a 1997 Ford Van, which is delinquent on the 2004 Supplemental Motor Vehicle List for the amount of \$97.31 in principal and \$14.60 in interest as well as the 2005 Motor Vehicle List for \$140.78 in principal and \$8.45 in interest. Motion passed 5-0.**

6. Water Main Extension Ordinance Review – R. Marconi had distributed a preliminary draft as copied from a Shelton, CT similar ordinance. He adapted it to Ridgefield. It has been reviewed and approved by Town Counsel. J. Plock questioned Page 2, #3 as to whether assessment can be made when the water line goes by a resident's property even if they do not want to hook up? The answer is yes, each resident is responsible for their share of the cost regardless of their hook-up. R. Marconi will work further on the wording and bring it back to the Board for their review.
7. Cross Hill Road (Anrico, Hung) Easement:8-24 Referral, Set Public Hearing & Set Town Meeting Dates. Peter Hill has worked on this easement agreement with both neighbors.

**J. Plock moved and D. Masters seconded a motion to set a Public Hearing on November 1, 2006, 7:30 P.M., Town Hall Lower Level/Conference Room and a Town Meeting on November 15, 2006, 7:30 P.M., Town Hall Lower Level/Conference Room relative to the proposed Cross Hill Road (Anrico, Hung) Easement. Motion passed 5-0.**

**D. Masters moved and B. Manners seconded a motion to forward an 8-24 Referral to Planning & Zoning relative to the proposed Cross Hill Road (Anrico, Hung) Easement. Motion passed 5-0.**

8. CGI Communications Contract – This is a Community Video, Banner Branding, and Business Showcase Agreement. The purpose is to do something different for a website. There is no cost to the town. BOS members should review it and it will be tabled until the next meeting.
9. Approval of Meeting Minutes: 10/4

**J. Plock moved and B. Manners seconded a motion to approve as amended the minutes of the October 4, 2006 Board of Selectmen Meeting. Motion passed 5-0.**

9. Selectman's Report –

- Review of October 17 meeting in New Canaan relative to the proposed expansion of the New York air traffic pattern over Connecticut as previously discussed.
- League of Women Voters forum on the Charter Revisions – scheduled for October 30.
- Al Garzi has received questions from seniors regarding possible freezing of annual property tax increases. This will be a cost to the town and not refundable by the State. Is there a desire to set up a committee to study this? Instead, R. Marconi is suggesting a review of the entire tax/refund program for seniors. The Town cannot afford an add-on, but there may be a need to reallocate what is currently being done for the seniors.
- The Board of Finance approved the \$40,000 as requested by the Economic Development Commission (\$25,000 out of the contingency line).

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

Respectfully submitted,

Janet L. Johnson