

PUBLIC HEARING & BOARD of SELECTMEN MEETING – OCT. 20, 2004

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, B. Manners, D. Masters, J. Plock, P. Yanity

PUBLIC HEARING

The Town of Ridgefield will hold a public hearing on October 20, 2004 at 7:30 p.m. at the Town Hall, 400 Main Street, Ridgefield, CT, Lower Level Conference Room to discuss the following:

1. 11/23/04 Referendum for Bennett's Pond to be held from 6:00 a.m. – 8:00 p.m.
2. Changes in Ridgefield Code under Chapter 11, Street and Sidewalks

AGENDA – BOS Meeting

(Immediately following the Public Hearing)

1. Jack Sullivan Award Presentation
2. Deer Management: Tom Belote, Deer Commission
Howard Kilpatrick, CT State DEP
John Frey, State Representative
Frank D'Angelo, Resident
3. Real Estate Open Space Violations – Dr. Benjamin Oko
4. Golf Committee Interview – Vince Maneri
5. Charter Revision Commission Interviews – Charley Burr, Bob Opotzner
6. Reverse 911 Policy
7. Sunset Lane Property Transfer
8. Di Masters – New Arts Council Charge
9. Mulvaney Court acceptance as town road
10. 10/6/04 Meeting Minutes Approval
11. Selectman's Report

ECONOMIC DEVELOPMENT COMMITTEE MEETING

1. Update on SVG
2. Norwalk Community College (NCC)

PUBLIC HEARING –

R. Marconi called the Public Hearing to order at 7:30 p.m.

First to be discussed was the upcoming referendum for Bennett's Pond to be held from 6:00 a.m. to 8:00 p.m. at East Ridge Middle School. There will not be a Town Meeting on this subject. The charter procedure provides for a referendum to be held thirty days following the Public Hearing .

Dom D'Addario, Tanton Hill Rd., inquired as to the court hearing on October 15, 2004, in which Eureka was demanding immediate payment of the monies owed them. The hearing was in Superior Court in Danbury before Judge Morgan. At the hearing, Mr. Cole of Robinson & Cole, bond counsel, outlined steps that had been taken in the payment process, the need for a referendum vote, a thirty day time period between the Public Hearing and the referendum vote and how the voting machines will be unavailable for two weeks prior and two weeks following the national election on November 2. The referendum date has been therefore set for November 23rd, the earliest possible date for such. The judge was in agreement. This referendum has to pass so that the monies previously decreed by the court can be paid to Eureka. in as timely a fashion as possible.

R. Marconi reviewed the proposed changes in Ridgefield Code under Chapter 13, Street and Sidewalks. This will put the code in line with the current practice whereby the Director of Public Services and not the First Selectman may issue permits and sign off on driveway and road cuts and release performance bonds. The fee to request such will also be raised from \$250 to \$500. A Town Meeting will be set to vote on this proposed change in the Code.

R. Marconi closed the Public Hearing at 7:40 p.m. and called the Board of Selectmen Meeting to order.

J. Plock moved and P. Yanity seconded a motion to move Agenda Item #4 (Golf Committee Interview – Vince Maneri) to Item #2, and postpone Item #8 (Di Masters – new Arts Council charge) to the November 3 BOS Meeting. Motion passed 5-0.

1. Jack Sullivan Award Presentation – John “Jack” L. Sullivan, Jr. was honored for his forty years of employment with the town. He is currently a Captain with the Fire Department. Mr. Marconi read a proclamation from the Board of Selectmen expressing gratitude for Jack Sullivan's continued service to the Town of Ridgefield, and presented Captain Sullivan with a gift as well.
2. Golf Committee Interview – Vince Maneri – Mr. Maneri is the third individual to interview for the Golf Committee vacancy. Mr. Marconi read the October 8 letter received from Mr. Maneri expressing his interest in serving on the Golf Committee. He has been a Ridgefield resident since 1962, and was a member of Planning & Zoning when they voted for building the golf course. Mr. Maneri feels that it is most important that the town maintain the course. He feels the

course can be equal to Danbury's Richter Park, and Ridgefield can also capture the monies from visiting golfers. He feels Tony, the current Superintendent, has done a great job, and the irrigation system has been a real plus. Mr. Maneri inquired if there was a Charge for the Golf Committee. D. Masters responded that there is and she will give him a copy of the charge.

J. Plock inquired as to whether Mr. Maneri had attended any meetings of the Golf Committee. He is attending one following his attendance at the BOS Meeting. B. Manners inquired as to whether we want to make the golf course so desirable that it will be difficult for residents to secure tee-times. Mr. Maneri replied that the course should be structured so that residents come first. D. Masters inquired as to Mr. Maneri's ideas as to affordable refinements of the course. He would like to have a professional plan a layout for the 17th green.

There is only one opening and three candidates. J. Plock asked for a recommendation from the Golf Committee. R. Marconi will secure that.

3. Deer Management: Tom Belote, Deer Commission
Howard Kilpatrick, CT State DEP Biologist
John Frey, State Representative
Frank D'Angelo, Resident

R. Marconi introduced the above individuals who were at the meeting to discuss the deer situation and bow hunting in Ridgefield, any options that the town may have to control this situation and the restrictions imposed by the State. Ridgefield has just appointed a 19 member Deer Committee. A recent situation occurred on Blue Ridge Road/Old Sib area in which a bleeding deer with an arrow was left on the Cordelli property. Also present was Pat Sesto, co-chair with Tom Belote of the Regional Deer Commission, and Sgt. Mark Shaw, Law Enforcement for the DEP. John Frey, State Representative, discussed the Town's ability to prohibit bow hunting. Sgt. Shaw reviewed the hunting rules in Connecticut. Bow hunting is allowed by the State and there is very little the town can do. Mr. Frey is researching what is being done in other states with this issue. To obtain an archery license, a hunter must pass two courses (a 12 hour firearms course and an archery course). The individual will first obtain a certificate for archery hunting and then can apply for a permit to hunt deer. The hunter needs to obtain written permission from the landowner. There is no minimum acreage ruling. Bow hunting can occur Monday thru Saturday, 1/2 hour before sunrise until sunset, with no hunting on Sunday. The archery season is from the middle of September thru the end of January in Fairfield County; until the end of December in other parts of the state. B. Manners inquired as to whether there is legislation in other states which prohibits bow hunting on small parcels of land.

Hope Wise commented that the DEP is so understaffed that they cannot help the residents find out who was cross-bow hunting in their neighborhood. She inquired as to the DEP's status regarding personnel. Mr. Kilpatrick replied that

the local Police Department can be called. The police have the same enforcing powers as the DEP.

Glenn Cordelli, Blue Ridge Rd., inquired as to how many deer can the hunter kill with bow-hunting? When the hunter purchases the archery license, he gets six tags for antlerless deer, but they can get replacement tags once the six tags are used. They are restricted to three bucks.

J. Plock inquired as to what happens when someone with a license is a bad shot, the deer is injured but not killed? The homeowner should allow a hunter on their property only if they feel comfortable with that individual. If a hunter is arrested for not abiding by the rules, then he has to be convicted and if so, then must attend a special course before being allowed to hunt again.

P. Yanity inquired as to any DEP guidelines for residents feeding deer. The DEP discourages feeding as it artificially elevates the ability of the deer to survive above the capacity of the habitat, which in turn affects reproductive rates and survival rates.

Tom Falconeri, Limestone Road, introduced himself as the NRA representative for Ridgefield, and commented that cross-bows are only legal for handicapped hunters. Standard bow and arrows bleed the deer to death.

Ellen Zwag indicated concern about the hunter's qualifications. What can a homeowner do? If concerned about a hunter's ethics, one can file a complaint, but there has to be an arrest before anything can be done.

Burgess Walker, Old Sib Road – inquired as to whether there is a restriction as to the number of bow hunters in a given area? The answer is no. Mr. Walker suggested that the arrows be registered and then they could be traced back to the bow hunter responsible. There is currently no defined marking on arrows.

Ted Peatt commented on the many ticks found on a deer. He feels it is more humane to have a deer hit with an arrow than involved in a car accident. He hopes that deer hunting will not be eliminated in Ridgefield.

J. Plock commented on the problem of a deer bleeding in front of children when hit by an arrow. The animal cries out in pain. Is there anything the Town can do? Can Ridgefield set up a process of licensing above what the State requires? If an individual has permission to hunt on a resident's property, the neighbors on the adjacent properties should be informed of such and permission should be obtained to recover a deer on adjacent properties should the animal run once they are hit with an arrow.

Tom Renzulli, State of Connecticut volunteer instructor of new hunters, stated that deer hit by an arrow die by bleeding to death. He stressed the need to get

“right of retrieval” from neighboring properties when invited to hunt on a resident’s property.

D. Masters stressed that it is difficult to hunt in Town without bumping into a neighbor. The problem is not just the retrieval of the injured animal, but concern about children playing in the woods. What about having selective hunting days instead of an entire season? The DEP should look at this as an alternative. What about voluntary “no bows” zones in Ridgefield, because the parcels of land are too small?

J. Plock suggested that the Board of Selectmen make a plea in the newspaper requesting that no bow hunting is to take place, until a decision is made by the Deer Committee as to what else to do.

Judy D’Angelo collected 80 signatures on a recent Saturday and Sunday to stop bow hunting. She commented on how residents were amazed that hunting was allowed in neighborhoods with small parcels of property. Communication on this issue is key.

Does the bow hunter have to have insurance; does the landowner who hires the bow-hunter have to have insurance? The response was that there is no liability if one did not do the hiring of the hunter.

One resident stressed the need for the town to take the deer problem more seriously. Lyme Disease is out of control, high number of automobile accidents involving deer, the loss of shrubbery and plantings, and the destruction of the forest ground cover are all serious concerns.

J. Plock stressed how residents are not concerned just about controlling the deer population, but they are very concerned about the safety and sanctity of their property.

B. Manners suggested a hunting laws task force, which at least could regulate the size of the property one can hunt on; perhaps a coalition of the more densely populated towns needs to work on this.

R. Marconi inquired as to whether a wounded deer’s behavior changes? Will they be more aggressive if they come near humans? H. Kilpatrick replied that they usually seek a patch of cover when injured.

Tom Belote indicated that the regional Deer Commission already has a legislative committee working on proposed legislation. He’ll put this issue on the Regional Deer Commission’s agenda for their next meeting.

Tom Falconeri, NRA Representative – commented that Town open space should be made available for hunting. When the population declines, the deer numbers

will decline throughout the town. A deer is not dropped with an arrow; arrows do bleed the deer to death. *The Connecticut Hunting & Trapping Guide* is an informative resource and is available at Town Hall.

J. Plock suggested that the BOS reconsider the position of Fish & Game Constable and have it on the agenda for the next BOS meeting.

R. Marconi inquired as to the Town's power to adopt an ordinance to limit hunting to only larger parcels of property. H. Kilpatrick responded that the Town can restrict hunting only on Town owned property. They have no authority over private property. John Frey indicated that the Town can obtain a list of registered hunters in Ridgefield as well as in nearby towns and he will work on securing this.

R. Marconi commented that the deer issue is not an issue that is going to go away. Agreement has been made to make a plea to residents through the press, reconsider establishing the position of Fish & Game Constable, the Regional Deer Committee will put legal issues on their meeting docket, and John Frey will work on hunting issues at the state level.

D. Masters repeated that neighborhoods can ban together and publish that they are a no-bow zone. Then hunters will stay away. Notification of such could be made available at the deer check stations. This is something that the residents can do immediately.

4. Real Estate Open Space Violations – Dr. Benjamin Oko – Dr. Oko reported that there are residents who are extending their property into adjacent open space areas by cutting the grass, erecting stone walls, building playground areas, etc. in the property which is not really theirs. Usually the individual is called and then a letter is written notifying the resident in writing of the infringement. There are neighborhoods where this is a significant problem. It will cost money for the Town to pursue correction of this infringement; surveying, placement of stakes, and then bringing legal action against the property owner. Planning & Zoning assisted the Conservation Commission with this issue awhile back, but now there is a need to seriously do something about the problem again. The BOS were in agreement that they wish to proceed with surveying, etc.
5. Charter Revision Commission Interviews – Charley Barr, Bob Opotzner –

R. Marconi read the August 25 letter received from Charley Barr indicating his interest in serving on the Charter Revision Commission and his background as a corporate attorney for 27 years and a 15 year Ridgefield resident. Mr. Barr's six children have all attended or are attending Ridgefield schools. As general counsel to a public company from 1994 to 2000, he had prime responsibility for corporate governance, and personally advised on the creation, review and revision of the charter of the holding company. His professional expertise includes corporate

governance, and the structure, functioning and interaction of boards of directors and committees of both public and private corporations. His business travels are about 6 to 7 days/month, but he can control his schedule to allow for Commission meeting times. J. Plock inquired as to what issue is he most interested in. Mr. Barr replied that he is interested in the spending involved with the public schools; the interaction between the Board of Education and the BOS, and how the Board of Finance make their decisions.

Bob Opotzner read his July 20 letter to R. Marconi requesting consideration for membership on the Charter Revision Commission. Mr. Opotzner also has a legal background and has served on the Board of Education both in Ridgefield and Shelton and also two years of service on the Shelton WPCA. In his legal work, he reads charters frequently. J. Plock asked Mr. Opotzner what issue interests him most. He replied that he believes term limits need to be looked at, and with the continued growth of the town, town government and provisions need to be looked at in conjunction with this growth in population. Feedback from the public needs to be solicited; the commission needs to listen and analyze. He feels he does not have a “Board of Education perspective” even though he has served on the Board of Education for 6 ½ years. B. Manners commented that Mr. Opotzner is a very cogent arguer and she has a great respect for his legal mind; it is wonderful that he is volunteering.

6. Reverse 911 Policy - Chief Yarrish and Chief Ligi presented a draft of a Reverse 911 Policy for review and discussion. J. Plock stressed her belief that the Reverse 911 system should be used only for real emergencies to be effective. The impact would be gone if the system were used too often and in non-emergency situations. The Reverse 911 system has been ordered; the use policy needs to be decided upon. 911 cell phone calls can now be pinpointed. If a resident does not provide the Fire Department with their unlisted number, then they won't be contacted with a Reverse 911 call. R. Marconi will rework the language of the policy and bring it back to the BOS for review before implementation.

D. Masters requested that the police officers be made aware of the sensitivity of the deer issue and that some hunters may be legal but unwanted in some neighborhoods. Chief Ligi indicated that the officers are updated daily about pending issues. Trespass laws are State of Connecticut laws.

7. Sunset Lane Property Transfer – R. Marconi indicated on a map where the property under discussion is located. A transfer to the property owners has been requested with an easement remaining for the Town. The property owners are currently maintaining the property. A public hearing and a town meeting would have to be held to do this transfer. If some residents are annexing adjacent open space for their personal usage, then it would not be good to transfer town property to other residents at this time – a mixed message. D. Masters suggested referring the issue to the Town Planner for comments.

8. Mulvaney Court Acceptance as Town Road – A letter has been received from Charlie Fisher indicating that a final inspection of Mulvaney Court has been completed and that Mulvaney Court may be accepted and the remaining bonds may be released. **J. Plock moved and P. Yanity seconded a motion to accept Mulvaney Court as a Town Road. Motion passed 5-0.**

9. 10/6/04 Meeting Minutes Approval – **J. Plock moved and B. Manners seconded a motion to approve as amended the minutes of the October 6, 2004 Board of Selectmen Meeting. Motion passed 5-0.**

10. Selectman's Report –

- Planning & Zoning Hearing scheduled for Tuesday, October 26, 7:30 p.m. to discuss temporary signage – removal of signage boards around town. A crowd is expected as this affects many non-profits.
- Thank you note received from the Ridgefield Symphony Orchestra for BOS budgeted contribution of \$500.
- Halloween Walk – October 30; permission has been granted to close the sidewalk during the time of the Walk.
- Decision made to delay demolition ordinance. Instead there is a procedure outlined on the demolition permit. There is already a built-in delay to demolition because of the time it takes for utilities to respond.
- A.J. DiMattia suggested that the TV cameras be realigned for better coverage of the BOS meetings.

J. Plock moved and D. Masters seconded a motion to adjourn the Board of Selectmen Meeting at 10:20 p.m. Motion passed 5-0.

ECONOMIC DEVELOPMENT COMMITTEE MEETING

- R. Marconi opened the Economic Development Committee Meeting at 10:20 p.m.
- Update on SVG – Planning & Zoning report is complete and zone change is accepted. Owners of the building would be the doctors practicing there (They are also Ridgefield residents).
 - Norwalk Community College (NCC) – The old high school would be a great location for them. The process with NCC is proceeding.

B. Manners moved and P. Yanity seconded a motion to adjourn the Economic Development Committee Meeting at 10:25 p.m. Motion passed 5-0.

Respectfully submitted,

Janet L. Johnson