

BOARD OF SELECTMEN MEETING

AUGUST 22, 2001 7:30 pm

TOWN HALL LOWER LEVEL CONFERENCE ROOM

APPROVED MINUTES

These minutes are a summary of the meeting and are not intended to be a verbatim transcription.

In attendance: Rudy Marconi, Barbara Manners, Peter Yanity, Joseph Heyman

Absent: Stephen Zemo

Staff: Jay Wahlberg, Controller; John Pinchbeck, Tree Warden; Peter Hill, Supt. of Highways

AGENDA

PUBLIC HEARING

1. Proposed Noise Ordinance
2. Proposed Tobacco Vending Machine Ordinance
3. Proposed changes to the Tree Ordinance

BOARD OF SELECTMEN MEETING

(immediately following conclusion of Public Hearing)

1. Ray Martin, 64 Marshall Road, town right-of-way, rock wall
 2. Youth Commission: reappointments: Ruth Liebowitz, John Katz, Suzanne Dickinson, Lisa Kuller; vacancy interview: Terry Hughes
 3. Interview for vacancy on Parks and Rec Commission: Nancy Lagnese, John Chase, David Thaxter, Charles Hall, Jr.
 4. Appointment of Len Duboff for vacancy on Affordable Housing Committee
 5. Hudson Baylor proposed contract for recycling service
 6. Finance: resolutions on town budget, forced main sewer project
 7. Discussion of purchasing policy change
 8. First Selectman's Report
 9. Approval of meeting minutes
-

PUBLIC HEARING

Mr. Marconi called the meeting to order at 7:39 PM.

1. Noise Ordinance

Michael Autuori, Florida Road

Natural phenomena under exclusion #1 should be deleted.

Marjorie McKenna, 167 Silver Spring Road

7 AM is too early.

Mick Ciccotelli, 254 Ridgebury Road

7 AM start is abused by contractors by setting up the job earlier to be ready by 7 AM. Expressed concern on how to enforce against boom boxes, roosters, dogs, speeding vehicles, etc. Feels there is no balance. What can be done about the volume of the public address system at the high school sporting events.

Mr. Marconi explained that the infractions would be civil offenses rather than criminal; he reported that Chief Ligi disagreed with a warning for first offense. Mr. Marconi felt that the appeal process should be handled through a local authority much like the process for parking ticket appeals, rather than by the Board or the First Selectman.

Mr. Autuori of Florida Road suggested that the first offense be a smaller fine rather than a warning.

Eric Corsa, Langstroth Drive
Expressed concern that ordinance does not address air traffic to Danbury Airport. Concerned about increased vehicle traffic in town.
Suggested a no-truck zone.

Marjorie McKenna, Silver Spring Road
Concerned about PA systems, especially at Silver Spring Golf Club.

Rex Gustafson, 398 Wilton Road West
Section 7-20 exemption # 16: should read "uses" allowed under special permit rather than "functions"

John Katz, Ridgebury Road commented that use by special permit should stay within permitted noise level.

Discussion arose as to whether #16 should stay in or be deleted.
The noise level standard should be referenced when allowing special permits.

Joan Plock of Bob Hill Road felt that the noise ordinance should be enacted and monitoring system put into place to fine tune the provisions.

Peggy Lohr of Main Street was concerned with outside events at the Community Center that go past 11 PM; there should be a reasonable time limit place on outside events.

John Chase of Canterbury Lane felt that the ordinance would be the backbone to gaining mutual respect among neighbors.

Bobby Pokorack of 28 Wilton Road East asked for a limitation of the number of animals permitted on a property. It was explained that it is the level of noise regardless of the number that is important.

Michael Autuori of Florida Road suggested that the special permit uses have limited hours such as 9 AM to 10 PM. Amplification should be toned down after the specified hours.

Mr. Corsa of Langstroth Drive is in the alarm business and felt burglar alarms should not have to sound longer than 10 to 15 minutes.

Mr. Katz of Ridgebury Road stated that special permits use should not be any louder than functions in private homes. Mr. Autuori agreed that special permit uses should not be exempt and to remove from the list of exemptions.

Leo Plum of Main Street voiced concern over noisy vehicles—that it is the speeding that creates the noise and what can be done about speeding. Mr. Marconi said he would invite Chief Ligi to the next Public Hearing.

It was agreed that another public hearing on the proposed noise ordinance would be held on September 5th followed by a special town meeting on September 19, 2001.

2. Proposed Tobacco Vending Machine Ordinance

Mr. Marconi read the proposed ordinance, a letter from Jon Dentz of United Amusements and Vending Company, and highlighted portions of a letter from the Connecticut Coin Machine Operators Association—also written by Mr. Dentz. Mr. Dentz's letter is as follows:

My name is Jon Dentz. I am the owner of United Amusements and Vending Co. If you are truly concerned with underage smoking you would not be focusing your efforts on banning cigarette vending machines.

In 1996 a state law was passed where cigarette vending machines were only allowed in adult locations. In all other locations lock out devices had to be installed which require face to face interaction for the machine to vend. By banning cigarette vending machines from bars and night clubs you will not achieve your goal of stopping kids from obtaining cigarettes.

Even the city of Bridgeport has since changed their ordinance allowing cigarette vending machines in adult locations. They realized that removing cigarette vending machines from these locations made no sense.

Cigarette sales from vending machines make up only 2 percent of cigarettes sold in Connecticut and those 2 percent go to adults. So far, the towns of Ansonia, Woodbury and Franklin have looked at this ordinance and have decided against it. Milford and Cheshire also decided against it choosing instead to add lockout devices on all machines in their town.

I hope you know all the facts before you decide to rob us of our livelihoods. The state department of youth and addiction services announced in May that the failure rate of youths getting cigarettes from vending machines is down to 11%, compared to 22% from convenience stores. That means it is twice as hard for kids to get cigarettes from cigarette machines then from convenience stores. I hope all of you are not going to put me out of business for the sake of being politically correct—because that is all that this really boils down to. I also hope that you realize you have peoples livelihoods at stake, this is how we pay our bills, support our families and pay our employees. Even the editorial board of the Connecticut Post does not think it's right to outlaw cigarette machines just because you ca.

Like the Attorney Genera, I certainly do not want kids to smoke. I favor anything this board can do to prevent kids from obtaining cigarettes. But banning cigarette machines from adult locations will not accomplish your goal. All it will do is put me and other Connecticut companies out of business.

Thank you, J. Dentz

Ruth Liebowitz of 100 Danbury Road spoke in favor of the ordinance and related how, according to middle schoolers, middle school students go into Bully's to buy cigarettes from the vending machine.

Mr. Sullivan, 470 Main Street and owner of Bully's disagreed with accounts of obtaining cigarettes and that two employees can see the machine. They discourage children from entering the premises. Bully's would endorse a lock out device on the machine.

John Katz of Ridgebury Road stated he is against the ordinance; felt poorly written with items 2 through 10 being justification verbiage; Needn't be a knee-jerk reaction. Would favor lock out device.

Len Duboff, 104 Stonecrest
Concerned with kids driving to get cigarettes and being reckless drivers.

John Chase, Canterbury Lane felt problem was not having a strong state commission on alcohol and tobacco.

Jessica Wilmot, 51 Catoonah Street. AS owner of the Ancient Mariner, she doesn't care one way or the other if the vending machine stays or goes.

There are 4 vending machines in Ridgefield: Ancient Mariner, Bully's, Venice Pizza, and Corner Pub.

Consensus of the public comment and from the Board was that an ordinance was not necessary, but a formal letter would be written asking the establishments to place lock out devices on their vending machines. Ms. Wilmot and Mr. Sullivan agreed with the decision.

Tree Ordinance

Nancy Boersma, Chairman of the Tree Committee presented the changes proposed to the ordinance.

Sec. 15-3.F The term "Notable" will be added to "Landmark" and "Asset" Trees.

Sec.15-4, 3.D Notice changes from five to ten days.

Under Tree Committee composition, the number of committee members increases from five to seven and that applicants for vacancies meet with the tree committee prior to being considered for appointment.

Sec.15-6 A. Under Permits, no person other than the Tree Warden may perform any of the following acts without first obtaining a permit...

Sec.15-6A1 Remove the language "larger than 12" DBH" so that no tree on town property can be impacted without permission of the Tree Warden.

The Tree Ordinance was first enacted in 1996.

Mr. Autuori of Florida Road shared his recent negative experience with tree trimming done by CL&P. He agreed to "light trimming" only to discover they had "butchered the trees." Mr. Autuori asked if the tree warden, especially on scenic roads, could personally supervise any trimming. Mr. Pinchbeck explained how it was impossible for one person to personally supervise trimming all over town.

The public was reminded, though, of their right by state statute as homeowners to request that they be present when pruning or trimming is done.

A Special Town Meeting will be scheduled next on the Tree Ordinance changes.

The public hearing was closed.

BOARD OF SELECTMEN MEETING

1. Mr. Ray Martin of 64 Marshall Road and Peter Hill, Supt. of Highways came forward to be part of the discussion. Mr. Martin has a steep hill on the front of his property that is difficult to maintain and would like to terrace the hill with 4' stone walls. Photos of the property and stone work was passed around. Mr. Hill had explained to Mr. Martin that since the bulk of the town right of way on that portion of Marshall was where he wanted to place a stone wall, he would have to get permission from the Board of Selectmen. Mr. Hill stated that it would not interfere with sight line or road maintenance. He did indicate that it was an anonymous call that alerted him to the fact that Mr. Martin's project may be in the town's right of way. Mr. Martin wished not to create a problem for the board, it was not permanent construction, and felt that it would be an improvement. The board discussed the possibility of a restriction in the deed that, if the town consents to a stone wall in the right-of-way, the owner would be responsible for the cost of removal if the Town found it necessary in the future to remove the wall. The board asked Mr. Martin to clarify feelings of the neighbors; issue of setting precedence was also discussed. This item will be placed on the September 19th agenda.
2. Ruth Liebowitz asked the board to reappoint herself, John Katz, Lisa Kuller, and Suzanne Dickinson to the Youth Commission. John has been on the Commission since its inception, Lisa Kuller's background in social work is important, and Ms. Dickinson is an invaluable asset to the group. Ms. Liebowitz reported that the Commission has changed their meeting dates to the first Wednesday of the month to accommodate Ms. Dickinson's schedule.

On a motion made by Joseph Heyman, seconded by Dr. Yanity, and passing unanimously, 4-0-0, Ruth Liebowitz, John Katz, Lisa Kuller, and Suzanne Dickinson were reappointed to the Youth Commission.

Terry Hughes, Director of the Boys and Girls Club of Ridgefield came forward to interview for a vacancy on the Youth Commission. Unfortunately, he is not a resident of Ridgefield which is a Charter stipulation on Boards and Commissions. The board felt it was important for Mr. Hughes to have input and would consider an advisory capacity to the Commission.

3. **On a motion made by Peter Yanity, seconded by Joseph Heyman and passing unanimously, 4-0-0, Mr. Leonard Duboff was appointed to the Affordable Housing Committee.** Mr. Duboff had been interviewed by the Board for a vacancy on the Conservation Commission. He attended an Affordable Housing meeting and was interested in joining.
4. Two residents were interviewed for vacancies on the Parks and Recreation Commission: John Chase of Canterbury Lane, and David Thaxter of Round Lake Road. On September 5, two additional candidates will be interviewed—Nancy Lagnese and Charles Hall, Jr. This is currently one vacancy with two additional ones occurring shortly on Parks & Rec.
5. Jay Wahlberg, Controller participated in the following discussions:

Hudson Baylor Contract: There have been three reviews with revisions with the town attorney and Hudson Baylor with agreement on the essential elements. The contract will be reviewed yearly.

Dr. Yanity moved to approve the five year recycling contract with Hudson Baylor. Ms. Manners seconded, and the motion passed unanimously, 4-0-0.

Resolutions on capital budget and the sewer project by the Board of Selectmen needed to be moved to complete paperwork on both projects.

On capital projects:

On a motion by Peter Yanity, seconded by Joseph Heyman and passing unanimously, 4-0-0, the Board of Selectmen resolved,

Whereas, the Town of Ridgefield, by solutions presented at the Annual Town Meeting held May 7, 2001 and adopted at referendum held May 15, 2001, appropriated \$1,469,375 for various capital projects, and authorized the issue of bonds and notes in the same amount to finance the appropriations; and

Whereas, said resolutions authorized the Board of Selectmen to delegate to appropriate officers of the Town certain determinations and actions in connection with the issue of such bonds and notes; and

Whereas, \$1,350,000 of the appropriations have been defrayed by the reappropriation of proceeds of the Town's \$18,850,000 General Obligation Bonds, Issue of 2001, Lot A, leaving \$119,375 of said appropriations remaining to be funded through the issuance of the Town's bonds and notes or the application of other funds;

NOW, THEREFORE, RESOLVED, that the First Selectman and the Treasurer are authorized to determine the mounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds and notes; to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption of interest on the bonds and notes from federal income taxation, including covenants to pay rebate on investment earnings to the United States in future years; to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information; to sell the bonds and notes at public or private sale; to execute and deliver the notes; and to perform all other acts which are necessary or appropriate to issue the bonds and notes.

On the forced main project:

On a motion by Peter Yanity, seconded by Barbara Manners, and passing unanimously, 4-0-0, the Board resolved:

WHEREAS, the Town of Ridgefield, by resolution adopted at a Special Town held July 18, 2001, appropriated \$2,900,000 for the Ridgefield High School/New Middle School sanitary sewer force main

project; and authorized the issue of bonds or notes and temporary notes in the same amount to finance the appropriation; and

WHEREAS, said resolution authorized the Board of Selectmen to delegate to appropriate officers of the Town certain determinations and actions in connection with the issue of such bonds or notes and temporary notes;

NOW, THEREFORE, RESOLVED, that the First Selectman and the Treasurer are authorized to determine the amounts, dates, interest rates, maturities, form and other details of such bonds or notes; to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption of interest on the bonds and notes from federal income taxation, including covenants to pay rebates of investment earnings to the United States in future years; to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information; to sell the bonds and notes at public or private sale; to execute and deliver the notes; and to perform all other acts which are necessary or appropriate to issue the bonds and notes.

Purchasing Policy:

Changes in the purchasing policy for the Town are necessary to reflect changes in dollar limits due to cost of living increases and practical reasons. Section 8 is added to align the recording of capital assets as required by GASB 34 accounting standards to be more in line with corporate reporting.

After reviewing the policy changes, the Board made a change to Section 2.4 under Service Contracts adding the proviso "up to \$2500 with the approval of the Town Controller."

On a motion by Joseph Heyman, seconded by Barbara Manners and passing unanimously, 4-0-0, the Purchasing Policy changes outlined by the Controller and the change made to section 2.4 as outlined above were approved.

8. Mr. Marconi covered the following topics in his First Selectman's Report:
 - a. The legal fees for the ZBA/P&Z lawsuit have escalated even though the Board of Selectmen approved \$3000 only at the onset of the filing. In reviewing other towns' practices, it was found that some towns will not support any such legal action between town agencies, while others use staff personnel to act as a mediator in the dispute. The Town attorney will study the possibility of establishing a policy by Charter on the subject.
 - b. The report on Lake Mamasasco area shows some contaminated wells; the DEP and the Ridgefield Health Department is working on determining the source.

c. MCCA, Midwestern Connecticut Council on Alcohol, currently located in Danbury is looking for a satellite facility for counseling in Ridgefield. Their statistics show a need in the Ridgefield area for their services. Currently, Mr. Marconi is working with the VNA on leasing 1000 sq ft within their leased space in the Venus Municipal Building. Board members indicated their interest in a full presentation by MCCA as to their organization and provided services.

d. Owner Rep for building projects: Mr. Marconi reported that both O&G and S/L/A/M Collaborative were supportive of the concept, but felt that with all the projects extremely tight and on budget, the \$250,000 per year price tag of 3D Int. was too steep. Anticipated savings on construction or contingency monies could not be counted on to cover the cost of the owner rep. Mr. Marconi will work on a lower price or less expensive options.

There was a meeting at HVCEO on the State Supreme Court Greenwich case on residents only use of public beaches. Because of the broad nature of the decision, most towns are waiting for further clarification of the ruling before making any changes in their municipal policy.

e. Received letter from Ralph Elliott, Esq. regarding the Wlocko case that the town won and was upheld on appeal. It is Mr. Elliott's opinion to sign release and settle. Mr. Marconi will seek town attorney/risk management advice before signing.

9. Approval of meeting minutes was tabled until next meeting.

On a motion by Peter Yanity, seconded by Joseph Heyman and passing unanimously, the meeting was adjourned at 11:10 PM.

Respectfully submitted,

Regina Hazel
Acting Recording Secretary