

BOARD of SELECTMEN MEETING – OCTOBER 6, 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. Master, J. Plock, P. Yanity

AGENDA

1. Eureka – Set date for Public Hearing & Referendum
2. Project Manager’s Report (Nels Berg)
3. Charter Revision Commission interviews – Robert Kleinberg, John McNicholas
4. Request for appointment – Fishing & Game Constable (Tom Belote)
5. Golf Committee interviews – Ed Tyrrell, Tony Pisano
6. Reappointment of AAC members by P&Z and AAC
7. Parks & Recreation Commission interview – Barbara Dobbin
8. Fire Chief Report
9. Change Ordinance Section 13-40 “Permit required for driveway construction” – establish Public Hearing & Town Meeting
10. 90th Anniversary of the VNA Proclamation
11. Minutes approval – 3/4/04 and 9/22/04
12. Selectman’s Report

R. Marconi called the BOS Meeting to order at 7:30 p.m.

1. Eureka – Set date for Public Hearing & Referendum – David Grogins, Town Counsel reviewed the court decision relative to the Northern parcel of the Bennett’s Pond property. Eureka has filed a motion asking that the Town of Ridgefield pay the amount due immediately. The hearing on this motion is set for Friday, October 15 at 2:15 p.m. before Judge Moraghan at the Danbury Superior Court. Eureka’s counsel is maintaining that the Town of Ridgefield has not paid up in a timely manner. Both parties will present evidence relative to this question.

J. Plock inquired as to whether or not this is harassment on the part of Eureka? Eureka’s counsel knows that as a municipality, Ridgefield has procedures that must be followed under the Town charter.

D. Grogins replied that he believes that the Town of Ridgefield has done everything properly and has followed the advice of both bond counsel and Town counsel’s office. He cannot see the legal basis for this motion. It is costing the Town

attorney's fees to be represented at Court on the 15th. If the court finds that there is no legal basis for this motion, they can ask the judge for legal expenses from Eureka. Town counsel will explain in both writing and verbally the steps Ridgefield has followed to initiate payment to Eureka. Because of the national election on November 2, there can be no local use of the voting machines for two weeks either side of November 2nd. Therefore, the earliest date Ridgefield can have a referendum is November 17th. Town charter requires a referendum to initiate payment and to authorize the issuance of bonds. Members of the Board of Finance and the Board of Selectmen will be subpoenaed to be present at Superior Court on October 15.

A.J. DiMattia, Old Branchville Rd. – inquired as to how quickly a check can be written if there is a positive vote to do so on the referendum. J. Wahlberg, Town Controller, replied that the check writing process normally takes 30 days after Town approval. J. Plock inquired as to the possibility of speeding up this process as interest is accruing daily. J. Wahlberg replied that yes, this can be done.

J. Plock moved and B. Manners seconded a motion to hold a public hearing to approve the following resolution:

RESOLVED: That the resolution entitled “Resolution appropriating \$3,720,000 in Satisfaction Of A Judgment Entered In The Matter Of The Town of Ridgefield v. Eureka V LLC, et al, For Completing the Acquisition By Eminent Domain Of a Parcel Of Land Known As The Northern Parcel Of The Bennett’s Pond Property And Authorizing The Issuance of \$1,420,000 Bonds Of The Town And The Use of \$2,300,000 Of Undesignated Fund Balance Of The Town For The Fiscal Year Ending June 30, 2005 To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose” be approved and recommended for adoption by the legal voters of the Town.

Motion passed 5-0.

J. Plock moved and B. Manners seconded a motion that the First Selectman be authorized and directed to call a Public Hearing to be held at Town Hall/Lower Level Conference Room on October 20, 2004, at 7:30 P.M. (E.D.T.), to consider the resolution entitled:

“Resolution Appropriating \$3,720,000 In Satisfaction Of A Judgment Entered In The Matter Of The Town Of Ridgefield v. Eureka V LLC, et.al, For Completing The Acquisition By Eminent Domain Of A Parcel Of Land Known As The Northern Parcel Of The Bennett’s Pond Property And Authorizing The Issuance Of \$1,420,000 Bonds Of The Town And The Use Of \$2,300,000 Of Undesignated Fund Balance Of The Town For The Fiscal Year Ending June 30, 2005 To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”.

Motion passed 5-0.

B. Manners moved and J. Plock seconded a motion to submit the aforesaid resolution to a referendum vote to be held on November 18, 2004 (later changed to November 23), at East Ridge Middle School, from 6:00 a.m. to 8:00 p.m., pursuant to Section 10-4 of the Town Charter and Section 9-369 of the Connecticut General Statutes, as amended, and that the question to be voted upon and the ballot label at said referendum shall read as follows:

- 1. “Shall the resolution entitled “Resolution Appropriating \$3,720,000 In Satisfaction Of A Judgment Entered In The Matter Of The Town Of Ridgefield v. Eureka V LLC, et.al, For Completing The Acquisition By Eminent Domain Of A Parcel Of Land Known As The Northern Parcel Of The Bennett’s Pond Property And Authorizing The Issuance Of \$1,420,000 Bonds Of The Town And The Use Of \$2,300,000 Of Undesignated Fund Balance Of The Town For The Fiscal Year Ending June 30, 2005 To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose” be approved?**

The form of the ballot label on the voting machine shall read as follows:

**In view of the Town’s requirement to fund the amount of the judgment in the matter of The Town of Ridgefield v. Eureka V LLC, et al, for completing the acquisition by eminent domain of a parcel of land known as the northern parcel of the Bennett’s Pond Property, shall the resolution appropriating \$3,720,000 for such purpose to be funded by \$1,420,000 bonds and/or bond anticipation notes of the Town and by the use of \$2,300,000 of undesignated fund balance of the Town for the fiscal year ending June 30, 2005, be approved? YES
NO**

Motion passed 5-0.

- 2. Project Manager’s Report (Nels Berg) – N. Berg commented on his August 2004 Project Manager’s Report. The water system at Scotts Ridge Middle School has been approved by the State. The major issue remaining at the Parks and Recreation Center is settlement of a claim by the pool contractor. Depending on resolution of the claim, the project could be \$30,000 over budget. At Ridgefield High School, the final phase of renovation is expected to be completed in early October. The HVAC contractor is not performing up to expectations, and replacement by another contractor is desired. The current contractor owes the Town service records for the past year. A decision has been made and approved by the Master Building Committee for the replacement floor in the High School cafeteria/student center area. A change in the adhesive and tile used is necessary. The cost is \$59,000 and the work will be done over the February break.**

Barlow Mountain Elementary and Scotland School have the high chloride water problem to solve. This is a difficult problem to resolve and is a concern relative to its effect on the septic systems. There is a meeting on October 14 with a consulting firm. Also participating in the meeting will be the State, O&G, Aquarian and Town representatives. Everyone needs to buy into the solution – bring in water or provide on-site treatment are the two alternatives. B. Manners suggested that Amy Seibert be consulted as well.

The remaining issue at Ridgebury Elementary School is corrective work on the roof where the addition attaches to the existing roof. The final CO is expected in October.

East Ridge Middle School has two remaining issues unacceptable to the Board of Education – replacement of the media center carpeting and activities related to noise reduction of unit ventilators. Both these issues are being addressed.

October 15 is the final day of Nels Berg's contract. **B. Manners moved and P. Yanity seconded a motion to extend and modify Nels Berg's contract with the Town of Ridgefield to two days/week until December 31, 2004. Motion passed 5-0.**

3. Charter Revision Commission interviews – Robert Kleinberg, John McNicholas –

Bob Kleinberg came forward to express his interest in serving on the Charter Revision Commission. R. Marconi read Mr. Kleinberg's letter of application. From 1998 to 2001, Mr. Kleinberg served as the chief researcher for Ridgefield's Open Space Committee. He checked out other town charters at that time and feels it is a good time for him to return and look at town charters again. P. Yanity expressed his appreciation that Bob Kleinberg has come forward to assist Ridgefield again. His knowledge of the charter is valuable. B. Manners commented that Mr. Kleinberg's scientific analytical expertise is very useful.

John McNicholas – R. Marconi read the October 3 letter received from Mr. McNicholas expressing his interest in serving on the Commission. He was a New York City police detective for twenty years and has been an independent consultant since 1990. He is experienced with scientific procedures and rules and the need for looking at charter revision logically. Mr. McNicholas has lived in Ridgefield for 2 ½ years.

Mr. Marconi pointed out that the BOS will make a decision at the end of January after they have met all interested candidates. Lynn Marie Wieland has inquired about the process.

4. Request for appointment – Fishing & Game Constable (Tom Belote) –
D. Masters inquired as to the purpose of a constable? Mr. Marconi read the statute regarding this position. He is to prevent hunting and fishing where

prohibited, enforce Ridgefield’s regulations in this area.. Does he carry a gun? Does he have the power to arrest? The police have intensive training with regard to conducting arrests.. The concensus was to not do anything about this appointment at the present time.

5. Golf Committee Interviews – Ed Tyrrell, Tony Pisano -

Ed Tyrrell – has lived in town for 14 years. He works for New York City as a Director of Administration, and is a “big user” of the golf course. Mr. Tyrrell appreciates that the course is well maintained and stressed the need for continual improvements and not to fall behind in maintenance. He feels the Golf Committee has been in good hands for the last three years.

Tony Pisano – has been a Ridgefield resident since 1987. He is a Project Manager in charge of security in Milford. Mr. Pisano plays golf approximately three times/week. He feels the course is in good shape and has attended several meetings of the Golf Committee. He is a strong supporter of the practice range.

There is only one opening on the Golf Committee. A decision will be made after interviewing Mr. Maneri at the next BOS meeting.

6. Reappointment of AAC members by P&Z and AAC – A letter has been received from Betty Brosius, Director of Planning for the Town of Ridgefield, Planning & Zoning Commission, recommending reappointment of the existing members of the Architectural Advisory Committee. **J. Plock moved and B. Manners seconded a motion to approve the reappointment of the existing members and two alternate members (as listed) of the Architectural Advisory Committee for an additional one-year term until 06-16-05. Motion passed 5-0.**

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|------------------------------|--------------------------------|
| Suzanne Benton | 22 Donnelly Drive |
| Scott L. Benson | 42 Partridge Drive |
| Helen Dimos | 11 Barlow Mountain Road |
| John Kinnear, Jr. | 90 Cains Hill Road |
| Jeff Mose | 99 Danbury Road |
| Sara Schragger | 133 Wilton Road West |
| Alan Pilch | 11 Quail Drive |
| Peter Guzy (Alt.) | 136 Lounsbury Road |
| Glen Lounsbury (Alt.) | 94 Florida Road |

7. Parks & Recreation Commission interview – Barbara Dobbin
A letter of application has been received from Ms. Dobbin. She has been a Ridgefield resident for 30 years and has served for 8 years on the Library Board, the last two years as Chairman, and currently serves as Treasurer on the Ridgefield Playhouse Board in addition to serving on other volunteer boards. **J. Plock moved and B. Manners seconded a motion to appoint Barbara Dobbin**

to fill the vacancy on the Parks & Recreation Commission. Motion passed 5-0.

8. Fire Chief Report -- Chief Yarrish commented on the request by Captain John Sullivan for an extension of his retirement date. He has reached his 55th birthday and has over 30 years of service with the Town. **J. Plock moved and B. Manners seconded a motion to approve the extension of Fire Department Captain John Sullivan's retirement date. Motion passed 5-0.**

A Boot Drive for the Schlierf family is on Saturday, October 9 from 9:00 to 1:00. BOS assistance would be welcome. Off-duty firemen are assisting with the drive.

Chief Yarrish requested \$3,000 to join the Mid-Fairfield County Hazardous Materials Team. It would be a benefit to Ridgefield to belong to this Team as they provide training assistance and information. The trailer currently parked at the Fire Station will be used for training for first responders. This trailer is on loan and is normally located at the Danbury Airport. **B. Manners moved and J. Plock seconded a motion to approve the use of \$3,000 from the Homeland Security Emergency Management Fund to enable the Ridgefield Fire Department to join the Mid-Fairfield County Hazardous Materials Team. Motion passed 5-0.**

In response to Chief Yarrish's request, **J. Plock moved and P. Yanity seconded a motion to approve \$17,900 for Fire Department training with the understanding that the entirety will be coming out of the State allocation for such if possible; however, if the State allocation does not cover the total cost, then the balance will come out of the Emergency Preparedness Fund. Motion passed 5-0.**

EMS call volume is 15% higher than last year in the last three months, many calls to Laurelwood and Ridgefield Crossing, homes for the elderly. When the ambulance goes out of town to Danbury Hospital, it is not available for in-town calls. We need to review staffing of EMS services and various options available.

9. Change Ordinance Section 13-40 "Permit required for driveway construction" – Establish Public Hearing & Town Meeting - This request is detailed in an October 1, 2004 memorandum and an October 5, 2004 memorandum received from John Mannuzza, Town of Ridgefield Assistant Controller. **D. Masters moved and J. Plock seconded a motion to hold a Public Hearing and Town Meeting on October 20, 2004 to change Ordinance Section 13-40 "Permit required for driveway construction", to pass approval authority to the Director of Public Services, instead of the Board of Selectmen . Motion passed 5-0.**
10. 90th Anniversary of the VNA Proclamation – A September 8, 2004 letter has been received from Helena Jedlinsky, CEO of the Visiting Nurse Association of Ridgefield

requesting such a proclamation in honor of the VNA's 90th Anniversary. Their annual meeting will be held October 19th at Le Chateau.

J. Plock moved and D. Masters seconded a motion to proclaim October 19, 2004 as VNA Day in honor of the VNA's 90th Anniversary. Motion passed 5-0.

11. Minutes Approval – 3/4/04 and 9/22/04 –

J. Plock moved and B. Manners seconded a motion to approve as amended the minutes of the March 4, 2004 Board of Selectmen Meeting. Motion passed 4-0-1. D. Masters abstained as she was not on the Board of Selectmen in March 2004.

J. Plock moved and P. Yanity seconded a motion to approve as amended the minutes of the September 22, 2004 Board of Selectmen Meeting. Motion passed 5-0.

12. First Selectman's Report –

- Heart Walk October 17, Town Hall forming a team
- Connecticut Council Small Towns Association – It is a major cost for small towns to keep their local probate courts. The Administrator of the Connecticut Probate Court is suggesting elimination of these courts.
- Norwalk Community College is looking at space in the old High School complex; they are looking for six classrooms. Dr. Jeffrey Cantor, Dean of Extended Studies recently toured the facility. The only concern is parking – expecting class size of approximately 20 students. They would be willing to pay the same as Air Age is currently paying. Suggest secure funding from the State for additional parking if this rental becomes a reality.

J. Plock moved and P. Yanity seconded a motion to adjourn the Board of Selectmen's Meeting at 10:50 p.m. Motion passed 5-0.

Respectfully submitted,

Janet L. Johnson