

Town of Ridgefield
Board of Selectmen Meeting
Wednesday, June 19, 2019 – 6:30 pm
Town Hall Large Conference Room
400 Main Street, Ridgefield, Connecticut
UNREVISED/UNAPPROVED MINUTES

In attendance: R. Marconi, B. Hebert, M. Kozlark, B. Manners, S. Zemo

SPECIAL TOWN MEETING (7:30pm)
TAP and FLBP Bond Resolution Approval

Agenda

1. Public Comment
2. Vendor Permit Renewal
 - a. Marcs Crepes – Herve Aussavis
3. Appointments:
 - a. Erik Keller – Alternate Appointment for Conservation Comm
 - b. Allan Welby - Appointment for Conservation Comm
4. Reappointments:
 - a. Christine Santori – Reappoint Commission for Accessibility
 - b. Ellen Burns – Reappoint Parking Authority
 - c. Sheryl Lussier - Reappoint Parking Authority
5. Updated Cemetery Rules & Regulations for approval
6. Fracking Waste Ban – State Bill- 753 discussion
7. #InRidgefield Collaboration Update –Allocation-Contingency Acct
8. WPCA Resolution
9. Approval of Minutes – 5/8, 5/22, 6/5
10. Selectman’s Report
11. Executive Session – Pending Litigation

R. Marconi called the meeting to order at 6:30pm.

R. Marconi asked the BOS for an agenda modification. Delete article # 7 from the agenda due to a request received earlier from Wayne Addressi. He did not want to move forward with the #inridgefield project request for funding, and instead would be pursuing private funding for the project. Under agenda item #7 R. Marconi asked if two additional requests for contingency funding could be added. A) asks for approval of contingency fund spending for a generator that is inoperable at Fire Station 2 in Ridgebury. The request is for \$18,250. B) A request for an allocation from contingency for \$5,203.38. The ECDC had previously requested of the BOS an amount from contingency to support a tax relief for the leasing of vacant space on Main Street.

Motion to modify as requested. Motion - B. Manners Second - B. Hebert Motion carries 5-0

1. Public Comment

No public comment

2. Vendor Permit Renewal

a. Marcs Crepes – Herve Aussavis

S. Zemo recused himself from this agenda item discussion and vote as he is the landlord of the building leased by H. Assuavis.

H. Aussavis, owner of Luc's Café, is asking for a one year renewal of his vendor permit. He made the point that the permit is not convenient for him because it is limiting his use of the crepe truck. He stated that he needs to train someone to sell and make a crepe, which is time consuming and expensive and if he cannot sell in front of the restaurant on a more regular basis, then it becomes another obstacle for him. A permit for just one day of the year (Bastille Day) is restricting his ability to hire people. Overall, H. Aussavis wants an extension of the permit. However, he is grateful for the original renewal and accepts the restriction.

B. Hebert asked H. Aussavis to clarify what he is asking for as he was confused if he was only asking for a permit that will allow him to park in- front of the restaurant. H. Aussavis clarified that he is asking for a permit to be able to park in-front of the restaurant all year. M. Kozlark responded that they cannot do that because it violates the Town's ordinance. M. Kozlark also expressed concern that other restaurants will become upset as they have been declined similar requests in the past.

Ms. Manners supported the one-day renewal. She would love to see some way that he could sell his crepes around town. H. Aussavis was very grateful for the one-day permit but would prefer a longer extension.

R. Marconi concluded by deciding they will approve what is on the agenda tonight for the one-day permit and then put the possibility of extending his permit on an agenda subsequent to tonight's BOS meeting.

M. Kozlark motioned approval and Mr. Hebert seconded the motion for renewing the vendor application for another year. Motion carries 4-0-1 (S. Zemo had recused himself)

3. Appointments:

a. Erik Keller – Alternate Appointment for Conservation Comm

b. Allan Welby - Appointment for Conservation Comm

R. Marconi asked Erik Keller to come forward for the Appointment to the Alternate position on the Conservation Commission. R. Marconi referenced a letter from Jim Coyle, Chair of the Conservation Commission, which said that the Commission selected Erik Keller to fill the vacancy. E. Keller has lived in town for 28 years and has been retired for 10 years. He wants to be of service to the town and hopes to keep it as beautiful as it has been for the last 28 years.

S. Zemo asked E. Keller to share insight about his professional career. E. Keller worked for several years with seniors at Meadow Ridge with various cognitive and physical conditions. He said he used plants and nature as a therapeutic mechanism to work with people to take them to

better places. He also does the same at Ann's Place where he has been managing the grounds for 10 years. It is a volunteer position. Over the last 10 years he has tried to reapply some of his time to charitable pursuits.

M. Kozlark commented and thinks he is a perfect fit for the conservation commission. M. Kozlark discussed the POCD public hearing last night (which took place at the Planning and Zoning Commission) where there was discussion about open space and how the Town can get to the recommended level of open space in the POCD. M. Kozlark asked Mr. Keller what his thoughts are about open space? Mr. Keller responded by acknowledging that reaching 30% is a difficult goal, but believes that if we take proactive measures and target certain properties that are not yet developed, it is achievable.

B. Hebert agrees that Mr. Keller's resume speaks well for his qualifications and that he would like to make the motion to approve his appointment as an alternate on the Conservation Commission. M. Kozlark seconded. Approved 5 - 0

R. Marconi then asked Mr. Allen Welby to come forward for the Appointment to the Conservation Commission's open seat.

A. Welby has lived in Ridgefield for 13 years and has been able to experience open space here in Ridgefield. He has a love of the outdoors and has always wanted to serve the town in some capacity. He is an advocate for open space, and has a specialty with regards to birds. A. Welby said he has a passion for wild life and a work schedule that allows him to do all of the leg work that the commission requires. He referred to his resume and his position in working with birds and the natural resource inventory about five years ago in town.

S. Zemo expressed concern about how increasing open space has been a challenge recently. He asks Mr. Welby if he would be able to support a bond issue for open space that would give the younger citizens some say when issues arise. Mr. Welby responded that he noticed that open space is often prioritized but not in the budget. Mr. Welby also stated that he would love to see a push to find corridors that lead to all the natural places in town. Going forward, he will advocate that we must make it a primary consideration to make a corridor to existing open spaces in town.

B. Manners mentioned Mr. Welby's experience with String Fencing (an effort to protect nesting Piping Plovers. Mr. Welby says that for the most part it was a success. She asked what he sees his role is in regards to conservation and if there is a particular area that he specializes in. Mr. Welby responded that he wants to just be an advocate for all wildlife and open space, especially invasive species. He said we have all these trails in town but half are not able to be accessed after July because of these invasive species. That is one of his main areas of concern.

M. Kozlark motioned and B. Manners seconded the motion to approve Mr. Allan Welby to the Conservation Commission. Vote: 5 - 0

4. Reappointments:

- a. Christine Santori – Reappoint Commission for Accessibility**
- b. Ellen Burns – Reappoint Parking Authority**
- c. Sheryl Lussier - Reappoint Parking Authority**

Christine Santori cancelled tonight.

R. Marconi called down both Ellen Burns and Sherly Lussier. E. Burns has the honor to speak first as she has been on the commission the longest. E. Burns claimed they have been working very hard to deal with the complex and difficult problem of zoning. In their view, there is not enough parking in the central business district. The zoning committee disagreed with them. Increasing parking is necessary with the amount of new restaurants coming into town and the new employees. E. Burns and S. Lussier have tried to sort through all the agreements one by one, but there is not a lot of specificity of how the lots are organized and how many spots belong to the landlords. They want to regularize this and come up with a concrete number. They finished the CVS lot, which has been a success.

M. Kozlark addressed S. Lussier and asked her to elaborate on their idea for incorporating technology into their plans and if they have been able to accomplish it. S. Lussier hopes to create a program where parking lot spaces will be visible on computers so she can get a better understanding of the numbers of spaces. S. Lussier said they are working on it and are validating that the numbers they have agree with the amount of spaces that exist. She hopes to finalize these drawings.

In the central business district, S. Lussier found they do not have a jurisdiction over half of the parking places and many people do not understand that. She is shocked about how many people write in complaining about this 'issue'. She believes this is a communication problem. She hopes this online program will decrease the amount of opposing views. She is also surprised that many people believe that there is to a problem with the parking in town.

R. Marconi said that there are always spots that area available but the question is how many spots should be available. Z. Zemo addressed the problem, about flow and asked if there is hope that the barrier will be taken down. R. Marconi responded yes, but there is one landlord who is challenging it.

S. Zemo mentioned the amount of available parking in front of Cake Box and Terrasole in Ridgefield, but it is restricted parking because they belong to those private restaurants. He wonders if there is anything they can do about that.

S. Zemo said the immediate objectives right now are to get the permit process finished with all the landlords and get this parking lot finished.

R. Marconi said they have to go to planning and zoning to achieve this. He said that a few weeks ago they requested for a few changes to be made, and next week they can expect everything to be ready to submit. A public hearing is required for this because it is a special permit.

M. Kozlark asked if they the First Selectman could call the Boys and Girls Club and request them to tell their employees to park at the lot on Market Street because the Governor Street lot was full in the morning. A solution would be for the Boys and Girls Club counselors to park on Market street and walk across the VP field to the Boys and Girls Club. This solution was successful last year.

E. Burns said the RVNA is also parking in the municipal lot. They are taking up about 10-12 spots per day. She is frustrated that the parking lot is not adequate to their needs considering it is a new building with a new lot. They should have planned better.

R. Marconi addressed S. Lussier about her willingness to be reappointed and said that she has enjoyed being on the Parking Authority and looks forward to completing the auto-cad drawings of

all parking lots downtown. S. Lussier is trying to get an accurate number of how many parking places there are in the central business district. Many of the spots in Town are not controlled by the Authority. She said that she wants to get a total number of the central business district spots.

E. Burns mentioned that some parking by Gallo are included in the central business district and she is very interested in seeing how these places are allocated. It seems as if there is no order behind the drawings of parking spots and she is interested in finding the reasoning behind the decision making process that determines how the spots have been allocated.

B. Manners made Motion and M. Kozlark seconded the motion to reappoint both Ms. Burns and S. Lussier.

R. Marconi asked for questions from the public. Macklin Reid, of Great Hill Rd., asked for the official number of parking spots. Ms. Burns responded that she will give him the number soon but wants to make sure that she has counted all of them properly. She is unsure of what parking spots should be included in the central business district parking and what spots should be considered private parking when counting the number of parking spots.

R. Marconi declared the motion carried. 5 -0

5. Updated Cemetery Rules & Regulations for approval

R. Marconi he asked if everyone felt comfortable with the Cemetery Rules and Regulations. S. Zemo connected this topic to the planning and zoning issue and asked when the town decides that there are no more burial spots and they run out of cemetery spots, what is the plan? R. Marconi said he does not know of anyone that has plans for a cemetery. St. Mary's has a lot of capacity and they accept non parishioners in their cemetery.

M. Kozlark discussed the definition of a family plot. As of now a family lot requires a minimum of 6 family members. She is wondering if the plot should be a minimum of 4. It was agreed to leave the number at six (6) consistent with other cemeteries. M. Kozlark also brought up the question of why cemeteries in Ridgefield do not allow grave blankets or sprays during holiday seasons because other towns do allow it. R. Marconi responded that it is because most people do not go back and remove them after the season.

B. Hebert asked for clarification on the rule that says a person can have one casket that can hold up to 2 or 3 urns. He was wondering why they do not just say up to 3.

M. Kozlark clarified that this means that families are allowed to bury a casket plus 2 cremates, or 3 cremates but no casket, which explains why the rule says 2 OR 3.

M. Kozlark made a motion to approve and B. Hebert seconded the new rules and regulations for the town cemetery. 5 - 0

6. Fracking Waste Ban- State Bill- 753 discussion

R. Marconi read a memo from Dave Grogins, Town Counsel, reviewing the state bill passed on fracking. The new state law will preempt town local laws regarding fracking waste. The House of Representatives gave final approval for state wide fracking waste ban, keeping the dangerous materials out of CT to persevere the health, safety and welfare of the residents of Connecticut. Hebert stated that the Town Ordinance is now superseded by State Law.

7. Allocation from Contingency account:

- a. New generator for Fire Station 2**
- b. ECDC request to fund retail property tax program**

- A. R. Marconi read Jake Muller's memo regarding the generator at Fire Station 2 which failed in April. Mr. Muller is obtaining two estimates for the replacement of the generator at fire station 2. The existing generator is oversized. If this project is approved the existing generator will be listed on gov.deals to offset the project costs. Mr. Marconi stated that any funds left will be transferred to the General Fund if not used by the end of this fiscal year. This was an unanticipated event and the money will be coming out of the contingency line.

Mr. Hebert motions and B. Manners seconds the motion for \$18,250.00 to be allocated from the contingency line for the purchase and installation of a new generator for Station 2. Approved 5 - 0

- B. Next item added was the retail property tax incentive program developed by the ECDC to incentive retail occupancy. \$5,203.38 was the amount requested from the contingency line. This requested approval has met all of the necessary requirements as established by the ECDC.

There is a lot of confusion among the board as they thought that this program was for only one year and was an incentive to get the store fronts filled. Arnold said the board approved the program for one year and if they wanted to continue it, they would have to return to the BOS.

The original offering was based upon three years, but the years 2 and 3 will still need to be approved by the Board of Selectman. If the board decides to extend the program, they would need an additional \$5,203.38 for each of the next 2 years. (The money allocated was based on the amount of square feet up to 1000 square feet).

Bob Hebert moved and B. Manners seconded a motion to approve \$5,203.38 from contingency to be paid to Urstadt Biddle according to the ECDC agreement. 5 - 0

8. WPCA Resolution

* * * Rudy Marconi introduced and read the following resolution:

RESOLVED: That pursuant to Section 3-10 of the Town Charter, the Board of Selectmen at its meeting held on August 13, 2018 previously approved the authorization of bonds and notes pursuant to the resolution entitled "Shall The \$48,000,000 Appropriation And Bond Authorization (Less Any Grants Expected To Be Received From The State Of Connecticut Clean Water Fund) For The Planning, Design, And Construction Of The South Street Sewer Treatment Plant And Pump Station Upgrades Be Approved", and said resolution also being adopted by the legal voters

of the Town at a referendum held in conjunction with the general election on November 6, 2018, and the Board of Selectmen hereby ratify, confirm and approve of such authorization of bond and

B. Manners motioned for approval. Seconded by M. Kozlark.
All in favor 5 Against 0

R. Marconi declared motion passed unanimously.

9. Approval of minutes

Minutes of May 8

M. Kozlark - referring to the deer hunt – asked for a modification of the minutes by adding the date of when the deer hunt ends. Hunt starts on October 15 and ends on January 31.

M. Kozlark said to also add “at the POCD meeting” R. Marconi stated that last night he talked about everything he could think of. This will now read as: “R. Marconi stated that last night he talked about everything he could think of at the POCD meeting.”

Motion to accept the minutes as modified. Motion carries as modified.

Minutes of May 22

Tabling these minutes till the next meeting—there is a lot of work that needs to be done on the minutes.

Minutes of June 5

Special Meeting June 5 - approved the minutes of the special meeting.

June 5th BOS minutes tabled until next meeting

10. Selectman’s report

Damn 2 Ridgefield Brook (Fox Hill)

R. Marconi reported on an initial teleconference to discuss a couple of options for the repair/removal of this dam due to an increased risk assessment. A follow up meeting will be held on July 8. The State and Feds are giving the municipality options and it is nothing more than a draft at this point. The Federal government will pay for 65% of any modification to the dam and the State will pay for 35%. There is much information to be discussed at the next meeting.

Standards of conduct

Summer interns are working on a Standard of Conduct for all ball fields in Ridgefield.

New Accessway Regulation

Richard Baldelli, P&Z Department Director, sent out the access way amendment that was voted on and approved recently by the Commission. This new regulation allows five houses on an accessway vs. the previous allowance for three. Public Works Director Peter Hill noted concerns as many people on private roads have asked to be converted to Town Roads and this will only add to the list. Concern is that people will be upset because, although they pay the same taxes, they cannot receive similar road services. Mr. Marconi stated that with the new regulation we should review our Town Road Ordinance. We should modify section 310-58 or eliminate it completely.

Article XI Code of Ethics

R. Marconi referred back to the charter revision on code of ethics. R. Marconi reported that the State of CT, in the legislative session this year, passed a statute that requires all municipalities to have a standard of conducts or ethics section in their home rule or Charter. He continued on to read several sections that were decided at the legislative session. The state has yet to say if this has to be incorporated into all the municipalities who already have a code of ethics, but if it is required, then Ridgefield will want it written into our language so we can ensure that we are in compliance with State statute.

Police Commissioner Charles Knoche resignation

A letter received by the Town Clerk was read by R. Marconi. Charlie Knoche has resigned from Ridgefield's Board of Police Commissioners. He was on the commission for 25 years and also served on The Board of Selectman. C. Knoche recently moved out of town. In regards to reappointment, the commission will reappoint someone but it has to be replaced by the same party that occupied the seat previously (must be Republican). They have 30 days from June 14. If they do not appoint a new sea within 30 days, then it reverts over to The Board of Selectman.

Roberts Rules of Order

Next R. Marconi read a note from Ms.Sharon D'Orso that pertained to a Board of Finance Meeting. She raised concerns about how discussions took place that used old business and new business to cover several new topics. In regards to a discussion about Governors Field at this meeting, they recognized this as unfinished business. She argues that they had no right under new business to discuss old business because it is not under the powers and duties.

Ridgefield Speed Limits

R. Marconi discussed Town Ordinance Section 34-3. During an effort by the Ridgefield Police Department, to change speed limits on scenic roads in town to 20mph, the State said towns do not have a right to change any speed limits on any roads. Ridgefield's current Charter states that 25mph is the minimum speed. Since the PD has now been informed that the State has already allocated speed limits on Town Roads, we should modify our Ordinances to reflect same.

Use of Road Salt

Ms. Kozlark mentioned that at the POCD meeting, R. Marconi brought up the issue the town is having with salt on the roads and its impact on drinking water. This will be put on the future agenda.

R. Marconi responded that the issue with the salt is the amount that we are using State wide. It is raising concerns because the salt being put on the roads is negatively impacting community drinking water.

Executive Session- Pending Litigation

B. Manners motioned and S. Zemo seconded to enter into Executive Session at 8:30pm.
Vote 5 – 0

Returned to public at 9:08pm. There was no vote.

Motion made and seconded to adjourn meeting at 9:10pm.
Vote 5 - 0