

Town of Ridgefield
Board of Selectmen Special Meeting
Wednesday, July 25, 2018 - 7:30 pm
Town Hall Large Conference Room
400 Main Street, Ridgefield, Connecticut
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. Hebert, B. Manners, S. Zemo, M. Kozlark

Agenda (*immediately following Special Town Meeting*)

1. Public Comment
2. Reappointment of Director of Civil Preparedness: Richard N. Aarons
3. Board of Education Equipment Lease
4. Richardson Drive Update
5. Recommendation to Charter Revision Commission
6. Cornerstone Farm License Agreement
7. Sky Top Road
8. Sprinkler Indemnity Agreement
9. Town Clerk Vacancy Discussion
10. Board of Assessment Appeals Vacancy Discussion
11. Selectman's Report
12. Approval of Meeting Minutes: 6/6/18 special, 6/6/18 regular, 6/20/18 regular, 7/18/18 public hearing and special

Public Hearing

*Notice is hereby given that a Public Hearing and Special Town Meeting will be held on July 25, 2018, 7:30 PM, Town Hall Large Conference Room, 400 Main Street, Ridgefield, Connecticut to consider the following changes in Ridgefield Code under Chapter 274. Peddling and Soliciting. **Underline & bold italics** represents addition to existing language; brackets and strikethrough {strikethrough} indicates deletion of text.*

R. Marconi called the **Public Hearing** to order at 7:35 pm.

R. Marconi stated that a petition was received and verified by the Town Clerk requesting modification of the Peddling and Soliciting Ordinance. The modification is specific to mobile food operations at a brewery or winery. The language proposed in the petition cannot be modified.

B. Manners expressed concern about how parking would be controlled if this passes? R. Marconi stated although there is quite a bit of parking on the site, the police would be overseeing that.

M. Kozlark expressed reservations about the language being presented—there is no definition of what a brewery or winery is—it could be misconstrued and taken in the wrong vein. The second concern is that the hours of operation should be defined and the proposed language does not define them.

Town Counsel David Grogins explained that the language set forth in the legal notice cannot be modified.

Richard Baldelli, P&Z Director, stated zoning regulations contain a definition of a brewery, not a winery.

Michael Weiss, 9 Branchville Road, thinks that food trucks would complement the business; hours of operation can be modified at a later date if it proves to be an issue.

Ed Tyrrell, 17 Pond Road, suggest that everyone vote no on this. Not because I am against food trucks or breweries. The Selectmen spent a lot of time to amend the vendor ordinance because of the thought that food trucks would threaten bricks and mortar businesses. And now we will address one location at a time and amend the ordinance—this is a bad way to address the problem.

Khurram, one of the owners of The Sand Wedge on Route 7, stated he has no problem with competition, but this is unfair competition. As a restaurant owner, I have to adhere to zoning codes—when increasing seating, I have to increase septic system, costing \$45,000. Food trucks do not have the same requirements; do not have to pay the same taxes. Let's make a decision that benefits most, not one.

Luis Rodriguez, 197 Old Stagecoach Road, commented that the brewery is a brick and mortar, too. This is not just a one-sided thing. This can be an opportunity for Ridgefield restaurants to open a food truck and go there too. There are multiple ways to look at this. This is how the industry is changing; food trucks are big. We have to progress as well.

Jonathan Gitlin, 25 Hauley Pl, stated the food truck would be a great accoutrement to the restaurant; this brewery is a great addition; food truck is not the same as a restaurant—not an apples to apples comparison.

Michael Cunningham, 24 Acorn Place, stated he is in support overall; the only concern is would there be a limit to the number of food trucks? The answer from R. Marconi is no—there is no limit.

Steve Palmiotto, 164 Shadow Lake Road, stated some food trucks have generators that make noise; some might stay overnight and then have deliveries.

Jeff Lundberg, 45 Cooper Hill Rd, stated he is in support of ordinance amendment.

Rob Kay, 280 Umpwaug Road, Redding, Nod Hill Brewery owner commented on parking. If we run into a parking problem, we will hire attendants to address the issue. I don't want a food truck there permanently—they will be there during our operating hours. The brewery cannot support more than one truck at a time. We sell a lot of our beer to local restaurants—HooDoo BBQ, The Little Pub, The Barn Door—and they know what we are trying to do. If it was a major issue for them, I think they would be here talking against this ordinance change. As a brick and mortar business, I have the same rigors; I pay taxes and I want to be a part of town for many years. We are an attraction—people come to town to experience what we offer. This type of food service is a convenience for our customers and I don't think we compete with the restaurants.

Bill Davidson, 77 Sunset Lane, the Town should encourage the entrepreneurial spirit. If there are problems, they can be addressed again at a later date with a change to the ordinance.

Ann Fitzgerald, Nursery Road, stated this is a very creative way of getting food into people who are drinking. As a nurse, I support this.

Doug Coombs, Nod Road, is in support of the proposal. Anything we can do to help and encourage this business to survive is a good thing—craft brewery business is very competitive.

Frank Lanzetta, 67 Marshall Road, stated if the brewery has 400 people visiting on the weekend, that is 400 more people in town and not all of them will be eating at the food truck. They will utilize other restaurants and businesses that are already here which would be good for the town.

Ellen Burns, from Great Hill Road stated she supports the ordinance change but is concerned that parking was not considered in the ordinance. This is not a site-specific ordinance. If someone else has a brewery and wants a food truck, they might not have adequate parking. Totally support the concept.

Brian Dunn, 211 Old Branchville Road spoke in support of the ordinance. Let the market dictate what happens—if the food trucks don't make money, they will go away.

Khurram from the Sand Wedge stated he thought there was not enough language in the proposed ordinance limiting the number of food trucks allowed. R. Marconi stated that the language in the ordinance could be addressed at a later time.

Public hearing closed and the Special Town Meeting commenced (meeting minutes under separate cover).

R. Marconi called the BOS special meeting to order at 8:24 pm, introducing the recording secretary.

1. Public Comment—no public comment
2. Reappointment of Director of Civil Preparedness: Richard N. Aarons

S. Zemo moved and B. Manners seconded the motion to reappoint Richard N. Aarons as Director of Civil Preparedness. Motion carried 5-0.

3. Board of Education Equipment Lease

Dawn Norton, Board of Education Business Manager, stepped forward to discuss the technology lease request. The district solicited five investment organizations and only one bid came in from Capital One with an interest rate of 3.25, which is slightly higher than last year. Last year's rate was 1.25 from JP Morgan. The only way to negotiate the interest rate is to re-bid it. When discussing it with other locations, they are looking at rates in the 4s. It meets with our budget. Each 6th grade student receives a Chromebook and stays with them for their entire public school career, handing it in at the end of every school year and getting it back in the fall.

B. Manners moved and B. Hebert seconded motion to approve the Board of Education technology lease for \$384,300. Motion carried 5-0.

4. Richardson Drive Update

Board members received a handout about the flooding situation. The Town has spent approximately \$10,000 to address the problem. R. Marconi stated that the amount would be sent to the homeowner with the hope that their homeowner's insurance would cover the costs. A Cease and Desist was issued from Inland Wetlands Enforcement. All work was done without a permit.

5. Recommendation to Charter Revision Commission

R. Marconi stated that in addition to the recommendations received from the CRC contained within the Draft Report, the First Selectman's office received an email dated 6/26/18 from Jonathan Seem, CRC Chairman, requesting that the BOS change the "Board of Tax Review" to the "Board of Assessment Appeal" in one section of the Charter. This has already been changed by statute many years ago, but it had never been changed in our Charter. Town Counsel responded that the BOS' role is to make recommendations back to the CRC and this omission is not a substantive matter and can be included in the recommendations to be made by the BOS back to the CRC. This will be Item #13.

1. **B. Manners moved and B. Hebert seconded the motion to approve the revision of Section 4-5 as proposed. Motion carried 5-0.**
2. **B. Manners moved and S. Zemo seconded motion to approve revision of Section 10-1(a), (b) as proposed by CRC; and Section 10-1(c) revised with language to be provided by Town Counsel.**

B. Manners moved to withdraw her motion; S. Zemo seconded. Motion carried 5-1.

M. Kozlark moved to change the language in Article X, Section 10-1 (c) to require that 1% of Town's registered electors must be present for the meeting to have the power to decrease or delete any line item of the BOS budget and decrease as a whole the BOE budget. The motion was not seconded.

B. Manners moved and S. Zemo seconded motion to approve revision of Section 10-1(a), (b) as proposed by CRC; and Section 10-1(c) revised with language to be provided by Town Counsel. Motion carried 4-1; M. Kozlark opposed.

- 3. S. Zemo moved and B. Manners seconded the motion to approve the revision of Section 4-7 as proposed (minority representation adherence). Motion carried 5-0.**
- 4. S. Zemo moved and B. Manners seconded the motion to approve the revision of Sections 4-9 & 4-1 as proposed (Town Treasurer appointed vs. elected). Motion carried 5-0.**
- 5. S. Zemo moved and B. Manners seconded the motion to approve the revision of Sections 4-9 & 4-1 as proposed (Tax Collector appointed vs. elected). Motion carried 5-0.**
- 6. S. Zemo moved and B. Manners seconded the motion to approve the revision of Article IX (address inconsistencies in term lengths for all appointive boards and commissions). Motion carried 5-0.**
- 7. B. Manners expressed concern with proposed language; has many questions that will take time to be answered. Concerned about (j) – as a board member of the Women's Center, in which I have a material financial interest, do I have to recuse myself from budget discussions when community grants are being reviewed? Section (e) Disclosure of Interest; recusal—similar situation. Also concerned about whistle-blowers—some language contained makes me question whether people would be discouraged from coming forth. M. Kozlark expressed concern (d) representing private interests before the courts—would preclude attorneys on one board from representing clients before another board. This would deter attorneys that volunteer on Town boards. D. Grogins stated the changes are significant and deserve concentrated debate.**

B. Manners moved and M. Kozlark seconded the motion to recommend the following amendment to Article XI "Article XI shall be deleted in its entirety upon the adoption of an ordinance to be approved at a Special Town Meeting. Article XI shall remain in full force as is until the passage of the ordinance referred to above." Motion carried 5-0.

- 8. B. Hebert moved and M. Kozlark seconded the motion to recommend the following amendment to Article 10-2(d) "Appropriations or transfers of unexpended capital project balances shall be determined by the Board of Selectmen in consultation with the Board of Finance. In accordance with General Statutes, such funds may be used for payment of debt servicing, payment of approved capital projects, payment into the general fund, or payment into the Capital Reserve Fund per Section 10-2(c)." Motion carried 5-0.**
- 9. S. Zemo moved and B. Hebert seconded the motion to keep the Inland Wetlands Board (IWB) and the Planning and Zoning Commission (PZC) intact, in contrast to the proposal by the CRC. The BOS further suggests the Charter reflects that the P&Z/IWB receive training specific to inland wetlands regulations and that additional language be added to the election ballot clarifying the multiple roles of Commissioners. Motion carried 3-2 (R. Marconi and B. Manners opposed).**

B. Manners moved to approve CRC Items #10-12. The motion was not seconded. B. Manners withdrew her motion.

- 10. M. Kozlark moved and B. Manners seconded the motion to approve changing the name of the Economic Development Commission to the Economic & Community Development Commission, as proposed. Motion carried 5-0.**
- 11. M. Kozlark moved and B. Manners seconded the motion to amend Sections 5-1 and 5-7 of the Charter to change the name of the commission for the Disabled to “Commission for Accessibility” and to change text in Section 5-7 from “the disabled” to “people with disabilities” as proposed. Motion carried 5-0.**
- 12. M. Kozlark moved and B. Manners seconded the motion to amend Section 4-11 of the Charter by changing “plan of development” to “Plan of Conservation and Development” as proposed. Motion carried 5-0.**
- 13. M. Kozlark moved and B. Manners seconded the motion to recommend an additional technical change not included in the Draft Report— Section 4-1, “Board of Tax Review” should be changed to “Board of Assessment Appeals”. Motion carried 5-0.**

Discussion ensued about the CRC’s receipt of BOS recommendations, meeting to discuss, and submission of their final report back to the Board of Selectmen.

S. Zemo moved and B. Hebert seconded the motion to cancel the 8/8/18 BOS meeting and schedule a special BOS meeting on August 15. Motion was withdrawn by S. Zemo and seconded by B. Hebert. Withdrawal passed 5-0.

B. Manners moved and B. Hebert seconded the motion to cancel the BOS meeting of 8/8/18 and move all agenda items from that meeting to a BOS special meeting on 8/13/18 at 7:30 pm in the Town Hall large conference room. Motion carried 5-0.

6. Cornerstone Farm License Agreement

CeCe Berger of Cornerstone Farm and Dave Cronin of the Conservation Commission spoke to the BOS about the license agreement; this is similar to the Henny Penny Farm license agreement. CeCe started a non-profit organization to teach autistic students farming skills. Have been using a greenhouse in South Salem; the goal is to garden at McKeon Farm. Currently working with Joe Kowalczyk at RHS who is in charge of the special education transition program. The garden would be located in the upper meadow in a spot that was previously a garden. The program would be part of the students’ IEP (individualized education program). B. Manners stated each participant should sign an indemnification waiver. S. Zemo asked about accessibility for vans or wheelchair bound participants? The area is flat and could accommodate a wheelchair. There is an area on the grass with plenty of room to pull in and drop off students. The program would run in the morning before the sun gets too hot. The ADA compliance issue has been reviewed thoroughly and the farm is in compliance.

B. Manners moved and M. Kozlark seconded the motion to approve the Cornerstone Farm License Agreement, with the understanding that an individual waiver (to be provided to CeCe Berger by Town Counsel) will be signed by each student entering the property. Motion carried 5-0.

7. Sky Top Road

Dave Cronin of the Conservation Commission stated they are requesting the Town abandon the road as they would like to restrict access to the road. D. Grogins stated the road would be discontinued; easements or rights of way that are required by necessity would still be in effect. Mr. Beylouni’s property abuts the road. A

Town Meeting would be necessary to discontinue the road. D. Grogins will research the statute to be sure proper protocols are followed.

8. Sprinkler Indemnity Agreement

The builder installed a sprinkler along Sunset Lane for the purpose of maintaining the lawn and they planned to abandon it once it was established. The homeowners association would like to leave it and maintain it at their expense. R. Marconi will determine from Town Counsel whether a Town Meeting will be necessary.

B. Hebert moved and S. Zemo seconded the motion to approve the Sprinkler Indemnity Agreement on Sunset Lane on the Town right of way and give permission to the First Selectman to schedule a Special Town Meeting if necessary. Motion carried 5-0.

9. Town Clerk Vacancy

As of this date, 14 applications have been received. Candidate must be a Republican. The BOS may appoint themselves as an Executive Search Committee. This would be done to protect the anonymity of the applicants—it is not necessary to post an agenda or minutes for an Executive Search Committee. The Republican Town Committee has been notified and they can recommend a candidate.

B. Manners moved and B. Hebert seconded the motion to recognize the BOS as an executive search committee for the vacant Town Clerk position. Motion carried 5-0.

10. Board of Assessment Appeals Vacancy Discussion

There is a vacancy; Anne Cutter resigned. Jeff Lundberg, Chairman, is working on getting a replacement.

11. Selectman's Report

- a. Widow's Walk is being installed on Town Hall; this is a donation from a generous resident.
- b. Town Hall trees will be removed within the next two weeks; they are damaged and dangerous.
- c. Emily Pambianchi of Social Graces Communications will be coming to the BOS with a presentation to address social media miscommunications.
- d. Jennifer Zinzi has resigned as the Executive Director of the Chamber of Commerce.
- e. August 14 is the Republican and Democratic primary; absentee ballots are available
- f. Household Hazardous Waste Drop off 7/28/18 at Brookfield High School

12. Approval of Meeting Minutes: 6/6/18 special, 6/6/18 regular, 6/20/18 regular, 7/18/18 public hearing and special

Approval of the meeting minutes were postponed to the next meeting.

B. Hebert moved and M. Kozlark seconded the motion to adjourn the BOS special meeting at 11:09 pm. Motion carried 5-0.

Respectfully submitted,
Wendy Gannon Lionetti