

SEPTEMBER 15, 2006 MINUTES
HVCEO MEETING
HELD AT DANBURY HOSPITAL, DANBURY, CT

Chairman: Rudy Marconi of Ridgefield

Vice Chairman: Jerry Murphy of Brookfield - Secretary-Treasurer: Andrea O'Connor of Sherman

MEMBERS AND ALTERNATES IN ATTENDANCE

Bethel.....Alternate Selectman Paul Szatkowski
Bridgewater.....Alternate Robert Brown
Brookfield.....First Selectman Jerry Murphy
Danbury..... Alternate Chief of Staff Michael McLachlan
New Fairfield.....First Selectman John Hodge
New Milford.....Mayor Patricia Murphy
Newtown.....First Selectman Herbert Rosenthal, Alternate Devel. Director Elizabeth Stocker
Redding.....Alternate Selectman Donald Takacs
Ridgefield.....First Selectman Rudy Marconi, Chairman
Sherman.....Absent

OTHERS IN ATTENDANCE

Kathryn Faraci of Conn DOT, River Trail Project Manager Peg Daley, representing the United Way were Joan Carty of the Housing Development Fund and Tim Baughman of the Salvation Army, Candlewood Lake Authority Director Larry Marsicano and DEMHS Region 5 Coordinator Roy Piper.

Also, Danbury Hospital President Frank Kelly and Hospital staff including Patrick Broderick, Matthew Cassavecchia, Andrew McGuire and Andrea Rynn, New Milford Economic Development Director Vincent Nolan, then from HVCEO staff George Blake, David Hannon, Candy Acquanita and Jon Chew.

CALL TO ORDER/ PUBLIC COMMENT

The meeting was called to order by Chairman Rudy Marconi at 12:30 P.M. He thanked Danbury Hospital staff for the luncheon and their courtesy in hosting the meeting.

Under public comment, the HVCEO representative to King's Mark, Peg Daley of Newtown, updated members on the recent bicycle Tour de Farms, held in the rural areas of central Fairfield County on September 9 and attracting 92 paid riders.

MINUTES AND FINANCIAL STATEMENT

On a motion made by Jerry Murphy and seconded by John Hodge, the minutes of the meeting of July 21, 2006 were unanimously approved. Concerning the financial statements for July 2006 and August 2006, on a motion made by John Hodge and seconded by Pat Murphy, they were also unanimously approved.

TRANSPORTATION IMPROVEMENT PROGRAM AMENDMENTS

Dave Hannon reviewed the latest Transportation Improvement Program amendments requested by Conn DOT. These included among other things various Conn DOT statewide maintenance items, education and training for the Safe Routes to School Program, I-84 interchange modifications, and addition of a construction phase for Route 53 in Danbury at Coal Pit Hill Road and Triangle Street. Then on a motion made by Bob Brown and seconded by Paul Szatkowski, the TIP amendments as presented were unanimously approved.

An HVCEO staff generated amendment for potential additional funding for the Redding streetscape project in Georgetown was also presented. It was explained that this was in support of Redding First Selectman Natalie Ketcham's lobbying efforts this date. On a motion made by Herb Rosenthal and seconded by Don Takacs, the amendment for Redding was also unanimously approved.

Herb Rosenthal then posed questions to the staff concerning the upcoming redesign of I-84 Exit 11 in Newtown and its relationship to Conn DOT's plans for additional truck stop rest areas along I-84. He stated for the record his opposition to the proposed truck stop at Exit 11 in Newtown.

Also on I-84 issues, Mike McLachlan noted an upcoming October 2 Conn DOT hearing in Danbury on designs for improvements at Exits 5 and 6.

RESOLUTION FOR CT DEP RIVER TRAIL GRANT

Jon Chew explained that DEP had agreed to make a \$3,300 grant available for promotion of the Housatonic Valley River Trail, related digital promotional materials, additional brochures, and web site development. The grant was originally directed by CT DEP to HVEDP but with the demise of HVEDP a resolution is needed to redirect the funds to HVCEO. Then on a motion made by Jerry Murphy and seconded by John Hodge, the necessary resolution was unanimously approved.

DEMOGRAPHIC OVERVIEW FOR REGIONAL PLAN UPDATE

Jon chew distributed the new demographic overview, a data set needed for the upcoming revision of the regional plan of conservation and development. This can also be used by members when they are describing trends in their town at civic clubs meetings, writing state of the town speeches, etc., he said.

NEW DEVELOPMENTS IN REGIONAL HEALTH CARE

Remarks on this topic were made by Danbury Hospital President Frank Kelly. He distributed a folder with Danbury Hospital related materials and noted that the Hospital is rated as one of the top 100 hospitals in the USA. He reviewed the institution's specialties, new outpatient services, plans for an innovative digital system for managing patient records, and other items.

There was then a discussion of various related topics in which other Hospital staff participated, with a focus on the interface of Danbury Hospital with local EMS services and paramedic turn around times and then other topics such as reinfection rates. President Kelly and his staff were then thanked for their informative presentation.

REVISIONS TO 1991 "H" HOSPITAL SIGN PLAN

A report on this topic was given by Matthew Cassavecchia of Danbury Hospital and Dave Hannon of HVCEO. They noted that HVCEO had undertaken this planning activity in the past, the first regional plan created in 1972 and then updated in 1991, such that the fastest route for emergency traffic from one municipality to the next was clearly marked.

However, many blue "H" signs recommended by the 1991 plan are now missing. The intertown plan needs a complete review and an update, with input from emergency responders the key, they said. So far this planning project has met with much enthusiasm from the emergency response community. Additionally, Conn DOT had offered to post needed signs on state roadways.

Emergency management officials in each town will be asked to review and approve their section of the draft plan, which will then be placed on the hvceo.org web site. During the discussion Don Takacs recommended that "mileage remaining" to the Hospital be added to some signs, as is the practice in parts of New Jersey and New York.

Dave Hannon noted that "H" signed ambulance routes to New Milford Hospital will be reviewed in a second study phase.

UNITED WAY'S 10/26/2006 REGIONAL HOUSING SYMPOSIUM

Information on the upcoming meeting was provided by Joan Carty of the Housing Development Fund, a private nonprofit group based in Stamford and serving Fairfield County, and Tim Baughman, Director of Social Ministries for the Salvation Army in Danbury.

They invited members to a symposium on inclusionary zoning for affordable housing, to be held 8 to 11 AM on 10/26/2006 at the Sheraton Hotel in Danbury. A keynote panelist will be Alan Mallach of the National Housing Institute. They invited members to learn how this type of zoning can help address local

affordable housing issues.

During the discussion Joan Carty noted that it is entirely legal in Connecticut to give preference in filling new privately funded affordable housing units to existing local residents or town emergency staff, etc. There was a discussion of deed restrictions and the difficulties of monitoring sales and enforcement. Liz Stocker noted that for some affordable units in Newtown, the original developer receives a portion of increased value at the time of sale, thus encouraging monitoring of ownership changes and deed restrictions by a private entity, a task that is outside of municipal government responsibility.

Joan Carty is to forward to Jon Chew sample deed restrictions for dissemination to the members. She will also provide a report on the turnover rates and sales management for the 500 units that her group has developed thus far. After additional discussion Ms. Carty and Mr. Baughman were thanked for their visit.

MANAGEMENT PLAN FOR THE HOUSATONIC VALLEY RIVER TRAIL

Jon Chew and Peg Daley made a presentation on this topic. Jon Chew reviewed the proposed River Trail Management Plan attached to the agenda. He noted that since its inception in 2001, the mission of the Housatonic Valley River Trail (HVRT) planning process has been to promote canoe and kayak use on the Still and Housatonic Rivers, a low cost project with relatively high impact. The effort has enhanced and combined water based recreation, nature education, tourism and environmental experience.

The River Trail project was originally under the sponsorship of the HVEDP, he said. But with the loss of HVEDP funding for this project in 2003 and the demise of HVEDP itself in 2004, HVCEO accepted the role of project sponsor in 2005.

It was clear that given its many participants an overall operations plan for maintaining this project was needed, recognizing roles and responsibilities and liabilities, and the draft document under review today is to accomplish this, he said.

Peg Daley then made reference to a large display map to update members on progress with put ins, take outs, signage and other River Trail improvement features.

Then on a motion made by Herb Rosenthal and seconded by Jerry Murphy, the draft River Trail Management Plan was unanimously approved as the official operations plan for development of the recreational facility.

EMERGENCY MANAGEMENT REPORT

Health departments regional mutual aid agreement: Dave Hannon reported that eight of ten approvals had been received thus far, with the remaining two to be received soon.

Purchase of regional video conferencing system via municipal DEMHS grants: Dave Hannon reported that the actual purchase was to be delayed, as DEMHS found that this equipment was not a part of the current statewide bid, as earlier indicated by DEMHS.

DEMHS Region 5 Coordinator's report: Roy Piper was introduced to the Council. He noted that his office will be moving from Litchfield to the old Southbury Training School, and that he would like it tied into the new Housatonic Region video conferencing system. An upcoming Region 5 outreach activity will be to provide a thirty minute presentation on the organization of local distribution points for receipt of emergency supplies. The recent successful drill for the regional hazmat plan was also discussed.

CANDLEWOOD LAKE ISSUES

1) Candlewood Lake Authority Director Larry Marsicano made a request for municipal data, this to be an input to a regional Geographic System being set up with NGS for the Lake shoreline. The system will allow for greatly enhanced management and the quick relay of information to municipal land use enforcement staff, he said.

2) Chairman Rudy Marconi then discussed a recent Litchfield Superior Court ruling that overturned New

Milford zoning on the strip of land around the edge of Candlewood Lake. He reviewed a summary of the dispute, in which the New Milford zoning enforcement officer asked a commercial marina owner to remove a deck and lighthouse constructed without zoning permits as they were not in conformance with zoning setback standards. The owner did not comply and the case reached Litchfield Superior Court.

The owner argued federal preemption over local zoning, as the lakeside property hosting the structures is owned by the Northeast Generation Company (NGC) which is federally licensed under the Federal Power Act (FPA).

The marina owner has a valid permit from NGC for the deck and lighthouse. According to the ruling "The defendant does not claim that local zoning regulation is expressly preempted by the FPA. However, it does claim that local zoning regulation has been implicitly preempted by FPA."

He then discussed the section of the ruling noting that "cases clearly establish that Congress has 'occupied the field' of hydroelectric power generation, and that the states do not have dual authority to regulate FERC hydroelectric power projects... The defendant was required to obtain a license from NGC... the defendant cannot be required to obtain permits from the Town of New Milford for the same activity."

Mr. Marconi read into the record the part of the summary noting that "The court in its ruling also noted that it would be impossible for the defendant to obtain both a license from NGC and a zoning permit from New Milford. This is because any development across the shoreline strip's 440 contour line could not meet the setback requirements of the New Milford regulations, as they mandate a 50 foot setback from the property line, while the width of NGC property around the edge of Candlewood Lake is only 10 to 20 feet."

There was considerable discussion of this issue, all noting that there was a danger of setting a terrible precedent for shoreline management.

Pat Murphy conveyed the New Milford perspective, that under this approval scenario by the utility only, the New Milford building inspector could not assess the safety of the construction. If there is any flaw in construction of a deck, etc. and someone is hurt, where is the liability? Also, that the precedent being set would affect Lake Lillinonah and other utility facilities in Connecticut.

There was then a discussion of how best to regionally support New Milford in its appeal. Jon Chew noted that Sherman First Selectman Andrea O'Connor, who could not attend today's meeting, had voiced her support to him over the phone for such action.

Then on a motion made by Jerry Murphy and seconded by John Hodge, it was voted unanimously to direct staff to engage Attorney Ted Backer, who has assisted HVCEO on previous occasions with hydropower regulatory issues, to file a friend of the court brief on the matter. The motion passed unanimously.

It was agreed that as he filed the brief, Attorney Backer would be asked to coordinate with New Milford Town Attorney Randy DiBella. Also, to contact Executive Director Joel Cogen and/or Attorney Marvin Bellis at the CT Conference of Municipalities to advise that, as a statewide precedent is being set, they may wish to undertake similar action to support New Milford.

Copies of the friend of the court brief are then to be forwarded to the parties above, the ten HVCEO members, New Milford Zoning Enforcement Officer Kathy Castagnetta, CLA Director Larry Marsicano and Jon Chew of the HVCEO staff.

ADJOURNMENT

Then on a motion duly made and seconded, it was voted unanimously to adjourn the meeting at 2:10 P.M.

TOUR OF DANBURY HOSPITAL

After the meeting a tour of a new operating room at Danbury Hospital was conducted.