

**APPROVED**

**PLANNING AND ZONING COMMISSION  
PLANNING MEETING MINUTES  
NOVEMBER 5, 2009**

The planning meeting of the Madison Planning and Zoning Commission was held Thursday, November 5, 2009 at 7:30 p.m. in Madison Town Hall, Meeting Room A.

**MEMBERS PRESENT**

Christine Poutot, Tim Millhiser, Christopher Traugh, Terry Macy, Francine Larson, James Byrne, Ron Clark, Ilisa Ring

**ALTERNATES PRESENT**

Abbe Hoctor

**MEMBERS ABSENT**

Neil Payne, Henry Maguire

**OTHERS PRESENT**

Marilyn Ozols, Planning and Zoning Administrator; Mary Haburay, Land Use Assistant; Mike Ott, Town Engineer/Director Public Works and members of the public. The meeting was taped by MCTV.

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Chairman Christine Poutot called the meeting to order at approximately 7:42 p.m. and Ms. Hoctor was appointed to sit for Mr. Maguire for the evening.

**1. Sec. 8-24 Referral for Proposed Purchase of the Griswold Airport property.**

Ms. Poutot explained to the audience the Commission's charge with respect to a §8-24 referral. She clarified that they would not be discussing the purchase price or the tax implication to the taxpayers, nor would they be discussing any aspect of the Leyland Alliance project. She stated that she was prepared with some exhibits from the Leyland hearing, but they do not pertain only to their specific project. She explained that the Town would go to a referendum, at which time the voters would decide whether the Town should actually purchase the property or not, and that this meeting is a public forum, not a public hearing, and so it was not required that the Commission take public comment. Further, she expressed that public comment in this instance is probably not relevant because the Commission was not making any type of binding decision, and stated that she would entertain questions from the audience with respect to any potential confusion as to what the Commission is doing after the presentation.

Town Attorney Ira Bloom gave an overview of where the Town is with this project, and noted that the question tonight relates to the purchase of this particular property, taking it out of private ownership and putting into the hands of the Town. He stated that the Town was in the process of negotiating a contract with Trust for Public Land (TPL), which is

how this will be structured, and that TPL has a separate contract, which they have entered into with the record owner. He explained that the contract would have certain contingencies, including all of the required approvals from this Commission and the Town; a title search, which has been preliminarily started; and environmental testing (also in the works now). If all that goes smoothly, then a closing would take place no later than April 2010. In terms of the timing, he noted that this is kind of on a fast track, and the Board of Selectmen was scheduled to meet the following Monday, at which time they will set a date for referendum, tentatively December 8<sup>th</sup>. On November 17<sup>th</sup>, Mr. Bloom stated his belief that there would be another Selectmen sponsored informational meeting for the public to attend. He indicated that he would be present for questions through the evening.

Mr. Byrne asked why TPL is involved as an intermediary party. Mr. Bloom stated that TPL does help towns and municipalities structure these deals and then offers a deal to the Town. He stated that having two contracts seemed like the better way to do it. Mr. Byrne stated that he represents somebody in another town who is dealing with TPL and it's a direct contract, which was why he was confused. Alicia Betty of TPL explained that TPL entered into a contract on their own, and one of the reasons they do that is although Madison Landing was willing to enter into a contract and go forward with this opportunity, the Town could not enter into a contract until it was voted by the voters that it should do so. This way, TPL is typically able to secure the property and get it off the market earlier than most towns are.

Ms. Poutot invited questions from the public regarding the procedures that would be followed this evening.

Barbara Davis of 97 Stone Road asked whether another environmental impact study would have to be done with a change of usage to determine that the new use is environmentally okay.

Ms. Poutot stated that the environmental study is being done. A representative of TPL confirmed that an analysis was anticipated showing precisely what the conditions of the property are right now. Ms. Davis wondered whether this Commission could make a recommendation on the §8-24 without those results. Ms. Poutot explained that if the Commission were going to vote to recommend, it could vote based on an adequate environmental study. Mr. Byrne asked how they could have an environmental study done if they don't know what the use is. Mr. Bloom stated that the study is to determine what the conditions of the property are now. Ms. Ring stated that this is more of a general question of whether the land transfer meets certain criteria, and a specific proposal could be brought forward at a later time, at which time complete studies would be presented. Ms. Poutot clarified that tonight the Commission could recommend regarding particular uses, but that does not guarantee that they can be done; they still have to come back with a formal application for the specific uses. Mr. Byrne was concerned that the Commission cannot make a finding that the concept is consistent with the Plan of Conservation and Development without knowing what the plan is. Ms. Poutot stated that they would go on to hear the presentation.

Al Goldberg, First Selectman, recalled that 25 years ago, the Griswold family approached

the Town to offer to sell it this piece of land, at which time, the Board of Selectmen approved it and, subsequently, the Board of Finance did not approve it. He stated that he has spoken to the then chairman of the Board of Finance, who recalled that the Board of Finance at that time felt that the Town could not afford the property. He stated that there was a group of citizens who tried to have the matter sent to referendum, but that did not happen for reasons that are unclear in the records. He stated that many people move to Madison because of the sense of natural beauty and open space, and this piece of property is one that many townspeople have felt should not be developed. He explained that upon taking office two years ago, he made contact with TPL and officially brought it to the Board of Selectmen, and the Board felt that this matter should be pursued to the point of getting it to the voters; bringing this matter to referendum one way or another. He stated that two years ago the Selectmen felt that they had no authority to spend taxpayer dollars to pursue a negotiation with the then landowner, so he was happy to find an organization like TPL who is in the business of doing this on behalf of towns. Therefore, the Board of Selectmen formally asked TPL to see if they could, through a negotiation, bring forward a contract that the townspeople would be able to vote on. He reported that the extent of the Board's vision for this property is that the majority of the property would be used for conservation and passive recreation purposes such as hiking trails, bird observation, star gazing; a minority portion of the property would be made available for active recreation including active fields, baseball fields, canoe/kayak launching areas, supporting parking lots and restrooms; and a minority portion of the property close to Route 1 might be suitable for commercial development and so the townspeople might get to enjoy either some revenue from selling it or from some other arrangement. Mr. Goldberg conveyed that the Board of Selectmen believes that this is a matter that the voters should decide on. He stated that it's been through the Boards of Selectmen and Finance, will go back to the Board of Selectmen on Monday, and public information meetings are scheduled for November 17<sup>th</sup>, and a proposed Town meeting on December 1<sup>st</sup>. He stated that they are targeting a referendum for December 8<sup>th</sup>. He invited Alicia Betty to continue with the presentation.

Alicia Betty from the Trust for Public Land distributed a memorandum that summarized why she believed the purchase was consistent with the Plan of Conservation and Development. She stated that information was available on the website at [www.tpl.org](http://www.tpl.org). She explained TPL and its mission, discussed proposed uses, identified areas of uses on a map, explained the significant importance of conserving this fragile piece of property on the coast, and identified ways she thinks the plan is consistent with the Plan of Conservation and Development: the overall philosophy maintains and enhances Madison's character and high quality of life; preserves scenic resources; protects natural resources, including the water quality in the Hammonasset River and the Long Island Sound; expands open space and trails; recognizes the section that says the Town should specially consider acquisition of waterfront property and public access to the Long Island Sound, which would be provided here through a potential kayak and canoe access if that ever happened, and certainly by visual access to the Long Island Sound and Hammonasset River; contributes to carefully managing development in Town and highlights the importance of this coastal area; and addresses the community facility needs by helping to alleviate the need for more recreational fields. Finally, she expressed that

she hoped the Commission could find a way to make a positive recommendation to the Board of Selectmen.

Ms. Poutot invited questions from the Commission. Mr. Macy felt it was pretty clear. Regarding the boat launch, Ms. Poutot recalled that in 2002, Margaret Welch of DEP OLISP stated that a boat launch would not be feasible because water depths in the channel are not suitable to support a car top boat launch without substantial dredging to make the channel deeper, and it appeared that any dredging of this channel would disrupt the tidal wetlands on either side of the intertidal flat lying within the channel itself, thus it was unlikely any dredging of the channel could be authorized. Ms. Poutot stated that she didn't know whether anything has changed since that time, but she doesn't think that that particular use is going to be feasible and the Town should know that. Mr. Traugh stated that he wasn't thinking canoe or kayak with car top boat. Ms. Poutot clarified that Ms. Welch specified canoes and kayaks in her recommendation at that time. Mr. Clark recalled that the Commission recently saw a concept plan for recreational use for the Wharf, which was a land swap for no consideration, whereas here they are talking about many millions of dollars, and he was concerned that there was no developed concept plan for the Commission to look at here. Mr. Goldberg replied that they are in the process of developing one and anticipated that they would have something to look at the next week.

Mr. Clark asked whether there are any minutes or meeting notes from the Beach and Recreation Commission regarding this. Mr. Goldberg stated that they would be meeting on this the next day for the first time. Mr. Clark asked whether any studies have been done regarding the impact of fertilizing, pesticides, weed killers, or the impact of field light fixtures on birds if this were to be converted to athletic fields. He suggested that if athletic fields were to be developed, they would be more suitable in upper areas of town. Mr. Goldberg stated that in terms of light towers, this is a level of detail that hasn't been planned yet, but in speaking with members of the Audubon Society, light towers would not be appropriate on this site. Mr. Goldberg stated that the impacts of field maintenance measures like fertilizing and pesticides had not yet been investigated, but he would have to defer to Mr. Ott on that. Ms. Poutot asked whether there is usually fertilizer applied to the Town's fields. Mr. Ott agreed that all that should be looked at. Ms. Betty added that some fields are fertilized and she did not know whether these particular fields would need to be fertilized, but some towns use organic fertilizers, which helps immensely in minimizing impacts.

Mr. Byrne asked whether they took into consideration that the project is already 5½ years along and that only another 4½ years exist in this environment when they negotiated the price; he asked whether they really think Leyland can build out 127 units in 4 ½ years. Ms. Betty indicated that she thinks they can, although she is not a builder. The developer has indicated that they can.

Mr. Byrne stated that he has spent hundreds of hours on this piece of land and that this Commission and DEP all concluded that there is no environmental concern with the 127 units approved. Ms. Poutot stated that they shouldn't be comparing. Mr. Byrne was concerned that he didn't know what kind of environmental challenge is going to present

itself if the Town goes ahead and buys this property, whereas this Commission has already concluded that 127 units are fine. Ms. Betty stated that there still exist on the property some very ecologically significant pieces of land that serve as great habitat for birds, and leaving it alone would not be a bad thing for the ecology or environmental impact. Mr. Byrne stated that for somebody to build 127 units would not be an environmental disaster either. Ms. Betty disagreed. Mr. Macy responded that for the purposes of §8-24 review, they were getting ahead of themselves with ground maintenance issues and going back to the approved use for Leyland. He recalled that they approved Leyland's project with the full understanding that there would be lawns to a limited basis and they talked at length about that. Ms. Poutot recalled that they agreed not to use fertilizers in their lawns, which Mr. Macy conceded, but he pointed out that it is feasible to have lawns and green spaces without environmental concerns, and he was sure that a ball field, which is far less greens maintenance, would be able to handle that. Given that planes used to land on this property on a regular basis, Mr. Macy was confident that they have a structure that can handle ball fields. Regarding the environment, Ms. Poutot identified that the question is will it harm the environment, and she interpreted that Mr. Clark's question to be whether this an appropriate location for ball fields. Mr. Clark stated that he really wasn't talking about maintenance specifically, but was questioning whether they were going down a road here where they don't know whether it is environmentally responsible for the property to be used for this purpose and spending \$15-18 million dollars on this piece of property to find that it's not suitable for the proposed use. Mr. Macy stated that he was still struggling with contrasting maintenance of a ball field compared to what the Commission already approved, which was far more sophisticated and had lawns and landscaping. Mr. Clark stated that his question was more of a general nature in a vacuum. Ms. Poutot suggested that the Commission shouldn't be second guessing what it approved, which may have been wrong or may have been right, and is not relevant here. She suggested that in its deliberation, the Commission could also comprise a list of what it thinks are appropriate uses. Mr. Macy agreed. Mr. Traugh questioned that the Commission could make recommendations for other uses as part of a §8-24, and Ms. Ozols pointed out that the Commission's recommendations are not binding. Ms. Ring stated that it would be hard to make a determination because she didn't want to say they should or shouldn't put ball fields in there. Whether it's consistent with the Plan of Conservation and Development to put ball fields there, Ms. Ring stated was the question she wanted to get to this evening because there are so many different ways that that could be done, for example, she didn't even know they had organic fertilizer.

Ms. Larson asked what would happen if TPL is unable to raise the 1.7 million dollars. Ms. Betty stated that she thinks they can raise it and they are committing to raising it, and will do everything they can to do that. If they cannot raise it, she stated that they could possibly buy more time for a closing from the landowner. Mr. Clark asked why they negotiated 45 days. Ms. Betty stated that Leyland was only willing to take so much time without some assurance that this was moving forward. Ms. Betty stated that she and the Town wanted more time, but this was a negotiation. Mr. Bloom stated that he was also concerned about the time frame and stated that they were still trying to negotiate some more time with the assistance of TPL in order to get the environmental reports and things.

In terms of procedure, Mr. Millhiser pointed out that the Commission does have a checklist to go by to determine whether this is consistent with the Plan of Conservation and Development. With respect to the commercial use, Ms. Poutot noted that most of the adequate commercial use would be along Route 1, which is owned by the State, and she asked whether there is any possibility that the Town could purchase some of that State owned property along Route 1, or whether there might be a piece of property within the Griswold site that the State might be interested in so that they might negotiate a swap. Mr. Goldberg stated that swapping land with the State or swapping an easement with the State on the 42 acres and obtaining the State owned property along Route 1 has been approached by the Town in the past, has been approached in the present, and will be approached again in the future; but for the Commission's discussion tonight, he could not bring any kind of solid understanding from the State. He stated that over the course of the last 25 years, the State has repeatedly refused to buy this site, and so it will be up to the Madison community to purchase the property if it wants to get the land into public hands. He stated that they would continue to be advocating for some kind of State participation on this project, but realistically, the answer to Ms. Poutot's question is no.

Next, Ms. Poutot recognized that they don't have a plan, but she wondered whether the percentages of proposed land use were firm or subject to change. Mr. Goldberg stated that he came up with those percentages for the sake of conversation purposes, but they couldn't get to real planning until the vote of the taxpayers takes place. He stated that those percentages were laid out on the site and found to be feasible. Ms. Betty stated that they would like to see the percentage for the conservation land ideally be at 60%, and they are seeking donors based on that premise. The donors who are giving money are conservationists, and they do want to see more than half of the property conserved. Mr. Clark noted that he didn't hear a percentage or a quantity regarding parking and asked whether there were any thoughts or a feel for the number of spaces or acreage. Mr. Ott replied that the conceptual layouts that he has done would require about 150 spaces.

Mr. Clark pointed out that multiple times, the CT DEP has not seen the need to purchase this property or to protect it, and asked Ms. Betty whether she knew why. Ms. Betty stated her understanding that the State does a review when they are requested to purchase something, and, from a management perspective, the State does not see the property as an easy one to manage because a manager would have to get into his car from Hammonasset and come over to this new piece of property to manage it. However, some of the DEP staff have recommended the purchase of the property and have recognized the importance of that. She stated that there is some staff within the DEP who do recognize the importance of protecting this land, protecting the marsh and protecting the forest, and so the one voice that speaks from DEP as a whole does not speak for all the land use professionals who work within DEP. Ms. Ozols commented that as a §8-24 referral, this was referred to DEP OLISP, and their recommendation was provided. Mr. Millhiser read the second to last paragraph of that recommendation out loud.

Mr. Clark commented that this Commission gets to vote on this matter twice and he was struck that in the materials that were provided by the Town was a copy of the information

available on the Town's website, including frequently asked questions, and he was concerned that he saw only one side of the argument which makes it hard to make an informed decision. He questioned the reason for the Town providing a link directly to SGOD and the Audubon Society. He stated that as a taxpayer, if he had questions, he would call TPL. He added that the financial impact does not mention how much is being paid in taxes today and how much is being forfeited. Mr. Traugh felt that Mr. Clark was off-topic. Ms. Poutot agreed that Mr. Clark's comments were not relevant to the Commission's decision tonight.

The Commission began its deliberation at this time.

Mr. Traugh identified the question before the Commission as whether this piece of property is something that should be considered to be transferred from private ownership to public ownership and whether it is consistent with the Plan of Conservation and Development. He suggested staying out of precise details and trying to develop site plans or discussions of the pros and cons of the cost of doing it tonight.

Mr. Byrne stated that he has been dealing with this piece of property for 6-7 years, and he stated that he was going to vote no on the 8-24. He stated his opinion that it should go to a Town meeting and the Town should have a right to vote on it, but he was voting no on the 8-24 because the Town was woefully prepared in its presentation. He stated that there was no plan presented by the Town; he doesn't know what the ownership aspect of it is; there was no signed contract; nobody could comment as to whether the proposed uses are going to be hazardous to the environment or not, or whether it's going to affect the Hammonasset River. He stated that he knows that the present use of the property is going to be okay.

Mr. Millhiser stated that the specific uses are not really part of the deliberation right now. With regard to the potential risks and the presentations that have been brought up, Mr. Millhiser agreed that it would be more ideal if that information was presented this evening, but emphasized that it will be very important to have that information put together in a fashion that is easy to digest before the Town votes. He stated his opinion that it seems like a piece of property that the Town could have several uses for, and given the amount of studies that have been done in the past, he would be very surprised if there are any hidden significant hazards there. He stated that he was supporting the finding that this is in keeping with the Plan of Conservation and Development.

Ms. Ring clarified for Mr. Byrne that there would be a referendum in December. Mr. Byrne stated his understanding that if the Commission turns it down here, then it has to go to a Town meeting. Mr. Bloom stated that the statute says if this Commission issues a negative report, it can go to Town Council and then to a Town meeting. He stated his understanding that the Town is going to refer this to a Town meeting to be adjourned to either a machine vote or a referendum vote on Monday, and so it skips to a referendum. He stated that whether or not the Commission approves it, it's still going to go to a referendum. Ms. Ring stated that she wanted to get the process clear because it was confusing to her, and summarized that the Town is going to get to voice their opinion on the transfer. Ms. Ring agreed with Mr. Byrne that she would have liked more information, but looking at what the Commission was present to

address, she found that clearly the goals that were identified meet the Plan of Conservation and Development and she would have to approve the 8-24.

Mr. Macy stated that he was in favor for the same reasons expressed by Mr. Millhiser and Mr. Traugh, and specifically stated that he does think it's consistent with the Plan of Conservation and Development in that it does enhance community character, protect natural resources, expand open space and trails, help carefully manage development, and address community facility needs, and for those reasons, he couldn't imagine why the Commission wouldn't approve it in a §8-24.

Regarding the reasons it's consistent with the Plan of Conservation and Development, Ms. Poutot agreed with Mr. Macy. However, she stated that the Town Plan says maintain the tax base, and the areas considered to be most suitable include the Hammonasset area of Route 1. She pointed out that when the Plan of Conservation and Development was done, this area was zoned Special Exception commercial, and she suggested that the Town has to further explore commercial use. She stated that she was not 100% sure that that's the appropriate area for the ball fields either.

Mr. Clark stated that he also looked at the Plan of Conservation and Development, and he appreciated and understood the information that was given to the Commission by Ms. Betty. He pointed out the fact that the Plan of Conservation and Development carved out this area, the eastern end of Hammonasset, of the Boston Post Road, particularly this piece of property and the property immediately to the west, for potential commercial development. From that perspective and based on some of Mr. Byrne's and Ms. Poutot's concerns that were raised, he stated that he would not be voting in favor of a positive referral at this point.

Ms. Larson agreed with Mr. Macy, Ms. Poutot and Mr. Clark, and expressed that she was torn. She stated that the Plan of Conservation and Development includes all of the goals discussed: the open space goal, the recreation goal, the tax based goal, and the commercial development. She stated that this is an exceptionally difficult decision, and she was leaning toward voting in favor and allowing the voters to determine what they want in the end.

Ms. Poutot stated that especially if this Commission votes in favor, it should give guidelines with respect to uses.

Ms. Larson stated that she would agree that the proposed uses are appropriate uses.

Mr. Traugh stated that he was in favor of voting in favor of the referral, but while he does think it's appropriate to identify some broad uses, he would be very hesitant to get into any specifics about uses. He appreciated Ms. Poutot's comment about more commercial use and found it interesting. He stated that it could become a very interesting mixed use. Regarding the economic development at this end of Town, Mr. Traugh pointed out that the Plan of Conservation and Development that they were working from was published in 2000, and this property has had numerous studies done over the intervening 9 years. He stated that there is a lot of information that today that they didn't have then, and he firmly believes that the Plan of Conservation and Development that they are embarking on now would take a very different view of this property and the whole area.

Ms. Hoctor stated her opinion that the 8-24 and the proposed uses presented are consistent with the Plan of Conservation and Development, and she thanked the Board of Selectmen and TPL for recognizing that this is a window of opportunity for

the Town to decide if it should go into public hands and be kept for conservation and some recreational uses or whether it should be developed. She recognized this as a great opportunity for the Town.

Finally, based on the presentation and the Commission's discussion, **upon a motion by Mr. Macy, seconded by Mr. Traugh, it was unanimously voted that the Madison Planning and Zoning Commission supports the proposed purchase and finds it consistent with the Plan of Conservation and Development in that it is consistent with the overall Plan philosophy and presents the opportunity to enhance community character, protect natural resources, expand open space and trails, carefully manage development and address community facility needs; with the additional recommendation that additional commercial use be considered and encouraged in appropriate locations on the property in order to meet the goal of maintaining and expanding the tax base.**

The motion carried 7-2-0.

IN FAVOR: Poutot, Millhiser, Traugh, Macy, Larson, Ring, Hoctor

OPPOSED: Byrne, Clark

ABSTAINED: none

The Commission had the following discussion on the above motion:

Ms. Ring agreed with Ms. Poutot that commercial use should be further investigated, and pointed out that some of the site already has been disturbed, and so this could be a win win allowing some conservation and bringing in some taxation for the Town.

Ms. Poutot added that they have to take into consideration that there is already commercial development across the street, and that part of the reason the development across the street stopped was that it was in anticipation of this site being developed.

Mr. Traugh clarified that he didn't disagree about the commercial opportunity, but the Plan of Conservation and Development from 9 years ago didn't have as much information about the areas of this property that they're trying to protect. He stated that all of the potential uses need to be completely drawn out and a proper plan developed and presented, which he anticipated is the next phase.

Ms. Poutot pointed out that she wasn't sure that 5% commercial is the right percentage, and so she wants the Board of Selectmen to get the message that this Commission wants it to be further investigated and that they need some sort of tax base generated on the property.

Mr. Millhiser suggested that to have an isolated ball field at this property is not necessarily appropriate.

Mr. Clark suggested that maybe some input could be gotten from the people who did the appraisals as to what the value of the land might be.

*The Commission took a brief recess from approximately 8:45 p.m. to 9:42 p.m. p.m. and Mr. Byrne left for the evening.*

## **2. 4 Boston Post Road. Preliminary Presentation**

Ms. Ozols reported that a request was received to postpone this item.

### **3. Proposed Cell Tower – Orchard Park; referral from Connecticut Siting Council.**

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Ms. Ozols explained that T-Mobile had submitted a letter to the Commission indicating that they satisfied all their concerns in their submission to the Siting Council. She stated that she had e-mailed a summary of thoughts to members, and identified that part of the issue is that, although the applicants said that they're open to collocation, they also said that between the terrain and tree canopy, it's very difficult for them to get coverage below 100'. She stated that all the other carriers, although there is some difference in frequency, are on the same towers that they are, so that they have similar gaps in service. Therefore, they're going to need coverage from this same location, and, if because of the tree canopy and the terrain, at less than 100' they can't get much coverage, they're probably not going to want to collocate below 100'. Mr. Macy stated that this makes less and less sense. Ms. Ozols anticipated that there is a good possibility that the tower will need to be 10'-30' taller. She stated that following their first letter to the Siting Council after the Commission did not receive all the information it was looking for at their hearing, she spoke to the executive director, who recommended becoming a party to the application. She believed that the Town's concern here is to make sure that all the carriers can collocate on this tower so that there isn't another one right next to it, but that it be at the minimum height necessary to accomplish that. Mr. Millhiser asked if a tower were placed right next to it, whether the second carrier would have to then be higher. Ms. Ozols replied that it could probably be the same height. Mr. Clark explained that without any planning or caring about what the visual landscape looks like, a new tower could be placed right next to it and could accommodate a carrier at the same height. Mr. Macy stated that his sense on this application was that they weren't too concerned about collocators, but they needed to be where they needed to be and that's it. Ms. Ozols stated that the question before the Commission tonight is whether the Town should remain a party or become an intervener in the application to the Siting Council. Mr. Clark explained the way the Council works to members and what it means to have party or intervener status. Ms. Poutot asked if the Commission could request another balloon float. Ms. Ozols stated that the Commission could ask the Siting Council to request it, and pointed out that by being a party, the Commission could be part of the process; the Commission did not have the benefit of a balloon float to help it determine that 130' is the minimum necessary. Mr. Clark distinguished that as a party, the Commission would have the right to appeal a decision, whereas an intervener does not carry that right. Ms. Ozols warned the Commission that it might incur some legal expense through this process.

**Based on its discussion, upon a motion by Mr. Traugh, seconded by Mr. Macy, the Madison Planning and Zoning Commission unanimously voted to file party status in the application to Siting Council for the Proposed Cell Tower at Orchard Park.**

The motion carried 8-0-1.

IN FAVOR: Poutot, Millhiser, Traugh, Macy, Larson, Ring, Hoctor, Byrne  
OPPOSED: none  
ABSTAINED: Clark

#### **4. 2010 Meeting Schedule**

Mr. Millhiser asked whether the dates have been moved because of school vacations in the past. Ms. Ozols explained that she wanted to put the information on the schedule because in the past she has asked whether members had any issue with meeting during school break, and members indicated that it was not a problem, but then when it came time were unable to attend because of conflict with school break. Ms. Ring noted that she would not likely attend the February meeting that falls during school vacation.

**Upon a motion by Mr. Millhiser, seconded by Mr. Macy, it was unanimously voted that the Madison Planning and Zoning Commission approves the 2010 meeting schedule as presented.**

#### **5. Review of Job Description for Proposed New Position: Director of Land Use Operations and Planning**

**Upon a motion by Ms. Poutot, seconded by Mr. Clark, the Madison Planning and Zoning Commission unanimously voted to enter executive session at 9:50 p.m. to discuss Ms. Ozols' job performance because it relates to the proposed job descriptions and to invite her and Ms. Haburay to stay.**

**Upon a motion by Mr. Macy, seconded by Mr. Millhiser, the Madison Planning and Zoning Commission unanimously voted to adjourn the executive session at 10:10 p.m.** No actions were taken in the executive session.

Mr. Traugh observed that the job descriptions in front of the Commission do not include a skill or qualification about being able to lead a department, to have direct reports, and associated talents with that, which definitely needs to be considered for a senior level position such as this.

Mr. Millhiser suggested that the motion should include a list of the many ways the Commission finds the job description deficient, but it should start out with a statement of what the problem is that they're trying to address and what the objective of this whole effort is as opposed to just jumping into it.

Ms. Poutot asked Ms. Ozols whether the more reasonable solution as she sees things would be to have somebody under her and just rearrange her job description. Ms. Ozols stated that that could be the case, and suggested that increasing the hours for the Assistant ZEO and perhaps having a part time Economic Development Commission employee, they might be able to fill in the gaps if they revise her job description, and it would cost less.

Ms. Ring observed that it appears that there is a communication issue, and she was concerned that they would end up with layers of bureaucracy added on.

Mr. Macy noted that the discussion about creating this position is one solution to what problem. The problem needs to be defined before the solution can be discussed. Ms. Poutot suggested tabling this to allow Ms. Ozols to draft a motion based on the Commission's discussion this evening.

6. **Remarks:**
1. Commission Chairman - none.
  2. Planning and Zoning Administrator - none.

7. **Litigation:** Executive Session as Required – previous.

With no further business before it, **upon a motion by Mr. Macy, seconded by Mr. Traugh, it was unanimously voted to adjourn the planning meeting of the Madison Planning and Zoning Commission at approximately 10:20 p.m.**

Respectfully submitted,

Samile Keeler  
Commission Clerk