

**TOWN OF DARIEN
BOARD OF SELECTMEN
MAY 19, 2014**

ATTENDANCE: First Selectman Jayme Stevenson; Christopher (Kip) Hall, Susan Marks, Gerald Nielsen, E. Reilly Tierney.

STAFF: Karl Kilduff, Administrative Officer.

CALL TO ORDER

First Selectman Stevenson called the meeting to order at 7:05 p.m.

FIRST SELECTMAN'S REPORT First Selectman Stevenson read her report, as follows:

Best wishes and thank you to Carol Wilder-Tamme for 10 years of exemplary service to our community as Executive Director of the Darien Chamber of Commerce. We wish Carol well in her "retirement" and welcome Susan Cator as the new Director of the Chamber.

Wednesday, 5/21 @ 8pm — Darien Board of Realtors is holding an information session in the Town Hall auditorium for homeowners on the New Flood Insurance Rules. While this was previously scheduled and unrelated to the recent flood map revisions to the Stony Brook and Goodwives watersheds, I encourage any resident who is affected or may be affected and who needs more information about the new FEMA rules to attend.

Thursday, 5/22 @ 7:30 — Public Information meeting here in the Town Hall auditorium regarding the proposed AT&T cell tower at the Ox Ridge Hunt Club. I encourage any interested residents to attend to learn more about the proposal and time line for public input. First Selectman Stevenson added that this Board will not vote on this as it does not come under the jurisdiction of the Board of Selectman, but we will discuss this proposal at a future meeting, to get a sense of support of the proposal.

Mather Update — we are working toward a Certificate of Occupancy and move in for the last week of May. Plans will be announced shortly for a Grand Opening event.

Stony Brook and Goodwives River flood mapping. First Selectman Stevenson reported that remapping of flood zone that has been done by FEMA. She explained that Jeremy Ginsburg, Director of Planning & Zoning is here tonight and will have an opportunity to come forward to address questions during Public Comments.

First Selectman Stevenson gave an overview of the background on the remapping and explained that consultants Milone and MacBroom were hired to do a flood mitigation study as a result of a public outcry in response to the 2006-07 flooding that affected a large portion of the Town. She added that one of the recommended flood mitigation strategies was to hire a town Engineer, and that has been done with the Intervale Abbey drainage project. First Selectman Stevenson noted that this had begun under the Klein administration and executed under the Campbell administration and now implementation has begun under the current Town administration.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff stated that demolition is moving forward at 4 Short Lane with the abatement phase to begin next week.

PUBLIC COMMENT

Note: Comments are not verbatim and represent summarizations of comments made.

First Selectman Stevenson suspended the rules to allow for a dialogue and exchange of questions and answers to the public comments.

1. Flora Smith 42 Hamilton Lane stated she was a 20+ year resident of Darien and was very disappointed with the First Selectman's statement regarding the remapping by FEMA of the flood zone areas. She stated that this information was known by the Town in March . While only recently 400 property owners receive letters. She asked why the public was not informed sooner and that this is not acceptable. She is outraged that action is needed from August 15-September 15 and does not accept First Selectman Stevenson's claim that another administration is responsible for this. Ms. Smith stated that taxpayer dollars went to fund this report by Milone and MacBroom to do this study, yet there are no answers being given to the property owners. She asked why no one asked the questions regarding elevations, connections to new lines and why now property owners have to pay over \$3,000 a year on flood insurance. She asked what criteria were used for modeling elevation lines, what baseline was used who validated the information. She added that millions of dollars on the grand list are involved with property owners that now have to pay survey fees and insurance premiums and suffer a loss in property value. She asked what the penalty is for the consequence now that this cannot be fixed, after the Town knew more than 60 days ago.

First Selectman Stevenson stated that in reply to the comment that there has been no response Planning & Zoning Director, Jeremy Ginsburg is trying very hard to get answers, and the Town is absolutely pursuing this issue extensively with letters, meetings with property owners and newspaper articles on the subject.

She added that she never told Ms. Smith that she had no experience with flood mitigation, as she has been very involved in this issue. First Selectman Stevenson stated that it is not in the purview of this Board to report or vote on this matter, but it is Planning Zoning business to report and review this with homeowners first, as what was done with letters that had done out April 18-25, with a 90 comment period to lodge a formal appeal. She added that while she cannot comment on disenchantment with FEMA, flood mitigation is not in the purview of this Board.

Ms. Smith returned to the podium and added that she remembers all of this very well over the years and she was involved in many Town Boards and much of this that had gone on while she was Vice-chair of Public Works Committee. She asked why this was not validated by this Board and asked to have Milone and MacBroom here within the next ten days to answer the questions.

Firs Selectman Stevenson stated that she appreciated the reminder that Flora was on many Town Commissions and was well aware of the circumstances and knows about the appeal process.

Public Comments – continued.

2. Bill Billeter, 24 Hamilton Avenue said he wanted to echo many of the comments made by Ms. Smith and added that the Milone and MacBroom study is wrong and the issue now is how wrong it is. He added that the remapping reclassifies homes that were not affected in previous flooding and the FEMA mapping process is inaccurate. He stated that homes are the important asset to the town and protection of this asset is a key priority.

First Selectman Stevenson stated that it is of great interest to this Board and other Commissions and Boards in the town to help residents protect the property values. She added that flood mitigation began in response to the public outcry for FEMA assistance to those that had been flooded that were not in a dedicated flood zone. This remapping of the zones is to help homeowners prepare with appropriate coverage of flood insurance.

Mr. Billeter stated that properties inappropriately designated into a flood zone decreases values of homes in Darien, and the FEMA program is the only measurable process used nation wide,. He added that it is a shame that these homeowners now have to incur survey expenses to prove to FEMA that they are not in a flood zone. He suggested that the questions be directed to Jeremy Ginsburg, who has done a difficult job with overlays of the maps using aerial photography but it does not show the details of the property lines. He added that only a survey can actual tell and this is a part of the appeal process.

First Selectman Stevenson asked Jeremy Ginsburg to come forward to address some of the questions, and if the questions have been translated from phone calls to specific questions, in writing. Mr. Ginsburg stated that after many calls and meetings he is aware of many different circumstances and specific questions by e-mail is the best way to have documentation of the individual issues. He gave examples of the numerous calls and meetings, the complexity of the process with topographic maps with cross lines.

There was discussion on how the numerous questions are now being addressed. Mr. Ginsburg spoke about the technology used to put maps together into a consolidation of views and boundaries and the difficulty with assembling a comprehensive mapping schematic. He added that FEMA assumptions include input on durations, intensity, storm surge and different types of flooding with tidal impacts. He added that questions and the appeal process is posted on the Town's website. He stated that he can forward the questions directly to Milone and MacBroom and this helps to gather specifics and to formulate documentation for the appeal process.

Mr. Tierney asked about the tax appeal process and assessment issues and Mr. Ginsburg replied that there are two issues, FEMA appeal and tax assessor appeals. He noted that the Tax Assessor is willing to meet with residents to review the assessment process.

Mr. Hall asked about the cost, timing, and the duration of the appeal process, and Mr. Ginsburg replied that he did not have that answer.

Public Comments – continued.

3. Collin Peck, 34 Hamilton Lane stated that due to the time crunch, he would like to see a panel or public hearing where all can come together with written questions to include the criteria of the study and terms of velocity and storm measurement, standard rate of elevation, water levels and other definitions of the terms on the collection of the mapping criteria. Mr. Peck spoke about climate changes and whether it is flooding, storms, tornadoes, or forest fires, FEMA has no recourse other than to prepare for these environmental changes in weather patterns. He added that we all agree with this dilemma but it does not help the homeowners of Darien.

First Selectman Stevenson stated that she wants to dispel the claim that this was done in response to super Storm Sandy and clarified that this remapping was well underway before October of 2012. She added that while she cannot respond to the ills of FEMA there is an appeal process and this should be the focus of the issue at this time.

Mr. Billeter came forward again and wanted to follow up on adjustments to modeling that was done on water levels and elevation, and that he finds flaws with the approach. He added that this is what needs to be addressed that no one benefits from higher elevations.

First Selectman Stevenson thanked those for coming out to comment and stated that a public information session will be scheduled soon to provide further information.

NEW BUSINESS

Discuss and Take Action on a Resolution Authorizing Acceptance of a Gift Worth \$38,095 from the Garden Club of Darien for an Entry Garden to Cherry Lawn Park and Referral of Same to the RTM.

Ms. Emily D'Andrea and Debbie Bussey from the Garden Club presented the project proposal and provided schematic drawings of the trees and landscape design. They explained the location of the trees and the plan for installation and maintenance. Mr. Nielsen noted that it is a great layout and it is a well thought out plan. First Selectman Stevenson stated that she concurred and she is pleased to recommend full support. She thanked the Garden Club and members of the Parks and Recreation Commission for all their hard work with beautifying the parks.

**** MR. NIELSEN MOVED TO ADOPT THE RESOLUTION AS FOLLOWS:
THE BOARD OF SELECTMEN AUTHORIZES ACCEPTANCE OF A GIFT WORTH
\$38,095 FROM THE GARDEN CLUB OF DARIEN FOR AN ENTRY GARDEN TO
CHERRY LAWN PARK AND REFERRAL OF SAME TO THE RTM.**

**** MR. TIERNEY SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Discuss and Take Action on Granting Permission starting from Pear Tree Point Beach.

First Selectman Stevenson reviewed the supporting document and stated that she is pleased to recommend approval and continuing this tradition.

**** MR. NIELSEN MOVED TO APPROVE THE FOLLOWING:
THE BOARD OF SELECTMEN OF THE TOWN OF DARIEN HEREBY GRANTS PERMISSION FOR THE JR FOREVER 7TH ANNUAL MEMORIAL WALK ON SUNDAY, OCTOBER 5, 2014 STARTING AT PEAR TREE POINT BEACH, SUBJECT TO THE REQUIREMENTS OF THE DARIEN POLICE DEPARTMENT AND THE PARKS & RECREATION DEPARTMENT.**

**** MS. MARKS SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Discuss and Take Action:

Resolution authorizing acceptance of an amended and restated sanitary sewer easement from the Westmere Group, Inc.

First Selectman Stevenson stated that this has been vetted through discussions at many Executive Sessions, and she read the resolution for acceptance of the amended easement as follows:

RESOLUTION AUTHORIZING ACCEPTANCE OF AN AMENDED AND RESTATED SANITARY SEWER EASEMENT FROM THE WESTMERE GROUP, INC.

WHEREAS, pursuant to Section 2-32 of the Codified Ordinances of the Town of Darien, the Board of Selectmen is empowered on behalf of the Town of Darien to accept easements for public sanitary sewer lines; and

WHEREAS, an amended and restated public sanitary sewer easement negotiated with the Westmere Group, Inc. as part of a court settlement; and

WHEREAS, the Board of Selectmen wishes to accept the easement to repair, replace, operate and maintain a public sanitary sewer line.

NOW, THEREFORE, BE IT RESOLVED that the Town of Darien Board of Selectmen hereby accepts the public sanitary sewer easement as described in the easement documents. BE IT FURTHER RESOLVED that the First Selectmen is hereby authorized and directed to execute the public sanitary sewer easement on behalf of the Town of Darien with such easement being recorded on the land records of the Town of Darien.

**** MR. NIELSEN MOVED TO ADOPT THE RESOLUTION AS PRESENTED.**

**** MR. HALL SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Budget Transfer – Traffic Study

First Selectman Stevenson noted the background for the traffic study and supporting documents and noted that the intention was to have the study done while school is in session with normal commuting patterns.

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

<u>From:</u>			<u>To:</u>		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
30111014-908600	BOF Contingency	\$3,200	TBD	Leroy W. Traffic Study	\$3,200
	TOTAL	\$3,200		TOTAL	\$3,200

- ** MR. NIELSEN MOVED TO APPROVE THE BUDGET RANSFER FOR REFERRAL TO THE BOARD OF FINANCE FROM BOF CONTINTINGENCY TO LEROY W. TRAFFIC STUDY AS PRESENTED.**
- ** MR. HALL SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY**

AGENDA REVIEW

First Selectman Stevenson noted that agenda items will include FEMA remapping.

Approval of Minutes

Regular Meeting of May 5, 2014

- ** MR. HALL MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MAY 5, 2014 AS AMENDED WITH CORRECTION NOTED.**
- ** MR. NIELSEN SECONDED THE MOTION.**
- ** MOTION PASSED WITH ONE ABSTENTION (NIELSEN).**

Special Meeting of May 5, 2014

- ** MR. HALL MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF MAY 5, 2014 AS AMENDED WITH CORRECTION NOTED.**
- ** MR. NIELSEN SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

Special Meeting of May 12, 2014

- ** MR. HALL MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF MAY 12, 2014 AS AMENDED WITH CORRECTION NOTED.**
- ** MR. NIELSEN SECONDED THE MOTION.**
- ** MOTION PASSED WITH ONE ABSTENTION (TIERNEY).**

APPOINTMENTS/RE-APPOINTMENTS

Consider and take action on the following appointments:

Lorraine Galeano to the Darien Housing Authority for a 5-year term beginning on July 1, 2013 and expiring on June 30, 2018.

**** MR. NIELSEN MOVED TO ACCEPT THE ABOVE APPOINTMENT AS PRESENTED.**

**** MS. MARKS SECONDED THE MOTION.**

**** MOTION PASSED WITH ONE ABSTENTION (TIERNEY).**

There was no other business.

Adjournment

**** MR. NIELSEN MOVED TO ADJOURN THE MEETING.**

**** MR. HALL SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Marilyn Knox,
Telesco Secretarial Services