

**TOWN OF DARIEN
BOARD OF SELECTMEN
AUGUST 5, 2013**

ATTENDANCE: First Selectman Jayme Stevenson; David Bayne, John Lundeen.

STAFF: Karl Kilduff, Administrative Officer.

CALL TO ORDER

First Selectman Stevenson called the meeting to order into public session at 8:05 p.m.

Report from the Advisory Commission on Coastal Waters

Mr. Sandy McDonald, Chairman of the Advisory Commission on Coastal Waters read his report and provided it for the record (included as an addendum, pages 6-7) He fielded questions and comments from the Selectmen, as follows:

Mr. Lundeen asked if the timing for the last dredging was within the norm, and Mr. McDonald replied that every 8-9 years is customary with the surrounding town coastal waters.

Mr. Bayne asked about the status of the Boat Club expansion and Mr. McDonald replied that the project is in the hands of the ACOE and it is not being rushed due to the severe damages in need of repair.

Mr. Bayne asked about the boat ramp, and Mr. McDonald explained that it was built ten years ago and built at the wrong angle not consistent with CT DEEP degree standards.

First Selectman Stevenson thanked Mr. McDonald for his report and for his assistance with educating her on the issues with boating along the Darien coastal waters.

Presentation on Intervale Drainage Project

Mr. Robert Steeger, Director of the Department of Public Works provided a background overview of the project that is an outgrowth of the Noroton Watershed Study of 2009-10. He referred to the display board presentation of the charts that outlined a map of the area involved along Abbey Road and Intervale Road. He explained the scope of the project for the drainage improvement areas, and he reviewed the plan to upgrade the pipe sizes. He explained that the project involved permanent and temporary construction easements for a number of property owners on the streets involved to increase the carrying capacity of main lines into the Noroton River. Mr. Steeger reviewed the timetable and explained that June 25 was the submission of the application with the Environmental Protection Commission. He stated that a Public Hearing will be held this Wednesday, August 7 and approval is scheduled for the Planning & Zoning Meeting on September 17, 2013.

Mr. Steeger stated that some concerns have been expressed by the residents, and he anticipates detailed information to be outlined at the Public Hearing. He further explained that the project is \$1.35 million with \$150,000 for contingencies and that this is the largest public draining project that he has been involved with. He added that there will be a big disruption to the areas involved during construction.

Mr. Bayne asked about the outflow at Park Lane and Park Place and where will the water go if the area is affected by flood stage from a severe storm along the Noroton River. Mr. Steeger reviewed the display board and highlighted where there are catch basins that will be replaced. He explained that they are many that currently not efficiently operating and once they are replaced with new, more and larger basis, this will have a positive effect on the water flow.

Note there was no copy of the presentation provided for the record.

FIRST SELECTMAN'S REPORT

First Selectman Stevenson read her report as follows:

- Darien Road Paving Program for 2013 has been finalized and posted on our web site. Work will begin early this month. This year's program will consist of 2 miles of traditional road replacement and 1.9 miles of Cape Sealing — a process of crack sealing, chip sealing and micro surfacing. This new process is cost efficient and significantly extends the life of a roadway. New Canaan, Westport and Fairfield have had very good results with this process.
- On 7/17, I received notice that the CT DOT has agreed to both short and intermediate term improvements to help reduce the number of bridge strikes at Route 1 and the Metro North bridge. Short Term:
 - Install "low bridge" pavement markings at key locations
 - Install warning signs on 1-95 in the vicinity of exits 11 and 13
 - Install additional warning signs on Route 1 in advance of the Metro North bridge
 - Replace all existing vertical clearance signs at and in advance of the bridge on various state roads
 - Install reflective yellow tape on bridge girders on both approaches

Intermediate Improvements:

- Install over height warning system (laser or camera) to activate flashers on a bridge mounted sign and call all-red signal phase
- On 7/23, the Town of Darien issued \$5.5 million in bonds. We received a very favorable 2.52% rate, which is evidence that the market recognizes our strong and stable financial condition.

Many thanks to the Board of Finance, Finance Department and Town Treasurer for their work in preparing for this new issue. Project allocation is as follows:

- \$3.4 million - 35 Leroy
- \$1.38 million - Intervale Drainage Project
- \$400K Weed Beach Tennis Court renovation
- \$320K Police Building Project

- Water testing in Holly Pond has good results according to David Knoff, and this is very favorable as part of the regular schedule testing.

First Selectman Stevenson stated that she feels compelled to respond to recent Letters to the Editor questioning this Board's lack of responsiveness to the public's concerns over the serious special education allegations currently under investigation. As an elected official, the author should realize that this board has no rights or responsibilities by charter for the actions and operations of the Board of Education and school administration. My responsibility as your First Selectman and that of my fellow board members is to keep informed about the issue. I keep in regular contact with the Chairman of the Board of Education on the issue and have requested to be included, when and if appropriate, in any meetings, forums or resident gathering where my presence or participation would be of value. Further, for this board to have publicly questioned the Board of Education about special education concerns during our last meeting would not only have been a breach of Robert's Rules of Order but a serious overreach of Charter responsibilities. Town Council has advised that members of this board should not insert ourselves in the process at hand. My fellow board members may add comment if they so wish.

Mr. Bayne stated that he wished he had been made aware that this subject was up for discussion, as he does serious concerns. He feels that this needs to be addressed and should be resolved as quickly as possible.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff gave his report as follows:

- The Power Procurement for the town is in process that combines the Board of Education, Library, Fire Department and Police Department. Market conditions are good and should represent favorable pricing for the Town. Performance Evaluations are in process and there should be a pay plan for review in July.
- STEEP Grant request has been approved for \$400,000 plus \$150,000 in State of Connecticut funding for improvements at the Upper Pond at Gorum's Pond. This represents great collaboration with public and private resources to repair damages and implement much needed restoration.

First Selectman Stevenson stated that much thanks is extended to Mr. Lundeen and Mr. Kilduff for all their hard work in securing this highly competitive grant for this comprehensive program.

PUBLIC COMMENT

1. Mr. Walter Casey, 11 Webster Valley Road, Darien read his statement and provided it for the record as follows: During the Board of Selectmen meeting of June 3, 2013, Ron Hammer, Director of Post 53, made a presentation introducing Post 53. A slide entitled "Excellent Paramedics Response Times" displayed paramedic response times into various communities. I believe this slide was deliberately misleading. The times listed for Norwalk and Stamford paramedics to reach Darien were the fastest for the towns shown but this comparison is not valid. Here are the towns selected: Darien, Weston, Trumbull, Oxford, Coventry, East Lyme, Haddam and Lisbon.

Walter Casey – Public Comment—continued...

With the exception of Trumbull, all of the other communities have population densities much lower than Darien's. They are rural communities whose paramedic response times should not be compared to Darien's. Darien is almost completely developed. These towns cannot support the same infrastructure that Darien is able to support. It is interesting to note that, based on the work of Darien's EMS review Committee, East Darien has response times comparable to Oxford, Coventry, East Lyme and Lisbon. Tokeneke has a response time slower than all these rural communities but Haddam. These data show that, even when compared to rural communities, much of Darien has very slow response times. Mr. Hammer's slide also included Trumbull implying that Trumbull did not have its own paramedics. Trumbull has a population density much greater than Darien's. When I called Trumbull EMS, I was informed that Trumbull contracts paramedics from Danbury and these paramedics are stationed in Trumbull. I was also told that AMR, the paramedics listed on Hammer's slide, is used as a backup. Because Trumbull has paramedics stationed in Trumbull, it should not have been compared to Darien which does not have its own paramedics. I believe you and your fellow Selectmen are deliberately allowing Mr. Hammer to distort Post 53's response times in order to shield Post from truthful analysis.

2. Mr. Steven Petrie (?) 6 Park Place (name was not listed on the sign up sheet) stated that he was here to speak his concerns about flooding in the areas where the Intervale Drainage Project is planned. He described in detail the flooding that currently exists following major storms and explained that there are areas where parking lots get submerged and ground level buildings have been damaged due to flooding. He provided a report on the Holly Pond assessment by Stamford Commission and outlined the outfall of the conditions of extreme erosion with further sedimentation that will hinder the run-off water drainage plan. He read an e-mail from Howard Seymour that highlighted findings of a June 2010 study that reported the Town of Darien is not following guidelines set by the CT DEEP.

There was an exchange of comments about catch basins and the filtering process that is recommended. First Selectman stated that she urged members of the public to attend the public hearing on the subject this Wednesday. She added that while she understood the concerns on the subject she could not speak for the DPW staff and the engineers involved with the research and study that was done for this project.

3. Ms. Patrice Murphy 6 Park Lane spoke and echoed many of the comments made previously. She pointed to the map of the areas and described the flooding conditions that currently exist. She spoke about the erosion damages to existing trees and stated that those trees are in danger of coming down and this along with further sedimentation problems make for a very troublesome flooding area.

First Selectman Stevenson thanked those who spoke and added that the Intervale Project has been on the Town's list of Capital Improvement projects for some time and the timetable represents one of normal and customary procedure.

NEW BUSINESS

Discuss and Take Action on a Resolution Authorizing and Directing the First Selectman to Execute a Grant agreement with the State of Connecticut for the Darien Police Department.

First Selectman Stevenson presented the resolution. Mr. Lundeen asked if there was additional or incremental cost to the Town and Mr. Kilduff replied no.

**** MR. LUNDEEN MOVED TO ADOPT THE FOLLOWING RESOLUTION:
WHEREAS, THE TOWN OF DARIEN IS ELIGIBLE FOR A \$10000 GRANT UNDER
THE POLICE AND YOUTH PROGRAM; AND
WHEREAS, THE GRANT FUNDING WILL BE USED TO ENCOURAGE EFFECTIVE
POLICE INTERACTIONS WITH YOUTH; AND
WHEREAS, THIS GRANT AWARD MARKS THE THIRD YEAR OF FUNDING
PROVIDED TO THE DARIEN POLICE DEPARTMENT UNDER THIS PROGRAM;
AND
WHEREAS, THE BOARD OF SELECTMEN WISHES TO SECURE SUCH STATE
FUNDING.
NOW, THEREFORE, BE IT RESOLVED THAT FIRST SELECTMAN JAYME
STEVENSON IS HEREBY AUTHORIZED AND DIRECTED TO MAKE, EXECUTE
AND APPROVE ON BEHALF OF THE TOWN OF DARIEN ANY AND ALL
CONTRACTS AND AMENDMENTS AND TO EXECUTE AND APPROVE ON
BEHALF OF THIS MUNICIPALITY OTHER INSTRUMENTS A PART OF OR
INCIDENT TO SUCH CONTRACTS AND AMENDMENTS, EFFECTIVE UNTIL
OTHERWISE ORDERED BY THE BOARD OF SELECTMEN.
** MR. BAYNE SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.**

Discuss Possible Revisions to Parking Regulations.

Mr. Kilduff presented a draft of amendments to parking regulations and there was discussion on penalty amounts in comparison to surrounding towns. It was agreed to change the amount of the \$10 fine to \$30 and additional \$30 penalty.

There was discussion on the public hearing, and it was agreed to have this scheduled for the first meeting in September with action at the same time in order to meet implementation timing. It was agreed to have recommended changes noted to be incorporated into the draft amendment for the public hearing.

Budget Transfers

Police Department

Mr. Kilduff referred to the supporting documents that outlined the request in detail, and summarized the recommended transfer. He highlighted that the Police Commission has endorsed Badge Quest as a suitable vendor for the upcoming promotional exams. \$150 has already been expended from this budget line for an unrelated service, leaving the account at \$8,400 that would place this account \$10,200 into deficit. Further, there would remain a need to conduct an entry level exam with costs such as advertising, psychological and polygraph examinations, placing the account further into deficit.

Therefore, the account is projected to be \$11,950 into deficit without other unanticipated expenditures normally paid from this account being factored in. During FY 12/13, approximately \$5,700 was expended from this line in the budget exclusive of promotion and hiring expenses. The Police Department respectfully requests a transfer from contingency to Professional Services in the amount of \$14,000 to cover the known expenses detailed while maintaining a small balance to meet future expenditures, understanding that further transfers may become needed as the FY progresses.

Police Department

RESOLVED:

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

From: _____ To: _____

Acct. No.	Account	Amount	Acct. No.	Account	Amount
	Contingency	\$14,000	10302213-82007	Admin-Prof. Services	\$14,000
	TOTAL	\$14,000		TOTAL	\$14,000

- ** MR. LUNDEEN MOVED TO APPROVE FOR REFERRAL TO THE BOARD OF FINANCE THE ABOVE TRANSFER AS SUBMITTED.
- ** MR. BAYNE SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

Agenda Review

First Selectman Stevenson stated that public hearings need to be scheduled for the Edgerton property, Cameras along the harbor, and for the parking fees and regulations. Mr. Bayne added that the agenda review should include Board of Education concepts on middle school expansion.

APPROVAL OF MINUTES

Special Meeting of July 22, 2013

- ** MR. BAYNE MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF JULY 22, 2013 AS SUBMITTED.
- ** MR. LUNDEEN SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

The following changes were requested:

Page 1: Paragraph 2, Sentence 2: Change paddle club to public.

Sentence 2: Add “well” before used.

Page 2: Paragraph 4, Sentence 2: ...the redevelopment of the Federal Realty at Noroton Heights property. Sentence 4: Change Alan O’Neill to Kensett.

Paragraph 7: add “whether” before “that.”

Paragraph 8: change “this point” to “the point of needing to expand the elementary schools.”

Corrections to Minutes of July 22, 2013 -- continued...

Page 3: Paragraph 1: Add to the end of sentence l: an assertion which Mr. Bayne challenged.
Page 4: Paragraph 1: At the end of the first sentence, delete “for it” and add: to refer it to P&Z to review its acquisition under the Town Plan of Conservation and Development.

**** MR. BAYNE MOVED TO APPROVE THE MINUTES OF THE MEETING OF JULY 22, 2013 AS AMENDED WITH CORRECTIONS NOTED.**
**** MR. LUNDEEN SECONDED THE MOTION.**
**** MOTION PASSED UNANIMOUSLY.**

OTHER BUSINESS – None

10. FORTHCOMING MEETINGS

August 21, 2013	Parks & Recreation Commission Regular Meeting at 7:30 p.m.
August 26, 2013	Board of Selectmen Regular Meeting at 7:45 p.m.
August 27, 2013	Board of Finance Regular Meeting at 7:30 p.m.
August 27, 2013	Board of Education Regular Meeting at 7:30 p.m.

Adjournment

**** MR. LUNDEEN MOVED TO ADJOURN.**
**** MR. BAYNE SECONDED.**
**** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Marilyn Knox
Telesco Secretarial Services

Addendum:
Report from Advisory Commission on Coastal Waters – pages 8-9

The Advisory Commission on Coastal Waters has had five meetings since we started our new year in September 2012. In addition we have attended numerous other meetings inside and outside of Darien having to do with coastal and shellfish issues. We appreciate this chance to briefly report and summarize our activities.

Darien's coastal waters are probably our Town's most valuable natural resource. To quickly review they consist of 7 harbors from Noroton Bay in the west to Five Mile River in the east; 16 miles of very interesting coastline; recreational, natural, and commercial shellfish beds; 2 public beaches plus a number of others; and we are a home for over 300 moorings and an estimated 1,000 boats of all kinds [enclosed is a chart of our waterfront]. Darien is a marvelous place to live especially at this time of the year for those who love the water.

Our commission is currently composed of 9 members, all boaters. We have lost two members this year but one, Bill Cavers, who had to leave to take a job in California, has now come back and would like to rejoin us. Bill was very active with the Commission and we would like to have him back. His application is currently with the DTC and has been awaiting approval.

As you know, we have no budget and, in the past, funding for projects has come from specific requests from us to the Town and/or private donors. Our major projects this year involve:

1. **Monitoring the cleanup and rebuilding from Hurricane "Sandy" damage, communicating closely with Commodore Dave Devers of the Darien Boat Club, Commodore Randy Tankoos of the Noroton Yacht Club, and Tom Bell, our Harbor Master. Boating is well underway on a normal basis; some onshore repairs remain.**
 2. **We have been reviewing the expansion plans of the Darien Boat Club which would add 100 new slips for boats upstream in the Goodwives River, and we commend the Boat Club for adding more access to the Sound for Darien boaters. Our principal concerns were keeping an open track for the boats coming out from the Darien public launching ramp; the safety of a new oyster reef upstream in the Goodwives River; and slips for boat moorings that would be displaced by the expansion. These have been addressed.**
 3. **Our main harbor channel was dredged to 8 ft. MLW 12 years ago. In 2012, a Town funded professional survey indicated depths of about 6-½ ft. MLW, a loss of 1 ½ ft. in 12 years. Since the Hurricane, we may have incurred a slight further loss. We concluded that it is premature to start a new channel-dredging program now, but we will continue to review this. Enclosed is a chart of these soundings.**
 4. **Repaired, at no cost to the Town, a hazardous navigation buoy guarding boats from the rocks off Long Neck Point, which was badly damaged.**
-

5. Based on complaints from boaters, we analyzed the boat ramp design and concluded that the angle of the ramp is not appropriate at many tidal stages. We reported this to the Park and Rec. Commission with suggestions for correcting, with no response. Bill Cavers headed this project for us.

6. We supported the Darien Sail & Power Squadron's successful Boat/Camp/2013 held last week at the Noroton Yacht Club for 100 underprivileged kids and involving 20 motorboats, the Darien Police and Fireboats, and the US Coast Guard and Coast Guard Auxiliary. Frank Kemp coordinated this for the town.

7. Along with the First Selectman Stevenson, we are represented on the new Sound waters/Friends of Holly Pond project by commissioner Frank Kemp who resides on the Pond. This is a Stamford/Darien committee addressing mudflat shoals at the north end of the Pond, the need for maintenance on the dam, and creation of 2 fish ways on the Noroton River and at the Dam. We are also reviewing who, state or local, has coastal responsibilities for Pond. Vice Chairman Jewett has drafted a paper on the definitions of federal, state, and local waters to help us review this issue.

Our shellfish activity has grown this year under the very capable management of Bud Raleigh who is busy in Washington minding grandchildren at present. We promoted Bud to Vice Chairman of the Commission and we are looking for another person with interest in shellfish to join us in this important activity. Five Shellfish projects were done, with the First Selectman's approval:

- 1. Developed a permit for Darien Seafood Inc. for an unleast portion of our coastal waters south of Nash Island, working with the Harbor Master, Nash Island, and the State Aquaculture Division.**
- 2. Developed a Town permit and State License for Darien Seafood, Inc. to harvest shellfish in Scott Cove for a limited time this spring.**
- 3. Worked with the State and our health director to test the Oyster Reef water quality with the goal of possibly opening it up next year for recreational oyster harvesting.**
- 4. Arranged to have 30 bushels of clams deposited at our recreational clam beds off Great Island and Contentment Island on July 25, 2013 by Pramer, a local commercial oysterman.**
- 5. Arranged a very interesting tour of Norm Bloom's large commercial oyster operations in and offshore Norwalk last month with our First Selectman, our Health Director, Rep. Terri Wood and others.**

Finally, we continue to be active outside Darien with seats on the CT/DEEP Boating Division Advisory Council, and the Citizens Advisory Committee of the Long Island Sound Study, and we are monitoring the CT Harbor Management Ass. , CT Maritime Comm and CT Shellfish Cmm. Thank you for your support of Darien's coastal waters.

Sandy McDonald, Chairman Darien Advisory Commission on Coastal Waters
