

**TOWN OF DARIEN  
BOARD OF SELECTMEN  
AUGUST 26, 2013**

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

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 Commission on Aging

Mr. Joe Pankowski, Chairman of the Advisory Commission on Aging gave his oral report. He provided an overview of the Senior Center programs and progress with the implementation of the approved plans for 2012-13. He spoke about the disposition of the Edgerton property and the need for additional senior housing. He referred to the recommendation to put 20 units of affordable housing in that space, but realizes that this is a political football with other interest groups that propose a park or open space, as well as deed issues that need to be addressed.

Mr. Pankowski stated that one of the big concerns with seniors is protection against fraud as they are prime targets. He suggested the need to look at legislation for things like getting out of contracts such as what is done for teens.

First Selectman Stevenson stated that she had attended a meeting in Ridgefield where there is an active group that is focused on mail fraud and the protection of senior citizens. She explained that the group is comprised of high school students and local officials, and there should be a report that can be shared with other towns on this subject. She thanked Mr. Pankowski for his report and for his assistance with educating and updating the Board on senior issues.

Report from the Human Services Commission

Ms. Debra Hertz provided an overview of the services that the Commission does to support to the residents of Darien. She explained that in the area of Human Services they are available to assist residents with counseling support, financial services for those in crisis, and as a resource for information and referral about other services that are available in the community to meet a range of needs. She reported that they are working in conjunction with and serves as a liaison with the Commission on Aging and other resources and programs serving the elderly including:

- Assistance with Medicare Coverage, Prescription Plans and Medicare Savings Programs.
- Household Supply Closet augments Person to Person's food pantry, for Darien families and individuals with food, paper goods, toiletries, supplies and loan for medical equipment.

Human Services Council – report continued.

- Help with Energy Assistance for financial aid for home heating through a state program and the Darien Fuel Bank to eligible Darien residents.
  - Back-to-School Program, helping eligible Darien school children get off to a good start, providing backpacks, school supplies and gift certificates for shoes.
- Ms. Hertz stated that the Heights opening brings an opportunity to address needs of more families, and the relocation of the Senior Center provided greater accessibility for seniors to get to Town Hall. She reported that one of the wish list items is to have the Social Worker hours increased from 19.5 to a full time schedule.

First Selectman Stevenson thanked Ms. Hertz for this report and for all the work that the Commission does for the Town of Darien.

### FIRST SELECTMAN'S REPORT

First Selectman Stevenson read her report as follows: On 8/15/13 — I, along with several Chief Elected Officials from our SWRPA region, attended a meeting of the Housatonic Valley Council of Elected Officials to discuss matters of mutual interest regarding regional boundaries and the mandates of Public Act 13-247. This public act requires new boundaries to be set for Regional Planning agencies and all regional planning agencies to convert to Councils of Governments by January 2015. The goal is to reduce the number of Regional Planning groups (COG's) from the current 14 to approximately 8. In the coming months, I, along with our SWRPA representatives, will provide a more detailed presentation of impacts of Public Act 13-247.

Water testing in Holly Pond will be on-going and is very favorable as part of the regular schedule testing.

### ADMINISTRATIVE OFFICER'S REPORT

No report was presented.

### 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 that showed Stamford EMS (SEMS) paramedics responding to Darien in 9.2 minutes. I would like to analyze the reasonableness of this number. In April, 2012 the EMS Review Committee stated that paramedic response times are twice as long when paramedics are called after post 53 arrives on the scene of a medical emergency as when paramedics are called to an emergency concurrently with Post. If we let  $x$  represent the paramedic response time when paramedics are called immediately, then  $2x$  should represent the paramedic response time when paramedics are called after Post is on the scene. In February of this year, the Committee reported that 14% of paramedic calls in Q4 of 2012 were after Post arrived on the scene. If we use the 9.2 minutes as the overall average, then  $x$ , the implied paramedic response time, when paramedics are called immediately is 8.07 minutes ( $.86x + .14(2x) = 8.07$ ). This is only 2.37 minutes longer than the 5.7 minutes Mr. Hammer indicated as SEMS response time within Stamford (8.07-5.70)

Walter Casey – Public Comment—continued...

This differential between SEMS response times to Darien and SEMS response times within Stamford is very hard to believe. This is especially true since SEMS has units spread throughout Stamford to reduce response times. In addition, Mr. Hammer has reported that the SEMS paramedic unit in Glenbrook is available only half the day. This means that, during nighttime, paramedics must travel to Darien from more remote areas of Stamford. Even allowing for innumeracy, 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.

## NEW BUSINESS

### Discuss Possible Affordable Housing Trust Fund Ordinance

First Selectman Stevenson asked Attorney Jeremy Ginsburg to present the ordinance and he explained that it sets up an advisory commission with the goal of inclusionary zoning for affordable housing units.

Mr. Bayne stated that the ordinance was very well drafted, and he asked about the wording of advisory trustees rather than the term commissioners, and if this would be a different capacity. Atty. Fox explained that the wording was advisory trustees but there was no different role than what is typically termed as commissioner. There was discussion on changing the word trustees to commissioners to avoid a perplexing perception.

RTM Moderator Sarah Seeley asked to clarify the wording on section 55.4b, and it was noted that she had an old version of the ordinance and there was a revision.

**\*\* MR. LUNDEEN MOVED TO AMEND THE AGENDA TO TAKE ACTION ON THE AFFORDABLE HOUSING TRUST FUND ORDINANCE.**

**\*\* MR. CAMPBELL SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**\*\* MR. BAYNE MOVED TO ACCEPT AND FORWARD ON TO THE RTM THE BOARD OF SELECTMEN RECOMMENDATION FOR ADOPTION OF THE AFFORDABLE HOUSING TRUST FUND ORDINANCE.**

**\*\* MR. NIELSEN SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY.**

### Discuss and Take Action:

Provide a Loan of \$250,000 to the Heights Affordable Housing Development to the Project Developer to Support the Redevelopment of the former Allen O'Neill Homes Site.

First Selectman Stevenson gave the background on this ordinance and explained that the Board passed a resolution for repurposing a federal grant, but it as never executed. She explained that this ordinance provides the means to make good on this moral obligation and supports larger infra-structure elements needed to support the development.

Mr. Lundeen asked about the terms of the loan repayment and First Selectman Stevenson stated she would defer to the legal counsel if the Board of Finance had adopted the underlying legal documents. Attorney Fox replied that yes, the documents were included and were in line with Board of Finance approvals and requirements.

Mr. Bayne asked to include an addendum that lending note documents are included as described in mortgage note and deed hereto as attached herein.

**\*\* MR. LUNDEEN MOVED TO ADOPT THE FOLLOWING RESOLUTION AS AMENDED:**

**WHEREAS it was the intent of the Town of Darien to provide additional funding to the project which would redevelop the Allen O'Neill Homes: and  
WHEREAS the Town was awarded grant funding in the amount of \$250,000 which at the time would form the basis of the Town's financial contribution to the project. However it was later determined by the Housing Authority, its developer and the Town that the grant requirements would place an undue burden on the Town: and  
WHEREAS applications were made to the State of Connecticut along with representations to financial institutions that the Town would be a funding partner in the development project: and  
WHEREAS, the current developer would prefer for the Town's financial contribution to be structured as a loan.**

**NOW, THEREFORE, BE IT RESOLVED that the Town of Darien Board of Selectmen hereby supports the provision of a loan totaling \$250,000 to the Heights development.  
BE IT FURTHER RESOLVED that the Board of Selectmen refers this resolution to the Board of Finance and Representative Town Meeting for action appropriating the funds and approval of the loan providing lending note documents are included as described in mortgage note and deed hereto as attached herein.**

**\*\* MR. NIELSEN SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY.**

Discuss and Take Action:

Potential Acquisition of 41 Hecker Avenue and Referral to the Representative Town Meeting

First Selectman Stevenson gave the background on this property stated that the intention was to acquire this property based upon the rationale of open space acquisition at an extremely favorable price. She explained that the Land Trust will partner with the town and will contribute to the purchase of 50% in exchange for an easement. She explained that this partnership provides the type of collaboration to acquire and preserve open space, and that development use is not the driver in this case. She stated that she strongly supports the acquisition.

Mr. Bayne stated that he does not view this as the type of property that benefits the Town, that while it is nice it is not beneficial and the Town has other needs such as property that addresses the future needs for educational use. He added that the term favorable value is one of interpretation that it may be cheap for a reason, and not necessarily the best value for the Town.

Mr. Bayne explained that this could very well be a situation where years down the road the Town may be the owner of acquired property that has no actual value. He added that it may not help with the flooding issues and the rationale of providing a connected walk path may not be justification. He stated that he would not support this and would be voting no for this acquisition.

Mr. Nielsen stated that he feels this acquisition is a great partnership with the Land Trust and it provides a connection to Town Hall. Mr. Campbell stated that the price in the past was \$350,000 and it has since come down to a more attractive price combined with the Land Trust partnership makes this a value added opportunity for acquisition.

Mr. Lundeen stated that the partnership with Land Trust is an opportunity to utilize this group's agreement to clear and maintain trails on natural property and open space.

**\*\* MR. LUNDEEN MOVED TO APPROVE THE FOLLOWING:  
THE BOARD OF SELECTMEN HEREBY REFERS TO THE REPRESENTATIVE  
TOWN MEETING FOR ACTION THE POTENTIAL PURCHASE OF 1245 ACRES OF  
OPEN SPACE LAND LOCATED AT 41 HECKER AVENUE AS PROVIDED FOR  
UNDER SECTION 48F OF THE TOWN OF DARIEN CHARTER.**

**\*\* MR. CAMPBELL SECONDED THE MOTION.**

**\*\* MOTION PASSED WITH FOUR VOTES IN FAVOR, ONE OPPOSED (BAYNE)  
AN NO ABSTENTIONS.**

Discuss Possible Revisions to Parking Regulations.

Mr. Kilduff presented a revised draft of amendments to parking regulations and there was discussion on clarification of time limits and public education on the "pay by app" process. Mr. Bayne asked about the twelve hour parking time limits questioned how this would be enforced. Mr. Kilduff explained that there are those that have commute times pm to a.m. and that is why the hours of parking times and enforcement are structured as such.

It was agreed to schedule the public hearing 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.

Discuss and Take Action on Referral to the RTM for the Reappointment of William Jessup to the Five Mile River Commission for a 4-year term;

**\*\* MR. BAYNE MOVED TO APPROVE AND REFER TO THE RTM THE  
REAPPOINTMENT OF WILLIAM JESSUP TO THE FIVE MILE RIVER  
COMMISSION FOR A 4-YEAR TERM FROM 12/20/2012 – 12/19/2016.**

**\*\* MR. LUNDEEN SECONDED THE MOTION**

**\*\* MOTION PASSED UNANIMOUSLY.**

Budget Transfers

Police Department

Mr. Kilduff referred to the supporting documents that outlined the list of year-end clean up transfer requests in detail, and summarized the recommended transfer list.

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
	Multiple Locations			Multiple Locations	
	TOTAL			TOTAL	

- \*\* **MR. LUNDEEN MOVED TO APPROVE FOR REFERRAL TO THE BOARD OF FINANCE THE LIST OF YEAR-END TRANSFERS 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 parking fees and regulations and the Edgerton property. Mr. Bayne asked to include Hoyt Street lighting. Mr. Lundeen requested an update on the Junior Sailing program and possible building reconstruction project.

APPOINTMENTS/REAPPOINTMENTS

1. Mary Flynn to the Parks & Recreation Commission for a 3-year term beginning on April 1, 2013 and expiring on March31, 2016.
2. Ed Sweeney to the Environmental Protection Commission for a 3-year term beginning on July 1, 2013 and expiring on June 30, 2016.

- \*\* **MR. BAYNE MOVED TO APPROVE THE REAPPOINTMENT OF MARY FLYNN TO THE PARKS AND RECREATION COMMISSION FOR A 3-YEAR TERM BEGINNING APRIL 1, 2013 AND EXPIRING MARCH 31, 2016 AND ED SWEENEY TO THE ENVIRONMENTAL PROTECTION COMMISSION FOR A 3-YEAR TERM BEGINNING JULY 1, 2013 AND EXPIRING JUNE 30, 2016.**
- \*\* **MR. LUNDEEN SECONDED THE MOTION**
- \*\* **MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES

Special Meeting of August 5, 2013

- \*\* MR. BAYNE MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF AUGUST 5, 2013 AS SUBMITTED.**
- \*\* MR. LUNDEEN SECONDED THE MOTION.**
- \*\* MOTION PASSED WITH THREE VOTES IN FAVOR NONE OPPOSED AND TWO ABSTENTIONS (NIELSEN, CAMPBELL)**

Meeting of August 5, 2013

The following changes were requested:

Page 1: Paragraph 2, Sentence 1: Add (12 years ago) after dredging

Sentence 3: End the sentence after ACoE, and strike the rest.

Paragraph 6: Sentence 5: change t to “to” and change an to and. In the last sentence change Planning & Zoning to EPC.

Page 2: Paragraph 1, Sentence 3: ...change draining to drainage.

Paragraph 2: Last sentence, delete new, more and to there are larger basins and along with the addition of new basins, this.

Last sentence correct Knoff to Knauf

Page 3: Paragraph 2: Add have after does. Page 4: Paragraph 3: Change STEEP to STEAP and after Pond add in Goodwives River above (correct Gorums to Ghorums)

- \*\* MR. BAYNE MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF AUGUST 5, 2013 AS SUBMITTED.**
- \*\* MR. LUNDEEN SECONDED THE MOTION.**
- \*\* MOTION PASSED WITH THREE VOTES IN FAVOR NONE OPPOSED AND TWO ABSTENTIONS (NIELSEN, CAMPBELL)**

OTHER BUSINESS – None

FORTHCOMING MEETINGS

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.
September 9, 2013	Board of Selectmen Regular Meeting at 7:45 p.m.
September 10, 2013	Board of Education Regular Meeting at 7:30 p.m.
September 10, 2013	Planning & Zoning Commission Planning Meeting at 8:00 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

Town of Darien  
Board of Selectmen  
August 26, 2013  
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