

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
MAY 21, 2012**

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

STAFF: Karl Kilduff, Administrative Officer

OTHER: Robert Steeger, Department of Public Works

CALL TO ORDER

First Selectman Stevenson called the meeting to order at 7:45 p.m. and stated that the Selectmen as listed above were in attendance and that a quorum was present.

Report from DOT regarding Hoyt Street Sidewalks

Mr. Robert Steeger, Department of Public Works presented proposed schematic plans for two proposals and highlighted the details as follows:

2 Alternate Five ft. Sidewalks: Cost \$1 million (Darien portion = \$640,000)

Road Widening Option: Cost \$540,000 (Darien portion = \$390,000)
(Note there was no written report of the proposal details provided, but questions were addressed.)

Mr. Steeger reviewed the two options and explained that the cost estimates did not include legal, design, engineering or architectural items. He compared the difference in relocation of utility poles and tree removals and explained that the sidewalk proposal would require right of way and slope rights, and would lose significantly more trees, approximately 20 depending upon the placement of fill required to meet existing ground levels.

Mr. Steeger fielded questions regarding the size of the shoulder, compared to nationally acceptable standards, pedestrian markings and lane designations, the need to install guard rails, and the potential for funding of replacement plantings for property owners. It was agreed that further review is necessary to determine legal liability, right of way, slope rights, maintenance requirements and the examination and evaluation of the safety issues.

Ms. Stevenson stated she acknowledged the work done by the DOT that was generous, free of service charge to the Town, and she appreciated the time and attention that was devoted to the proposals.

She stated that the next steps are to share these proposals with New Canaan in a meeting scheduled the first week of June. She added that although she is not hopeful on their willingness to participate, it is important to note that Darien has reached out to provide information to them. She stated that information will be provided back to the neighborhoods and residents that have worked long and hard on this issue to keep them updated on the progress of potential solutions to this very important safety concern.

Mr. Bayne asked about potential funding from a STP grant that could be used for 20% of the costs, and First Selectman Stevenson replied that there is an application and this type of grant program requires two municipalities and would at least put the Town "behind the que" in line for consideration.

Mr. Nielsen added that he looks forward to meeting with the Town of New Canaan and there needs to be an evaluation of the safety with examinations of the risk/benefit and a determination of how many residents would actually be served by this.

Mr. Bayne stated that as in similar projects pedestrian/transportation surveys must exist and the policy committee should put this element into consideration for future such projects. He added that one important point in considering the impact on number of residents affected is that history should be looked at because many pedestrians have stopped using this street because it is just too dangerous.

Report from Robert Riith, Chairman, Sewer Commission

First Selectman Stevenson stated that Mr. Riith could not attend and asked Mr. Steeger to comment, and he presented the following oral report.

The Sewer Commission is preoccupied with the Stamford waste water treatment of Darien water and no meaningful discussions have taken place in the last year. He added that changes in management with the WPCE and financial management have presented different strategies in negotiations, where Stamford is requesting as much money from Darien as possible rather than a revenue-sharing approach. He stated that they are now waiting for Attorney McCabe and Attorney Fox to work out the legal agreement and in the meantime will continue to pay what we think is fair.

Mr. Steeger added that the remote alarm on the pump system is in place and nothing new to report on the system maintenance. He stated that it is hard to do more without getting into the reserve fund and are hoping to have a handle on the projected 14% increase after discussions in August, prior to October billing.

First Selectman Report

First Selectman Stevenson read her report and provided it for the record as follows:

- Farmer's Market is open every Wednesday in the Mechanic Street parking lot
This is held every Wednesday through Christmas from 11a.m. - 4 p.m.
- The annual Memorial Day Parade is this coming Monday and steps off from Goodwives Shopping Plaza at 10am with a Memorial Ceremony in Spring Grove Cemetery immediately following the parade — Post 53 Food Fair in Tilley Pond Park
- Weed Beach will have a soft opening this weekend -- grand opening is on June 2--more details to follow.
- Thanked the Senior Men's Association for welcoming First Selectman for a State of the Town conversation last Wednesday.
- First Selectman Stevenson extended a statement of congratulations to Kaye Barker as the Town of Darien's Volunteer of the Year and she read nomination

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff read his report and stated that the transition in health care providers from Anthem to Ct. Care is underway and should translate to better coverage and customer service.

He added that the Goal Setting session is in preparation in anticipation for the budget.

Mr. Lundeen asked about reports of rock crushing at the Transfer Station and if this was part of a plan that had been brought to the board. Mr. Kilduff replied that there had been a deal bartered to crush the accumulation of rock that has been there, but he will find out more about the specific details. Mr. Lundeen added that he has received many comments from residents and there is concern from neighbors about noise, dust and water pollution. First Selectman Stevenson stated that she has had no calls of complaint on this, but asked Mr. Kilduff to look into the issue.

Mr. Bayne asked about the public hearing set for tomorrow on tonnage and tipping fees and if this should be put through the BOS for review by Planning and Zoning and vote before on the tipping fees. Mr. Campbell noted that the process is vetted through Public Works then to Planning & Zoning to then notify residents that a public hearing is scheduled and they have an opportunity to speak. Mr. Kilduff added that absent any financial decision, the Board of Selectmen is not required to have an approval vote. Mr. Lundeen asked for a full report of this and First Selectman Stevenson agreed to e-mail this him.

PUBLIC COMMENT

Mr. Peter Furman, 54 Country Club Road stated that he is also a representative on the RTM and wanted to speak on the Hoyt Street Sidewalk project. He spoke of the tragic accident in Norwalk along Rte. 123 where a pedestrian of similar age to him was killed by a young driver, and this same tragedy can occur on 106 and this had made a chilling impact on residents in the area.

Public Comments – continued.

Mr. Furman thanked the Board for the conceptual design and for their efforts to push this issue along with momentum and transparency to make an informed discussion. He stated that as a citizen he has more flexibility than Town officials and he did some research into a “good Samaritan” approach to obtain a rough estimate for comparison against the DOT. He outlined that as his civic duty, he compiled a two-page comparison of proposals based on same scope of work “apples to apples” and the sidewalk can be done for 40% less than the DOT proposal. He stated that he sent this by e-mail to the First Selectman, and looks forward to a response. He added that he applauds the collective efforts for the Hoyt Street Project and urged the Board to maintain the focus and emphasis to see this to action. He added that there are other issues such as the plastic bag issue and the Board of Education budget and he hopes to have these subjects on upcoming agendas for public input.

First Selectman Stevenson stated that she apologized that she has not seen Mr. Furman’s e-mail but will forward it to the Board.

Mr. Dan Bevill, Country Club Road, stated that he runs along Hoyt Street, and it is extremely dangerous—he won’t even go south because it is too unsafe. He suggested that the Selectmen make a trip to this street and take the time to walk along the road, and they will experience this feeling of danger. Mr. Bevill added that he had to distribute flyers for one of the organizations he is in and was nearly taken out by a few cars when he was near the mail boxes. He stated that he can appreciate all the work that is being done by the Town with the DOT and DPW, but something really needs to be done. He stated that he concurs with the comment that the numbers are far greater than surveying residents along the

road because many pedestrians have stopped using this street because it is just too dangerous. He urged the Board to put the work into action and to make this area safe for residents.

Ms. Holly Shultz stated that she has been here many times to speak on this subject and she thanked the Board for the conceptual design for Hoyt Street. She added that it was important to note that the state would not be involved beyond this point, so the Town needs to proceed to take further action. She stated that of the two options, the widening is not a good idea, it remains a danger because there is no physical barrier from the vehicles and nothing to protect them from being struck by a truck or even a wider car or SUV—just as what happened in Norwalk. She added that four feet wide is not ADA compliant as there needs to be 2.6 feet per person and there is no cross walk, so that there is no way to go from one side of the street to another. She wanted to clarify that Slope Rights do not require taking of land or right of way it is simply coming to an agreement to re-grade with retaining wall areas to grade the land to the level appropriate. She added that while five feet is preferred, four feet could be used with three feet clearance around obstacles. She stated that the budget is shockingly high and padded with extraordinary costs, and asked the Board to please follow up on Mr. Furman's proposed estimates. She suggested that an ordinance amendment could be done to sway neighbors that are opposed due to required maintenance and snow removal, and explained that this had been done along West Avenue.

Public Comments – continued.

Ms. Shutz stated that she also is in agreement with the comment made that the numbers are far greater and a survey is not sufficient to determine residents that are affected, because surveying residents along the road does not take into consideration the hundreds of pedestrians and commuters that have stopped walking along this street because it is just too dangerous. She presented a time line for action on the proposals to the Board members and asked for consideration.

Advisory EMS Review Committee

The following update was reviewed:

The overall responsibility of the Advisory EMS Review Committee is to review the response time and data of the emergency ambulance corps and to recommend any changes to the corps that would improve the delivery of service.

The Committee will be comprised of 3 members with experience in the medical field and/or emergency health. The Committee will:

1. Continue reviewing response times and call data to insure proper deployment and staffing;

2. Evaluate new technologies and best practices;
3. Make recommendations to the Board of Selectmen concerning changes in procedures necessary to provide better services to Darien citizens; and
4. Provide written reports to the Board of Selectmen as necessary, but not less than annually.

First Selectman Stevenson stated that she has reviewed the recommendation from Dr. Kara and taking his input as independent thought. She asked if there needs to be the development of a mechanism for having regular meetings. It was agreed that the Committee would meet at least quarterly, or as needed, and minutes would be requested. Mr. Lundeen asked who is on the committee now and asked if they had adequate experience and noted that there needs to be the right composition of members with the breadth of experience. It was suggested that a member of Post 53 should be included, and if there should be five members so that a tie situation would be avoided.

Discuss and Take Action on Approval to OPUS for Person to Person to hold the 10th Annual Big Rig Gig on Sunday, September 30, 2012

First Selectman Stevenson reviewed the supporting letter from OPUS for Person-to-Person seeking permission to hold the Fall fundraiser, the tenth annual Big Rig Gig at Darien Town Hall, requesting the use of the front parking lot and adjacent grassy areas for the afternoon of Sunday, September 30, 2012 from 11:00a.m. –4:00p.m.

She added that they expect over 300 families from Darien and the surrounding towns to attend, and activities include “touch a truck” exploring all kinds of vehicles and heavy machinery up close.

There will also be food, games and a trackless train ride for kids and adults called Roaming Railroad.

She stated that an alternate location was sought but in view of the logistics of rain date, security, etc, they are asking to hold this event this year at Town Hall, but will look for an alternate site for 2013. She added that in view of the Mather Community Center coming, it was suggested that there would be a better location more suitable for the event.

**** MR. NIELSEN MOTIONED THAT THE BOARD OF SELECTMEN OF THE TOWN OF DARIEN HEREBY GRANTS PERMISSION TO OPUS FOR PERSON-TO-PERSON TO HOLD THE 10TH ANNUAL BIG RIG GIG ON SUNDAY, SEPTEMBER 30, 2012 STARTING AT 11:00 A.M. AT THE TOWN HALL SUBJECT TO THE REQUIREMENTS OF THE DARIEN PARKS & RECREATION DEPARTMENT AND POLICE DEPARTMENT.**

**** MR. BAYNE SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

Budget Transfer - 35 Leroy Natural Gas Line

Mr. Kilduff presented the proposed budget transfer and referred to the supporting document that explained that the Board of Education Central Office/Mather Center Building Committee is seeking a transfer from the Board of Finance Infrastructure Reverse to fund the capital expense for a gas line extension to 35 Leroy, as has been done for Town Hall and selected schools.

Mr. Lundeen asked if this is not a capital item, and since it is much larger than routine transfers, if this should come from the general fund. First Selectman Stevenson explained that this fits nicely into the BOF Infrastructure Reserve, and it is the fund that was established for this type of project. Mr. Bayne stated that there is a contingency for this already built into the project and such expense should follow the project rather than the general fund.

Mr. Nielsen asked about potential reduction in utility costs that occurs down the road that could be offset in future savings in the general fund and that the project budget was not developed to assume this cost. Mr. Campbell added that Natural gas systems will deliver a long-term benefit to the Town by helping the Board of Education better manage its facility costs when compared to oil.

Mr. Lundeen added that we should ask the RTM to approve this out of the general fund rather than chop little slices of the Infrastructure Reserve for each project that comes along. First Selectman Stevenson added that at this point, there does not appear to be abutters in the area of the new line interested in connecting, so the Board of Finance feels it is appropriate to approve the transfer to fund this.

It was agreed to defer this budget transfer for further review by the Board of Finance.

**** MR. LUNDEEN MOTIONED TO DEFER THE BUDGET
TRANSFER AS LISTED.**
**** MR. BAYNE SECONDED.**
**** MOTION PASSED UNANIMOUSLY**

Agenda Review

First Selectman Stevenson asked to put the Hoyt Street Project and Sewer Commission on the next agenda. Mr. Lundeen asked about transfer station funding and it was agreed to add this to the agenda.

Mr. Lundeen asked about the procedure for the acceptance of gifts to the Town of Darien from Mr. Campbell's company. A discussion ensued on the painting in Town Hall that was done in his former office, and Mr. Campbell stated that he had done that painting himself. First Selectman Stevenson added that past practice has been that there is no budget for office improvements.

Approval of Minutes of Previous Meetings

Special Meeting of April 26 2012

Corrections: page 2, paragraph 3, line 3: change feasible to advisable.

Page 3: Start the page with: First Selectman Stevenson reported that...

In the 1st motion, after project, add "for landscaping."

Page 4: In the 1st motion, after grant, add "application." Correct typos "adn" to "and" and directs

- ** **MR. BAYNE MOTIONED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF APRIL 26, 2012 AS AMENDED WITH CORRECTIONS NOTED.**
- ** **MR. CAMPBELL SECONDED.**
- ** **MOTION PASSED UNANIMOUSLY**

Regular Meeting of May 7. 2012

Mr. Lundeen noted that there should be a consistency in the use of First Selectman or First Selectwoman, and First Selectman Stevenson agreed that the preferred term is First Selectman, and it should be corrected throughout the minutes.

- ** **MR. BAYNE MOTIONED TO APPROVE THE MINUTES OF THE MEETING OF MAY 7, 2012 AS AMENDED WITH CORRECTION NOTED.**
- ** **MR. CAMPBELL SECONDED.**
- ** **MOTION PASSED UNANIMOUSLY.**

FORTHCOMING MEETINGS

First Selectman Stevenson called attention to this week's meeting schedule as follows:

May 22, 2012: Planning & Zoning Commission Public Hearing at 8:00 p.m.
Board of Education Regular Meeting at 7:30 p.m.
June 4, 2012: Board of Selectmen Regular Meeting at 7:45 p.m.

OTHER BUSINESS

There was no other business.

Adjournment

** **MR. NIELSEN MOTIONED TO ADJOURN**
** **MR. LUNDEEN SECONDED.**
** **MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Marilyn Knox
Telesco Secretarial Services