

**MINUTES
TOWN OF DARIEN
BOARD OF SELECTMEN
SPECIAL MEETING**

January 26, 2011

A special meeting of the Board of Selectmen was held on Wednesday, January 26, 2011. In attendance were Selectmen Bayne and Nielsen. Also in attendance were Town Counsel Wayne Fox and Administrative Officer Karl Kilduff.

First Selectman Campbell called the meeting to order at 7:37 p.m.

NEW BUSINESS

a) Discuss and Take Action on Tax Appeal Assessments

First Selectman Campbell asked Attorney Fox to provide an overview on the two tax settlement motions before the Board for action.

Attorney Fox noted that there had been significant discussions with the country clubs over the past months. He continued by noting that in a town where land is scarce it is important to the Town to have a 30 year restriction on development to keep the clubs as open space and 40 years for the Town to have the right of first refusal. In his discussions with the Assessor, Attorney Fox stated that the last two items were important restrictions which impact the value of the land.

Mr. Bayne asked if the right of first refusal pertained to the entire parcel or to small pieces. Attorney Fox stated that it applied to any piece of land, regardless of size.

Continuing, Mr. Bayne asked if it was the opinion of counsel that this was a reasonable and fair settlement. Attorney Fox stated, that considering what the Town was getting in protecting open space and the right of first refusal, that is was a reasonable and fair deal. Mr. Bayne also asked if the Assessor was comfortable with the settlement. Attorney Fox stated, yes.

Mr. Bayne wished to note that the discussions also included representatives from the Board of Finance and it was their consensus that this was a reasonable and fair settlement. Attorney Fox concurred.

Mr. Nielsen moved, seconded by Mr. Bayne, that the Darien Board of Selectmen hereby settle the case of the Country Club of Darien, Inc. v. Town of Darien to set the Fair Market Value for the property to \$41,791,600 from \$51,626,700 for the October 1, 2008 Assessment in accordance with a Stipulation for Judgment, Declaration of Open Space, Deed Restriction and Right of First Refusal. Motion passed on a 3-0 vote.

Draft to be Approved by BOS
Board of Selectmen Minutes
January 26, 2011

Mr. Bayne moved, seconded by Mr. Nielsen, that the Darien Board of Selectmen hereby settle the case of the Wee Burn Country Club v. Town of Darien to set the Fair Market Value for the property to \$52,176,900 from \$67,423,750 for the October 1, 2008 Assessment in accordance with a Stipulation for Judgment, Declaration of Open Space, Deed Restriction and Right of First Refusal. Mr. Bayne wished to confirm with Attorney Fox that his prior answers applied to this settlement too. Attorney Fox stated that they did. The motion passed 3-0

ADJOURNMENT

Selectman Bayne moved, seconded by Selectman Nielsen, to adjourn at 7:43 p.m.
Respectfully submitted

Karl F. Kilduff
Administrative Officer