

**TOWN OF DARIEN  
BOARD OF SELECTMEN  
REGULAR MEETING  
JUNE 14, 2010**

**ATTENDANCE:** David Campbell, First Selectman; Gerald Nielsen, Callie Sullivan, Jayme Stevenson,

**STAFF:** Karl Kilduff, Administrative Officer

**OTHER:** Craig Flaherty, P.E.

**CALL TO ORDER**

First Selectman Campbell called the meeting to order at 7:45 p.m.

**PUBLIC COMMENT**

Mr. Chris Noe came forward and said that he had come last week but had not arrived in time for public comment.

He then stated that Warren Buffet, announced on June 14<sup>th</sup> that his company had sold off a major portion of municipal bonds because he sees higher risk for municipals. Mr. Noe said that he felt that municipal bonds were going to go up. He said that if the interest rate increased 1 point, this would result in a tax increase for the residents. If bonds are going to be risky and even though Darien is very responsible for its own actions, he said that the Board and the rest of the town need to be prepared.

Mr. Noe then said that he felt that was glad that Mr. Nielsen had reported that the Police Building Committee not moved forward on the Police Station. He said that for many years, the unemployment rate had been about 5%, but now it is 10%. He then asked what the Town would use as an economic indicator for a sign to start major projects. He said that until the town was sure, any bad news could push the interest rate back up to 10% or higher.

**REPORT FROM CRAIG FLAHERTY, CHAIRMAN OF FLOOD MITIGATION  
STRATEGY COMMITTEE.**

Mr. Flaherty said that a lot of the work had been done about three years ago when there was significant flooding. He said that there had been a one page working document that the Flood Mitigation Strategy Committee had used as a framework. Mr. Flaherty then listed the members of the Committee for the Board members. He said that the goal was to develop concurrence among the diverse group of people and the Committee had issued

their recommendation on May 14<sup>th</sup>. Mr. Flaherty said that the Memorandum from the Flood Mitigation Committee represented a shift in thinking, but that the Stony Brook Watershed was still a priority. By preventing the water from building up in the upper reaches, the conditions downstream would be greatly decreased.

Ms. Sullivan said that the memorandum was very good but that she had questions. She then asked why a consultant should be hired. Mr. Flaherty said that the memorandum was purposely kept short, but that back up information was available. He said that now the data is indicating that Stony Brook area floods more than FEMA claims it will. One way to deal with this, is to use the Milone and MacBroom model to update the maps. Home owners would be required to have flood insurance. Creating the new updated maps will cost \$20,000.

Mr. Neilsen asked if this would affect a lot of houses. Mr. Flaherty said that the number of houses it would affect is in the double digits.

Mr. Bayne asked about the open spaces strategy in Point 4. Mr. Flaherty then reviewed strategy and said that it would be a case by case basis. Mr. Bayne asked who would develop the open space priority list. Mr. Flaherty said that he imagined it would be the Flood Mitigation Committee would create the list.

Ms. Sullivan asked if the Board of Finance would agree to using Town funding for the purchase of open spaces. Mr. Flaherty said that he felt there would be push back, because if there was money, it would be spent.

Ms. Sullivan asked about Point 3 and how successful the NFIP program was. Mr. Flaherty said that the point was to make people aware of the program.

Ms. Stevenson then had a detailed question about the area where Stony Brook runs along the Post Road and Renshaw Road. Mr. Flaherty said that this area had been built up many years ago and that the retaining walls were failing.

Ms. Sullivan said that she agreed with Point 6, and wanted to asked about the review of all building permits application and land use applications. Mr. Flaherty then read subpoint a-i and said that the Town staff was doing the best that they can to see that the rules were being followed. There is very little opportunity to acquire institutional knowledge. He said that essentially the storm drainage is the Town's plumbing and that the Town does not have a "plumbing inspector". Mr. Bayne asked if this would be a full time or part time position. Mr. Flaherty said that the Town needed a full time engineer who would devote at least 20 hours to flooding and the remaining time to the other DPW projects. Ms. Sullivan asked if Mr. Flaherty felt that the Town suffered because there is no engineer. Mr. Flaherty said that he did. He then gave a brief overview of the development in the Town since World War I and how the administration had realized in

the 1980's that there needed to be a plan for dealing with the water. He went on to give some examples and pointed out that identifying the funding would be important.

Mr. Bayne asked if the Committee had discussed funding for the new position. Mr. Bayne pointed out that some of the applicants are required to hire a consultant for their projects, which provides the information at no cost to the Town. Mr. Bayne then asked how the position would be paid for. Mr. Flaherty said that the Committee had discussed this and one idea had been reviewing all building permits and land use applications.

Mr. Bayne asked if the Committee had created a job description. Mr. Flaherty said that they had not, and were waiting on the Board for directions.

Ms. Sullivan asked about Point 9. She asked if MetroNorth had ever expressed concern about creating flooding. Mr. Flaherty said that the Town had pointed out issues, but MetroNorth had been reluctant to deal with the issues.

Mr. Nielsen asked how much water comes off I-95. Mr. Flaherty said that this had not been focused on, but it was an area to investigate.

Ms. Stevenson asked if the Committee had contact with SWRPA. Mr. Flaherty said that the Committee had not. Ms. Stevenson said that this would be important.

Mr. Nielsen asked about the Stony Brook model. Mr. Flaherty said that the Committee was pleased with Stony Brook, but that Goodwives was not as thorough as the Committee would have liked.

Mr. Bayne asked what the rationale of separating the Erosion Control Committee and the EPC from the Flood Mitigation. Mr. Flaherty said that this had been discussed, but it would have to be discussed further with the EPC. Mr. Flaherty said that over the years, the EPC had dropped the flood control mantle and focused on the environment. However, sometime solutions for flood control could actually harm the environment.

Ms. Stevenson said that she appreciated Point 10 and that it would go a long way to education the public about flood control and proper watershed management. Mr. Flaherty said that some of the basic things that the Committee has been doing and other simple things that people could be doing to have a positive impact. Ms. Stevenson said that she felt that it would be a good way for the EPC to become involved.

Mr. Bayne asked if these would be on a future agenda soon. Mr. Campbell said that it would.

Mr. Campbell asked if there was anything that surprised Mr. Flaherty. Mr. Flaherty said that the surprising thing was the current model and how much the flood elevation could

be reduced. The bang for the buck for Stony Brook would not be in flood mitigation. Mr. Bayne asked about the berm for the Cherry Street neighborhood. Mr. Flaherty said that while it looked effective, through other means such as asking residents to bring their homes into compliance at a lesser cost. The question of should the Town take a larger financial role in helping the residents bringing their homes into compliance. He said that the Committee felt that this would not work well.

Mr. Noe then came forward and said that his house was one that floods. He said that the presentation appeared to neglect one part of Milone and MacBroom, which was to start at the bottom and work up. He added that the new mapping for \$20,000 that FEMA has been making those maps forever. He said that he felt that there should be a public meeting about this. Asking the residents to carry flood insurance was interesting. He then encouraged the Board members to re-read the Milone and MacBroom report and just start rather than having another report done. He said that he has been unable to get a permit to take the silt out of the river that runs in back of his house. He said that the Milone and MacBroom model and start working on the project.

Ms. Laura Giobbi of Kelsey Street came forward and thanked Mr. Flaherty for the time on the Committee. She said that she hoped that this was just a beginning. She said that the town has been diligent in getting reports, but the work needs to be done. It hasn't been getting any less expensive since 1956. Now going forward, people need to have a flood mitigation plan but before that, people just built their homes without regard for where the water would go. She said that the Town needs to spearhead the projects rather than relying on the individual home owners, who may or may not do their part in repairing a wall.

### **NEW BUSINESS**

**a.) Discuss and Take Action on Referral to the Planning and Zoning Commission pursuant to CGS § 8-24 for the Abandonment of Allen O'Neill Drive to the Darien Housing Authority**

A brief discussion followed on the process for this project.

**\*\* MS. SULLIVAN MOVED THE FOLLOWING MOTION:**

**PURSUANT TO CONNECTICUT GENERAL STATUTES §8-24, THE BOARD OF SELECTMEN HEREBY REFER TO THE DARIEN PLANNING AND ZONING COMMISSION FOR A REPORT ON THE POSSIBLE ABANDONMENT OF ALLEN O'NEILL DRIVE AS A PUBLIC RIGHT-OF-WAY TO THE DARIEN HOUSING AUTHORITY.**

**\*\* MS. STEVENSON SECONDED.**  
**\*\* THE MOTION PASSED UNANIMOUSLY.**

A member of the public commented that there were other issues to be considered about this action. Mr. Campbell said there would be at least three other opportunities for public input at Planning and Zoning, and at the RTM.

Another member asked what the point of abandoning the road was. Ms. Stevenson said that if the application is denied or does not go forward, the abandonment would revert back to the Town.

**B) TRANSFERS**

**Police Department:**

**RESOLVED:**

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

**The Sum of \$1,500 from Fleet Svcs – Tires (Account # 10302313-83014) to Station Op – Rep & Maint. (Account # 1032323-82041)**

**\*\* MR. NIELSEN MOVED TO APPROVE THE FOLLOWING POLICE DEPARTMENT TRANSFER:**

**THAT THE FOLLOWING TRANSFER OF APPROPRIATIONS IS APPROVED FOR REFERRAL TO THE BOARD OF FINANCE.**

**THE SUM OF \$1,500 FROM FLEET SVCS – TIRES (ACCOUNT # 10302313-83014) TO STATION OP – REP & MAINT. (ACCOUNT # 1032323-82041).**

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

**RESOLVED:**

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

**The Sum of \$350 from Fleet Svcs – Tires (Account # 10302313-83014) to  
Patrol – Uniforms (Account # 10302233-83006)**

**\*\* MR. BAYNE MOVED THE TO APPROVE THE FOLLOWING POLICE  
DEPARTMENT TRANSFER:**

**THAT THE FOLLOWING TRANSFER OF APPROPRIATIONS IS APPROVED  
FOR REFERRAL TO THE BOARD OF FINANCE.**

**THE SUM OF \$350 FROM FLEET SVCS – TIRES (ACCOUNT # 10302313-83014)  
TO PATROL – UNIFORMS (ACCOUNT # 10302233-83006).**

**\*\* MS. STEVENSON SECONDED.**

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

### **FIRST SELECTMAN’S REPORT**

Mr. Campbell said that he had met with Mr. Golden and that there would be a public hearing tomorrow night on the project. The design is still underway and Mr. Jackson is still working on the design. Tomorrow’s meeting will be focused on the zone change. Mr. Bayne asked if there was a timeline, if the zone change was approved. Mr. Campbell said that it was too early in the process. Ms. Sullivan asked if it would be appropriate for the Board to meeting with P&Z to see if they had a global plan for Norton Heights.

### **ADMINISTRATIVE OFFICER’S REPORT**

Mr. Kilduff said that the Tree Commission would be having their first meeting since the draft was completed. They are waiting on the pending appointment of some members to the Advisory Committee.

The Senior Center site work has been completed.

The non-bargaining negotiations have started and there should be a employee pay plan to review in July.

### **AGENDA REVIEW**

Ms. Sullivan said that she appreciated Jenny’s email and was concerned about the timing of the project. She said that she felt that there would be a number of items to consider before September. She then said that there were several details that she would like more information on. Mr. Bayne said that he would also like to the group to come for a report because it would affect the residents on Edgerton.

Mr. Bayne said that he had concerns about the affordable housing at Edgerton and whether this has been considered in light of the Fair Housing laws. He asked if there had been a legal opinion done on this. Mr. Campbell said that he knew Atty. Fox had been researching.

Mr. Bayne asked if there would be a discussion on the capital projects. He said that the Weed Beach group had been present last week and that the project had to start in the fall in order to be completed by Memorial Day. Also the Police Station needs to move forward. Mr. Campbell said that the funding for the request last week was coming from the General Fund.

Ms. Sullivan asked if at the OPC meeting, if a discussion could be held about where the Hoyt Street funding was coming from. Mr. Campbell said that he had spoken to Terry about this.

Ms. Stevenson said that it would be helpful for Parks and Recreation to give the Board an idea of what activities occur at Weed Beach during the fall. Mr. Bayne said that the playground would be impacted would be the playground because there would be an active construction site right there. Ms. Stevenson said that she would like to see an outline of how this would be.

Ms. Sullivan asked if there was a date set for the moratorium hearing. Mr. Campbell said that he believe it was the 29<sup>th</sup>. Ms. Sullivan asked who come down for the hearing. Mr. Kilduff said that no one comes down, it is a local public hearing. Ms. Sullivan asked who would be hearing the comments. Mr. Kilduff said that it would be the Planning and Zoning Commission that would conduct the meeting.

### **FORTHCOMING MEETINGS**

June 15, 2010 – Board of Finance Regular Meeting at 7:30 p.m.

June 22, 2010 - Planning and Zoning Commission Public Hearing at 8:00 p.m.

June 16, 2010 - Parks and Recreation Commission Regular Meeting at 7:30 p.m.

June 22, 2010 - Board of Education Regular Meeting at 7:30 p.m.

July 6, 2010 - Planning and Zoning Commission Planning Meeting at 8:00 p.m.

### **ADJOURNMENT**

**\*\* MR. BAYNE MOVED TO ADJOURN.**

**\*\* MS. STEVENSON SECONDED.**

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

The meeting adjourned at 8:53 p.m.

Respectfully submitted,

Sharon L. Soltes  
Telesco Secretarial Services