

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
OCTOBER 4, 2010**

ATTENDANCE: David M. Campbell, First Selectman; David F. Bayne
Gerald Nielsen, Jayme J. Stevenson, Callie Sullivan

STAFF: Karl Kilduff, Administrative Officer

CALL TO ORDER

First Selectman Campbell called the meeting to order at 7:45 p.m. and stated that the first part of the meeting would be a Public Hearing in response to the proposed change in parking fees at the train stations.

PUBLIC HEARING

Change in Parking Fee Schedule – Darien Train Station Parking Permits

First Selectman asked those members of the public who planned to speak to state their name and address. The following public comments were made:

1. Mr. John Tomaszewski, 70 Middlesex Road, Darien, stated that he has been on the train parking permit waiting list for six years and recently found out that he was #270 on the list. He stated that he has paid \$700/year which is \$3 day versus the permit price and a \$400 premium which amounts to \$2,400 over the years. He suggested that the permit process be similar to that of beach permits where in person registration is done, along with a license plate match procedure.

Ms. Sullivan asked to respond and stated that by law the Town is not allowed to differentiate residents versus non-residents when it comes to the parking permits. Mr. Kilduff clarified that there are the state-owned properties such as that of Noroton Heights train station versus others that do not limit non-resident parking permit issuance.

2. Mr. Eric Voigt, 61 Middlesex Road, stated that he also has been on the train parking permit waiting list for five years and was #450 on the list. He suggested that the permit process be similar to that of beach permits where in person registration is done, along with a license plate match procedure, and resident utility bill and an enforcement policy with towing or fines. He stated that off-hour parking would help and offered to man the registration desk to help with the permitting process and license plate match procedure.

3. Mr. Jim Cameron, 55 DuBois Street, stated that he was thrilled with the turnout in response to the issue of parking rates at the Train Station. He stated that as presented at the last BOS meeting, there needs to be more over-selling of the permits as there are far too many empty spaces in the lot. He added that there needs to be clarification of the fairness of handicap free parking along with the wait list and misuse of the tags by showing proof of commuting. He stated that there needs to be a cross-referenced plate number match with the tag. He stated that there needs to be a plan of how to spend money generated from the increased revenue from the permit increase.
4. Ms. Colleen Felske , 28 Rocaton Road, stated that her husband has no permit and pays daily voucher and gets parking tickets which add up to a lot of money over the past eight years. She added that after all this time they are not even close on the waiting list, there needs to be more fairness and monitoring of how the money is used, especially after charges than an employee was pocketing money. She supports in-person registration to avoid squatters and those who loan out their permits, and feels there should be more ticketing of violators. She suggested parking in the Library lot similar to that for the Whole Foods employees.
5. Mr. Rolf Obin, 9 Archer Lane stated that the increase cost is substantially high at 25% and combined with new Metro North rate increases that will go into affect, presents a compounded increase that is out of line with the state of the economy. He asked where the money is going, when the station has been the same after all these years. He stated that a canopy or rain cover be done along with other improvements. He suggested that the Post 53 lot be used for regular and permit holders. He added that there is a traffic issue where the cars zoom out of the lot onto the 95 entrance ramp and it presents an extreme pedestrian safety hazard, suggesting speed bumps or gates be installed to slow drivers down. He stated that over 2,700 people use the station and rather than a witch hunt to search for those mis-users of permits, additional spaces are what is needed. He suggested multi-tiered parking be recommended as the ultimate solution.

Mr. Campbell asked if there were other people who wanted to make comments, and hearing none closed the public hearing portion of the meeting at 8:15 p.m.

Mr. Campbell stated that the order of the agenda from now on would be that the First Selectman's Report would be the first item on the agenda before Public Comments, to be followed by the Administrative Officer's Report

FIRST SELECTMAN'S REPORT

First Selectman Campbell stated that he held a Pool Time meeting that included a proposed schedule for the High School swim team and fundraising efforts, and Mr. Morrissey will get back with further information relative to costs, and an analysis of usage. He added that they will meet again in a few weeks and then he will meet with the BOS and the Board of Finance.

Mr. Campbell stated that relative to sidewalks, he has had correspondence with Senator Duff and Ms. Wood regarding making the safety improvements, and he is awaiting information from Mr. Steeger regarding quotes on surveys for the sidewalk locations. He added that in response to the public comments regarding Hoyt Street that the missing piece of this puzzle is the DOT, and they have had no response from them.

Mr. Campbell stated that following last week's storm there was quick response involvement by the CL&P with over 325 residents who lost power and the only flooding was under the Rte 1 underpass. He added that the Tree Warden had downed trees removed quickly.

He stated that he had attended the "Big Rig Gig" which made him smile, and he realized that children are quite easily pleased with simple things and are great at working together; whereas adults can find ways to over-react and to not work together. He stated that the current dysfunction with the BOS is very difficult to understand and accept, and he asked members to stop "throwing sand" in the face of projects and to put an end to the political grand-standing on issues. He added that the partisan rhetoric by the minority party must come to an end in order to work together at meetings, and public sand throwing will no longer be acceptable at public meetings. Mr. Campbell said he invites cooperation by the members of the BOS and stated that he will not accept public attacks as a response, only private. Mr. Bayne asked if he could comment on this, and Mr. Campbell said no, not in public and that he will accept phone calls, e-mails and private responses. Mr. Bayne stated that he felt that this was not fair in view of the five minute scolding and public reprimand just displayed by the First Selectman, and Mr. Campbell replied that the comment was out of order and stated that there would be no further discussion of this subject.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff presented his written report and stated that following items have been proceeding as authorized:

- Lighting Retrofit project has been completed in accordance with the grant improvement project
- \$150,000 STEAP Grant has been received for Gorham's portion, and the remaining \$150,000 for Historical Society is anticipated
- \$1,500 reimbursement from FEMA from March storm has been received
- Drill tower repair – An Engineering Study has been initiated by the Fire Commission which is tied into the grant for renovations.
- CCM gearing up for upcoming session in mid-October
- Weed Beach meeting with the Recreation and Parks Commission has been scheduled to determine the specific action plan and next steps in moving along the project
 - License Plate Reader may be used in cross referencing train permits with license plates and they are working on it.

PUBLIC COMMENTS

1. Mr. Jim McIlree, 4 Bishops Gate, stated that he was here to discuss the proposed “shuffle” and the Senior Center and raised concerns about the many unanswered questions regarding the plan—including cost, suitability for the needs of Darien's senior citizens, and its potential to preclude future capital projects. He stated that the size of 19,000 square feet with no supporting analysis for 600 members seems excessive, and asked if the research for the future needs of the senior center were included in the information analysis. He added that the relocation presents a problem over the disposition of the Fine Art Studio and Visual Arts Rooms at the Darien Arts Center. He stated that it appears as if the Town is overbuilding in response to problems that do not exist with current structures and centers. He added that this is an important element of the needs for storage for these facilities, which has not been addressed with the relocation plan. He stated that the plan for the Senior Center has been confused to the point of now becoming a Community Center, with a pool, which does not fit into the Town’s priorities. He added that in reply to Ms.Sullivan’s recommendation for a stand-alone building is one that is trying to address problems that have not yet been identified.

Ms. Stevenson asked if the comments could be responded to, and stated that the issues have been answered in many ways with the multitude of presentations, analysis and data and she would like to have a list of the specific questions and would be happy to address them.

2. Ms. Holly Schulz, 543 Hoyt Street stated that she is in complete agreement with Mr. Cameron and as she has stated previously at several other BOS public comments, she continues to work on the Hoyt Street situation and nothing has changed. She has written to the state, and has received responses that they would support the Town’s recommendations. She stated that she agrees with the traffic calming recommendations, signage and lighting, but they are only minor improvements as there is no sidewalk and pedestrians and the area residents are completely in danger. She provided a map that she prepared of areas that are affected and highlighted the train stations and the compounded problems with the lack of a sidewalk. She added that this could present a potential solution to reducing the number of parking permits needed in the other stations, as many residents drive to Noroton Heights because it is not safe to walk to Tallmadge Hill. as taxpayers it is a complete disgrace to live in this situation, and she strongly urges the Board to make this a Town priority.

1. NEW BUSINESS

- a) Discuss and Take Action on Possible Amendment to Employee Retirement Plan Ordinance.

Ms. Nancy Markey, Director of Human Resources for the Town presented the background and supporting documents and stated that the pension ordinance provision was not modified to acknowledge changes made to the vesting requirements and was referred to as a “glitch” back in 2004 that should be corrected to the ordinance.

**** MS. SULLIVAN MOVED TO APPROVE THE FOLLOWING AMENDMENT TO EMPLOYEE RETIREMENT PLAN ORDINANCE:**

SEC. 50-76 NORMAL RETIREMENT DATE: REPLACE THE COMPLETION OF *TEN* YEARS OF SERVICE WITH FIVE YEARS OF SERVICE.

SEC. 50-77 EARLY RETIREMENT DATE: REPLACE COMPLETED *TEN* YEARS OF SERVICE WITH FIVE YEARS OF SERVICE.

**** MS. STEVENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

- b) Discuss and Take Action on Mandatory Referral to Planning & Zoning Commission Pursuant to CGS §8-24 for a Report Regarding Substantial Improvements at 2 Renshaw Road..

Ms. Sullivan stated that she is still frustrated with the lack of answers to the many questions and that this is still in the conceptual stage and not yet at the point of a vote. She added that in response to the comments made by First Selectman Campbell, she has no intent to make this personal or a self-interest issue as she is a book publisher and her only intent is to serve the public by answering questions from her constituents. She added that the only way to come to consensus is by doing the analysis and examining all the alternatives, and there many unexplored opportunities and questions as to the costs, usage and future plans which remain unanswered, and therefore she cannot support action at this time.

Mr. Nielsen stated that he felt that there has been much discussion and adequate information from the building committee and feels that it is time to move on this item.

Ms. Stevenson stated that she also felt that there has been much discussion and adequate information from the numerous presentations and documents of analysis and study, and questions have already been answered. She added that if she had a list of the specific questions from Mr. McIlre, who spoke during public comments, she would be happy to address them.

**** MS. STEVENSON MOVED TO APPROVE ON MANDATORY REFERRAL TO PLANNING & ZONING COMMISSION PURSUANT TO CGS §8-24 FOR A REPORT REGARDING SUBSTANTIAL IMPROVEMENTS AT 2 RENSRAW ROAD..**

**** MR. NIELSEN SECONDED.**

**** THE MOTION PASSED WITH THREE VOTES IN FAVOR (CAMPBELL, STEVENSON, NIELSEN), AND TWO OPPOSED (BAYNE, SULLIVAN).**

- c) Discuss and Take Action on Mandatory Referral to Planning & Zoning Commission Pursuant to CGS §8-24 for a Report Regarding Substantial Improvements at 35 Leroy Avenue.

Mr. Bayne stated that this item is inconsistent with the Town's plan and therefore he cannot support action at this time. Mr. Nielsen stated that as with the previous item, feels there has been much discussion and adequate information from the building committee and feels that it is time to move on this item. He added that an additional use could be Probate Court.

**** MS. STEVENSON MOVED TO APPROVE ON MANDATORY REFERRAL TO PLANNING & ZONING COMMISSION PURSUANT TO CGS §8-24 FOR A REPORT REGARDING SUBSTANTIAL IMPROVEMENTS AT 35 LEROY AVENUE.**

**** MR. NIELSEN SECONDED.**

**** THE MOTION PASSED WITH THREE VOTES IN FAVOR (CAMPBELL, STEVENSON, NIELSEN), AND TWO OPPOSED (BAYNE, SULLIVAN).**

d) Discuss and Take Action on Resolution Amending Administrative Regulations to Adjust the Parking Fee Schedule

Mr. Bayne stated that in today's economy the 30% increase is excessive and feels that it will do very little to solve the "squatter" and permit mis-use issues. He stated that some increase would be in line, perhaps 10%, but there are better ways to tackle the permitting process, like converting 20% of the daily vouchers to annual permit spaces. He added that he would approve a slight increase for one year and revisit the issue with examination of the lease and C-DOT renewal, and relooking at a plan of how the dollars are best spent with an improvement plan.

Mr. Nielsen stated that a stagnant wait list for ten years is absurd and a plan for additional parking should be examined. Mr. Bayne replied that he agrees with that, but there are other alternatives and cost of an annual permit is not a driving factor. Ms. Stevenson added that the proposed rate increase does provide continuity with other nearby station lot permit amounts, and that the discussion of the building up of reserves as a way to fund the improvements are really two separate and distinct issues.

Mr. Bayne stated that he was glad to take on the examination of the lease renewal.

**** MS. SULLIVAN MOVED TO APPROVE THE PROPOSED RESOLUTION AMENDING ADMINISTRATIVE REGULATIONS TO ADJUST THE ANNUAL PERMIT PARKING FEE SCHEDULE TO \$345.00**

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

e) Discuss and Take Action on Approval of Charge for the Board of Education Central Office/Mather Center Building Committee

- ** MS. STEVENSON MOVED TO APPROVE THE DRAFT OF CHARGE FOR THE BOARD OF EDUCATION CENTRAL OFFICE/MATHER CENTER BUILDING COMMITTEE.**
- ** MR. NIELSEN SECONDED.**
- ** THE MOTION PASSED WITH THREE VOTES IN FAVOR (CAMPBELL, STEVENSON, NIELSEN), AND TWO OPPOSED (BAYNE, SULLIVAN).**

f) Transfers

Town Hall

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

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
30441014-908600	BoF Contingency	\$275,000	TBD	Senior Center/BOE Design	\$275,000
TOTAL		\$275,000	TOTAL		\$275,000

Mr. Bayne asked why the transfer is requested now, that it seems out of order, that the request is an example of operating in a vacuum, and suggested they should wait for a committee recommendation. Ms. Sullivan stated that she was in complete agreement that a request for funds without documentation of how the money is used is out of the normal procedures.

- ** MR. BAYNE MOVED THE ABOVE TRANSFER BE TABLED PENDING FURTHER DOCUMENTATION FROM ARCHITECT RELATIVE TO COSTS AND BIDS FOR THE PROJECT DESIGN:**
- ** MS. SULLIVAN SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS

6. AGENDA REVIEW – No action taken.

Mr. Bayne requested the Hoyt Street sidewalk issue to be added to the agenda, and First Selectman Campbell stated that there is still missing information from the DOT, and he agreed to follow up with Mr. Steeger and to e-mail the Selectmen with his response.

Ms. Sullivan suggested that the intermediate step for action as requested months ago should be taken to fund a study for the best location of the sidewalk to address the many logistical elements involved so that when the DOT does come through that the Town is prepared to begin improvements. First Selectman Campbell stated that he would follow up and would e-mail the Selectmen with an update.

First Selectman Campbell stated that there were no additional items to add to the agenda.

8. APPROVAL OF MINUTES OF PREVIOUS MEETINGS
Regular Meeting of September 20, 2010

Ms. Sullivan requested page 2, paragraph 3 to change Mr. Santa to Mr. Chin, and on page 3 to delete paragraph four, and delete paragraph two on page 4.

On page 3, Mr. Bayne requested paragraph 3 to read, ..Mr. Steeger if Heights Road were a designated FEMA Flood Zone, and he replied yes. The next sentence: ...Mr. Golden's responsibility to fix the Town's flooding problem and asked that Heights Road Flooding be put on the Board's agenda. Paragraph 5, after proposal, add and the Leonard Jackson proposal to put underground detention at Stop & Shop. Add: Mr. Bayne said he believed it was the responsibility of the Board of Selectmen to develop a plan to address the Heights Road flooding issue. Paragraph 5, ...Mr. Golden has stated that he "wants to be a part of the" solution, but we as a Board need to do something, ...

Page 4: Delete paragraph 2. Under 3. sentence 2, and, while property owners have to address the drainage of water falling on their property as their responsibility, they cannot control flooding. The last sentence in that paragraph should read: report may be a hybrid solution, based on the alternatives reviewed in the Leonard Jackson report, that are more feasible... Under New Business, correct Mr. Sullivan to Ms. Sullivan.

Page 5: paragraph 3, last sentence: ...account, pursuant to article 3 of the current lease with C-DOT for the parking lots surplus funds in the capital account may be taken by C-DOT at the end of the lease.

Page 7, last paragraph, first sentence: ...procedural because this proposal should have been part of the annual budget process. He asked if this could be deferred to next year's budget.

**** MR. BAYNE MOTIONED TO APPROVE THE MINUTES OF THE MEETING OF SEPTEMBER 20, 2010 MEETING AS AMENDED WITH CORRECTIONS NOTED ABOVE.**

**** MS. STEVENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

10. OTHER BUSINESS (Any items added to the agenda require a two-thirds vote.)

There was no Other Business discussed.

ADJOURNMENT

**** MR. BAYNE MOTIONED TO ADJOURN.**

**** MS. STEVENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:35 p.m.

Respectfully submitted,
Marilyn Knox
Telesco Secretarial Services

Town of Darien
Board of Selectmen
October 4, 2010
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