

**TOWN OF DARIEN  
BOARD OF SELECTMEN  
REGULAR MEETING  
MONDAY, DECEMBER 13, 2010**

**ATTENDANCE:** 1<sup>st</sup> Selectman David Campbell; David Bayne; Jayme Stevenson;  
Gerald Nielsen, Jr.; Callie Sullivan

**STAFF:** Karl Kilduff, Administrative Officer

**OTHERS:** Nicole Davis, SWRPA;  
Sandy McDonald, Advisory Commission Coastal Waters  
Jenny Schwartz, Darien Housing Authority;

**CALL TO ORDER**

1st Selectman Campbell called the meeting to order at 7:45 p.m.

**FIRST SELECTMAN'S REPORT**

1<sup>st</sup> Selectman Campbell said that a meeting took place on November 17 regarding the Hoyt Street sidewalks. Two representatives from the DOT were there, along with Mr. Jeb Walker, the 1<sup>st</sup> Selectman of New Canaan, Terry Wood, some RTM members, and the Public Works Directors from both Darien and New Canaan. The concepts were reviewed, and it was decided that both the Darien and New Canaan Public Works Departments would go out and get bidding for engineering. The developers agreed that the sidewalk would be on the east side of Hoyt Street. He said that Planning & Zoning and the Public Works Department are working on putting a document together to mail out to the property owners that would be abutting the sidewalk, giving them the ability to comment.

1<sup>st</sup> Selectman Campbell said that the Town will be getting a 16 ft trailer from the Federal Government containing cots and blankets.

He said that there is no news regarding the Department of Justice or the EPC.

1<sup>st</sup> Selectman Campbell mentioned that there will be a Pedestrian Safety Organizational meeting tomorrow regarding the downtown sidewalks and crosswalks.

Mr. Bayne asked if the EPC funding for flood mitigation would translate to budget issues for the upcoming year. 1<sup>st</sup> Selectman Campbell said yes.

**ADMINISTRATIVE OFFICER'S REPORT**

Mr. Kilduff said his report is provided as written. He updated some items since the last meeting, relative to a number of grants for the police department construction project. He said they remain on-going on the Tree Commission report. He said insurance comments have been received back from their agent, from the carrier, and from lead liability counsel from their carrier, but they do not have comments back from the Town Attorney yet.

Mr. Kilduff said they need to start thinking about a budget schedule. He reminded the Selectmen about the process, and said that the schedule would be similar to last year. It was brought up that they had held a Saturday Review Session last year, and it was agreed that they would have one this year, on Saturday, January 12 from 9-2 p.m.

Ms. Sullivan asked if they would have the walk around/walk-through at the Public Works garage prior to the meetings on the budget. It was decided that they would keep this in mind. It was also decided to vote on the budget review schedule at next week's meeting. Mr. Bayne asked for a copy of the RFP. Mr. Kilduff said he would send it to them via email.

### **PRESENTATION FROM SOUTHWEST REGIONAL PLANNING AGENCY REGARDING PREDISASTER MITIGATION STRATEGY FOR THE REGION**

Ms. Nicole David, a Planner for the Southwestern Regional Planning Agency, provided information on the Predisaster Mitigation Strategy. A summary of the plan is as follows:

The purpose of the Predisaster Mitigation Plan is to *reduce* or *eliminate* risk to human life and property resulting from natural hazards. SWRPA worked with an Advisory Committee comprised of representatives appointed by each of the region's Chief Elected Officials. The Advisory Committee members coordinated the planning process within their respective municipality. *The 2010 Predisaster Mitigation Strategy Document, Connecticut's South Western Region* is a required five year update to the 2005 Predisaster Mitigation Document, adopted in July 2005. During the update an extensive review of the 2005 plan was conducted and Region's vulnerability to natural hazards was reassessed.

Floods, hurricanes/tropical storms, and severe winter storms were identified as the most likely and costliest natural hazards in the Region. Mitigation strategies were developed for each municipality to help minimize the losses that may occur if a disaster were to strike. Mitigation Strategies included tasks and projects aimed at educating the public, and increasing public preparedness; ensuring critical facilities were able to function following a natural hazard; reducing disruptions to the community and businesses; and reducing the impacts of flooding on the community.

A Predisaster Mitigation plan is required in order to receive a number of FEMA grant programs. *The 2010 Predisaster Mitigation Strategy Document for Connecticut's*

*South Western Region* will serve as the active Predisaster Mitigation Plan for the Region through 2015.

**PUBLIC COMMENT**

There were no public comments.

**NEW BUSINESS**

- a) Discuss and Take Action on a Resolution Authorizing and Directing the First Selectman to Adopt the “2010 Predisaster Mitigation Strategy Document, Connecticut’s Southwestern Region” by Means of a Joint Resolution with the Eight Municipalities of Southwestern Connecticut

**\*\* MR. BAYNE MOVED TO APPROVE THE RESOLUTION AUTHORIZING AND DIRECTING THE FIRST SELECTMAN TO ADOPT THE “2010 PREDISASTER MITIGATION STRATEGY DOCUMENT, CONNECTICUT’S SOUTHWESTERN REGION” BY MEANS OF A JOINT RESOLUTION WITH THE EIGHT MUNICIPALITIES OF SOUTHWESTERN CONNECTICUT.**

**WHEREAS, THE SOUTHWESTERN REGIONAL PLANNING AGENCY (SWRPA) HAS DEVELOPED AN UPDATE TO THE REGIONAL PREDISASTER MITIGATION PLAN; AND**

**WHEREAS, THE PURPOSE OF A PREDISASTER MITIGATION PLAN IS TO REDUCE OR ELIMINATE RISK TO HUMAN LIFE AND PROPERTY RESULTING FROM NATURAL HAZARDS; AND**

**WHEREAS, THE LAST UPDATE TO THE REGION PLAN WAS 2005; AND**

**WHEREAS, A PREDISASTER MITIGATION PLAN IS REQUIRED IN ORDER TO RECEIVE A NUMBER OF FEMA GRANT PROGRAMS; AND**

**WHEREAS, THE BOARD OF SELECTMEN WISHES TO SEE THE REGIONAL PREDISASTER MITIGATION PLAN ADOPTED.**

**NOW, THEREFORE, BE IT RESOLVED THAT THE FIRST SELECTMEN IS HEREBY AUTHORIZED AND DIRECTED TO ADOPT THE “2010 PREDISASTER MITIGATION STRATEGY DOCUMENT, CONNECTICUT’S SOUTHWESTERN REGION” ON BEHALF OF THE TOWN OF DARIEN, AS PREPARED BY THE SOUTHWESTERN REGIONAL PLANNING AGENDA AND APPROVED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), BY MEANS OF A**

**JOINT RESOLUTION WITH THE EIGHT MUNICIPALITIES OF  
SOUTHWESTERN CONNECTICUT IS HEREBY APPROVED.**

**\*\* MR. NIELSEN SECONDED.**

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

- b) Discuss and Take Action on Resolution Amending the Advisory Commission on Coastal Waters

Mr. Sandy McDonald, Chairman of the Advisory Commission on Coastal Waters, explained that the resolution originally didn't have non-voting members. The resolution is proposing to have the Harbor Master, currently a non-voting member, become a voting member. He said it is important to have the Harbor Master as a voting member, to offer support when things need to be done for the harbor.

**\*\* MS. STEVENSON MOVED TO APPROVE THE FOLLOWING  
RESOLUTION:**

**BE IT RESOLVED BY THE BOARD OF SELECTMEN THAT AN  
ADVISORY COMMISSION ON COASTAL WATERS BE FORMED FOR  
THE FOLLOWING PURPOSES:**

- 1. ASSIST THE BOARD OF SELECTMEN IN THE PERFORMANCE OF  
ITS RESPONSIBILITIES PURSUANT TO CHAPTER XIV OF THE  
TOWN CHARTER.**
- 2. ADVISE THE BOARD OF SELECTMEN OF ANY RECOMMENDED  
CHANGES TO THE TOWN BOATING ORDINANCE AS DESCRIBED IN  
CHAPTER 78.**
- 3. ADVISE THE BOARD OF SELECTMEN CONCERNING PROTECTION  
AND THE USE OF DARIEN'S COASTAL WATERS AND  
SHELLFISHING UNTIL SUCH TIME AS A SHELLFISH COMMISSION  
IS FORMED.**
- 4. ACCEPT REPORTS AND SUGGESTIONS FROM THE  
HARBORMASTER.**
- 5. RECEIVE REPORTS AND LETTERS FROM THE PUBLIC  
PERTAINING TO DARIEN'S WATERS.**
- 6. CONSULT WITH THE DARIEN POLICE DEPARTMENT ON SPECIFIC  
PROBLEMS AND WORK WITH THE POLICE DEPARTMENT, FIRE**

**DEPARTMENT, COAST GUARD AND HARBORMASTER IN  
PROMOTING BOATING SAFETY.**

- 7. CARRY OUT SUCH OTHER ASSIGNMENTS AS MAY BE ASSIGNED TO IT FROM TIME TO TIME BY THE BOARD OF SELECTMEN.**
- 8. PROVIDE THE BOARD OF SELECTMEN WITH PROGRESS REPORTS AS NECESSARY AND AN ANNUAL REPORT OF THE COMMISSION'S ACTIVITIES.**

**BE IT FURTHER RESOLVED THAT THE ADVISORY COMMISSION ON COASTAL WATERS SHALL CONSIST OF ELEVEN MEMBERS TO BE APPOINTED BY THE BOARD OF SELECTMEN FOR TERMS EXPIRING ON DECEMBER 31, 2010 WITH THE FOLLOWING REPRESENTATIONS:**

**9 AT LARGE MEMBERS  
1 BOAT CLUB MEMBER  
1 NOROTON YACHT CLUB MEMBER**

**AND WITH THE FOLLOWING TO BE EX-OFFICIO MEMBERS WITH FULL VOTING RIGHTS: THE HARBORMASTER, THE DEPUTY HARBORMASTER, A REPRESENTATIVE OF THE DARIEN POLICE DEPARTMENT AND A REPRESENTATIVE OF THE PARKS & RECREATION COMMISSION.**

**\*\* MS. SULLIVAN SECONDED.**

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

- c) Discuss and Take Action on Referral of Tax Abatement Agreement with Darien Housing Authority for Allen O'Neill Redevelopment Project to the Board of Finance

1<sup>st</sup> Selectman Campbell said that this is an updated version of the memorandum agreement concerning the tax abatement for Allen O'Neill. He said he spoke with Attorney Wayne Fox today, and he said Mr. Fox didn't have any changes.

Mr. Nielsen asked about the estimated tax rate. Ms. Jenny Schwartz, Chairman of the Darien Housing Authority, said they could change the estimate that they received. She said it is roughly \$1,000 per unit. She said the suggested language could be "current assessment rate per unit".

**\*\* MR. BAYNE MOVED TO AMEND THE RESOLUTION BY USING "CURRENT ASSESSMENT RATE PER UNIT".**

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

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

**\*\* MR. BAYNE MOVED TO APPROVE THAT PURSUANT TO SECTION 70-23 OF THE CODIFIED ORDINANCES OF THE TOWN OF DARIEN, THE BOARD OF SELECTMEN HEREBY APPROVES OF AN AGREEMENT CONCERNING TAX ABATEMENT FOR ALLEN-O'NEILL PROJECT AND REFERS THE SAME TO THE DARIEN BOARD OF FINANCE FOR THEIR REVIEW AND CONSIDERATION, TO BE ACTED UPON FINALLY BY THE REPRESENTATIVE TOWN MEETING.**

**\*\* MR. NIELSEN SECONDED.**

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

d) Discuss and Take Action on Resolution Assigning a Department of Housing and Urban Development Economic Development Initiative Grant to Darien Housing Authority for Affordable Housing Construction

1<sup>st</sup> Selectman Campbell said this was a grant that came in a year ago and Mr. Kilduff has been working with Mr. Himes's office on it. The application has to be submitted by December 31, 2010.

**\*\* MR. NIELSEN MOVED TO APPROVE A RESOLUTION ASSIGNING A DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ECONOMIC DEVELOPMENT INITIATIVE GRANT TO DARIEN HOUSING AUTHORITY FOR AFFORDABLE HOUSING CONSTRUCTION**

**WHEREAS, THE TOWN OF DARIEN WAS AWARDED A HOUSING AND URBAN DEVELOPMENT ECONOMIC DEVELOPMENT INITIATIVE GRANT IN THE AMOUNT OF \$250,000 FOR THE CONSTRUCTION OF AN AFFORDABLE HOUSING DEVELOPMENT; AND**

**WHEREAS, THIS GRANT IS TO BE SPENT ON CONSTRUCTION OR OTHER "HARD COST" ACTIVITIES; AND**

**WHEREAS, THE TOWN MUST MAKE APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT BY DECEMBER 31, 2010 IN ORDER TO ACCESS THE AWARDED FUNDS; AND**

**WHEREAS, THE ALLEN-O'NEILL PROJECT IS A GRANT ELIGIBLE ACTIVITY THAT COULD BENEFIT FROM THE GRANT FUNDING; AND**

WHEREAS, THE BOARD OF SELECTMEN WISH TO SECURE THIS GRANT IN ORDER TO AID IN THE REDEVELOPMENT OF ALLEN-O'NEILL.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF SELECTMEN OF THE TOWN OF DARIEN HEREBY ASSIGN A DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ECONOMIC DEVELOPMENT INITIATIVE GRANT TO THE DAREIN HOUSING AUTHORITY FOR AFFORDABLE HOUSING CONSTRUCTION AT ALLEN-O'NEILL.

BE IT FURTHER RESOLVED THAT THE DARIEN HOUSING AUTHORITY SHALL BE REQUIRED TO EXECUTE A SUB-RECIPIENT AGREEMENT WITH THE TOWN AGREEING TO ABIDE BY THE SAME RULES, REGULATIONS AND REQUIREMENTS THAT ARE A PART OF USING THE ABOVE FEDERAL FUNDS.

**\*\* MR. BAYNE SECONDED.**

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

e) Transfers

**Registrar of Voters**

RESOLVED:

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

**From:**

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10107661-81003	Seasonal & Temp	\$1,900
	<b>TOTAL</b>	<b>\$1,900</b>

**To:**

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10107661-82008	Printing	\$1,900

**TOTAL** **\$1,900**

**\*\* MS. SULLIVAN MOVED TO APPROVE THE TRANSFER OF \$1,900 FROM THE SEASONAL & TEMP ACCOUNT (10107661-81003) TO THE PRINTING ACCOUNT (10107661-82008) FOR SHORTFALL BALLOT PRINTING.**

**\*\* MR. NIELSEN SECONDED.**

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

**Senior Center**

RESOLVED:

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

**From:**

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10502201-82041	Fac. Rep & Maint.	\$9,000
	<b>TOTAL</b>	<b>\$9,000</b>

**To:**

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10502201-81002	Part-time Salary	\$9,000
	<b>TOTAL</b>	<b>\$9,000</b>

**\*\* MS. SULLIVAN MOVED TO APPROVE THE TRANSFER OF \$9,000 FROM THE FAC. REP & MAINT. ACCOUNT (10502201-82041) TO THE PART-TIME SALARY ACCOUNT (10502201-81002) FOR EXTENDED WORK HOURS FOR A SENIOR CENTER CUSTODIAN.**

**\*\* MR. NIELSEN SECONDED.**

**\*\* MOTION PASSED WITH FOUR (4) VOTES IN FAVOR (CAMPBELL, NIELSEN, STEVENSON, SULLIVAN) AND ONE (1) VOTE ABSTAINED (BAYNE).**

**Public Works – 35 Leroy**

RESOLVED:

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

**From:**

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
30442144-910045	Sidewalk Rehab	\$24,500
	<b>TOTAL</b>	<b>\$24,500</b>

**To:**

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
	Storm Water pumps	\$24,500
	<b>TOTAL</b>	<b>\$24,500</b>

**\*\* MS. SULLIVAN MOVED TO APPROVE THE TRANSFER OF \$24,500 FROM THE SIDEWALK REHAB ACCOUNT (30442144-910045) TO THE STORMWATER PUMPS ACCOUNT (TBD) REPLACEMENT OF PUMPS AT 35 LEROY AVENUE.**

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

**\*\* MOTION PASSED UANIMOUSLY.**

**Probate Court**

RESOLVED:

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

**From:**

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
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10704000-86600	Contingency	\$461
	<b>TOTAL</b>	<b>\$461</b>

**To:**

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10119011-83001	Office Supplies	\$308
10119011-82008	Printing	\$153
	<b>TOTAL</b>	<b>\$461</b>

**\*\* MR. NIELSEN MOVED TO APPROVE THE TRANSFER OF \$461 FROM THE CONTINGENCY ACCOUNT (10704000-86600) TO THE OFFICE SUPPLIES ACCOUNT (10119011-83001) AND THE PRINTING ACCOUNT (10119011-82008) FOR OFFICE SUPPLIES AND PRINTING.**

**\*\* MR. BAYNE SECONDED.**

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

**Town Hall**

**RESOLVED:**

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

**From:**

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
30441014-908600	BoF Contingency	\$80,500
	<b>TOTAL</b>	<b>\$80,500</b>

**To:**

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
TBD	Town Hall Rehab	\$80,500
	<b>TOTAL</b>	<b>\$80,500</b>

1st Selectman Campbell explained that there is a possibility of getting a grant for solar panels at Town Hall. Mr. Kilduff explained that they had looked at the installation of solar panels for the roof. There was stimulus funding but the project didn't work within the grant. Instead, they did the lighting at Town Hall. There is leftover stimulus money now. The grant provides a certain amount of money per kilowatts to be generated. The estimated cost could be \$466,000, of which \$356,000 could come by way of the grant. There is a CL&P rebate of \$29,000, which leaves the actual cost to the Town at \$80,500. He estimated the payback would be in 5 years or 7 years. There is an estimated 20 year life span on the panels. There was a concern raised over seeing the benefits after 1 year of the solar panels being in place. It was mentioned that the Town would be less dependent on energy bills. It was asked if similar projects in the area could be referenced. There is one project in Stamford that is underway. Mr. Kilduff said that the company is called American Carrera Technology. It was decided to table this until information could be obtained regarding the Stamford project.

### **AGENDA REVIEW**

There were no agenda items to review.

### **APPOINTMENTS/REAPPOINTMENTS**

Consider and Take Action on the following **re-appointments**:

- a) Bob Harrel to the Police Commission for a 3-year term beginning July 1, 2010 and expiring on June 30, 2013
- b) Marian Castell to the Architectural Review Board for a 4-year term beginning July 1, 2009 and expiring on June 30, 2013
- c) Marian Castell as the Town Historian for a 2-year term beginning April 1, 2009 and expiring on March 31, 2011
- d) Sabina Harris to the Beautification Commission for a 3-year term beginning November 1, 2010 and expiring on December 1, 2013
- e) Victor Capellupo to the Zoning Board of Appeals for a 3-year term beginning July 1, 2010 and expiring on June 30, 2013

**\*\* MR. BAYNE MOVED TO APPROVE THE RE-APPOINTMENTS OF BOB HARREL TO THE POLICE COMMISSION FOR A 3-YEAR TERM; MARIAN CASTELL TO THE ARCHITECTURAL REVIEW BOARD FOR A 4-YEAR TERM; MARIAN CASTELL AS THE TOWN HISTORIAN FOR A 2-YEAR TERM; SABINA HARRIS TO THE BEAUTIFICATION COMMISSION FOR A 3-YEAR TERM; AND VICTOR CAPELLUPO TO THE ZONING BOARD OF APPEALS FOR A 3-YEAR TERM.**

**\*\* MS. SULLIVAN SECONDED.**

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

- f) Annual Reappointment of Advisory Commissions  
Advisory Board of Health  
Advisory Commission on Coastal Waters  
Advisory Commission on Information Technology  
Darien Cable Access Advisory Committee  
Advisory Tree Commission

It was decided that they would table the vote on approving the annual reappointment for the Advisory Commission on Information Technology.

**\*\* MS. SULLIVAN MOVED TO APPROVE THE ANNUAL REAPPOINTMENTS OF ADVISORY COMMISSIONS FOR THE ADVISORY BOARD OF HEALTH, ADVISORY COMMISSION ON COASTAL WATERS, DARIEN CABLE ACCESS ADVISORY COMMITTEE, AND ADVISORY TREE COMMISSION.**

**\*\* MR. BAYNE SECONDED.**

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

**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

Regular Meeting of November 15, 2010

The changes to the minutes of the Regular Meeting of November 15, 2010 are as follows:

On page 3, third paragraph, omit the first sentence which begins with “Ms. Sullivan asked if there was tie-in ....”

On page 3, fifth paragraph, 1<sup>st</sup> sentence, change “Mr. Warren” to “Mr. Anderson”.

On page 3, sixth paragraph, 1<sup>st</sup> sentence, change “Legal Department” to “Town Counsel”.

**\*\* MR. NIELSEN MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 15, 2010 AS AMENDED.**

**\*\* MS. SULLIVAN SECONDED.**

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

**FORTHCOMING MEETINGS**

December 14, 2010 Board of Finance Regular Meeting at 7:30 p.m.  
December 14, 2010 Board of Education Regular Meeting at 7:30 p.m.  
December 15, 2010 Parks & Recreation Commission Regular Meeting at 7:30 p.m.  
December 20, 2010 Board of Selectmen Regular Meeting at 7:45 p.m.

**OTHER BUSINESS**

(Any items added to the agenda require a two-thirds vote)

**ADJOURNMENT**

**\*\* MS. STEVENSON MOVED TO ADJOURN.**

**\*\* MR. NIELSEN SECONDED.**

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

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Carolyn Marr  
Telesco Secretarial Services