

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
SEPTEMBER 20, 2010**

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

STAFF: Kathleen Buch, Administrative Officer

CALL TO ORDER

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

First Selectman Campbell requested a suspension of the rules to move the order of the agenda to put the First Selectman's Report next on the agenda.

- ** MS. STEVENSON MOTIONED TO MOVE THE ORDER OF THE
AGENDA TO PUT THE FIRST SELECTMAN'S REPORT AS THE NEXT
ITEM ON THE AGENDA.**
- ** MR. NIELSEN SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

FIRST SELECTMAN'S REPORT

First Selectman Campbell stated that he had several important things that he wanted to announce at the start of tonight's meeting. He stated that he has been notified of an investigation by the Department of Justice into the Planning & Zoning Department handling of inclusionary zoning. He added that the Board of Selectmen has no authority over Planning & Zoning regulations, as they are bound by state statutes, and any questions can be directed to Jeremy Ginsberg (Director of Planning & Zoning) or Fred Conze (Chairman of Planning & Zoning)

First Selectman Campbell stated that he met with Terrie Wood and Senator Bob Duff regarding the safety issue at Hoyt Street, after last week's meeting, in response to the many public comments that were made. He stated that regarding Hoyt Street there has been a letter drafted by Chief Lovello (Chief of Police for Darien) asking the Connecticut's DOT consideration of the following requests to make the Tallmadge Hill and Hoyt Street areas safer for pedestrians of the Town:

Suggested safety improvements to Hoyt Street/Tallmadge Hill Train Station areas:

1. More street lights.
2. Blinking lights and signage during train commuter departure and arrival times
3. New striping along the road

Mr. Bayne requested a copy of the letter, and First Selectman Campbell stated he would provide a copy to the selectmen once it has been reviewed by Mr. Steeger and the DPW.

First Selectman Campbell said he was at the Noroton Heights Shopping Center during the heavy rains last week and noted that the shops were not affected. He added that he has received a letter from some of the local merchants Mr. O'Leary and Mr. Santa regarding the concerns over potential flooding in that area, and has passed it along to Mr. Steeger to review for some inaccuracies.

Mr. Bayne requested a copy of the letter, and First Selectman Campbell stated he would provide a copy to the selectmen once it has been reviewed by Mr. Steeger and the DPW. First Selectman Campbell added that the RTM will consider the flood erosion and control issue at a separate meeting.

First Selectman Campbell stated congratulations to the Arts Center for the Grove Street project and encouraged all to participate in programs such as this as it is a very positive program for the Town.

First Selectman Campbell stated that the 31st Road Race at Pear Tree Point was held last weekend and over 550 runners participated, which was a record for the race.

PUBLIC COMMENT

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. Sandra Chun, Moon Chun, merchant and property owner on Heights Road stated that she was there over concerns with flooding at the Noroton Heights Shopping Center. She presented a poster with a magazine article featuring the October 11 flood and stated that it was the 3rd anniversary where over five feet of water surged into Heights Road. She showed photos and said the great flood almost killed her family as the water came in so fast they were not able to get to the electric panel to shut off the power and due to the water conditions could have been electrocuted. She added that she continues to have sleepless nights over fear of another flood and is anxious to have a resolution to the problem from the Town. She added that the letter from Mr. Golden is very disturbing as they were led to believe from First Selectman Campbell that he was going to fix the problem. Mr. Chun added that an individual should not be expected to correct such a problem when it is the Town's responsibility.

First Selectman Campbell stated that he did not say that Mr. Golden would fix the problem, but the development project would help by complying with the zoning regulations. Mr. Chun replied that this was not what was told to them, and First Selectman Campbell stated that many people misunderstood the communication, which is why the letter was not to be a public document but was merely a conversation and unfortunately there has been miscommunication. He added that he does recognize that it is the Town's responsibility but wants to see the plan because property changes due to development directly affect the situation with adequate drainage plans.

Ms. Stevenson stated that the risk of flooding has exacerbated the situation; however changes with impending project development may help with the flood mitigation. She stated that FEMA grants are available to raise the building out of the flood plain and asked if they have sought FEMA funding, which will pay 75% of costs involved.

Mr. Bayne asked Mr. Steeger if FEMA funding was available, and he replied yes and will look it. Mr. Bayne stated that it is not Mr. Golden's problem to fix the Town's flooding problem.

Ms. Sullivan stated that she empathizes with Mr. and Mrs. Chun, as the flooding experience can be a terrifying and life-threatening experience and stated that the Town does have a plan for solving the problem.

Mr. Bayne stated that since the Baker Woods proposal has been dropped there is no plan. First Selectman Campbell asked Mr. and Mrs. Chun why they bought the property after the flood, and their daughter replied that they were caught after the sale went through.

Mr. Bayne replied that Mr. Golden has stated that he has no solution as there is no environmental issue involved with his property development plans, but we as a Board need to do something, and there needs to be a plan by the Town.

Ms. Stevenson stated that the Board has to be calm and thoughtful with the plans for a solution. She added that while the Board is sympathetic to the plight of the flooding problem, she agrees that the proposed solution which what was seemingly a viable solution merely moved the drainage to the other side of I-95 and made the problem into another area. She added that she realizes that the developer has no obligation to solve the problem but the plans will be helpful and she is hopeful that a solution can come out of the development plans.

Public Comments (continued)

2. Mr. Bernard Vavella, Vavala's Deli & Catering in Noroton Heights at the Noroton Heights Shopping Center, stated that he has been a property owner there for years and gave a background of the history of the Center. He stated that it used to be an open field with a stream and with the development pipes were moved to relocate the deep bank of the stream, which was a man-made change creating a flood plain.

He added that there was never flooding in the 60's or 70's, and nothing has been done since then.

Mr. Nielsen responded that Mr. Golden's developer will have to abide by zoning regulations and the DPW will oversee that the necessary actions are taken to correct and prevent any further drainage problems.

Ms. Sullivan stated that the proposal just moves the water on the other side into a detention pond, which creates a problem for the property owners on that side of I-95.

Public Comments (continued)

3. Mr. Bruce Hill stated that he was here in behalf of Tom Golden, and has tried to address an important distinction between drainage problems and flood mitigation. He added that the Stoneybrook Watershed results in flooding from upstream and property owners have to address the draining problem as their responsibility, however they cannot control flooding. He stated that Mr. Golden does not feel that the proposed "subway station" works and there are costs and questions as to whether it is a workable solution, but regardless Mr. Golden does want a solution. He added that Mr. Golden has no particular design but he is absolutely committed and has a vested interest in working with the Town. He stated that the Leonard Jackson report may have a hybrid solution that is more feasible and a more effective answer that incorporates modern drainage under Section 100 regulations, and these should all be explored as possible solutions.

First Selectman Campbell asked if there was anyone else in attendance who wanted to make public comments, and hearing none, he closed the Public Comment portion of the meeting at 8:30 p.m.

NEW BUSINESS

a) Discuss and Take Action on Possible Change to Parking Permit Fee

Mr. Sullivan presented a brief background on the issue, referred to the memorandum and analysis in the packet provided by Mr. Kilduff, and stated that she was open to raising the fees to \$400 per year and the voucher fees.

First Selectman Campbell asked Mr. Cameron to come forward to address the analysis and outline the documentation materials. Mr. Jim Cameron introduced himself as representing the RTM and the Metro North Commuter Council, and he presented the analysis of existing conditions, and rates, and recommended increase.

i. Discuss Possible Fee Change

Mr. Cameron stated that increasing the permit from \$315 to \$395 would bring the fund projected amount to have sufficient funding to finance future projects for improvements and commuter enhancements.

Ms. Sullivan added that there is a huge waiting list and the impact is a reflection of supply and demand, and asked if increased voucher rates would be counted as additional revenue.

Mr. Cameron answered that he would not raise the vouchers only the annual permit fee, and as the ridership has increased, he would add more spaces for expanded permit parking areas. He added that he would like to see a deck structure to give people more access to parking.

ii. Determine Scope of Possible Change in Regulated Fee

Mr. Bayne asked what happens when the lease expires, and First Selectman Campbell answered that he did not know. Mr. Bayne stated that his concern is that the state would get the funds that accumulate in the account, according to CT article 3 as funds revert back to the state.

Mr. Cameron stated that the lease issue is really separate from the parking rate, which is not property priced and many permits are not actually used. He recommended that rate increase would help to squeeze out the squatters and enable the many commuters on the waiting list that deserve access to the annual permit, and actually sell more permits.

Ms. Stevenson questioned the automatic renewal system and asked why this is not similar to the beach sticker process and suggested to let the marketplace dictate the process. Ms. Buch replied that there is not an automatic renewal and permit holders have to send in a check, yet there is no means to verify actual permit usage.

Mr. Michael Barbis stated that he was a Commissioner with the Sixth Taxing in Rowayton and explained that Rowayton has experienced all the same arguments and it is a crazy system of permit renewals. He explained that Rowayton has an annual in-person renewal of permits that in the past resulted in residents camping out in line the night before, but now they have cleared the waiting list by adding more spaces. He added that they do oversell the spaces, with 319 spaces and 460 permits issued, but there is seldom a completely full lot. He added that the lease renewal should not be a concern since the DOT is very disorganized and they have been able to use ½ of excess funding for repaving the lot.

Mr. Nielsen stated that the \$400 cost breaks down on a weekly rate of \$8 per week, which is very low, and Ms. Sullivan replied that she agreed when it is broken down, \$8 is very cheap. She added that she also wants to raise the vouchers to avoid people parking from nearby surrounding towns. Mr. Cameron also suggested that a towing warning sticker be placed on the car windows and stated that it is a deterrent to misuse of parking in merchant areas.

iii. Set Date for Public Hearing

Mr. Bayne suggested that a public hearing be held prior to the next BOS meeting, and the members were in agreement.

b) Discuss and Take Action on Resolution Increasing the Size of the Police Department Building Committee

**** MR. NIELSEN MOTIONED TO AUTHORIZE THE FOLLOWING RESOLUTION INCREASING THE SIZE OF THE POLICE DEPARTMENT BUILDING COMMITTEE**

RESOLVED, that the Police Department Building Committee size will increase to seven members, six of whom shall be appointed by the Board of Selectmen and one of whom shall be designated by the Darien Police Commission from among its members; one member from the Board of Selectmen and Finance and four members from the community at large. Ex officio members are to include the Chief of Police, a rank and file officer and Paul Engemann.

**** MS. SULLIVAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

c) Discuss Funding for Weed Beach Improvement Project

Ms. Stevenson stated that she had the opportunity to educate herself on the details of the project and thanked the Department of Parks and Recreation Commission for the opportunity to ask the questions. She added that she appreciates the value of the engineering and proposes an authorization or suggestion to bond \$3 million. Mr. Nielsen stated that he also is impressed with the value of the engineering and it is a comprehensive renovation that is much needed and provides tremendous value to the Town.

First Selectman Campbell asked Susan Swiatek to come forward to field questions relative to the funding recommendation for the Weed Beach Project. Ms. Swiatek stated that there are many problems with the incomplete funding of the project, but that \$3 million was better than \$2 million. She add that she does not know if a better bidding environment will result in savings, and is yet to be seen, but the additional \$1 million brings the project to near to what it was when initially bid at the conceptual phase for completion at \$4.5 million.

Mr. Bayne asked if the \$3 million includes the \$500,000 in professional fees already spent, and Ms. Buch stated that it was done in pieces and believes it came from Fund Balance.

Ms. Jane Brannigan, Chair of the Parks and Recreation Commission, came forward and stated that she assumes the dollars spent came from the General Fund and the \$3 million would be recommended to come from bonding.

Mr. Charles Goodyear came forward and stated that he was co-Chair of the Parks and Recreation Commission, and urged the Board to use their influence over the Board of Finance to approve full funding. He reminded the Board that many issues and cost overages occur by completing the project in phases rather than simultaneous construction and development.

- ** MR. BAYNE MOTIONED TO APPROVE AN ADDITIONAL \$1 MILLION FOR THE WEED BEACH RENOVATION PROJECT, WITH BONDING RECOMMENDED AS THE FUNDING SOURCE; AND TO BE ADDED AS NEW FUNDING AVAILABLE TO THE PROJECT NOT TO BE REIMBURSED BY FUNDS ALREADY EXPENSED.
- ** MS. SULLIVAN SECONDED.
- ** THE MOTION PASSED UNANIMOUSLY.

d) Transfers

Public Works Department

RESOLVED:

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

From:

To:

Acct. No.	Account	Amount		Acct. No.	Account	Amount
30442144-907905	Sidewalks-Commerc	\$65,430		TBD	Old Tokeneke Bridge	\$65,430
	TOTAL	\$65,430			TOTAL	\$65,430

First Selectman Campbell referred to the supporting memo from Mr. Steeger of the DPW and stated, as was discussed at previous meetings, the Norwalk Common Council has voted to remove the bridge and the Town of Darien’s share (50%) is \$65,430

Mr. Steeger reviewed the ten-year chronology of the bridge history and summarized that in 2001 Norwalk withdrew the application for funding and in 2008 additional deterioration was identified. He summarized the following points:

1. The bridge will collapse into the river.
2. Replacement requires removal of the existing structure
3. The source account of funding has \$ sitting there untouched
4. A footbridge construction is into the future with regulatory permitting required.

Mr. Steeger stated that Norwalk has experience with a footbridge construction as one was recently put up at Silvermine.

Mr. Bayne stated that his reluctance on approval was procedural and asked if there was an original request for demolition. Ms. Sullivan stated that her district residents will be irate when they realize that government inaction now has resulted in tearing down the bridge with no plan for a replacement. Mr. Nielsen stated that due to the public safety issue He would be in support of demolition and then evaluating plans for a footbridge.

Ms. Sullivan stated that that her concern is that once the bridge is removed, it prevents residents from having a pedestrian access to the train and that they will be forced to walk on the street, which is a safety hazard.

Mr. Michael Barbis stated that he was a Commissioner with the Sixth Taxing in Rowayton and explained that Rowayton has a vested interest in the bridge, and is frustrated with the Norwalk DPW handling of the situation. He added that Rowayton would consider contributing to the construction of a pedestrian bridge and clean up with the Norwalk side until the old bridge is torn down. Ms. Stevenson suggested that a much more comprehensive plan with sidewalks is needed along with a fundamental plan for a pedestrian crossing.

**** MR.NIELSEN MOTIONED TO AUTHORIZE THE APPROVAL OF THE TRANSFER REQUEST FROM DPW SIDEWALKS-COMMERCE FOR REMOVAL OF THE OLD TOKENEKE BRIDGE FOR \$65,430.**

**** MS. STEVENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Town Hall

RESOLVED:

That the following transfer of appropriations is TABLED 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	\$275,000
					Design	
	TOTAL	\$275,000			TOTAL	\$275,000

**** MR.NIELSEN MOTIONED TO TABLE THE ABOVE TRANSFER OF APPROPRIATIONS**

**** MS. STEVENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADMINISTRATIVE OFFICER’S REPORT

There was no Administrative Officer’s Report.

6. AGENDA REVIEW – No action taken, only the following discussion points:

Mr. Bayne asked if the suggested safety improvements to Hoyt Street/Tallmadge Hill Train Station areas should be added to the agenda, and First Selectman Campbell stated he would provide a copy of the letter to the DOT to the selectmen.

Ms. Sullivan asked if the study as agreed upon at the last meeting regarding where to place the sidewalks will be done, and First Selectman Campbell replied yes.

Mr. Bayne suggested that the Noroton Heights flooding be added to the agenda, First Selectman Campbell added that the RTM will consider the flood erosion and control issue at a separate meeting.

7. APPOINTMENTS/RE-APPOINTMENTS

Consider and take action on the following re-appointment:
Zoning Board of Appeals - Gary Greene (D) for a 3 year term
beginning 7/1/10 and ending 6/30/13.

**** MS. SULLIVAN MOTIONED THE APPROVAL OF THE REAPPOINTMENT OF GARY GREENE TO THE ZONING BOARD OF APPEALS FOR A 3 YEAR TERM BEGINNING 7/1/10 AND ENDING 6/30/13.**

**** MS. STEVENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

7. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Regular Meeting of August 16, 2010
Special Meeting of September 1, 2010
Regular Meeting of September 7, 2010

Regular Meeting of August 16, 2010

Mr. Bayne stated that on page 3 in the last sentence of the first paragraph, replace Finance with Financial Strategy and Review Committee; and add after “replied that,” the committee no longer met. Mr. Bayne asked if the Chairman of the Board of Finance would come to the next meeting to discuss the impact of these projects on the Town’s finances and First Selectman Campbell ... In the last paragraph, first sentence add the word debt before analysis. Page 4, last paragraph after e-mail replace with asking that the lease identify the specific area being rented, and Mr. Kilduff...

**** MR. BAYNE MOTIONED TO APPROVE THE MINUTES OF THE MEETING OF AUGUST 16, 2010**

**** MR. NIELSEN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Special Meeting September 1, 2010

**** MR. NIELSEN MOTIONED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF SEPTEMBER 1, 2010, AS SUBMITTED.**

**** MS. SULLIVAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY, WITH ONE ABSTENTION (MR. BAYNE).**

Regular Meeting September 7, 2010

Mr. Bayne stated that on page 2, public commenter #4 was Mr. Valentino. In #5 DPW should read DEP Baker Woods permit... In the last sentence, “change nothing has happened...” to a reply had come on Friday and that the appeal had been completed. On page 4, #21 change Duran to Thoren. Page 5: paragraph three under Discuss Capital Projects: in the first sentence after that insert the proposed detention facility on the Stop & Shop property. Delete the last paragraph on page 5.

On page 6 under Determination of the Senior Center, change the first sentence to read Mr. Bayne raised questions about the plan, which had been posed by the Board of Finance... In the next paragraph, add as the second sentence: “She questioned whether the Board of Finance should be asking about policy issues concerning the usage of the Senior Center.” In the next paragraph change about to whether and Finance Department with Board of Finance. Before the last sentence, As further stated that some of their questions are not answerable, Mr. Nielsen...

On page 7, paragraph two, Change Ms. Sullivan to Mr. Bayne, and to the end of that paragraph, add to the last sentence, “In response, Mr. Bayne pointed out that the BOE is being asked to move from 7-8,000 to 14,000 sq. ft. of office space. In paragraph five change Finance Committee to Board of Finance (throughout the minutes—page 6, 9). In the last paragraph, add after by “The BOS”

On page 8 in the second motion, change \$1.6 million to \$15 million. In the next to last paragraph, change the third sentence to read: “Because of the cost savings of doing the entire project at once, it makes more sense to the entire project. Before the last sentence, add “He further stated that if the entire project does not proceed, the remainder of the Weed Beach Master Plan will not be done.

On page nine, in paragraph two change vetted to approved. Change the motion at the end of the page to read:

**** MR. BAYNE MOTIONED TO PROVIDE A SENSE OF MEETING VOTE TO SUPPORT FINDING A WAY TO FULLY FUND THE WEED BEACH PROJECT WITHOUT ADVERSELY AFFECTING THE TOWN’S FINANCES.**

On page 11, under the 1st transfer delete “to put in a pedestrian bridge” to “demolish the” Delete the last sentence in paragraph three. On page 12, change 2nd paragraph under the First Selectman’s report to ...regarding filling appointed positions with unaffiliated voters and that he had received four calls. Mr. Bayne asked whether only unaffiliated voters would be considered for appointed positions and the First Selectman responded that Republicans and Democrats were still welcome.

8.FORTHCOMING MEETINGS

First Selectman Campbell reviewed the upcoming schedule of meetings.

September 21, 2010	Board of Finance Regular Meeting at 7:30 p.m.
September 28, 2010	Planning & Zoning Commission Public Hearing at 8:00 p.m.
September 28, 2010	Board of Education Regular Meeting at 7:30 p.m.
October 4, 2010	Board of Selectmen Regular Meeting at 7:45 p.m.
October 6, 2010	BOS - Joint Department Heads Meeting at 8:30 a.m.

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 10:15 p.m.

Respectfully submitted,

Marilyn Knox
Telesco Secretarial Services