

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
AUGUST 2, 2010**

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

STAFF: Karl Kilduff, Administrative Officer

CALL TO ORDER

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

PUBLIC COMMENT

No one present wished to address the Board at this time.

NEW BUSINESS

Discuss Major Capital Projects

First Selectman Campbell said that Mr. Kilduff had sent out some additional information on the major projects to the Board members. Mr. Bayne asked if that mailing included more than three items. He added that he was still waiting for the updated appraisal of 35 Leroy. Mr. Kilduff said that the appraisal was still in progress.

Ms. Sullivan asked if it would be possible to have the Board tour the basement space for the Senior Center and the area designated for a pool. First Selectman Campbell reminded everyone that other than looking at a designated space for a pool in the future, there were no plans underway for a pool.

The discussion then moved to when the vote would be taken on the capital project. Ms. Sullivan said that she would like to have the appraisal for 35 Leroy by the 20th. Mr. Bayne said that he was concerned about the increase in the tax rate and had spoken to Ms. Buch about this. She had suggested a Bond Anticipation Note (BAN), which would allow the Police Station project to move forward with only a 1% interest rate for up to one year. He suggested that it might be well to use a BAN and then roll it into the bonding note. Mr. Kilduff said that it would be up to the Board of Finance to decide. Discussion followed.

First Selectman Campbell said that there had been a number of discussions around town about the capital plan after the last meeting and the general feeling was that all three projects should move ahead.

Ms. Sullivan said that she was still concerned about flooding and asked if the Board could sit down with Planning and Zoning to discuss their vision and that of the Board. Discussion followed.

Ms. Sullivan said that it would be important to keep the flood mitigation in the forefront. She said that it would be important to determine who would be executing the project. Ms. Stevenson said that the flood mitigation report listed a number of things that could be done that did not have funding attached to them. She added that the focus of the agenda item was really the three major capital projects and not flooding at this time.

First Selectman Campbell said that due to the Board of Finance careful planning, the debt service on the bonding would be greatly reduced over the next three years and that there would be room for the flooding project then. Ms. Sullivan said that she had been on the Board when the residents were very upset following the flooding three years ago. Ms. Stevenson said that while there would be no harm in having a discussion with P& Z about flooding issues, she wanted to have some wiggle room in the budget to handle any issues that come up. Mr. Bayne said that he believes that having the discussion with Planning and Zoning would send a good message to the residents that flooding was not forgotten.

Ms. Sullivan said that she had requested to have a cost projection for a stand alone Senior Center. First Selectman Campbell pointed out that there was a 2007 plan for the Senior Center. Mr. Bayne said that it was a plan that to build on to the existing Edgerton property. Ms. Sullivan said that she would like a purpose built building cost analysis for a facility on the parking lot at Edgerton. Ms. Stevenson said that during the last six months, there has been a number of people who expressed concerns about having the Senior Center as a stand alone project.

Mr. Bayne said that the Senior Center was now an eight million dollar project. He added that the task force was First Selectman Campbell's task force, not one voted in by the Board. First Selectman Campbell objected to the statement that it was "his" task force and pointed out that the town had already spent 4 million dollars on the project before he was elected to office. Discussion then followed about the process involved in building the Darien High School and whether the Senior Center would follow the same pattern.

Mr. Bayne said that he would like to know what percentage of the building would be dedicated strictly to the Senior activities and which areas would still accommodate the Darien Arts program and other community activities. Mr. Kilduff said that at this stage, the answer would have to be nebulous, simply due to lack of information.

Ms. Stevenson said that the staff had worked very hard to crunch the numbers and to prepare the information. Ms. Stevenson then asked Mr. Duwan from the Board of Finance about this. Mr. Duwan said that the Board would want to fine tune the actual cash outlays for the projects. Ms. Stevenson said that even if a Board vote was for approval tonight, then the start dates for all three projects would naturally stagger themselves.

Ms. Sullivan asked Mr. Duwan if the Board of Finance had any funding allocated for flooding. Mr. Duwan said that there was no funding assigned, but that the Board was aware of the flooding issue.

Mr. Bayne asked if there had been any additional thoughts about the remaining 10,000 square feet at 35 Leroy after the BOE potentially moves there. Mr. Kilduff explained that there was a fundamental decision that had to be made about what type of organization would occupy that space because it would dictate what kind of bonding would happen. First Selectman Campbell said that the previously there had been discussions about Probate, Housing and another department to the location. Mr. Bayne said that 35 Leroy was never considered optimal space for offices. He said that the RTM had repeatedly discussed “best use” planning for 35 Leroy. He said that it seem to be much more space than the BOE needs. Mr. Bayne said that he had been approached by several residents who said that they were not necessarily in favor of the BOE moving to 35 Leroy. He said that office space was never identified as a real issue for the town and that the BOE was moving to help the Town.

Ms. Branigan asked if the grant had limitations. Mr. Kilduff commented that there were already out of town seniors who had been attending the programs for a long time. He then explained that the grant funding that the Town was applying for could only be used for Senior programs. Mr. Bayne asked if there was a count on how many out of town seniors were attending the Senior Center. Mr. Kilduff said that the presence of the out of town Seniors had been noted as a result of them self identifying, but that he would look into it.

Discuss and Take Action on Approval to Include Safe Rides as a Town-sponsored Program

Mr. Kilduff said that the Red Cross had previously insured Safe Rides, but the Red Cross’s focus has changed. Safe Rides approached the Town about having the insurance from the Town. Mr. Nielsen asked what the problem was mentioned in the back up with cell phones. Mr. Kilduff said that all the calls should come through the main dispatch for all rides.

Mr. Duwan, one of the parent advisors, advised the Board that he was present to answer questions. Mr. Bayne asked if the claims history has been clean. It was stated by another member of the audience that Darien had one of the first Safe Rides programs in the nation, if not the first. Since the Red Cross is changing their strategy, the request was that the program move under the Town insurance umbrella.

Ms. Stevenson requested that the wording of the third bullet be clarified to indicate that the calls must be received through the Safe Rides dispatch line

**** MS. SULLIVAN MOVED THE FOLLOWING RESOLUTION:**

THE DARIEN BOARD OF SELECTMEN HEREBY SANCTION SAFE RIDES AS A STUDENT-RUN PROGRAM UNDER THE UMBRELLA OF, AND ACCOUNTABLE TO, THE YOUTH COMMISSION.

**** MS. STEVENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Discuss and Take Action on Approval of Assessment Appeal Settlements

Mr. Nielsen recused himself from the discussion and left the room.

1. Hawthorne Realty, LLC vs. Town of Darien (Oct. 1, 2008 Assessment)

**** MS. SULLIVAN MOVED THE FOLLOWING ITEM:**

THE DARIEN BOARD OF SELECTMEN HEREBY SETTLE THE CASE OF HAWTHORNE REALTY, LLC vs. TOWN OF DARIEN TO SET THE FAIR MARKET VALUE FOR THE PROPERTY TO \$7,200,000 FROM \$9,695,100 FOR THE OCTOBER 1, 2008 ASSESSMENT.

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

2. Hawthorne Realty, LLC vs. Town of Darien (Oct. 1, 2008 Assessment)

**** MS. SULLIVAN MOVED THE FOLLOWING ITEM:**

THE DARIEN BOARD OF SELECTMEN HEREBY SETTLE THE CASE OF HAWTHORNE REALTY, LLC vs. TOWN OF DARIEN TO SET THE FAIR MARKET VALUE FOR THE PROPERTY TO \$7,200,000 FROM \$8,212,170 FOR THE OCTOBER 1, 2008 ASSESSMENT.

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

3. Anne R. Nash Rhodes and Daniel R. Nash Rhodes as Trustees of the Anne R. Nash Rhodes Revocable Trust v. Town of Darien

**** MR. BAYNE MOVED THE FOLLOWING ITEM:**

THE DARIEN BOARD OF SELECTMEN HEREBY SETTLE THE CASE OF ANNE R. NASH RHODES AND DANIEL R. NASH RHODES AS TRUSTEES OF THE ANNE R. NASH RHODES REVOCABLE TRUST V. TOWN OF DARIEN TO SET THE FAIR MARKET VALUE FOR THE PROPERTY TO \$4,650,000 FROM \$5,177,600 FOR THE OCTOBER 1, 2008 ASSESSMENT.

**** MS. SULLIVAN SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

4. 120 Tokeneke Road, LLC v. Town of Darien

**** MS. SULLIVAN MOVED THE FOLLOWING ITEM:**

THE DARIEN BOARD OF SELECTMEN HEREBY SETTLE THE CASE OF 120 TOKENEKE ROAD, LLC V. TOWN OF DARIEN TO SET THE FAIR MARKET VALUE FOR THE PROPERTY TO \$9,700,000 FROM \$10,543,900 FOR THE OCTOBER 1, 2008 ASSESSMENT.

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

5. One Thorndal Circle, Inc. v. Town of Darien

**** MR. BAYNE MOVED THE FOLLOWING ITEM:**

THE DARIEN BOARD OF SELECTMEN HEREBY SETTLE THE CASE OF ONE THORNDAL CIRCLE, INC. V. TOWN OF DARIEN TO SET THE FAIR MARKET VALUE FOR THE PROPERTY TO \$7,600,000 FROM \$9,270,200 900 FOR THE OCTOBER 1, 2008 ASSESSMENT.

**** MS. SULLIVAN SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

FIRST SELECTMAN'S REPORT

Mr. Nielsen rejoined the meeting.

First Selectman Campbell reported that he had spoken with Atty. Fox about Weed Beach and that the project could move forward.

First Selectman Campbell then announced he would be out of town until August 14th. Mr. Nielsen, who is the designated Acting First Selectmen will be leaving on vacation on the 7th, so First Selectman Campbell requested that the Board add an item to New Business to appoint Ms. Stevenson as Acting First Selectmen for August 7th until August 14th.

ADMINISTRATOR'S REPORT

Mr. Kilduff said that there had been a meeting with Tree Commission about Tree ordinance and they will work on a report for the Board in the future.

The FEMA paperwork has been completed for the eligible items for 75% reimbursement. Some work the Town did on the State Roads will not be reimbursed because the State has

Ms. Sullivan asked about the Tree Conservancy. Mr. Kilduff said that this would be included in the report from the Tree Commission.

There was a recent meeting with the Stamford WPCA, which is responsible for the Study on Holly Pond. He then distributed an executive summary of the report to the Board members. The study does discuss some possible solution to some contamination in Holly Pond. In theory, the Town will be notified when a presentation will be made by the City of Stamford. Mr. Kilduff said that there was discussion about the DOT funding which will expire in the near term. DOT will be taking a large portion of those funds back for administrative costs.

AGENDA REVIEW

There were no items to discuss at this time.

APPOINTMENT/RE-APPOINTMENTS

Consider and take action on the following re-appointments:

Gary Greene to Zoning Board of Appeals for a 3 year term beginning on July 1, 2010 and expiring on June 30, 2013.

First Selectman Campbell suggested that it would be a good idea to interview the candidate. He requested that this item be tabled. This was agreeable to all.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Regular Meeting of July 12, 2010

Page 6, paragraph 4, line 4: please change “request last week was coming from the General Fund” to “request last week was coming from the General Fund for Weed Beach.”

Page 7 paragraph 1, line 1: please change the following from “that the Steep Grant” to that the STEAP (Small Town Economic Assistance Program) Grant”

**** MS. SULLIVAN MOVED TO APPROVE THE MINUTES OF JULY 12, 2010 AS CORRECTED.**

**** MS. STEVENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Regular Meeting of July 19, 2010

Page 1, under New Business, paragraph 2, line 2: please change “Atty. Wilder” to “Atty. Gleason”

Page 1, under New Business, paragraph 2, line 5: please change the following from: “she would like to see all the abutting properties.” To “she would like to see how all the abutting properties would be treated and who would be responsible for upkeep.”

Page 2, paragraph 1, line 3, please delete the following: “Atty. Gleason added that Raveis would be committed to shovel the sidewalk if required.”

Page 2, paragraph 2, line 1: please change the following from: “Ms. Sullivan asked why Raveis wanted to this.” To “Ms. Sullivan asked why Raveis wanted to build this sidewalk.”

Page 2, paragraph 5, line 1: please delete the following: “Atty. Gleason said that Raveis would be using the town standard for lighting.”

Page 2, paragraph 6, line 3: please delete the following: “Mr. Nielsen pointed out that Planning and Zoning would cover many”

Page 3, under Discussion Sequencing and Priorities of Major Capital Projects: Please delete the following: ***“Let it be noted that all remarks by all speakers are summarized and not necessarily verbatim.”***

Page 3, paragraph 4, line 3: please change the following from: “In the past year, it has become clear that the cooling system at Town Hall is not sufficient, using the schools as emergency shelters is not the best plan and the police station is full of mold.” To: “In the past year, it has become clear that there was a need for cooling centers and Town Hall is not sufficient, using the schools as emergency cooling shelters a reliable plan.”

Page 3, paragraph 6, line 1 and throughout: please change “Ms. Busch” to “Ms. Buch”.

Page 4, paragraph 2, line 2: please change the following from: “if the pool was built with private funding.” To “if the pool was built and operated with private funding.”

Page 4, paragraph 3, line 8: please change “as the Board had been told it would.” To “as the Library Building Committee had been told it would.”

Page 4, paragraph 4, line 1: please change “Mr. Bayne asked what it would cost if the Board of Education moved to 35 Leroy.” To “Mr. Bayne asked what it would cost to operate 35 Leroy if the Board of Education moved to 35 Leroy.”

Page 4, paragraph 6, line 1: “Mr. Bayne asked about how this would impact the DECD grant.” To “Mr. Bayne asked about how using the new proposed Senior Center for general community purposes would impact the \$750 K DECD grant.”

Page 5, paragraph 2, line 3: please delete the following: “First Selectman Campbell said that the tax burden would be greater on the residence.”

Page 5, paragraph 4 & 5, please replace the following paragraphs:

Mr. Bayne said that one of his concerns was the fact that by moving the Police Station off until 2012, which will be after the next election. He said that he was concerned about not going forward with the most expensive project. First Selectman Campbell said that while there were problems with the police station, the Senior Center also had significant problems. First Selectman Campbell said that the Board could decided to move forward with both projects, but that would cost 15 million more in bonding.

Ms. Sullivan said that she felt each person should express their priorities and went on to mention the Weed Beach project and the police station. Mr. Kilduff explained that Weed Beach had a very specific time frame from September to May for construction. Originally, there was 2 million bonding and 1.6 million from the general fund. When the general fund was reduced, the project was brought to a halt. Mr. Kilduff said that the Town Counsel had determined that the Town was legally authorized to stop the project and the Board of Selectmen had decided not to sign the contracts. Discussion about whether or not the Board of Finance could stop the project if the funding was not in place. Discussion followed.

With the following re-write:

“ Mr. Bayne said that one of his concerns was the fact that by moving the Police Station off until 2012, a new Board of Selectmen with potentially different priorities will be left to make the decision. He said that he was concerned about not going forward with the most expensive project at a time when the construction costs and bond interest rates are at historic lows. . First Selectman Campbell said that while there were problems with the police station, the Senior Center also had significant problems. First Selectman Campbell said that the Board could decided to move forward with both projects, but that would cost 15 million more in bonding.

Ms. Sullivan said that she felt each person should express their priorities and went on to affirm that her's [sic] were the Weed Beach project and the police station. Mr. Kilduff explained that Weed Beach had a very specific time frame from September to May for construction. Originally, there was 2 million bonding and 1.6 million from the general fund. However certain members of the Board of Finance have indicated that they no longer want to use the General Fund to pay for any part of the project. Mr. Bayne questioned the Board's legal authority to stop a previously approved project by reversing a decision on how to pay for it? [sic] Mr. Kilduff said that the Town Counsel had determined that the Board of Finance was legally authorized to stop the project. Mr. Bayne asked if there was a written legal opinion and Mr. Kilduff said that was not. Mr. Bayne said that he would like to see one because “we are in ‘unchartered waters’.”

Page 5, paragraph 6, line 4: please change the following from: “Mr. Bayne said that the operating costs would not be going down” to “Mr. Bayne said that the Town's operating costs would not be going down”

Page 5, paragraph 7, line 4: please change “Mr. Johnson, the Chairman of the Police Commission” to “Mr. Paul Johnson, Chairman of the Police Commission”

Page 6, paragraph 2, line 5: please change “set a March start date” to “set a March 2012 start date”

Page 6, paragraph 4: line 1: please change “It was then pointed out that” to Police Commissioner Bob Harrell pointed out that”

Page 6, paragraph 4, line 4: please change “The speaker reiterated” to “Commissioner Harrell reiterated”

Page 6, paragraph 4, line 7: please change “The speaker” to “Commissioner Harrell”

Page 7, paragraph 6, please add the following statement to the last line of the paragraph: “He concluded that the Police Headquarters is simply out of room needed to perform its duties as Darien residents expect them to be performed.”

Page 8, header of “Discuss Recommendations form the Flood Mitigation Strategy Committee.” Please change to “Discuss Recommendations from the Flood Mitigation Strategy Committee.”

Page 8, under “Discuss Recommendations from the Flood Mitigation Strategy Committee.” Paragraph 5, line 4: please add the following: “The Director of Public Works was requested to create a job description for the position for next year’s budget process.”

Page 9, paragraph 3, line 1: please change the following from “idea of the Flood Erosion Control Board from the” to “idea of separating the Flood Erosion Control Board from the”

Page 11, please delete “Sharon L. Soltes” following “Respectfully submitted”.

**** MR. BAYNE MOVED TO APPROVE THE MINUTES OF JULY 19, 2010 AS AMENDED.**

**** MS. STEVENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

FORTHCOMING MEETINGS

August 16, 2010

Board of Selectmen Regular Meeting at 7:45 p.m.

August 18, 2010 Parks and Recreation Commission Meeting at 7:30 p.m.
August 25, 2010 Board of Finance Regular Meeting at 7:30 p.m.
August 31, 2010 Board of Selectman Regular Meeting at 7:45 p.m.

OTHER BUSINESS

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

**** MS. SULLIVAN MOVED TO AMEND THE AGENDA.**

**** MS. STEVENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MS. SULLIVAN MOVED TO APPOINT MS. JAYME STEVENSON AS THE ACTING FIRST SELECTMAN FROM AUGUST 7, 2010 TO AUGUST 14, 2010.**

**** MR. NIELSEN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MS. SULLIVAN MOVED TO ADJOURN.**

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:15 p.m.

Respectfully submitted

Telesco Secretarial Services