

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
MONDAY, OCTOBER 19, 2009**

ATTENDANCE: 1st Selectwoman Evonne Klein; Seth Morton

STAFF: Karl Kilduff, Administrative Officer

OTHERS: Nicole Burnham, Milone & MacBroom;
Darren Overton, Milone & MacBroom;
Jenny Schwartz, Darien Housing Authority
Bob Steeger, Public Works Director

CALL TO ORDER

1st Selectwoman Klein called the Regular Meeting to order at 8:02 p.m. She said there was no quorum, but the two scheduled presentations by Milone & MacBroom on the Goodwives River Watershed, and Mr. Steeger on Flood Mitigation, would be held as planned. Additionally, they would hear a report from Ms. Jenny Schwartz, Chairman of the Darien Housing Authority.

PUBLIC COMMENT

There were no public comments.

PROCLAMATION

1st Selectwoman Klein announced that Tuesday, October 20, 2009 would be Phil Kraft Day in Darien. She read the Phil Kraft Day Proclamation. She said that Mr. Kraft has been a volunteer in town for many years, working on the Memorial Day Parade, the World War II Program at Darien High School, and is a Commander of the DFW 6933. She thanked Mr. Kraft for all of his hard work and dedication to the Town of Darien.

NEW BUSINESS

- c) Discuss and Take Action on Possible Local Ordinance Creating a Tax Exemption for Affordable Housing

Discussion Only:

Ms. Jenny Schwartz, Chairman of the Darien Housing Authority, explained that the Town Council had presented a draft of an ordinance permitting tax abatements for 100% affordable housing projects. She said it's Section 8-215 of the Connecticut General Statute, and it is a straightforward vehicle, as the Town currently does not have any mechanism in place to

discuss tax abatement. She said that on September 14, 2009, she presented a brief update of the status of the Allen O'Neill affordable housing project. She said the project didn't receive an allocation of tax credits because it didn't score in the top 9 out of 26 projects. It scored 14 out of 150 points, and the highest ranked project scored 235 points. The 9th project scored 161 points. She said they were 11 points away from scoring. She said that on behalf of the Commissioners, it was important for everyone to understand that the budget they submitted to CHAFA did meet CHAFA underwriting criteria. The primary reason why the Darien Housing Authority is proposing the tax abatement agreement is to garner more points for next year's tax allocation process. She explained that they are proposing to go from paying no taxes to paying more taxes than in previous years.

Ms. Schwartz mentioned for the record that the CHAFA underwriting criteria is very stringent. The project is \$31M, and they are wired to fund \$535,000 in working capital reserve. They are also required to allocate approximately \$56,000 for capital replacement reserve. The CHAFA Ranking System has a Qualified Action Plan, and there are 5 categories they can't compete for, and 40 points that they are not eligible for. She said that the Town currently receives an average of approximately \$75,000, and the project's taxes should be approximately \$125,000. She explained that they are proposing an abatement for the first 8 years, stepping up from paying no taxes from construction through the first 5 years of operation, and then paying \$30,000 a year for 5 years, and then paying \$90,000 in full taxes.

Ms. Schwartz continued to discuss and explain the proposed tax exemption. She addressed some concerns brought up by the public at the September 14, 2009 meeting.

1st Selectwoman Klein said that the project was approved by the Planning & Zoning Commission, not by the Board of Selectmen. The ultimate decision does not lie with the Board of Selectmen. She noted some concerns that the Board members had, regarding changing developers, being interested in the tax abatement, and leaving the door open if the developer does change. She also asked if the Town would have to pay Arthur Andersen pre-development money if the developer did change. Ms. Schwartz said that Mr. Anderson has been an honorable partner. She said they have no intention of changing developers. She said they want to make the application as competitive as possible, and the project will get done. She said the biggest problem with the project is remediation and drainage.

1st Selectwoman Klein said she would like this on the Board Meeting Agenda, scheduled for Monday, October 26, 2009, for a vote.

More discussion took place, with comments being made from members of the public.

Mr. Morton asked on point of order, that these comments be stricken from the record, as they impugned Ms. Schwartz and are contrary to Robert's Rules of Order.

1st Selectwoman Klein said there was 6 nights of Public Hearings, 3 held by the Darien Housing Authority and 3 held by Planning & Zoning for the public to be heard on the project.

The Planning & Zoning Department approved the project. The ordinance will now be passed on to the RTM for their consideration. She further explained that the Housing Authority is autonomous from the Board of Selectmen. The Planning & Zoning Commission members are independently elected and are accountable to the voters, not the Board of Selectmen. She reminded everyone that this is on the October 26, 2009 agenda for a vote.

PRESENTATION OF GOODWIVES RIVER WATERSHED
BY MILONE & MACBROOM

Ms. Nicole Burnham from Milone & MacBroom presented information on the Goodwives River Watershed. She said the goals were similar to the Stony Brook watershed, to evaluate flooding, identify areas of flooding, potential causes of flooding, and identify a long-term plan for the Town to use.

Mr. Darren Overton from Milone & MacBroom said that the size of the watershed was 6.2 acres. They conducted a field walk of the entire channel. They took 263 photos, and it was determined that there were 104 cross sections. He said there were 25 bridges and 24 additional dams. They noticed impact on the watershed from past development. He presented information from the slides on peak flow, natural flood plains, discrepancies in the FEMA plan, and he identified some problem areas.

Ms. Burnham explained areas of improvement, citing discreet sections and plans. She said their flow rates are higher than FEMA's. She said that she would leave copies of the presentation boards for them to review, and she would put a PDF file of the presentation on the website. From the slides, she showed that some of the bridges were being overtopped. She mentioned that the Goodwives River Road area needed to have some sediment removed in order to get a one foot reduction in water surface elevation. She said the driveway bridge at 6 Andrews Drive overtops, as does Locust Hill Road. She said that they could get a two foot reduction by modifying and expanding the channel through the shopping plaza.

Ms. Burnham said the last area they looked at was Overbrook Road, which is in the upper portion of the watershed. There is a dam and ponds on the north side of the road. The spillway drops down 8 feet into two culverts that run under Overbrook Road, which tends to flood.

Mr. Steeger asked if they were analyzing the channel all the way up to Tilley Pond. Ms. Burnham said that they are in the process of reviewing it, and that it is a complicated situation, as the water goes under the train tracks. They are looking into a possible drainage problem at Leroy Avenue.

Ms. Burnham said the next steps are to draft a report to the Town, and she hoped this would be completed by the end of November.

1st Selectwoman Klein suggested that Ms. Burnham make a presentation to the Flood Mitigation Committee. She said the final report is due to the Town the week of November 2, 2009. It was

suggested that a public information hearing be held the week of November 16, 2009, with the final report being completed by the end of November.

**REPORT FROM ROBERT STEEGER, PUBLIC WORKS DIRECTOR,
ON FLOOD MITIGATION**

Mr. Robert Steeger said that the Flood Mitigation Committee has met about 4 or 5 times on the recommendations for the Stony Brook watershed. The focus has been on priorities for various projects that were suggested, with emphasis on the Hecker Ave area and the West Ave area. He mentioned that they discussed the possible creation of Town funding programs pioneered by grants, where individual property owners who want to raise their homes can do so by applying to the Town. He said that nothing has changed with the DEP Hearing Process. He expects to be forwarding a proposal to the Board of Selectmen for the Noroton Watershed.

NEW BUSINESS

- a) Discuss and Take Action on a Resolution Authorizing and Directing the First Selectwoman to Submit an Application for Funding under the Office of Policy and Management Municipal Energy Efficiency and Conservation Block Grant

This was not discussed.

- b) Discuss and Take Action on Possible Local Ordinance Creating a Tax Exemption for Certain Handicapped Motor Vehicles

This was not discussed.

- d) Discuss and Take Action on Referral to Planning & Zoning Commission for Report on the Possible Lease of Town Hall for a Wireless Carrier Equipment in Accordance with CGS 8-24.

This was not discussed.

- e) Transfers

1st Selectwoman Klein said these transfers are on the Board of Finance meeting agenda for tomorrow night, and there is no need for the Board of Selectmen to vote on them.

Waste Management

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>
	Contingency	\$7,400
	TOTAL	\$7,400

TO:

<u>Acct. No.</u>	<u>Account</u>	<u>Amount</u>
10405154-83007	Operating Supplies	\$7,400
	TOTAL	\$7,400

Flood Mitigation

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>
	Contingency	\$15,900
	TOTAL	\$15,900

TO:

<u>Acct. No.</u>	<u>Account</u>	<u>Amount</u>
TBD	Flood Map Revision	\$15,900
	TOTAL	\$15,900

1st SELECTWOMAN'S REPORT

This was not discussed.

ADMINISTRATIVE OFFICER'S REPORT

This was not discussed.

AGENDA REVIEW

This was not discussed.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Regular Meeting of May 4, 2009 (rewrite)
Regular Meeting of September 8, 2009
Regular Meeting of September 21, 2009
Regular Meeting of October 5, 2009
Executive Session Meeting of October 7, 2009

FORTHCOMING MEETINGS

October 20, 2009	Board of Finance Regular Meeting at 7:30 p.m.
October 21, 2009	Parks & Recreation Commission Meeting at 7:30 p.m.
October 26, 2009	Board of Selectmen Regular Meeting at 8:00 p.m.
October 27, 2009	Planning and Zoning Public Hearing at 8:00 p.m.
October 27, 2009	Board of Education Regular Meeting at 7:30 p.m.

OTHER BUSINESS

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

ADJOURNMENT

The meeting concluded at 9:15 p.m.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services