

**TOWN OF DARIEN  
BOARD OF SELECTMEN  
REGULAR MEETING  
OCTOBER 20, 2008**

**ATTENDANCE:** Evonne Klein, First Selectwoman; David Bayne, Seth Morton, Callie Sullivan, Linda Santarella

**ABSENT:** None

**STAFF:** Karl Kilduff, Administrative Officer

**OTHERS:** Atty. Wayne Fox, Atty. Ed Schmidt, Holly Kelly, Dr. Joe Miceli, Vickie Riccardo

**CALL TO ORDER**

First Selectwoman Klein called the meeting to order at 8:03 p.m.

**PUBLIC COMMENT**

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

**ADMINISTRATIVE OFFICER'S REPORT**

Mr. Kilduff noted that the due date for the bids was on Thursday.

Mr. Kilduff said that he attended the CCM meeting in Hartford and that the Governor and the House have stated they are not looking at municipal aid.

The Freedom of Information now requires that the agendas and minutes are posted on the Town's website. There will be a review before the State tomorrow regarding this legislation.

**REPORT ON WEED BEACH BUILDING COMMITTEE**

Mr. Bayne then gave an update from the meeting on October 8th regarding the scaling back of the project in order to maintain the functionality, but reduce the cost. The Committee would like to have new drawings done to allow the project to move forward that are in the budget. The Playground on the Sound has been funded privately and that project should go forward this year.

**REPORT ON POLICE DEPARTMENT BUILDING COMMITTEE**

Mr. Morton said that he would wait to give his report later.

First Selectwoman Klein said that that the agenda needed to be amended to add an item about the upcoming Charter Revision referendum.

**\*\* MS. SULLIVAN MOVED TO SUSPEND THE RULES TO ADD AN ITEM TO THE AGENDA.**

**\*\* MR. MORTON SECONDED.**

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

**\*\* MR. BAYNE MOVED TO DISCUSS AN ITEM REGARDING THE CHARTER REVISION AT 9:00 P.M.**

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

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

**\*\* MR. BAYNE MOVED TO SUSPEND THE RULES IN ORDER TO CONSIDER THE AGENDA ITEMS OUT OF ORDER.**

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

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

**Discuss and Take Action on Approving Revised Survey for The Cottage in Darien, Inc.**

Mr. Kilduff reviewed the process regarding the lease for the Cottage in Darien, Inc.

**\*\* MS. SANTARELLA MOVED TO APPROVE THE LEASE AS PRESENTED FOR THE COTTAGE IN DARIEN, INC.**

**\*\* MR. MORTON SECONDED.**

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

**Discuss and Take Action on Halting Major Capital Improvement Projects**

First Selectwoman Klein said that a meeting had taken place last week with various Committee Chairs and Town officials regarding the status of the economy. First Selectwoman Klein stated that the Town was financially healthy, but it was agreed that the Town would curtail the major capital improvement projects. First Selectwoman Klein then read the resolution into the record

**WHEREAS, THE UNITED STATES ECONOMY IS CURRENTLY FACING A PERIOD OF UNCERTAINTY WHICH HAS DIFFERENT IMPACTS ON EVERY COMMUNITY IN THE COUNTRY; AND**

**WHEREAS, THE TOWN OF DARIEN IS NO DIFFERENT THAN MANY OTHER CONNECTICUT MUNICIPALITIES IN EXAMINING AS A WAY TO RESPOND TO THE CURRENT FISCAL ENVIRONMENT; AND**

**WHEREAS, THE ECONOMIC HEALTH OF THE TOWN OF DARIEN REMAINS STABLE BUT VOLUNTARY ACTIONS ARE DEEMED PRUDENT TO REDUCE EXPENDITURES AND REDUCE THE BUDGET IMPACTS OF CAPITAL IMPROVEMENT SPENDING; AND**

**WHEREAS, THE BOARD OF SELECTMEN WISHES TO POSTPONE CERTAIN CAPITAL IMPROVEMENT PROJECTS THAT ARE IMPORTANT AND BENEFICIAL TO THE COMMUNITY, BUT NOT ABSOLUTELY CRITICAL AT THIS MOMENT.**

**NOW, THEREFORE, BE IT RESOLVED THAT THE DARIEN BOARD OF SELECTMEN HEREBY HALT THE WEED BEACH AND POLICE DEPARTMENT RENOVATION AND EXPANSION PROJECT FROM PROCEEDING TO THE FULL CONSTRUCTION PHASE.**

**BE IT FURTHER RESOLVED THAT ANY CAPITAL IMPROVEMENT PROJECT THAT EXCEEDS \$100,000 IS ALSO HALTED UNLESS SUCH PROJECT IS BENEFICIAL TO THE HEALTH AND SAFETY OF DARIEN RESIDENTS AND VISITORS. PROJECTS BENEFICIAL TO THE HEALTH AND SAFETY OF DARIEN RESIDENTS AND VISITORS WILL BE ALLOWED TO PROCEED ONLY AFTER GIVEN FINAL APPROVAL TO PROCEED BY THE BOARD OF SELECTMEN.**

Mr. Kilduff then pointed out that the resolution addressed the capital projects over \$100,000, it was focused on projects that were funded by bonds or taxpayer dollars. Mr. Morton pointed out that there were some projects that needed to go forward, such as maintenance on the Police Station. Ms. Santarella pointed out that the Senior Center required maintenance. Mr. Bayne suggested that the Board revisit this on a monthly basis because the economy may rebound. This was agreeable to all.

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

**WHEREAS, THE UNITED STATES ECONOMY IS CURRENTLY FACING A PERIOD OF UNCERTAINTY WHICH HAS DIFFERENT IMPACTS ON EVERY COMMUNITY IN THE COUNTRY; AND**

**WHEREAS, THE TOWN OF DARIEN IS NO DIFFERENT THAN MANY OTHER CONNECTICUT MUNICIPALITIES IN EXAMINING AS A WAY TO RESPOND TO THE CURRENT FISCAL ENVIRONMENT; AND**

**WHEREAS, THE ECONOMIC HEALTH OF THE TOWN OF DARIEN REMAINS STABLE BUT VOLUNTARY ACTIONS ARE DEEMED PRUDENT TO REDUCE EXPENDITURES AND REDUCE THE BUDGET IMPACTS OF CAPITAL IMPROVEMENT SPENDING; AND**

**WHEREAS, THE BOARD OF SELECTMEN WISHES TO POSTPONE CERTAIN CAPITAL IMPROVEMENT PROJECTS THAT ARE IMPORTANT AND BENEFICIAL TO THE COMMUNITY, BUT NOT ABSOLUTELY CRITICAL AT THIS MOMENT.**

**NOW, THEREFORE, BE IT RESOLVED THAT THE DARIEN BOARD OF SELECTMEN HEREBY HALT THE WEED BEACH AND POLICE DEPARTMENT RENOVATION AND EXPANSION PROJECT FROM PROCEEDING TO THE FULL CONSTRUCTION PHASE.**

**BE IT FURTHER RESOLVED THAT ANY CAPITAL IMPROVEMENT PROJECT THAT EXCEEDS \$100,000 IS ALSO HALTED UNLESS SUCH PROJECT IS BENEFICIAL TO THE HEALTH AND SAFETY OF DARIEN RESIDENTS AND VISITORS. PROJECTS BENEFICIAL TO THE HEALTH AND SAFETY OF DARIEN RESIDENTS AND VISITORS WILL BE ALLOWED TO PROCEED ONLY AFTER GIVEN FINAL APPROVAL TO PROCEED BY THE BOARD OF SELECTMEN.**

**\*\* MS. SANTARELLA SECONDED.**

Ms. Santarella said that she was pleased that the Board of Education, the Board of Finance and the other various Boards worked together on this issue.

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

*Mr. Morton and Ms. Klein left the meeting at 8:19 p.m. Mr. Bayne took over as chair.*

### **Discuss Save the Wetlands Report**

Mr. Bayne stated that the Wetlands Report had been submitted regarding the flooding issues and it was wonderful that the report was so thorough. Ms. Sullivan said that she thought it would be of great use to the Public Works. She pointed out that some property owners blow their leaves into other people's property or filling in voids with rocks and leaves.

Ms. Santarella said that she had some concerns about the report regarding the location of some of the parcels are not Town owned.

Mr. Bayne said that he felt that the report should be given to Malone and MacBroom for consideration since it contains important and helpful information.

Ms. Sullivan commented that she had attended a meeting in Norwalk with the DEP and the Army Corps of Engineers. She said that one issue was the lack of clarity as to who owned parcels and she pointed out that the DEP and ACOE had been at loggerheads about who had responsibility for which parcels.

Ms. Santarella requested that Mr. Steeger research some of the project costs for the Town owned locations. Concerns about the catch basins being clogged were expressed. Mr. Kilduff said that Mr. Steeger had checked the catch basins shown in the photographs and stated that those catch basins had been cleaned out. He added that the catch basins were cleaned out on a yearly basis.

*Ms. Klein and Mr. Morton rejoined the meeting at 8:29 pm. Ms. Klein resumed the chairmanship of the meeting.*

Mr. Kilduff said that there were some issues regarding the Town entering onto private property and performing tasks that should be done by the private property owner.

**8:30 P.M. PUBLIC HEARING ON A POSSIBLE INCREASE IN ANNUAL  
PARKING PERMIT FEES FOR MUNICIPAL PARKING LOTS TO BE  
EFFECTIVE JANUARY 1, 2009**

**CALL TO ORDER**

First Selectwoman Klein called the public hearing on a possible increase in Annual Parking Permit Fees for Municipal Parking Lots to be effective 1, 2009 at 8:34 p.m. First Selectwoman Klein then reviewed the rules and asked if there was anyone present who wished to address this issue.

No one present wished to address this issue.

First Selectwoman Klein said that the Board was looking to raise the parking fees \$27.00 a year to \$315.00. Mr. Bayne said that this was going to improve the capital improvement and that the fees had not been raised in four years. A brief discussion among the Board members then followed.

First Selectwoman Klein said that she hoped that people realized that the projects that were undertaken at the railroad station are very expensive. Taxpayer funds are not used for railroad repairs.

First Selectwoman Klein adjourned the public hearing at 8:39 P.m.

**b) Discuss and Take Action on Increase in Parking Fee**

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

**WHEREAS, SECTION 74-23 (C) OF THE TOWN OF DARIEN CODIFIED ORDINANCES DESIGNATES THE BOARD OF SELECTMEN AS THE PARKING DIVISION FOR THE TOWN WITH THE AUTHORITY TO ADOPT RULES AND REGULATIONS FOR OFF-STREET PARKING; AND**

**WHEREAS, ARTICLE VII OF THE TOWN OF DARIEN ADMINISTRATIVE REGULATIONS DESCRIBES THE REGULATIONS FOR OFF-STREET PARKING INCLUDING A FEE SCHEDULE FOR PARKING PERMITS; AND**

**WHEREAS, BY LEASE AGREEMENT, THE TOWN OF DARIEN HAS THE RESPONSIBILITY TO FUND AND COMPLETE CAPITAL IMPROVEMENTS TO THE DARIEN TRAIN STATIONS; AND**

**WHEREAS, FUNDS FOR SUCH CAPITAL IMPROVEMENTS AS WELL AS OPERATING EXPENSES ARE FINANCED THROUGH THE FEES CHARGED FOR PARKING; AND**

**WHEREAS, IT IS DESIRABLE THAT THE REVENUES COLLECTED FOR PARKING MORE CLOSELY MATCH THE ANTICIPATED COSTS THE TOWN WILL INCUR AS A PART OF ITS CONTRACTUAL OBLIGATIONS; AND**

**WHEREAS, THE DARIEN BOARD OF SELECTMEN WISHES TO INCREASE THE AMOUNT FOR AN ANNUAL PARKING PERMIT.**

**NOW THEREFORE, BE IT RESOLVED THAT THE FOLLOWING SCHEDULE OF FEES, WHICH WILL AMEND SECTION 74R-6 (A) OF THE TOWN OF DARIEN ADMINISTRATION REGULATIONS, FOR A PARKING PERMIT ARE HEREBY ENACTED IN ACCORDANCE WITH SEC. 74-23(E) OF THE TOWN OF DARIEN CODIFIED ORDINANCES, WHICH FEES SHALL BECOME EFFECTIVE ON JANUARY 1, 2009:**

**A FEE OR REBATE FOR A PARKING PERMIT, INCLUDING STATE SALES TAX, FOR ALL LOTS SHALL BE AS FOLLOWS:**

**BEGINNING OR TERMINATING DATE                      FEE                      REBATE**

<b>JANUARY 1 THROUGH MARCH 31</b>	<b>\$315.00</b>	<b>\$236.25</b>
<b>APRIL 1 THROUGH JUNE 30</b>	<b>\$236.25</b>	<b>\$157.50</b>
<b>JULY 1 THROUGH SEPTEMBER 1</b>	<b>\$157.50</b>	<b>\$78.75</b>
<b>OCTOBER 1 THROUGH NOVEMBER 30</b>	<b>\$78.75</b>	<b>\$26.25</b>
<b>DECEMBER 1 THROUGH DECEMBER 31</b>	<b>\$26.25</b>	<b>\$0.00</b>

- \*\* MR. MORTON SECONDED.**
- \*\* THE MOTION PASSED UNANIMOUSLY.**

**FIRST SELECTWOMAN’S REPORT**

First Selectwoman Klein said that a meeting had been held with the Commission on Aging regarding the repairs needed to the Senior Center. She said that it had been a good meeting and many misconceptions had been addressed. First Selectwoman Klein said that LS had volunteered to be a liaison to the Commission on Aging.

First Selectwoman Klein received notice regarding the rest stop study. Next week, the SWRPA would be meeting with the new NPO. A brief discussion about possible SWRPA agenda items followed.

First Selectwoman Klein then gave brief updates on recent meetings she had attended such as the flood mitigation meeting and an affordable housing meeting. A discussion then followed about the recent petition to the RTM for a meeting to discuss the disposition of the Leroy Avenue parcel. Mr. Bayne pointed out that the RFPs will be due soon and until the RFPs have been received, decisions can’t be made as to what would be the best use of the parcel.

**CHARTER REVISION COMMISSION**

First Selectwoman Klein said that the League of Women Voters had identified a section in the proposed Charter 8-2-7 Annual Budget meeting, item A3, which would give the RTM the ability to increase the Capital budget. First Selectwoman Klein said that the Board had approved the Charter and that there was a possible problem with one word that no one had caught that changed the intent of the proposal.

First Selectwoman Klein said that there were a few options open, such as informing the voters that the Board would establish a Charter Review Committee to change this item, or have it on the November ballot. Mr. Bayne said that he felt that the Board might be able to assure the voters that the Board would be addressing the issue in the event that the Charter passes. Ms. Sullivan said that with the economic climate, she did not believe anyone on the RTM would increase the Capital Budget. Mr. Bayne pointed out that if the RTM decided to increase the Capital Budget, the matter would have to go to referendum.

Mr. Morton said that using a typo to defeat the Charter Revision would be a shame with all the hard work that had gone into the document.

Ms. Holly Kelly came forward and said that she was sorry she didn't catch the error and that it was not anyone's intent to add this additional word. First Selectwoman Klein said that there would be a remedy if the Charter is approved.

Atty. Fox said that he felt that First Selectwoman Klein had covered the issue correctly. He added that the Board was pointing out a concern and was not advocating anything, but simply informing the public that there was an issue and that there was a remedy. Mr. Bayne thanked the League of Women for their vigilance.

Dr. Joseph Miceli then came forward and asked Atty. Fox whether the budget was derived from the mill rate. Atty. Fox agreed. Then Dr. Miceli pointed out that whatever the Board of Finance sets the mill rate. A brief discussion then followed regarding the details of the budget process and when the mill rate is set. Atty. Fox said that if the RTM did in fact raise the Capital Budget, the Board of Finance would have to adjust either the mill rate or reduce the spending in other areas.

Ms. Santarella said that the Charter Revision Commission had done a wonderful job and that this was only a small setback.

### **AGENDA REVIEW**

First Selectwoman Klein pointed out that because of the RTM meeting on Monday night, she felt that the BOS did not need to meet on the 27th. The next meeting would be on the 3rd.

### **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

October 7, 2008

The following corrections were noted:

Page 1, paragraph 3, lines 5 ff: please change the following from:

The Building Committee has met and will be meeting frequently in the next few weeks regarding this. It needs to be brought down to the budgeted 3.6 million dollar cost. There will be some meetings soon with the construction manager about this.

To:

The Building Committee has met and will be meeting frequently in the next few weeks regarding this issue. It needs to be brought down to the budgeted 3.6

million dollar cost. There will be some meetings soon with the construction manager about this issue.

Page 2, paragraph 3: please change the following from: *A condition assessment for the current Senior Center by the Department of Public Works was then distributed to the Board.*

To : *A condition assessment for the current Senior Center by the Department of Public Works dated September 2007 was then distributed to the Board.*

Page 3, paragraphs 6, 7 & 8: please replace the following paragraphs:

Mr. Bayne commented that it would have been helpful to have received the report in advance of the meeting.

Ms. Klein pointed out that seven years ago, a member of the Board of Selectmen had proposed a new Senior Center, but that the seniors had objected. Mr. Pankowski agreed but pointed out that in the last seven years there had been no maintenance on the building.

Ms. Klein then gave a brief overview of the recent history and said that these items do need to be in the budget. Discussion then followed.

With:

Mr. Bayne commented that it would have been helpful to have received the report in advance of the meeting. He then requested Mr. Pankowski submit a list of items that need to be address to the Board.

Ms. Klein pointed out that seven years ago, a member of the Board of Selectmen had proposed a new Senior Center, but that the seniors had objected. Mr. Pankowski agreed but pointed out that in the last seven years there had been no maintenance on the building. The Board members disagreed with that statement.

Ms. Klein then gave a brief overview of the recent history and said that these items do need to be in the budget. Discussion then followed about the process to bring these types of items as budget requests. Discussion then followed as to why no work orders had been processed.

**\*\* MR. MORTON MOVED THE MINUTES OF OCTOBER 7, 2008 AS CORRECTED.**

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

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

### **FORTHCOMING MEETINGS**

October 21, 2008	Board of Finance Regular Meeting at 7:30 p.m.
October 21, 2008	Planning and Zoning Public Hearing at 8:00 p.m.
October 27, 2008	Board of Selectmen Regular Meeting at 8:00 p.m.
October 29, 2007	Board of Education Regular Meeting at 7:30 p.m.
November 3, 2008	Board of Selectmen Regular Meeting at 8:00 p.m.
November 4, 2008	Planning and Zoning Regular Meeting at 7:30 p.m.
November 10, 2008	RTM Annual Meeting

### **OTHER BUSINESS**

There was no additional business to consider at this time.

### **ADJOURN TO EXECUTIVE SESSION PURSUANT TO CGS 1-2006(6)D - LAND NEGOTIATIONS**

**\*\* MR. BAYNE MOVED TO ENTER INTO EXECUTIVE SESSION PURSUANT TO CGS 1-2006(6)D TO DISCUSS LAND NEGOTIATIONS.**

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

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

The Board of Selectmen entered into Executive Session at 9:25 p.m.

Respectfully submitted

Sharon L. Soltes  
Telesco Secretarial Services