

MINUTES  
REPRESENTATIVE TOWN MEETING  
APRIL 27, 2009

RECEIVED  
MAY - 4 2009  
TOWN CLERK'S OFFICE  
DARIEN CT.

CALL TO ORDER

A Special Meeting of the Representative Town Meeting was called to order at 8:25 p.m. by Donna Racjewski, Town Clerk.

Upon Roll Call, the following members were present:

From District I , there were 14 members present, 2 absent.  
From District II, there were 10 members present, 5 absent.  
From District III, there were 12 members present, 5 absent.  
From District IV, there were 11 members present, 6 absent.  
From District V, there were 12 members present, 4 absent.  
From District VI, there were 14 members present, 3 absent.

The absentees from District I were: Grimes, Puzyk.  
The absentees from District II were: Bacon, Howe, Maguire, Rudnick, Smosky.  
The absentees from District III were: Fead, Lehan, Olvany, Pullen, Young.  
The absentees from District IV were: Cameron, Cleary, Eng, Morrison, Pratt,  
Weyhe.  
The absentees from District V were: Balian, Camuti, Davis, Wolcott.  
The absentees from District VI were: Berl, McLean, Stephens.

The Moderator, Karen A. Armour, assumed the Chair.

ACCEPTANCE OF THE AGENDA

\*\* THE AGENDA WAS ACCEPTED BY UNIVERSAL CONSENT.

ANNOUNCEMENTS

The Moderator said that the district chairs will distribute a survey on start times for RTM meetings. The Rules Committee is discussing moving the start time to a time earlier than 8:15 p.m.

The Moderator said next Wednesday will be an opportunity to participate in a municipal training workshop on ethics and conflicts of interest and what is new in 2009. People can sign up on the web site. The location will be the Darien Library from 9 a.m. to noon.

First Selectwoman Klein updated everyone on the Swine Flu via a written report (attached).

APPROVAL OF THE MINUTES OF THE MARCH 16, 2009 MEETING

\*\* THE MINUTES WERE APPROVED BY UNIVERSAL CONSENT.

The Moderator noted that Item 09-6 had been removed the agenda.

**CONSIDERATION AND ACTION ON AN AMENDMENT TO ARTICLE III OF DARIEN'S CODE OF ORDINANCES REGARDING PARKING AT PEAR TREE POINT BEACH**

**\*\* JACK WHITEHEAD, DISTRICT VI, CHAIRMAN OF TGS&A MOVED:**

WHEREAS, Article III, in particular § 42-51, provides direction and a limitation as to parking at or near the entrance to Pear Tree Point Beach; and

WHEREAS, Article III, in particular § 42-52, provides that the Park and Recreation Commission shall cause signs to be posted relating to the parking on public highways in the vicinity of Pear Tree Point Beach; and

WHEREAS, a determination has been made that it is the Police Department that enforces parking regulations and the Police Commission that ensures proper signage in a particular location; and

WHEREAS, it is determined that Article III of the Darien Code of Ordinances is outdated and no longer necessary.

**BE AND IT IS HEREBY RESOLVED** that the Representative Town Meeting of the Town of Darien hereby repeals Article III, sections 42-51 and 42-52 of the Darien Code of Ordinances.

**\*\* THE MOTION WAS SECONDED FROM THE FLOOR.**

Jack Whitehead, District VI, Chairman of TGS&A, read that committee's report (attached).

Carolyn Schoonmaker, District IV, Chairman of Public Health & Safety, read that committee's report (attached).

Cheryl Russell, District V, Chairman of the Parks & Recreation Committee, said this was more of a public matter than a parks and recreation matter, so she had decided not to provide a committee report.

**\*\* ITEM 09-5 CARRIED ON A RISING TALLY VOTE OF 72 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

**ACCEPTANCE OF FEMA GRANTS AND FUNDING FOR ACQUISITION AND ELEVATION OF FLOODING PROPERTIES**

**\*\* BRUCE ORR, DISTRICT V, CHAIRMAN OF FINANCE & BUDGET, MOVED:**

WHEREAS, the Town of Darien submitted an application for the Hazard Mitigation Grant Program (HMGP) to the State of Connecticut Department of Emergency Management and Homeland Security; and

**WHEREAS**, the application seeks funds to minimize future flood damage specifically to the properties located at 33 Cherry Street and 25 Cherry Street; and

**WHEREAS**, the funds will be used for the acquisition and demolition of property at 33 Cherry Street; and

**WHEREAS**, the funds will be used for an elevation project at 25 Cherry Street; and

**WHEREAS**, the project receives seventy-five percent (75%) funding from FEMA and a twenty-five percent (25%) match from the Town of Darien and the individual home owner; and

**WHEREAS**, the Board of Selectmen has approved the allocation of funds for local match requirements of FEMA; and

**WHEREAS**, the Board of Finance has approved a transfer of funds from the Capital Contingency Account to match the grants; and

**WHEREAS**, the future elevation of 25 Cherry Street is subject to the review and action of the Planning & Zoning Commission; and

**WHEREAS**, the acquisition of 33 Cherry Street requires a report from the Planning and Zoning Commission as required by § 8-24 of the Connecticut General Statutes.

**NOW THEREFORE, BE IT RESOLVED**, that the Representative Town Meeting of the Town of Darien approves the acceptance of the FEMA grant in the amount of Three Hundred One Thousand Five Hundred and 00/100 Dollars (\$301,500.00) for 33 Cherry Street and Sixty One Thousand Five Hundred and 00/100 Dollars (\$61,500.00) for 25 Cherry Street and further authorizes the funding of One Hundred Thousand Five Hundred Dollars (\$100,500.00) for the twenty-five percent (25%) match of the 33 Cherry Street acquisition.

**\*\* THE MOTION WAS SECONDED FROM THE FLOOR.**

Bruce Orr, District V, Chairman of the Finance & Budget Committee, read that committee's written report (attached).

John van der Kieft, District V, Chairman of PZ&H, read that committee's written report (attached).

Mark Adiletta, District V, Chairman of the Public Works Committee, read that committee's report (attached).

First Selectwoman Klein read her written remarks (attached) and introduced Andrea Sangrey, Manager of Community Development, who made a power point presentation (attached).

Lloyd Plehaty, District VI, said he was glad to hear that the cost of demolition was included, but he asked what "demolition" actually meant. Ms. Sangrey said they don't have plans at this time.

Dr. George, District V, asked why they have to consider both locations.

Eugene Coyle, District III, said this is a very worthy endeavor. The Moderator said paving is not allowed by FEMA.

John van der Kieft, District V, asked why they would not be giving final approval now. Ms. Sangrey said they have to come back after the contract to satisfy the Charter.

Dennis Maroney, District III, asked if he could make a motion to split the two issues. Town Counsel Fox said that was allowed by Roberts' Rules. The motion must be seconded, is not debatable, and requires an immediate vote.

**\*\* DENNIS MARONEY, DISTRICT III, MOVED TO DIVIDE THE MOTION INTO TWO MOTIONS, ONE FOR 25 CHERRY STREET AND ONE FOR 33 CHERRY STREET (09-7).**

**\*\* THE MOTION WAS SECONDED FROM THE FLOOR.**

**\*\* MOTION TO DIVIDE PASSED ON A RISING TALLY VOTE OF 47 IN FAVOR, 24 OPPOSED, 1 ABSTENTION.**

Discussion took place on 25 Cherry Street (09-7a)

Lloyd Plehaty, District VI, asked if the division would affect FEMA. The Moderator said that was true.

**\*\* ITEM 09-7A CARRIED ON A RISING TALLY VOTE OF 70 IN FAVOR, 0 OPPOSED, 2 ABSTENTIONS.**

Discussion took place on 33 Cherry Street (09-7b).

Anthony Imbimbo, District I, asked if the price was still to be negotiated; the Moderator responded affirmatively.

Jeff Marston, District II, asked if the budget included a development process to return the property to a natural state. Mr. Kilduff said environmental assessment will be part of Phase I. They hope there will be no environmental impact.

Thomas Moore, District III, said this contract will come back to this body and they can turn it down if it is too pricey. The Moderator agreed.

Diane Conologue, District VI, said she is concerned about setting a precedent. She asked what happened to the other property. Ms. Sangrey said that the other property was 27 Crimmons Road, and the owners of that property withdrew their application. Ms. Conologue asked how many other homes in town were eligible. Ms. Sangrey said anyone with documented losses can come forward as these owners did. For this grant, the window is closed. Ms. Conologue asked how many lawsuits there are against the town because of flooding; Ms. Sangrey answered that there is one lawsuit. First Selectwoman Klein said this has to do with houses that qualify. There has to be extensive and repetitive instances of damage. These grants are not easy; it is a lengthy process and there is a lot to prove.

Reilly Tierney, District I, asked if the RTM has the ability to approve a lower amount. First Selectwoman Klein said this is a negotiation for acquisition. Ms. Sangrey said this includes acquisition, relocation cost, contingencies, etc. The amount is the maximum and they are in negotiations. The RTM cannot approve a smaller amount tonight.

Thomas Moore, District III, said this flooding issue has gotten worse over the years. They should support this. The contract still has to come back to the RTM.

Dennis Maroney, District III, said he agrees with Mr. Moore, but said he was nervous because it does not say what they are going to do with that land. The Moderator said FEMA language is very clear about what can be built. Ms. Sangrey said that FEMA will update this every year. The First Selectwoman said this presentation will be made available to everyone.

Cheryl Russell, District V, asked when the town will end up with this property. Ms. Sangrey said it is sometime within one year. Mrs. Russell said that the RTM can dedicate property. The Parks & Recreation Committee and Commission could work on dedicating this land for flood mitigation. The Moderator said the agreement with FEMA already does that.

Flora Smith, District I, said there are two issues: 1) Acceptance of FEMA money for the grant. FEMA is trying to avoid future losses. 2) Potentially tens of millions of dollars which mitigate flooding in town. She said that some of these projects may put them into the position of buying certain properties. Removing this home with \$100,000 of taxpayer funds will not change anything. She said she was concerned that they were setting a precedent. She asked if the property owners had received insurance payments for these floods. She has compassion, as does everyone in this room, but they have to keep their eyes on the ball. There are many open questions.

First Selectwoman Klein said FEMA would not have approved this application if this would not result in any improvements to this neighborhood. Neighbors on Cherry Street want the flooding to be mitigated whatever it takes, and this is what it takes. This is an area in town that has experienced flooding for fifty years, and they have to step up. The Board of Selectmen and the Board of Finance voted unanimously to move this forward. This is a great opportunity for the RTM to take a first step.

Selectman David Bayne said there must be a federal or state declaration of a disaster in order to qualify for this grant. The bottom line is that the RTM will be asked to vote on grants in the future. Consider this application on its own merits; not out of fear of what the future might hold.

Christian Noe, District II, said FEMA gives municipalities tools. This is a tool that Darien can use. They should accept this.

Selectman Linda Santarella said Cherry Street has been flooding for over fifty years. The McBroom and McBride (M&M) report is a draft. Cherry Street and Crimmins Road are a very sad state of affairs. This will be open space. These people need our help.

The Moderator noted that blacktop is not one of the possibilities.

Joanne Hennessey, District V, said her concern is the \$100,000+ dollars that is the town's part. There is no flood mitigation of obtaining that property, only to the owners. She asked why the

FEMA grant alone was not enough. First Selectwoman Klein said acquiring this property does have mitigation value to the neighborhood. This will help a neighborhood that has been flooding for fifty years. The Moderator said this is a flood mitigation project, not a flood never again project.

Mary Ness, District I, said her concern is that they are spending approximately \$80,000 an acre. This is not one of the houses that will help mitigation according to the M&M report. There is no reason to spend \$100,000; there is also no access to Holahan field. First Selectwoman Klein said, again, that FEMA would not have approved this application if it did not have flood mitigation value.

Mark Dailey, District V, said this is one-sixth of an acre for \$400,000. This is a lot of money; this is a very expensive precedent.

Marc Thorne, District II, said they are not buying land; they are buying a home. This is an opportunity to make things right for these people.

Mary Guimond, District VI, said this is a worthy cause.

Bruce Orr, District V, said he agreed with Mrs. Guimond. He said he hopes this event does not happen again. This is a small amount to get a lot of money back from the federal government. He supports this motion.

First Selectwoman Klein said M&M has not issued any final recommendations.

**\*\* ITEM 09-7B CARRIED ON A RISING TALLY VOTE OF 57 IN FAVOR, 13 OPPOSED, 2 ABSTENTIONS.**

**PRESENTATION ON OPTION TO LEASE TO MUTUAL HOUSING ASSOCIATION  
(PROPOSED DEVELOPER FOR LIBRARY SITE) FOR 35 LEROY AVENUE**

First Selectwoman Klein said that Town Attorney Fox had presented the scope of action. Town Counsel Fox recommended they proceed with an option purchase, as opposed to going directly into a lease. Mutual Housing needs to get funding and zoning approval. The other option would be to go directly to a lease. This would be done without getting the answers to funding and zoning approval. Under this scenario, Mutual Housing has what they need to proceed and his client still has control. He is recommending an option lease.

Mary Guimond, District V, asked about the length. It is a 3-year option to lease; it looks like we are hedging our bets. Attorney Fox said the term for the option is to provide for two years with an additional one year if they have financing commitments but need time to close. First Selectwoman Klein read an e-mail from Lesley Bill, which said that most affordable housing projects take five years on average. She said a two-year time frame to secure financing would not be realistic.

Lois Schneider, District I, said this was discussed last Wednesday. They were told they would get a copy of the document then, but have not yet received it. The Moderator said she was not aware of that. Town Counsel Fox said it was a draft. Selectman Bayne said he was at that caucus but does not remember anyone asking for this document. It is now in draft form. First

Selectwoman Klein said when chairs need information, they should contact her office. Selectman Callie Sullivan said she and Selectman Morton do remember this request, and she apologized.

Lorene Bora, Board of Finance, said that the Board of Finance has not taken a position. During budget deliberations, it came up that it will cost \$27,000 a year to maintain this property. The Board of Finance is concerned that this project be done as soon as possible.

Martin Magida, District V, asked if there were any items that needed to be shown to the town. He said they want to guard against non-performance. Town Counsel Fox said there are specific obligations to move forward within certain time frames.

John Price, District I, asked about lost interest.

Dr. George, District V, asked about the senior center. First Selectwoman Klein said in September, they made a presentation to the RTM on the pros and cons of the use of this site. The gym at the senior center is used for other groups. The senior center cannot accommodate the vision. They put a lot of time into this. They have more opportunity where the current senior center is for the gym, incorporating adult daycare, etc. A multi-use facility makes sense for this building, especially given the state of the economy.

Thomas Moore, District III, said it is important that they maintain the town planning and zoning and do nothing to override that. First Selectwoman Klein said they would have to do a lot of work to prepare the site for daycare.

**\*\* UPON MOTION MADE AND SECONDED FROM THE FLOOR, IT WAS VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 10:35 P.M.**

Respectfully submitted,

Cheryl Telesco  
Telesco Secretarial Services

APPENDIX

<u>DISTRICT I</u>	(09-5)	motion to divide		
		(09-7)	(09-7a)	(09-7b)
Bishko	yes	yes	yes	no
Grimes	absent	absent	absent	absent
Harrington	yes	yes	yes	yes
Imbimbo	yes	no	yes	yes
Kelly	yes	yes	yes	yes
Nelson	yes	yes	yes	no
Ness	yes	yes	yes	no
Piccaro	yes	yes	yes	no
Price	yes	yes	yes	yes
Puzyk	absent	absent	absent	absent
Schneider	yes	yes	yes	yes
Sini	yes	yes	yes	yes
Smith	yes	yes	yes	no
Tierney	yes	yes	yes	yes
Valentino	yes	no	yes	yes
Wong	yes	no	yes	yes

<u>DISTRICT IV</u>	(09-5)	motion to divide		
		(09-7)	(09-7a)	(09-7b)
Artinian	yes	yes	yes	no
Cameron	absent	absent	absent	absent
Cleary	absent	absent	absent	absent
Davis	yes	no	yes	yes
Eng	absent	absent	absent	absent
Kemp	yes	no	yes	yes
Millar	yes	no	yes	yes
Miller	yes	yes	yes	no
Morrison	absent	absent	absent	absent
Peters	yes	yes	yes	?
Pratt	absent	absent	absent	?
Rayhill	yes	no	yes	yes
Rycenga	yes	yes	yes	no
Savage	yes	no	yes	yes
C.Schoonmaker	yes	yes	yes	yes
S.Schoonmaker	yes	yes	yes	yes
Weyhe	absent	absent	absent	absent

DISTRICT II

Bacon	absent	absent	absent	absent
Conway	yes	yes	yes	yes
Howe	absent	absent	absent	absent
Magida	yes	yes	yes	yes
Maguire	absent	absent	absent	absent
Marston	yes	yes	yes	yes
Noe	yes	yes	abstain	yes
Ridley	yes	yes	yes	yes
Rudnick	absent	absent	absent	absent
Seelye	yes	yes	yes	yes
Sheehan	yes	yes	yes	yes
Smosky	absent	absent	absent	absent
Thorne, B.	yes	no	yes	yes
Thorne, M	yes	no	yes	yes
Weicker	yes	yes	yes	yes

DISTRICT V

Adiletta	yes	yes	yes	yes
Balian	absent	absent	absent	absent
Camuti	absent	absent	absent	absent
Conniff	yes	no	yes	yes
Dailey	yes	yes	yes	abstain
Davis	absent	absent	absent	absent
George	yes	yes	yes	no
Hennessy	yes	yes	yes	no
Nizolek	yes	yes	abstain	yes
Orr	yes	no	yes	yes
Patrick	yes	yes	yes	yes
Russell	yes	no	yes	yes
Sharp	yes	yes	yes	no
Vanderkief	yes	yes	yes	yes
Wenger	yes	yes	yes	yes
Wolcott	absent	absent	absent	absent

DISTRICT III

Bayne,	yes	no	yes	yes
Brode	yes	yes	yes	yes
Cardone	yes	no	yes	yes
Coyle	yes	yes	yes	yes
Duffy	yes	yes	yes	abstain
D'Urso	yes	abstain	yes	yes
Fead	absent	absent	absent	absent
Helms	yes	yes	yes	yes
LeHan	absent	absent	absent	absent
Maroney	yes	yes	yes	yes
Martens	yes	yes	yes	yes
Moore	yes	no	yes	yes
Olvany	absent	absent	absent	absent
Pullen	absent	absent	absent	absent
Smith	yes	no	yes	yes
Voigt	yes	no	yes	yes
Young	absent	absent	absent	absent

DISTRICT VI

Adelman	yes	no	yes	yes
Armour	did not vote			
Baldwin	yes	no	yes	yes
Berl	absent	absent	absent	absent
Conologue	yes	yes	yes	no
Grogan	yes	yes	yes	yes
Guimond	yes	no	yes	yes
Hawkins	yes	yes	yes	no
Jones	yes	yes	yes	yes
McDermott	yes	yes	yes	yes
McLean	absent	absent	absent	absent
McNamara	yes	yes	yes	yes
Plehaty	yes	no	yes	yes
Poli	yes	yes	yes	yes
Stephens	absent	absent	absent	absent
Swenson	yes	no	yes	yes
Whitehead	yes	no	yes	yes

27 April 2009  
Remarks  
Evonne M. Klein  
First Selectwoman  
RTM Special Meeting

### **Announcements**

Swine Flu – The Director of Health David Knauf, his assistant Barry Boogle, Karl Kilduff and I participated in the conference call today with State Department of Public Health. At this point there are no diagnosed cases of Swine Flu in CT. But are watching this very carefully.

#### **Recent actions taken by the Darien Health Department in addressing recent concerns about the Swine Flu**

(David Knauf, Director of Health  
& Dr. Caleb Moore, Medical Advisor)

- Participated in a conference call with the State Department of Public Health which provided the most recent information and updates. Such conference calls will be conducted daily by the State and we will be involved.
- At the moment, no specific aggressive measures are being recommended but vigilance and contact with area physicians to track cases is important.
- Met with all Town of Darien Department heads to answer questions and provide information. Such meetings and briefings will be held on an as-needed basis.
- Closely monitoring information being issued by Centers for Disease Control ([www.cdc.gov/swineflu](http://www.cdc.gov/swineflu)) and Department of Public Health ([www.ct.gov/dph](http://www.ct.gov/dph)) All concerned citizens are urged to do check those sources.

Classic signs of an influenza infection are: fever, muscle aches, sore throat, cough, temperatures, and chills.

Swine influenza is similar to human flu in symptoms, testing & treatment. When detected early, it appears to be quite manageable with positive outcomes. The thing that makes this different from other strains of flu such as the source of the virus is not human. By all appearances so far, this appears to be a very treatable illness.

If you have any concerns and display any of the above symptoms, please call your doctor. The sooner you are diagnosed and treated, the better. At the moment, it appears that vaccines administered in the Fall of 2008 will have limited if any protective capabilities for this strain of flu.

## **What You Can Do to Stay Healthy**

**There are everyday actions people can take to stay healthy.**

- Make sure you carry a handkerchief or tissues with you and use them! Cover your nose and mouth with a tissue when you cough or sneeze. Throw the tissue in the trash after you use it.
- Wash your hands often with soap and water, especially after you cough or sneeze. Good public health practice is a 20 second scrub. Alcohol-based hands cleaners are also effective.
- Avoid touching your eyes, nose or mouth. Germs are spread that way.

**Try to avoid close contact with sick people.**

- Influenza is thought to spread mainly person-to-person through coughing or sneezing of infected people.
- If you get sick, CDC recommends that you stay home from work or school and limit contact with others to keep from infecting them. Call your doctor and tell him of your symptoms.

The Governor issued a press release informing us that she has "requested the federal Centers for Disease Control release to CT 134,000 treatment courses of antiviral medications as well as personal protective equipment and respiratory protection devices, in response to the swine flu outbreak."

Good Evening : Town Officials, Representative Town Meeting Members, Darien Residents and Guest.

My name is Jack Whitehead and I am Chairman of Town Government, Structure and Administration, (TGS&A)

At this time I would like to move Item 09-05, Repeal Article III, which Repeals sections 42-51 and 42-52 of the Darien Code of Ordinances and ask for a second.

Without objection I move to waive the reading of the Resolution.

The Motion that Members of the RTM received in their packet for this meeting has a typographic error. The Motion should read, "BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien hereby repeals Article III, sections 42-51 and 42-52 of the Darien Code of Ordinances .

On behalf of the Town Government, Structure and Administration Committee I present to the Representative Town Meeting for their consideration and ratification Item 09-05.

At our meeting of April 6, 2009, with 8 of 12 members present. TGS&A voted unanimously to recommend this item to the RTM.

This is the second Item that TGS&A brings to the RTM thru the review of the Code of Ordinances of the Town of Darien. The Rules Committee of the Representative Town Meeting requested that the TGS&A committee undertake this.

The TGS&A committee found that this ordinance was placed in the Code of Ordinances October 10, 1935. This ordinance prohibits parking within one-fourth of a mile of the entrance gates of Pear Tree Point Beach. Violation of this Ordinance results in the issuance of an "Infraction." The area around the entrance of Pear Tree Point Beach on Pear Tree Point Road already has No Parking signs. The Darien Police Commission has stated that these signs will be enforced with the issuance of No Parking tickets, for a violation. This should result in less confusion during the enforcement of violations.

The Town Government Structure and Administration Committee asks that you vote, " Yes" and ratify Item 09-05 the Repeal of Article III sections 42-51 and 42-52 of the Darien Code of Ordinances. Thank You.

**RTM PUBLIC HEALTH & SAFETY COMMITTEE**  
**Report to the RTM on April 28, 2009**  
**Resolution (09-05)**

**I am Carolyn Schoonmaker from District 4 and Chairman of the PH&S Committee.**

**Tonight the Public Health & Safety Committee met with 9 of ~~12~~<sup>13</sup> members present to discuss and vote on the Resolution Repealing Article III, Sections 42-51 and 42-52 of the Darien Code of Ordinances.**

**The Committee felt that the Police Department enforces parking regulations, and the Police Commission ensures proper signage in particular locations, therefore, Article III is no longer necessary.**

**The vote to repeal Article III, sections 42-51 and 42-52 was unanimous.**

A handwritten signature in blue ink, appearing to read "Carolyn Schoonmaker". The signature is written in a cursive style with a long horizontal stroke at the end.

**Finance & Budget Committee  
Report to RTM, April 27, 2009**

**(09-7) RTM RESOLUTION AUTHORIZING THE ACCEPTANCE OF A FEMA GRANT THROUGH THE STATE OF CONNECTICUT AND APPROVAL AND FUNDING FOR DARIEN'S PORTION OF THE MITIGATION**

I am Bruce Orr, District 5 and Chair of Finance and Budget.

I move Resolution (09-7) and ask for a second.

If there are no objections, I propose to waive the reading of the Resolution.

The F&B committee met on April 27, 2009, with 12 of 15 members present comprising a quorum. We were joined by the Public Works Committee and several members of the Town Administration including, Andrea Sangrey, Manager Community Development Services.

As described by the RTM Rules Committee's description of the roles & responsibilities of standing committees, the Finance & Budget Committee's primary responsibility is to, and I quote; "report to the RTM when asked to authorize the use or expenditure of Town funds or approve the Town's annual budget", end quote. Five month's ago, we set the regular meetings of the Finance & Budget Committee to align with the annual budget process. Tonight was our regularly scheduled meeting to discuss and take action on the proposed 2009/10 **\$106 million Town Budget**. However, as you are all aware, a special RTM was called tonight to address this resolution, among others. We will be meeting tomorrow evening, in the friendly confines of the Town Hall, in a Special Meeting, to discuss and take action on the 2009-2010 Budget.

This resolution and the expenditure are quite different from the normal course of business in Town. While the background materials and information provided by the Town Administration may have painted marginally different justifications for the expenditure, the resolution in front of you tonight asking for acceptance of \$361k of Federal money and the expenditure of \$100k of Town funds, is purely event driven. The torrential rains of April 2007 and subsequent flooding in Westchester and Fairfield Counties were significant enough that portions of the area were declared disaster areas by the State and Federal governments, triggering the FEMA grant monies.

In anticipation of the possibility of receiving a share of the FEMA money from the State, on January 28, 2008 the RTM passed a resolution transferring \$200,000 from the Town's Contingency Capital Reserve Fund to a newly created account

"FEMA Buyout Fund". The vote was 73 in favor, 0 opposed and 2 abstentions. The Finance & Budget Committee had earlier unanimously approved the transfer.

Given the pre-work done on this topic and the limited impact on the Town's current and future budget, the Committee

voted: 10 in FAVOR 2 OPPOSED

We recommend to the RTM to: to APPROVE

## **PZ&H DECISION on FEMA GRANTS for CHERRY STREET**

PZ&H met on Thursday, April 23 with 9 of 16 present.

Because consideration for the 25 Cherry Street proposal does not involve Town funding, as 33 Cherry Street does, and because I was advised one proposal is not contingent upon the other we addressed each separately.

Other than confirming elevation of the house at 25 Cherry Street would be funded through a combination of FEMA funds (75%) and the home owner's contribution (25%) there was no further discussion. The Committee voted in favor to accept the FEMA Grant of \$61,500 with 8 in favor, none opposed and one abstention.

With regard to 33 Cherry Street which proposes a contribution of \$100,500 in matching funds to a FEMA Grant of \$301,500 for a 25% - 75% distribution of costs respectively, there was considerable and extended discussion.

The reasons given in favor of the proposal were:

- purchase of the property and demolition of the house at 25% of the overall cost would be at a very favorable discount to the Town
- the Town would be able to purchase the property and demolish the house at a very modest expense to the Town
- purchase of the property and demolition of the house with the intent of keeping the property open land is consistent with the Town Plan of Conservation and Development to acquire open land
- the 33 Cherry Street property is contiguous with open land bordering the western bank of the Stony Brook stream bed, thus it would add to this open land area.

This open land is owned by the Spring Grove Cemetery

- by owning and keeping the property as open land the land will be available to the Town should future water mitigation or flood control projects need to extend into this area ----
  - such as a detention pond or dike to channel flood waters away from the neighborhood and downstream
- should there be such a need in the future the Town would not have to purchase the property at market price from a private owner, or possibly through eminent domain

The reasons given for not being in favor of the proposal were:

- concern that \$402,000 is not the value of the house today
- the \$100,500 was felt to be too much to spend in today's market for a very small piece of land (.16 acres) with no specific use other than open land
- with no specific planned development, such as a detention pond or a dike to reduce neighborhood flooding and to channel waters downstream, there is no strong need to purchase the property
- that in view of no planned water mitigation or flood control projects the Town's funds could be better spent towards projects that would be of more benefit to the community
- that approving the \$402,000 would weaken the Town's negotiating position as it would indicate a willingness to pay an aggregate amount felt to be excessive
- mentioned in a memo was the possibility of the land being used as a community access to the Town Hall property. This was felt to be impractical for several reasons:

land is too close to the stream bed and too narrow

Cherry Street is too narrow and congested for parking

any pathway or roadway would lead directly into the athletic fields  
right field for baseball and into the football or soccer field  
sidelines

to reach the Town Hall parking areas you would have to cross the  
athletic fields

Those, essentially, are the pro's and con's.

On a call to vote, a majority of 5 did not approve, 4 did approve, there were no abstentions.

# Resolution 09-07

Earlier this evening the PWC met with 12 of 14 present

After reviewing:

- 1) The memo from Andrea Sangrey Date 4/16 (to madam Moderator)  
Mng. Community Development Svc.
- 2) Questions submitted 4/20/1 by me to Mrs. Sangrey and answers provided on 4/22.
- 3) A review of Title 44 of the Code of Regulations relating to Hazard Mitigation Assistance.

We noted the properties covered by Resolution 09-7

~~may differ from~~

- 1) Have been determined to qualify for mitigation by an outside party (FEMA) that went through its own multi-step process.  
- No paid consultants
- 2) The elevation of 25 Cherry + acquisition of 33 Cherry are projects <sup>being</sup> independent other upstream or down stream projects  
- This should ~~result in no~~ ~~the~~ ~~need~~ ~~to~~ ~~do~~ ~~any~~ ~~mitigation~~ related to these sites
- 3) These projects are consistent ~~to~~ with the mitigation plan being pursued by the B of S.
- 4) There is a mechanism where by the cost of either the elevation or mediation portion can come in lower if the "market" dictated.

Dissenting views

- Concern that these parcels are not noted in the stony brook water shed study,
- Concern that adequate information had not be provided in a timely manner

27 April 2009  
Remarks  
Evonne M. Klein  
First Selectwoman  
RTM Special Meeting

FEMA – Acceptance of FEMA grants and funding for acquisition and elevation of flooding properties.

The Board of Selectmen has made a commitment to the Darien Community to pursue every opportunity to mitigate the damaging effects of flooding on our residents, businesses, roadways and facilities. The Pre – Disaster Mitigation grant is one such opportunity. As we are aware property acquisition is considered the best option for flood mitigation and this PDM grant presents an opportunity for the Town to receive 75% of the funding to acquire 33 Cherry Street - a property that would be returned to its normal state as a flood plain and allowed to function as a flood plain. This grant also presents an opportunity for another homeowner at 25 Cherry Street to receive 75% match to their 25% to elevate their home with the end result of mitigating continuous damage to their home from the flood waters.

On behalf of the Board of Selectmen I would like to thank Andrea Sangrey, Jeremy Ginsberg, Bob Steeger, Marc McEwan, Tony Homicki, Karl Kilduff as well as the property owners for their hard work in completing this competitive application process to the successful award of grant funding.

The Board of Selectmen asks the RTM vote to accept these FEMA grants.

Andrea Sangrey will present an overview of the grant itself, the application process as well as the properties under discussion this evening.

RTM MEETING  
APRIL 27, 2009

09-7  
ACCEPTANCE OF FEMA  
GRANTS

BACKGROUND

- > Flooding History: March 2, 2007, October 11, 2007 and April 2007 declared a National Disaster throughout the State of Connecticut
- > HMGP (Hazard Mitigation Grant Program) Grant : \$1 million statewide. This was a highly competitive grant process, in which the Town of Darien scored highest in the state, receiving approvals for three projects or 40% of the total statewide allocation. One project withdrew because the process is so lengthy.
- > The reason Darien scored so well was due to the Town's commitment to provide the matching funds as well as the amount of damage that occurred around Stony Brook making the benefit of the project to the cost of future damages so high.
- > FEMA states that "Acquisition is the only common mitigation project that is 100% effective in avoiding future damages and losses"
- > Who applied? Those with repetitive losses, who have flood insurance, who need assistance and which have properties that can demonstrate a strong benefit to cost ratio were submitted.

HMGP Grant Application Requirements

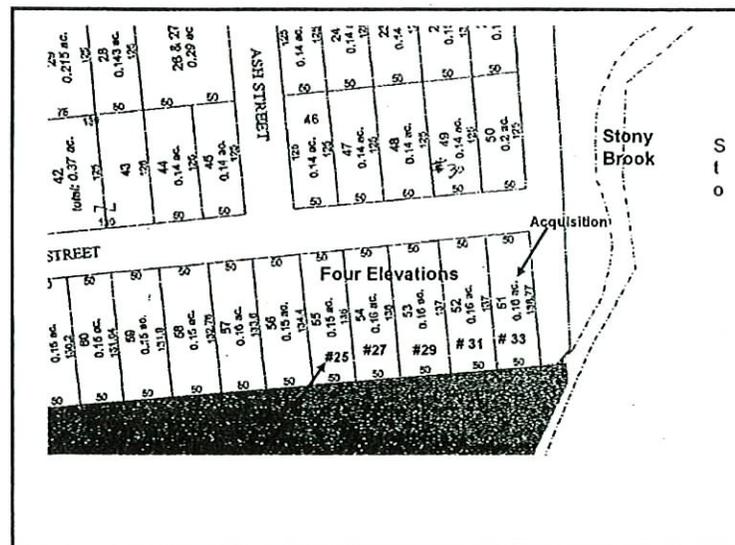
1. Location Map
2. Latitude and Longitude
3. Maintenance Plan
4. History of Damages
5. Work Schedule
6. List of Three Alternatives
7. Copy of Hazard Mitigation Plan (Regional Plan)
8. Cost Estimate from Contractor
9. Tax Assessor's Card
10. First Floor Elevation or Elevation Certificate
11. FEMA Map and Panel #
12. Completed HMGP Application

HMGP Grant Process

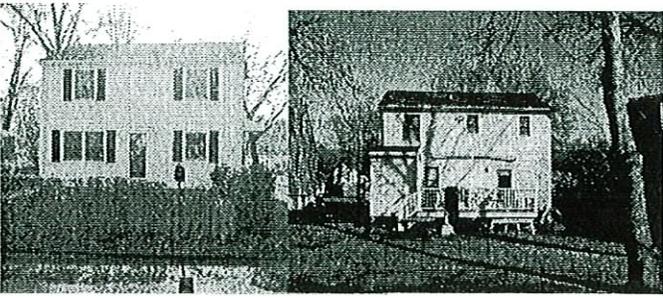
- > CTDEP Review and Ranking
- > FEMA Region 1 Review
- > FEMA Region 1 Approval
- > Award of Grant to Town of Darien
- > Contract between FEMA and Town of Darien
- > Elevation can begin immediately
- > Acquisition: contract negotiation with homeowner, close on purchase, deed restriction of land for open space, demolition, land is permanently open space

TWO PROJECTS

- > 25 Cherry Street: Elevation Project
- > 33 Cherry Street: Acquisition/demo/open space Project
- > Crimmins Road: Acquisition application withdrawn by property owner.



# 25 CHERRY STREET



# 25 CHERRY STREET

- Elevation Project
- Total Cost: \$81,900
- FEMA 75% Grant: \$61,500
- Homeowner 25% Match: \$20,500

## Homeowner's Letter – 25 Cherry Street

Planning & Zoning Department  
Town of Darien  
2 Renahaw Road  
Darien, CT 06820

Dear Sir or Madam,

Please consider this a formal request to elevate the property at 25 Cherry Street in Darien, CT.

Our home suffered its first flood in September 2006 followed by two additional floods in March and April 2007. At that time, the home was not able to be occupied due to loss of all heating and electrical equipment in the crawlspace in addition to first floor damage. We had to evacuate our home and could not return until mid-July after the birth of our child and all necessary repairs and replacements were made. In October 2007, a fourth flood, damaged all the flooring on our first floor which had just been installed due to the past flood incident.

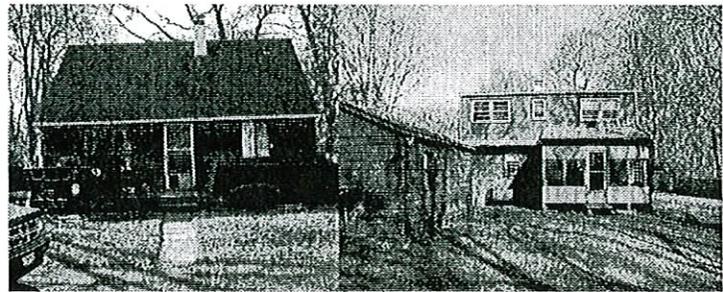
I am presently employed by the Town of Darien Board of Education as the Head Custodian of Hindley School. My spouse, Noelle, is our child's care giver and quite frankly we have no alternative but to elevate our home since ours is not marketable as it is. We live on a very fixed income and prior to the flooding, all of our earnings went towards renovating this home.

We are presently obtaining pricing from contractors for elevating the home and understand FEMA is considering grants to homeowners in our situation, and we would greatly appreciate consideration of such grant.

If you need anything further from us, please do not hesitate to contact me at home (860) 262- or my cell phone (860) 262-.

Sincerely,  
  
Denala Kopec

# 33 CHERRY STREET



# 33 CHERRY STREET

## ➤ Acquisition/Open Space Project

- Total Cost: \$402,000
- FEMA 75% Grant: \$301,500
- Town of Darien 25% Match: Maximum of \$100,500

Three appraisals will be obtained at the time of contract negotiations. Land to be deeded as open space in perpetuity, thereby eliminating any future damage to the residence, the personal property, and risk to life.

## Homeowner's Letter – 33 Cherry Street

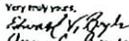
Dear Ms. Klein:

Our home was purchased in 1965. In the early 70's and again in January of '79 or '80, we had flooding from Storm Bruce overflowing it's banks that was deep enough to cover our first floor living room, kitchen, bathroom and an 8 purpose room. We have no basement.

Over the years between 1980 and 2007, the brook overflowed many times. Some years it happened once or twice in a year and some years not at all. During those many floods our living space was spared, but the house would be surrounded by water that would extend up the street, behind us into the field off Tom Hill and would impact some of the houses next to us, depending on how deep the water got. Whenever the brook overflowed it was bad for us as our house had the lowest elevation and was impacted first. We never knew until the water started to subside whether we would be spared or whether we would get wet, yet again, so we had certain preparations that we had to go through each time. We would get the cars up the street, raise what furniture we could, remove bottom drawers etc., etc., and do everything we could to get our possessions out of harm's way. There was always a mighty sigh of relief when we were spared and the water subsided. We had to do all this work ourselves as by the time we knew flooding was a possibility ASADA, no one could get to us to help us. Our luck ran out on March 2, 2007, and was followed by April 15th and October 11th. You have no doubt seen the photos I took on these days.

We are now in our 70's and are dealing with some serious health problems. We don't have the energy we once had. We have dealt over the past year with the most serious flooding we have ever seen. There is no reason to think it won't happen again. Our children have rolled each time to help us with the clean up, which we greatly appreciate, but enough is enough.

We can't continue to go through this. Every time it rains we start to worry. It has become much more for us to deal with. The FEMA buyout is our only viable option. The thought of leaving our home of many years is very stressful. The thought of staying here stresses us more.

Very truly yours,  
  
Edward C. Boyce  
(Mr. and Mrs. Edward Boyce)

## Town Approvals/History

- > January 28, 2008 – RTM unanimously approved
- > August 18, 2008 – Board of Selectmen unanimously approved
- > August 28, 2008 – Approved by the Board of Finance

## Q & A

- Q:** Can the land at 33 Cherry Street be paved?  
**A:** No. The property can only be used as per the FEMA Open Space restrictions
- Q:** This is a small piece of land- what are the benefits to the Town?  
**A:** The land can absorb water without doing damage to homes and lives.

## Q & A

- Q:** Does the Town pay for all of the 33 Cherry Street acquisition?  
**A:** No. Only the 25% match (Maximum of \$100,500). The Federal Government (FEMA) pays the remainder.
- Q:** Can FEMA grant funds be spent differently than the purpose cited in the application as long as they are spent on water mitigation and/or water control?  
**A:** No. However it does not preclude the Town from using the land for future mitigation projects

## Darien Plan of Conservation and Development

- > Chapter 3: Environmental Resources  
 Page 3-2: "Reduce the potential for loss of life and property resulting from flood conditions"
- > Chapter 8: Parks and Recreation  
 Page 8-3: "Consider purchasing properties contiguous to Town-owned properties if they become available"

## NEXT STEPS

- > FEMA TO AWARD THE FUNDS
- > TOWN AND FEMA TO UNDERGO MEMORANDUM OF UNDERSTANDING
- > BOARD OF SELECTMEN TO WORK WITH HOMEOWNER ON CONTRACT
- > PZC 8-24 REPORT
- > RTM FINAL APPROVAL OF PURCHASE  
 (THE ELEVATION PROJECT CAN BEGIN AFTER M.O.U. AND FUNDS ARE IN PLACE)

## MEMORANDUM

April 27, 2009

To: Elyse Klein, First Selectwoman  
 From: Richard Jacobson, Environmental Protection Officer  
 Re: 33 Cherry Street

The existing house on 33 Cherry Street would not have been permitted to be constructed under current zoning regulations and wetland regulations. Specifically section 825d.(6), which requires that the Planning and Zoning Commission review construction and filling within an area of special flood hazard and requires the first floor elevation be at least one foot above the base flood elevation, and all mechanical components be at or above that elevation. Under today's standards, both the Planning and Zoning Commission and the Environmental Protection Commission would also be obligated to consider the impacts from any filling and construction activity on the floodplain flood elevations, Stony Brook, and any adjacent/nearby wetlands.

The acquisition of the property at 33 Cherry Street would be beneficial if the Town were to implement a recommendation of the Milojk & MacBroom Stony Brook Watershed Study to replace the Hecker Avenue Bridge. According to the Section 5.2.19 of the study, the effects of the bridge replacement would likely extend to this property. If the house was demolished, and the property was owned by the Town, the issue of impacts to a homeowner would be removed.



MEMORANDUM

TO: Ms. Evonne Klein, First Selectwoman  
FROM: Mr. Darren Oustine, P.E.  
SUBJECT: Town Acquisition of Private Property with FEMA  
33 Cherry Street  
DATE: April 27, 2009

There are approximately 10 homes on Cherry Street that lie within the floodplain as mapped by the Federal Emergency Management Agency (FEMA). 33 Cherry Street is the closest of all properties on the street to the Stony Brook and the lowest lying property on the street. The subject property is flood prone.

There are a number of options available to address flooding. Most options are costly while providing only an improvement rather than a guaranteed solution. Environmental concerns are also a cost that should be weighed against any proposed solution.

The consultant hired by the town, (Moore & MacBroom) has outlined a plethora of alternatives to correct flooding. The report is available on the town website for review. The town's consultant also considered natural conditions relative to flooding within the Stony Brook. Natural conditions closely approximate the FEMA floodplain. The subject property would flood even with removal of manmade obstructions and impediments.

Only one alternative provides a guarantee that a specific property will not suffer from flooding or property damage. Acquisition and demolition of a flood prone residence is a guarantee that loss of property or damage to structures will not occur in the future. There is an added environmental benefit in that the land will revert to open space, provide some limited flood storage, and will not require disruption to existing waterway.

Conclusion

A great deal of effort was put into this grant by many town departments and we are proud to have received this grant.

THANK YOU

---

**From:** Lesley Higgins-Biddle [mailto:LHigginsB@lisc.org]  
**Sent:** Friday, April 24, 2009 5:25 PM  
**To:** Klein, Evonne  
**Subject:** 35 Leroy

Dear Evonne;

I am writing about the timing of financing the conversion of 35 Leroy into affordable homeownership condominium units. I understand that the Town is evaluating the proposed timeline of financing outlined by the developer, Mutual Housing, and I am happy to add my thoughts. This is a terrific project and I'm delighted to see it moving forward in response to such a clear local need.

I have been privileged to share my experience with the Town in the past and have indicated that most affordable housing developments take around 5 years to move from project concept through financing and construction to final occupancy. Of course, this is an average and the larger, more complicated rental developments take the longest, while straightforward homeownership projects take a shorter overall timeframe. The length of time is largely due to the complex, cumbersome process of securing public sources of funding to write down the cost of the development to make it affordable.

Darien is already 1-2 years through this process, in terms of project concept, design, and identifying a developer. You are all to be congratulated on making it through these key steps. It is typical for homeownership condominium units like the ones being proposed by Mutual Housing to now enter a predevelopment stage and to secure financing--typically this takes about 18 months, on average, for such a development. But given the budget crunch at our state level and the fluctuations of the ownership market right now, a two-year time frame to secure financing would not be unrealistic. If your selected developer is saying that it will take between 12 -18 months to finalize financing, that is consistent and very realistic.

Please don't hesitate to let me know if you have any questions or if I can be of any further assistance.

Yours,  
Lesley

4/28/2009