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MINUTES
 REPRESENTATIVE TOWN MEETING
 SPECIAL MEETING
 OCTOBER 20, 1997

TOWN CLERK'S OFFICE
 DARIEN, CT

CALL TO ORDER

A Special Meeting of the Representative Town Meeting was held on Monday, October 20, 1997 at the Darien Town Hall. Marilyn Van Sciver, Town Clerk, called the meeting to order at 8:20 p.m. Upon Roll Call, the following members were present:

From District I, there were 14 members present, 5 absent.
 From District II, there were 16 members present, 6 absent.
 From District III, there were 18 members present, 2 absent.
 From District IV, there were 10 members present, 8 absent.
 From District V, there were 11 members present, 9 absent.

The absentees from District I were: Armour, Dance,
 Huebsch, Mageras,
 Mosca.

The absentees from District II were: Barston, Geissinger,
 Hart, Marasciulo,
 Thorne, Boege.

The absentees from District III were: A. Davis, Evans.

The absentees from District IV were: Fritsch, Hammel,
 Harrington, C.
 Schoonmaker, S.
 Schoonmaker, Sohns,
 Tuck, Waters.

The absentees from District V were: Brown, Gray, Hart,
 Hendrickson, Kraig,
 M. Larson, Scott,
 Silver, Delaney.

The Moderator, Richard C. Casey, assumed the Chair.

ACCEPTANCE OF THE AGENDA

** THE AGENDA WAS ACCEPTED BY UNIVERSAL CONSENT.

ANNOUNCEMENTS

The Moderator said that he had been informed over the weekend of the death of Boe Gallagher, who had served four terms on the RTM, one term as a Selectman and then another four years on the RTM. She was a representative of unswerving conviction and integrity. The Moderator called for a moment of silence in Mrs. Gallagher's memory.

The Moderator said that the Board of Finance had formally refused to approve the purchase of the D'Acunto property. Therefore, this can go no further and item 7 on tonight's agenda is withdrawn.

First Selectman Henry M. Sanders said that the owners of the D'Acunto property had recently reduced the selling price of this property, which was appraised at a fair market value of \$175,000 to \$200,000, and the Selectmen had voted twice to purchase this property for \$130,000. However, even with the backing of the Park & Recreation Commission, Planning & Zoning approval, a petition from 26 supportive neighbors and positive comments from the First Selectman, Selectman Enid Oresman, RTM Park & Recreation Committee Chairman Cheryl Russell and P&Z Director Ray Nurme, the Board of Finance eliminated this long-term project last Tuesday night with a vote of 1 in favor, 5 opposed and 1 absent. The RTM was never given the opportunity to discuss, debate or vote on this purchase. There is no procedure in place to override the Board of Finance's action, a matter that will be looked into by the Charter Revision Commission. A copy of Mr. Sanders' comments is on file in the Town Clerk's office.

The Moderator said that a request for self-nominations for the position of Moderator of the RTM is due in the Town Clerk's office tomorrow. Self-nomination forms will go out this week for two positions on the Board of Ethics. Anyone interested should read Chapter 3 of the Code of Ordinances. The Annual Meeting will be held on November 10th, at which there may be some items of business. At this meeting, a Chair and Vice-Chair for each district and two Rules Committee members will be elected. Requests for annual reports from standing committee chairs will go out this week and are due by the Annual Meeting. The new Rules Committee will meet on November 17th and make assignments to standing committees. Preference sheets are to be handed in at the Annual Meeting. The RTM will hold an organizational meeting on November 24th.

97-18

CONSIDERATION AND ACTION ON A NEWLY NEGOTIATED CONTRACT BETWEEN THE TOWN AND THE TOWN HALL EMPLOYEES UNION (LOCAL 1303-289, CONN. COUNCIL NO. 4, AFSCME), FILED IN THE TOWN CLERK'S OFFICE SEPTEMBER 26

** SETH MORTON, DISTRICT III, CHAIRMAN OF FINANCE & BUDGET, MOVED THE FOLLOWING:

RESOLVED, THAT THE RTM APPROVES THE NEWLY NEGOTIATED CONTRACT BETWEEN THE TOWN AND THE TOWN HALL EMPLOYEES UNION (LOCAL 1303-289, CONN. COUNCIL NO. 4, AFSCME), FILED IN THE TOWN CLERK'S OFFICE SEPTEMBER 26.

** THE MOTION WAS SECONDED FROM THE FLOOR.

Mr. Morton reported that Finance & Budget, with 10 of 15 members present, met on October 16th and voted unanimously in favor of the resolution, feeling that while the percentage contract increases exceed the current rate of inflation, absolute costs were acceptable because:

- 1) The Town could end the arbitration proceedings.
- 2) The Town could end expensive legal fees.
- 3) The agreement avoids changes to the Town pension plan.
- 4) The agreement avoids step increases in the early years of the contract.

A copy of Mr. Morton's report is on file in the Town Clerk's office.

The Moderator noted that all labor contracts come before the RTM, which has thirty days in which to act. No action means that the contract is automatically approved. The RTM has the power to either approve or reject, not to negotiate.

First Selectman Henry M. Sanders said that at a meeting on September 8th, the Board of Selectmen voted unanimously to approve the contract before the RTM this evening. They feel that it is a reasonable settlement for both the Town and its employees and request that the RTM approve, and not reject, this contract. A copy of the First Selectman's report is on file in the Town Clerk's office.

Ted Covert, Chairman of the Board of Finance, said that this contract starts on July 1, 1996, not 1997. As a member of the negotiating team, he strongly recommends approval. Mr. Covert noted that there would be a 3% general wage increase plus 1% in lieu of step advancement retroactive to July 1, 1996; a 3% general wage increase plus 0.8% in lieu of step advancement retroactive to July 1, 1997; a 3% general wage increase plus one step advancement effective July 1, 1998 and a 3% general wage increase plus one step advancement effective July 1, 1999. This contract includes reclassification of four employees. There was no change in the pension plan; that demand was dropped in exchange for greater wage increases. The employees are working to find a better way to deliver health insurance. The contract was agreed to to avoid binding arbitration. A rejection of this contract will put the Town into binding arbitration. In closing, Mr. Covert said that the employees are entitled to the increase.

** ITEM 97-18 CARRIED ON A RISING TALLY VOTE OF 65 IN FAVOR, 0

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OPPOSED, 3 ABSTENTIONS.

97-19

CONSIDERATION AND ACTION ON A CHANGE IN THE CONTRACT BETWEEN THE TOWN AND THE DARIEN POLICE ASSOCIATION ESTABLISHING THE POSITION OF LINE CAPTAIN IN THE BARGAINING UNIT

** ROBERT LARKIN, DISTRICT III, CHAIRMAN OF THE PUBLIC SAFETY COMMITTEE, MOVED THE FOLLOWING:

RESOLVED, THAT THE RTM APPROVES AMENDMENTS NEGOTIATED TO THE AGREEMENT EXISTING BETWEEN THE TOWN AND THE DARIEN POLICE ASSOCIATION TO ESTABLISH THE POSITION OF LINE CAPTAIN IN THE BARGAINING UNIT, SETTING THE POSITION'S GRADE, PAY AND TERMS OF EMPLOYMENT.

** THE MOTION WAS SECONDED FROM THE FLOOR.

Mr. Larkin reported that at a meeting held on October 20th, with 5 of 9 members present, the Public Safety Committee voted 3 in favor, 1 opposed and 1 abstention in favor of the resolution. The three people in favor felt there was little they could do but approve the change. The person who abstained felt that not enough information on the reason for the change had been provided. The one who voted against felt there was a conflict of interest in having a supervisor as a member of the bargaining unit they supervise. A copy of Mr. Larkin's report is on file in the Town Clerk's office.

Seth Morton, District III, Chairman of Finance & Budget, reported that at a meeting held on October 16th, with 10 of 15 members present, the Committee voted 9 in favor, 1 opposed to the resolution. He said that there is really very little choice in this matter, given a ruling by the State that this position must be allowed to be part of the union. A copy of his report is on file in the Town Clerk's office.

First Selectman Henry M. Sanders reported that the Board of Selectmen voted unanimously to approve the revised agreement with the Darien Police Association that adds the position of Line Captain to the agreement at their meeting on October 6, 1997. The Board was overruled by the State Labor Board, which ordered that this position be recognized as being represented by the Darien Police Association. In negotiations, it was agreed that the Line Captain would enjoy the percentage pay increases and benefits granted to other members of the Darien Police Association in exchange for giving up benefits enjoyed as a non-represented employee. The Board of Selectmen request that this revised contract be approved by the RTM. A copy of Mr. Sanders' report is on file in the Town Clerk's office.

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- ** ITEM 97-19 CARRIED ON A RISING TALLY VOTE OF 62 IN FAVOR, 2 OPPOSED, 3 ABSTENTIONS.

Carolyn McGrath, District V, asked Mr. Covert what the rationale had been for the Board of Finance turning down the purchase of the D'Acunto property.

Seth Morton, District III, asked if this item was on the agenda. The Moderator said it was not but it was not out of order for Mr. Covert to answer Mrs. McGrath's question quickly.

Mr. Covert said it was the feeling of those who voted against this purchase that with other priorities facing the town they could not afford this purchase at this time.

97-13

CONSIDERATION AND ACTION ON AMENDING THE DESIGNATED USE OF THE TOWN-OWNED DILLER PROPERTY FROM OPEN SPACE TO PARK AND RECREATION PURPOSES

- ** CHERYL RUSSELL, DISTRICT III, CHAIRMAN OF THE PARK & RECREATION COMMITTEE, MOVED THE FOLLOWING:

RESOLVED, THAT THE RTM HEREBY AMENDS THE USE DESIGNATED FOR THE APPROXIMATELY FIVE-ACRE DILLER PROPERTY FROM OPEN SPACE TO PARK AND RECREATION PURPOSES.

- ** THE MOTION WAS SECONDED FROM THE FLOOR.

Mrs. Russell reported that, at a meeting held on April 14th, with 10 of 12 members present, the Park & Recreation Committee voted unanimously in favor of this resolution. They had requested an opinion from Town Counsel on this reversal of use, and Mr. Hertz responded as follows: "It is my opinion that in 1988 this property was subject to the terms of Sec. 7-131(n) of the CGS. If the property was purchased for park, recreational or open space, the taking of it for purposes other than those specific purposes would require a substitution of land of equal size and value. In view of the fact that it is the same land that is subject to change of use, a use within the confines of the statute, it is my opinion that the RTM has full authority to make such a designation without violating the statute." The Park & Recreation Commission and the Board of Selectmen have both approved this change in use and the Committee believes it is now time for the RTM to move forward. As they proceed, and funding is needed, the RTM, Planning & Zoning and the EPC will all be involved in approvals. The Park & Recreation Master Plan proposes this change in use and the Town Plan of Development advises finding land for recreational use. Because of the actions of the Board of Finance regarding the

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purchase of the D'Acunto property, they know that the purchase of land for municipal, open space or recreational use is almost impossible. When the D'Addario property is developed, there will be additional children and the need for additional recreational space. This property consists of five acres, most of which could be developed. They don't know what will be placed on this property but they need the RTM's approval tonight in order to hire the necessary experts to tell them how to proceed and to assess the impact on the area. They understand the neighbors' concerns and various boards and commissions involved with this project will insure that their needs are taken into consideration. Mrs. Russell urged the RTM to support this change in use. A copy of Mrs. Russell's report is on file in the Town Clerk's office.

First Selectman Henry M. Sanders said that the Board of Selectmen, at a meeting on June 27, 1988, voted to recommend the purchase of the Diller property and to request funding from the Board of Finance. On July 18, 1988, the Board of Finance voted in favor of the purchase and on August 16, 1988 agreed that the property should be for general Town purposes. The RTM Warning of September 26, 1988 proposed the purchase of the property for open space purposes but noted that the Board of Finance had recommended it for general Town purposes. The RTM voted to purchase the property for open space purposes, and since then, the Town has been prevented from using this property for any purpose other than open space. There is now a new legal opinion and the Board of Selectmen voted unanimously on June 16, 1997 in favor of the resolution Amending the use from open space to park and recreation purposes, which they believe best fits the Town's high priority need. Approval this evening assures nothing more than the opportunity to look into the possible use of this property for recreational purposes. A copy of Mr. Sanders' comments is on file in the Town Clerk's office.

Donald Hamson, Chairman of the Park & Recreation Commission, said that they had initiated their activities as a result of the Master Plan, the first in 21 years for the Park & Recreation Commission. The consultant said they had 8 fields and need 12 by the year 2000. There are many youth and adult groups using these fields. Mr. Hamson has spoken with residents from Holly Lane. One recommended developing Baker Field, which will be revisited. It has been proposed to buy the Diller property but this bears no relationship to the property where the current soccer field at the high school exists. The biggest issue seems to be the schematic from the Park & Recreation Plan of Development that suggests that everything needed be included in one field. The Selectmen deleted \$4,000,000 from the Park & Recreation forecast. They will not be putting on an addition to the high school. They would never build more tennis courts because they have too many now. There is no way there would be 172 parking spaces. They expect no additional parking from a neighborhood park on the Diller property. They might have to put

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in a maximum of 30 spaces but there would be no blacktop. They build parks and playgrounds, not parking lots. They would build two fields and only one would be operative at one time. Regarding environmental aspects, there are 3-1/2 to 4 acres that are not wetlands. Parents are looking for athletic opportunities for their children. Mr. Hamson noted that when trees and wildlife are cut down, wildlife goes away, but it does come back. They are prepared to do whatever is necessary to keep the parks clean. They are prepared to put up a chain link fence if necessary. They would like the opportunity to hire professionals to advise them.

Wyman Proctor, a member of the Park & Recreation Commission, said that he has been on the EPC and the Zoning Commission. He said that there is probably less of an increase in runoff than would be caused from going from forest land to an open field. This would increase the runoff less than any single residence. Any increase in runoff would be less than two houses, which is the amount of houses that could be built on this property under current zoning laws. There is no prohibition against building on wetlands. The wetland map shows that 2/3rds of this property is outside of the wetlands. They need a professional environmentalist to tell them the quality of the wetlands, although his amateur eye tells him that this property is not a valuable wetland. There is no real danger of flooding. In closing, Mr. Proctor said that this is much ado about nothing.

Diane Conologue, District I, said she was very concerned with all of the building that has gone on in town recently. Building took place in her backyard and she now has had water for the first time. She asked why they couldn't hire experts to look at uses for the Diller property prior to voting on the use of this property.

Selectman Jane Branigan said when they were buying the property in 1988, they were asked why they were spending this money. There was then the possibility of building two houses on this property. They bought the property knowing that it was not all wetlands and that they could build on it.

Mrs. Conologue said her understanding is that there has been a change in the water table in this area. She asked if any study had been done since 1988. Mrs. Branigan said she was not aware of any such study being conducted. Mrs. Conologue said that the water patterns in the area in which she lives have changed dramatically.

The Moderator noted that no additional studies have been done.

Peter Gray, District II, asked why this sequence - why do they have to have approval to change the use before finding out what they want to do with the property?

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Paul Larson, District V, said part of the answer is "until you have a specific request for a specific use, a consultant is not going to know what the answer is going to be."

Mr. Hamson said he understood that a use change was required before they could initiate funds for the consultant. He asked if the RTM and the Board of Finance would approve a request for the funding before the change of use. Would the Board of Selectmen recommend funds for such a study or entertain a request for such a study from the Park & Recreation Commission? Would the Board of Finance entertain a request for such funds?

First Selectman Sanders said he could not answer for five people, three of whom will be new after November 10th. There are unknown questions for which any Board of Selectmen would have to know the answers to before they could respond.

Ted Covert, Chairman of the Board of Finance, said he thought it would be much more logical for the RTM to vote on the change of use before the Town invests any money.

Linda Santarella, District III, said that they paid \$500,000 for this property and \$460,000 for the Fuller property. She spoke with Ray Nurme, who provided her with the following information on the Diller property:

- 1) On Dec. 10, 1982, the P&Z Commission granted a Mandatory Referral re the proposed development of play fields for the high school on this site. They expressed reservations and stipulations and recommended to the Inland Wetlands Commission that they consider alternative solutions within the high school property.
- 2) On March 14, 1983, the Inland Wetlands Commission denied the application to develop play fields on this site because of the impact on wetland and watercourses and storm drainage questions. They noted it was conceivable that the parcel could be developed in such a way as to not have adverse impact on wetlands or watercourses. An alternative play field location on the easterly side of the high school property was subsequently approved and developed.
- 3) On Sept. 20, 1988, the proposed acquisition of this property was strongly endorsed by the Planning & Zoning Commission on the basis that this proposal was totally consistent with the Town Plan, is adjacent to Town property and would be a valuable addition for open space and other public purposes.
- 4) Public schools and public parks are allowed by right As

permitted principal uses in residential zones.

- 5) Sec. 8-24 of the CGS provides that no municipal agency shall substantially improve any park, playground or other municipal owned property until the proposal to take such action has been referred to the Planning & Zoning Commission for a report.
- 6) Since there are wetlands and watercourses, the EPC would play a key role in any proposed development of this site.

In closing, Mrs. Santarella said that she would support this change in use because the Town does not have enough playing fields for its children. A copy of Mrs. Santarella's comments is on file in the Town Clerk's office.

Stephen Beach, District II, said that the proponents had not made a compelling case that the proposed change would be in the best interests of the town. He said that the designation of open space remains the proper designation for this property. Any physical changes would be detrimental to the wildlife and would cause storm sewer drainage problems. Traffic congestion would increase, as would noise levels and possibly, automobile accidents. Privacy would be invaded and property values could be adversely affected. Mr. Beach said that no compelling need for this change has been presented to the RTM. Mr. Beach urged all members of the RTM to vote against this change in designation and to let it remain as open space. A copy of his remarks is on file in the Town Clerk's office.

Seth Morton, District III, said he was in favor of this change. The need for fields is here. They are experiencing a change in the town in the number of children and it is time for the town to change. That calls for a change in use of this property so that they can explore what they are going to be doing with it. Due process would allow for concerns to be addressed. They have made mistakes in the past in not building adequate facilities in their parks and they should not do so again.

Lloyd Plehaty, District II, asked Mr. Hamson what percentage of the property they would like to develop and how much would remain undisturbed. Mr. Hamson said it takes approximately 1-1/4 acres to build a full-sized multi-purpose playing field. They are looking at less than 2-1/2 acres for two fields, of which only one would be used each season. This would require 20 to 25 spaces, which would not be constructed of blacktop. The parking spaces would take approximately one-half of an acre. There should probably also be a small playing area for children. Maybe half of the property would be developed, probably at the northwest portion.

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Mr. Plehaty said much of the motive for this proposed change is to provide athletic fields for children. This is important, but it is also important that children have access to wild woods and land in its natural state.

Mercedes Saur, District IV, said that the issue of sports played outside in the regular season has to be addressed as well. This makes the competition for fields very intense. They should make regulations before the town is driven completely crazy.

Edward Cooke, District V, said he was very sympathetic to the people of Holly Lane. Holly Lane East is a private road and cannot be used to cope with the additional traffic, which means all of the traffic will go to Nutmeg Lane. Darien does not enforce parking regulations and if they create this use, they will see cars parked illegally on Nutmeg Lane. They have to realize that there may be an increase in the need for playing fields. There is another solution. If there is a proactive Board of Selectmen, they would look at the D'Addario property with an eye toward condemning some land, which could be used for playing fields and future elementary schools. That would be preferable to the Town because it would cut down on the number of houses going on that property. Mr. Cooke asked that the RTM reject the resolution before it.

Donn Smith, District V, read a letter from Margarida and Antonio Couto, 8 Nutmeg Lane, in opposition to the designation change. This letter is attached to and made a part of these minutes.

Mr. Kenko, 324 Hollow Tree Ridge Road, said that they had built their home in 1994. Contrary to what they have been told, they have had water problems. His primary concern was the water table. In 1995-96, he spent \$900 to repave the sidewalks, which may have changed the water table in his backyard. No one knows what is going to happen to the environment. He did not see how the water table could not be affected by putting in fields.

Michael Rowe, Hollow Tree at Nutmeg, said he was concerned about a vote on an amendment in which the RTM would vote prior to knowing the need. He said it is very rare in town to see undeveloped spaces. Once land is filled in, it is lost. Another issue is the traffic. Hollow Tree is a very busy road, people speed, go through red lights and tailgate. This change in use will cause more traffic and exacerbate the problem. The final objection he has is the cost. This will probably be a very expensive project and he asked who would pay for the problems that would be caused. This is a quality of life issue for the people who live here.

Tim Blake, representing the Darien Soccer Association, said that there are 1600 children playing organized soccer in Darien and they expect this number to increase. They don't have the fields for it

and they are turning young children away. They understand the environmental problems and they must be addressed first.

Mr. Edwards, intersection of Holly Lane and Noroton Avenue, said he has lived there for 31 years. Three acres of forest converted to grass is three acres of forest converted to grass, no matter where it is. Any plan to develop this property would require regrading or stabilization of the Stonybrook area to handle the flow. There are also other places that are less expensive to develop.

Brian Meyer, 55 Holly Lane, said his yard, and those of his neighbors, would become a watershed. He said that the town would first cut down trees, excavate and bring in clean fill. He noted that these trucks being used for this process would speed and cause damage to the road. The water would have to be diverted. He said that his yard is very wet. If the Diller property is raised two to three feet, he will be flooded out.

Lang Clark, founder of the Darien LaCrosse Foundation, said that they are currently putting 40 to 50 children on a playing field because they don't have any more field space in town. He urged the RTM to help them alleviate this problem.

Jack Burnell, 61 Holly Lane, read from a letter he wrote to the members of District V regarding traffic problems. He said that there should be surveys on traffic and on water flow. There seems to be an inordinate rush to get a vote through on this. He asked that the vote be delayed until proper surveys have been conducted and questions have been answered. He said that there had been opposition in 1988 to a park and recreation designation and the same thing is being asked now, even though there is no additional information. Mr. Burnell asked the RTM to reject the resolution.

Dot Hayes, Friends of Animals, read a letter from Priscilla Ferel, President of the organization, in opposition to this change. The letter said that this property is home to too many species of animals. It is important to preserve natural areas as wilderness. New sports fields and additional parking don't justify the taking of this land.

Jillian Meyer, 55 Holly Lane, said that some RTM members have walked the Diller property. She showed a map of the Diller property (the northeast portion) and said that it contains wetlands designations and she did not feel they would allow for a field to be fit in between wetlands. The property is still wetlands. She said that this is a beautiful, natural woods. This town has less open space than any other place in Connecticut per capita, with the exception of Norwalk. This is an opportunity for the RTM to say that the environment is important. The pressure for this change in

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designation comes from the number of young children but the question is whether they all will play lacrosse and soccer. Do they know who is using the field and when and whether this usage is limited to Darien residents only? Mrs. Meyer said that there are many more reasons not to pass this resolution than there are for it. She asked everyone to ask themselves if this was the right thing to do for their town.

Clara Sartori, District II, asked Mr. Blake and/or Mr. Clark to answer the questions raised by Mrs. Meyer. Mr. Blake said there may be up to two players from another town used on their team. They have three players from Rowayton. Mr. Clark said all of his members are town residents.

Patricia Carey, District I, asked if the field being built at Middlesex would help. Mr. Hamson said there are currently two soccer fields that can be configured at Middlesex. There are two regulation-sized fields and when they are reconfigured, the net gain will be zero. Mrs. Carey asked if little children need regulation sized soccer fields. She said that 9 years ago, the Diller property was very wet. She walked it again yesterday and the property was moist. This is wetlands. She was afraid if they develop this property they will destroy the properties of the Meyers and other residents.

Robert Larkin, District III, asked if anyone in the neighborhood was in favor of this resolution. There was no response.

** KATHLEEN KENYON, DISTRICT II, CALLED THE QUESTION.
 ** THE MOTION WAS SECONDED FROM THE FLOOR.
 ** ITEM 97-13A (CALL THE QUESTION) FAILED ON A RISING TALLY VOTE OF 42 IN FAVOR, 23 OPPOSED, 1 ABSTENTION (2/3RDS VOTE REQUIRED TO PASS).

Robert Young, District III, reminded everyone that this body still has approval on any appropriation made. They still have the opportunity to look at all work that is done. He said that he had walked the property and is concerned about drainage and parking. This is a nice piece of property and it would be a shame not to do anything with it. He would encourage approving this change of use, but having a passive rather than an active recreational use. A retention pond would alleviate drainage problems for the neighbors. He urged the RTM to let the planners and the consultants do their work.

Thomas Moore, District III, said that an additional baseball field would be added to Middlesex along with additional soccer fields. It is the RTM's obligation to see that this is done properly and they don't have enough information to come to that conclusion tonight. Not buying the D'Acunto property will come back to haunt

this town.

Andrew Millar, District IV, said that the town officials are supporting this change in designation but all of the citizens he has heard from have been opposed. He would like to represent what the voters and citizens want and will vote against this change.

Adele Cooke, District V, asked why Town Counsel's opinion had changed. Town Counsel Hertz responded that he has been Town Counsel for many years but he was not sure what Mrs. Cooke was referring to. He said that he had no opinion on whether or not this change should go through. Mrs. Cooke referred to the First Selectman's report, in which he used the phrase "changed legal opinion". Mr. Hertz said he answered the questions that were put to him.

Joe Rowan, a member of the public, asked if a census had been taken of Darien. He asked for a projection of the population in 2000-2001 and said that the town should have a plan.

Lynn Hamlen, District II, said that they have heard comments about the number of children, the number of playing fields, the amount of water in peoples' basements and the impact on animals. The question is whether they should change land from open space to park and recreation use. None of the questions have been put in writing. The RTM has not been given the answers to these basic questions. She suggested that they don't have the information they need so she will not support this resolution. If the Park & Recreation Commission does its homework and puts forth a recommendation to this body, the RTM could then vote on it.

Seth Morton, District III, said it was his understanding that they can't get the money in advance from the Board of Finance.

Peter Gray, District II, said there is nothing that prevents the Commission from applying for funding for the preliminary study. The Chairman of the Board of Finance has made it clear that he does not want to do it that way.

Cheryl Russell, District III, asked, if she comes back to this body after being turned down by the Board of Finance, would it then be a dead issue? The Moderator responded affirmatively. Mrs. Russell said she thought she did this in the appropriate way.

Patricia Carey, District I, said she thought that they were quite specific in what they want - soccer fields and lacrosse fields.

First Selectman Sanders said if nothing is done tonight there could be difficulty in having a future Board of Selectmen or Board of Finance put money into testing if there is no guarantee that the

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designation be granted. Approval of the designation change tonight is no guarantee that fields and parking will go in.

Gregory Harmer, District I, said that the concerns should be adjudicated in a different forum. The two coaches who spoke tonight represent a lot of people in the town. All they are trying to do is see if they can do anything. This is just a designation, not a zone change. The children are the future citizens of this town. Mr. Harmer strongly urged approval of the change in designation.

** ITEM 97-13 CARRIED ON A RISING TALLY VOTE OF 36 IN FAVOR, 27
OPPOSED, 2 ABSTENTIONS. *55.39% 41.54%
3% 65 total 65% of RTM: not even 2/3 vote*

** UPON MOTION MADE AND SECONDED FROM THE FLOOR, IT WAS UNANIMOUSLY VOTED TO ADJOURN AT 11:10 P.M.

Respectfully submitted,

Cheryl Telesco
Telesco Secretarial Services

Margarida and Antonio Couto
 8 Nutmeg Lane
 Darien, CT 06820
 (203) 655-7325

October 16, 1997

Mr. Don Smith, Chairman
 RTM District V
 11 Linda Lane
 Darien, CT 06820

Dear Mr. Smith:

We are quite concerned about the town's consideration of amending the designated use of the Diller property from open space to park and recreational purposes. Please consider these facts:

USAGE OF EXISTING PLAY FIELDS AT THE HIGH SCHOOL

- We have been living at Nutmeg Lane for 11 years. Being frequent users of the High School playing fields, with two boys at home, it is striking to us how little use is made of the various areas. It is quite rare that we want to use the fields and find them occupied. By rare we mean that we use the facilities every weekend, often, additionally, during the week, and we may find the fields occupied maybe five times per year. This is not a scientific sample, but we are not talking about using the track at 7 o'clock in the morning. We are sure that, with minimum flexibility and some planning, unless lacrosse has to be played at some special time of the day, there are more "lacrosse-hours in the existing fields" than "lacrosse-hours in the existing teams". We have heard that some of the existing playing fields require maintenance to be usable. I do not see how the development of new ones alleviates this problem.

PARKING AROUND NUTMEG LANE

- Throughout the eleven years we have lived at Nutmeg Lane we have accepted illegally parked cars on both sides of Nutmeg Lane thinking that was the civil thing to do. We closed our eyes to the noise, traffic and parking on events such as the High School's open house, meetings, concerts, plays, sport events and, of course, the 4th of July fireworks, in the name of good neighborhood. Against expectations we have less complaints about the driving or parking habits of High School students than those of their parents, or other adult sports fans who park as close to their destination as possible. Tennis players or spectators preferably park

on the lawn next to the courts, and baseball and lacrosse fans park on Nutmeg Lane, rather than use the High School west parking lot. They park on both sides of the street, on the school's fire lanes, as close to the fields as possible. They systematically use Nutmeg Lane before that far end of the east parking lot is full. It is when we see empty parking lots, and we and the neighbors have trouble maneuvering around double parked cars to get home, that we call the Police Department. It is obvious that the Police force does not have the resources to control parking on these non-special-event situations. During the sports season this happens weekly and often twice a week. We are referring only to illegal parking when there is available parking space. This situation is not a result of lack of parking lots. The current situation is as described, and in the event of an accident occurring at such a time there is a fair chance that the Noroton Fire Department will not have access to the narrowed Nutmeg Lane from the High School side. We have no doubts that developing additional fields on the Diller property will transform Nutmeg Lane, the adjoining section of Hollow Tree Ridge Road, and possibly Holly Lane, in a huge parking lot, on both sides of those streets. Who is responsible in the event of the delayed assistance to an accident? The cars illegally parked, the Police Department for not enforcing the ordinance, or the Town of Darien for poor zoning?

VALUE OF PROPERTY

- The value of real estate in the immediate vicinity of the Diller property is probably around \$10 million dollars, calculated as 15 houses valued at an average of \$700,000. We would like to know if the loss in market value is not more than 10%, or \$1 million dollars. We think this is a significant loss for each of the residents, and we question if the town is including an estimate of its loss in tax revenue as a result of this project.

Please consider our concerns and in the upcoming meeting on October 20.

Sincerely,

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