

**TOWN OF DARIEN
BOARD OF SELECTMEN
APRIL 6, 2015**

ATTENDANCE: Jayme Stevenson, First Selectman, Susan Marks; Christopher (Kip) Hall; E. Reilly Tierney (7: 13)

STAFF: Karl Kilduff, Administrative Officer

OTHERS: Senator Robert Duff; Representative Terrie Wood, Senator Carlo Leone; Jay Hardison, RTM; Jim Cameron, RTM; Paul Canard; Jack Davis, RTM; Laurie Williamson; Sarah Seeley, RTM; Joanne Hennesy, RTM; Mary Flynn, Chairman Parks and Recreation.

CALL TO ORDER

First Selectman Stevenson called the meeting to order at 7pm.

DISCUSSION with Legislative Delegation – Sen. Duff, Rep. Wood, and Sen. Leone

First Selectman Stevenson thanked the legislators for being in attendance and noted the considerable audience present was no doubt interested in House Bill (HB) 6851, and Senate Bill (SB) -1

Rep. Wood began and said she had been working a great deal on the issue of Special Education and mental health issues. She said she has great concerns with SB 1 and HB 6851.

First Selectman Stevenson asked Rep. Wood if she was able to discuss the situation in Darien when she was working on special education issues in Hartford. Rep. Wood replied she had not but she was certain there would be more discussion..

Sen. Duff said the first priority of the State Legislature is, at present, the State Budget and having a balanced budget by July 1st. The challenge is considerable with the State budget now \$1 Billion less than in 2011

Mr. Tierney arrived at the meeting (7:13).

Sen Leone, noted the committees he served on, and said the representatives like to work together, and spread themselves out to different committees in order to better collaborate. He said Rep. Tong would have like to be at the meeting but could not because of other official commitments.

Sen. Duff said although his name was on HB 6851 as a sponsor, it was simply due to a procedural formality as he was Majority Leader and his name must appear on all bills coming from the Governor's office. He said once he was made aware of the public's considerable concerns he helped propose revision to HB-6851 including giving towns back authority over

TCDA decisions, removing the TCDA's condemnation authority, keeping one elected official from each municipality on the Board, ensuring that municipal zoning laws must be followed and allowing that the host town does not have to sign on to TCDA projects. HB-6851 has now moved forward in the legislative process.

The First Selectman Stevenson stated it was her understanding HB-6851 established a "quasi-state" agency in the TCDA to promote economic development around transportation hubs, but HB-6851 did not address development and repair of roads, bridges, train stations and the like. First Selectman Stevenson asked what would happen to the revenue generated by the new developments. Sen. Leone said he thought it would be determined in ongoing discussions.. Selectman Hall asked if the TCDA was implemented would the town work with the TCDA or the DOT? Would the DOT be a member of the TCDA? Sen. Leone said he was not sure but thought the TCDA would work in an advisory capacity with the TCDA. Sen. Duff said he believed the DOT would have final control. First Selectman Stevenson noted the head of DOT James Redeker would be one of the 11 members of the TCA and he would be in Darien April 16th to discuss the issue. Mr. Hall said when HB-6851 first came out eminent domain was determined as ½ mile North and South of transit stations. He asked if this was a new authority granted to the DOT or had it always been the case? Sen. Leon replied in the question of State property the DOT has always had a right to eminent domain within the ½ mile parameters, but it could get tricky as there were often questions as to whether the state or town actually owned the land. Sen. Duff said there were strong eminent domain protections in place due to past legislation. Ms. Marks said she thought HB-6851 had not been presented or vetted properly. She said the fact that Sen. Duff's name was on HB-6851 indicated that he had some responsibility for it and should have been more aware of its contents. Sen. Leone said Sen. Duff had no choice about his name being put on HB-6851. Ms. Marks asked what the best way was to follow the progress of HB-6851 and track the changes. Sen. Duff said he could always be reached by phone or email. Sen. Leone said the public could check the CGA website to find out HB-6851's status at any point. Selectman Stevenson proposed another meeting with the legislators take place in two to three weeks' time with a public hearing for an update on HB-6851's status. Mr. Tierney said he was unclear as to what exactly HB-6851 was for. He did not think there was much of a deficit in around transit development in Darien. Sen. Duff said as the ideas came from the Governor's office and he should ask them. Mr. Hall requested that Sen. Duff come back and give 100 words on HB-6851's genesis. First Selectman Stevenson said she was concerned as there were several development projects now in the works that could be adversely impacted by HB-6851 as it created so much uncertainty.

First Selectman Stevenson opened discussion on SB-1 and asked Sen. Duff to give a summary of HB-6851 and asked how it would help Darien. Sen. Duff said SB-1 offered a way for regional towns and cities to work together for everyone's benefit. The First Selectman remarked his statement was pretty general and that there were very specific items in the Bill to be discussed. Sen. Leon said the genesis of the Bill was the car property tax and the fact there was no State standardization, for example a beat up Honda in Bridgeport at present could be taxed at the same rate as a luxury care in another town. He said the Payment in Lieu of Taxes (PILOT) section of SB-1 related to towns were much of the land was tax exempt, and also because of the high growth rate of certain towns as opposed to others. The idea was to share revenue to keep things

equitable. Rep. Wood said she had concerns about the bill, in particular the 40% commercial development going to COGS. First Selectman Stevenson noted the new car tax rate would mean Darien would be sending an additional \$4 million to Hartford. She said this money might be better spent locally, she said the PILOT program did benefit Darien, but only by a nominal \$28,000, and the 40% commercial development policy would be a disincentive for developers.

The First Selectman asked for the legislators' indulgence and read from a prepared statement. She said but she hoped the legislators would deliver her message to Hartford. She said Hartford was arrogant in its bullying attempt to neuter the principles of home rule. She said the new legislation would drive companies and investment from the state and many were already thinking of moving. She said uncertainty stymies development. She said it was unfair for the state to penalize well managed municipalities who had their financial houses in order and that Hartford should look to towns like Darien, New Canaan and Greenwich, not for additional funding to make up for bad practices, but for expertise on best management.

PUBLIC COMMENT

Mr. Hardison, (RTM), Nearwater Lane, first thanked the legislators for helping him get legislation passed in Hartford. He then said he was in strong opposition to SB-1 and said PILOT and car tax issues should be dealt and vote on within municipalities. He said he wanted to go on record as one of the 6 out of 77 RTM members who voted against the COGs as he was fearful of loss of local control.

Mr. Cameron (RTM), Dubois Street, said he gave credit to Sen. Duff for immediately acting to strike some of the more objectionable aspects from HB 6851. He questioned why the Governor would introduce a bill with so little notice and so much prominence to "eminent domain." He noted that the CGA website also makes it almost impossible to track legislation and the proposed changes to HB 6851 are not even up on the website. He said he was disturbed by the fact that the proposed TCDA would be made up of 11 gubernatorial appointees, and said it might raise suspicions. He noted it was a plain fact that the Stamford garage project had gone to a developer who had also contributed \$165,000 to the state Democrats. He said he believed HB-6851 needed to be killed.

A Darien resident said that Forbes magazine had ranked CT as 50th out of all the states in terms of the best climates for business. He said he worked as a lawyer in Stamford and was concerned about the loss of UBS and RBS He said CT used to be a tax haven and now tax policies were driving people out of the state.

Mr. Davis (RTM), Greenwood Ave said Hartford was not taking the right approach. He noted that state HAS benefits were costly and that the average state worker made more than the average non-state worker. He said there had been a \$600,000 program to rename street names for veterans, and although he fully supported veterans, he said the money could have been used in better ways. He said towns in good fiscal shape should not be force to bail out other towns' bad fiscal behavior.

Ms. Laurie Williamson read from the following statement:

Comments of Laurie Williamson, Darien, CT 06820, on Senate Bill 1 to Board of Selectmen 4/6/15

Although my service as a Darien SWRPA representative ended last year when all regional planning organizations like SWRPA did, the following reflects solely my concerns about Hartford's perpetual lack of fiscal responsibility -- most recently though the current proposal in Senate Bill 1 of a new regional taxation system substantially similar in results to county taxation in other States.

Last year the Governor and a Legislative majority (led by public Union leaders or their allies) mandated creation of state-wide "Councils of Governments." However, COG's did not at that point have tax authority. Darien's COG includes the cities of Stamford, Danbury, Norwalk, and Greenwich, and 13 other mostly suburban, well-to-do towns such as New Canaan, Wilton, Westport, and Weston.

SB 1 would clearly authorize each COG to operate as a new level of State government taxation, regardless of terminology battles over "county" versus "regional" government. Our COG would collect yearly a portion of local property taxes, as stipulated by formula. Then it will re-distribute such locally paid property taxes among all the COG cities or towns, as stipulated by a different formula.

Why? What is a realistic view of impact of COG taxation on areas of well-to-do taxpayers? For well-to-do, business-creating towns such as Darien, SB 1 will operate as a dangerous, new, additional tax on its families and businesses, despite being disguised and misleadingly promoted as "fairness," "economic development," and "revenue sharing" for all.

A portion of local property taxes, already arguably too high, will be siphoned off by the COG. The resulting deficit left in all local budgets will likely not be reimbursed to towns deemed too well-to-do by Hartford. Instead Darien taxpayers will have to pay more in annual local property taxes to offset net outflow of COG taxes so we can continue the same level of local government services and quality of life. And again we will forfeit significant local control of use of our tax dollars.

It's meaningless to talk about whether municipalities will be "held harmless." That has never been the case with State tax re-distribution schemes like "Educational Cost Sharing" or "Excess Cost Reimbursement," in which Darien reportedly receives one cent back on every dollar sent to Hartford. Darien will be "held harmless" in SB 1's proposed changes to car taxation only at 2014 levels, and it will "held harmless" under SB 1's proposed changes to the system of State payments to Darien through "Payments in Lieu of Taxes" (PILOT) only at 2015 levels.

How did SB 1 happen? Three inconvenient realities. One inconvenient reality is that structural problems require structural solutions. Hartford appears unable or unwilling simply to insist on truly transparent, balanced budgets. Instead, Legislative majorities have become hooked on deficit spending habits, and on observing the State Constitutional spending cap by routinely breaching it. Every year we spend State money everyone knows we don't have -- and in fact won't have -- but the Legislature repeatedly mandates spending much, much more for expenses than will be received in income.

Another inconvenient reality is the Legislature's inexplicable, and now dangerous, state of denial. It fails to recognize that dysfunctional deficit spending habits inevitably, needlessly produce bad consequences. This year's current budget deficit is nearly \$200 million, and is unlikely to be rescued by April 15 tax collections. Worse, Legislative leaders also effectively deny that the greater the deficits, the greater the bad consequences. Thus State taxpayers face an upcoming 2 year budget with a structural operating deficit of nearly \$3 Billion, according to the Legislature's own non-partisan financial analysis offices, or about \$1,000 from each of the State's 3 million residents. Our families and businesses will continue to struggle with the **highest tax burden per capita** of any state in the USA.

The third and most inconvenient reality is such Legislative denial has become alarming, given two self-imposed, highly inconvenient circumstances. One is that Hartford recently enacted the largest State tax increase in the State's history. The other is that the Governor and Legislature reportedly have taken off the table any hiring freeze, or any reduction in 55,000 State Union employees' salaries, pensions, health care, or other benefits. Instead this very small State of 3 million people is supposed to be further burdened to support an entire new level of taxation. An estimated \$4 million price tag for communities like Darien will be only the start of this monster octopus, once in place.

Best advice? Kill this Bill, ^{as written.} Instead? Revamp out-of-control deficit spending habits. Adopt State budgets that are transparent and honestly balanced. End resort to budget gimmicks. Institute generally accepted accounting principles. Restore trust of taxpayers that State budgeting will reverse its unsustainable appetite for routinely spending far more than it collects in tax and other income, and for non-stop creation of unsustainable levels of debt and deficit spending.

(end of comments by Laurie Williamson on S.B. 1)

Ms. Seeley (RTM) thanked the legislators for coming to discuss HB-6851 and SB-1 and asked that the legislators return soon to answer any unanswered questions.

First Selectman Stevenson said she wanted to call attention to legislation proposed last year that would consolidate non-educational services between different school districts. She said she thought the idea was great and could streamline services and save tax payers money. She said she hoped the legislation would be given “more teeth,” in Hartford.

Mr. Tierney said he wanted to address the Darien application for a second moratorium which was denied. He said the application was only off 4 ½ points, and that Darien had made great strides in developing affordable housing, in particular in the Heights. He said Darien faced difficulties as a suburban community, with little undeveloped land, finding locations for affordable housing. He said perhaps with the regionalization as prescribed by COGs there might be a way for Darien to tap into excess affordable housing in places like Norwalk and Stamford and purchase rights. In this way, Darien could retain control of its own zoning. Rep. Wood said she believed part of the problem was urban areas do not want to change affordable housing policies, and it was a case of majority rules in Hartford. Sen Duff said he believed affordable housing should be a regional issue and mentioned SB 407 as a possible way forward. First Selectman Stevenson said she was not aware of SB 407 but would look it up.

First Selectman Stevenson asked if there were any public comments not related to the state delegation.

Ms. Hennessy, RTM, said she wanted to go on record regarding the \$444,000 price tag on the Edgerton demolition, she said she had supported the shuffle but the original plan was that the Edgerton demolition would be free.

FIRST SELECTMAN’S REPORT

The First Selectman said she had attended the BOE’s Facilities Committee meeting for an overview of current facilities and enrollment. She said certain policy questions needed to be answered before proceeding with plans, including: modifications to class size, use of portables, consolidation of ELP, mandated Pre-K and food services. She said that she and Mr. Kilduff had a kick off meeting regarding the Emergency Medical Service Plan review and update. Time will be set aside for public input in discussing the plan. She said that unfortunately the denial of the moratorium cannot be reversed. However, if a few properties can be added to inventory within the next month the town still has a chance to make the cut. First Selectman Stevenson suggested this might be accomplished by subsidizing existing units or exploring other options.

TOWN ADMINISTRATOR'S REPORT

Permits for the environmental improvement project for the upper pond above Goram's pond have been approved, work will start in October, 2105. The Parking study is well underway and the waiting list has been pared down to 1,400.

NEW BUSINESS

Discuss and Take Action on a Revocable License Agreement for Whitmen Foods d/b/a Uncle's Deli to Operate Food Concessions at Weed Beach and Pear Tree Beach Parks

Ms. Flynn, Chair of Parks and Recreation, spoke and said that they were happy to have Uncles Deli at the beaches. She said 11 am to 7 pm were the optimal hours for the concessions to be in operation. There was some discussion regarding paragraph number 6 and it was agreed the language should be changed from "following the conclusion of each school calendar year until the start of the new year," to something along the lines of "from Memorial Day to Labor Day." Mr. Tierney asked if Uncles Deli paid for the license. Ms. Flynn answered no.

- ** MR. HALL MOVED THAT THE BOARD OF SELECTMEN AGREE TO ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH WHITMEN FOODS D/B/A UNCLES' DELI TO OPERATE A FOOD CONCESSION IN DESIGNATED LOCATIONS WITHIN WEED BEACH AND PEAR TREE BEACH PARKS, AND AUTHORIZE AND DIRECT THE FIRST SELECTMAN TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN OF DARIEN.**
- ** MR. TIERNEY SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

Discuss and Take Action on Approval for the YWCA Darien/Norwalk to the 11th Annual Push-n-Pull Parade on July 4, 2015.

- ** MR. HALL MOVED THAT THE BOARD OF SELECTMEN AGREE TO GRANT PERMISSION TO THE YWCA OF DARIEN/NORWALK FOR THE 11TH ANNUAL PUSH-N-PULL PARADE TO TAKE PLACE ON JULY 4, 2015, SUBJECT TO THE REQUIREMENTS OF THE DARIEN POLICE DEPARTMENT.**
- ** MS. MARKS SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

TRANSFERS

Hoyt Street Demolition

**** MR. HALL MOVED TO APPROVE THE BUDGET TRANSFER AS FOLLOWS:
RESOLVED: That the following transfer of appropriations is approved for referral
to the Board of Finance.**

From:

To:

Acct. No.	Account	Amount		Acct. No.	Account	Amount
	BOF Contingency	\$35,000		TBD	Hoyt St Demo	\$35,000
	TOTAL	\$35,000			TOTAL	\$35,000

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

Edgerton Street Demolition

Ms. Marks said she had heard from one constituent who was concerned the demolition was premature. First Selectman Stevenson said this was not the case, the building was no longer viable, and it was a safety concern. Mr. Tierney asked if the \$444,000 was a firm number. Mr. Kilduff said it was. He said water and sewer lines would be relocated.

**** MS. MARKS MOVED TO APPROVE THE BUDGET TRANSFER AS
FOLLOWS:
RESOLVED: That the following special appropriation is approved for referral to
the Board of Finance:**

From:

To:

Acct. No.	Account	Amount		Acct. No.	Account	Amount
	Fund Balance	\$444,000		TBD	Edgerton St Demo	\$444,000
	TOTAL	\$444,000			TOTAL	\$444,000

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

NEW BUSINESS

First Selectman Stevenson said there would be future discussion with the Sidewalk Advisory Committee. She said it would be good to have the state representatives back soon.

APPROVAL OF MINUTES

Regular Meeting of March 23, 2015

The First Selectman noted "Wendy Wade," should be changed to "Wendy Ward." She also said page 7 paragraph 4 should be rewritten to read as follows:

She noted that the area of the Town Garage set aside for the BOE wood shop now holds vehicles and equipment. The square foot deficit will be converted through the soon to be proposed Town Garage renovation project, or by the BOE asking for the lower level space at 35 Leroy currently set aside for town use.

- ** MR. HALL MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MARCH 23, 2015 AS AMENDED.**
- ** MS. MARKS SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

FORTHCOMING MEETINGS

April 20, 2015 Board of Selectman Regular Meeting at 7:00 pm.

ADJOURNMENT

- ** MR. HALL MOVED TO ADJOURN.**
- ** MS. MARKS SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 9:37 pm.

Respectfully submitted,

A. Lund
Telesco Secretarial Services

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April 6, 2015
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