

**MINUTES
TOWN OF DARIEN
BOARD OF SELECTMEN
SPECIAL MEETING**

May 21, 2013

A special meeting of the Board of Selectmen was held on Tuesday, May 21, 2013. In attendance were First Selectman Stevenson, Selectmen Bayne, Campbell, Lundeen, and Nielsen. Also in attendance were Town Attorney Wayne Fox, Town Assessor Anthony Homicki and Town Administrator Karl Kilduff.

1. CALL TO ORDER

First Selectman Stevenson called the meeting to order at 7:30 p.m.

2. Adjourn to Executive Session, Pursuant to CGS 1-200(6)(B) Pending Litigation

The Board of Selectmen adjourned to Executive Session at 7:30 p.m.

3. ADJOURN to Open Session

Mr. Nielsen moved, seconded by Mr. Campbell to return to open session at 7:48 p.m. The motion passed unanimously

First Selectman Stevenson called the open portion of the Special Meeting to order at 7:52 p.m.

1. PRESENTATION from Board of Education Regarding Facility Needs

Board of Education Chair Elizabeth Hagerty-Ross thanked the Board for the opportunity to discuss possible building improvements to Royle and Tokeneke Elementary Schools. Superintendent Falcone was seeking the Board of Selectmen's action to establish a Building Committee to develop designs and specification for construction needed to address increasing enrollment patterns. He noted that current projects show continued student population growth and the need for space for the ELP program. Housing development generally and specifically at the Heights and Kensett were cited a part of the reason for continued enrollment increases.

Dr. Falcone reported that there was limited available current classroom space for continued growth. To respond, the Board is looking to transform part of the common area at Royle School to open up more classroom spaces and expand Tokeneke School to house the ELP program in one facility. He added that these improvements should respond to the next seven years of project growth.

First Selectman Stevenson asked for a review of the options which were explored. Dr. Falcone discussed the Board's efforts to look at outsourcing the ELP program to other towns, but based on the strong local program and desire to keep children in district, this solution was not advanced. Private office spaces was also evaluated and determined to be not feasible. The former senior center on Edgerton was determined to be too costly and would add an additional layer of overhead to add an 8th school to the district. Existing facilities were also

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examined with the possibility of adding more portables, but the Board wanted to keep the ELP program together. Finally underutilized space was assessed.

Mr. Bayne asked if available space at 35 Leroy could be used. Dr. Falcone stated that there was not enough room to accommodate 72 students and required support staff. Additionally, the location did not allow for outdoor play equipment.

Mr. Lundeen asked about the process of evaluating the Edgerton property. Dr. Falcone discussed the significant renovation/reconstruction costs as being greater than the proposed solution. Chairman Hagerty-Ross stated that the Board discussed other educational uses for the site like a standalone preschool or 5th grade. However, those options were not going to solve the problems currently being faced at the elementary school level. She added that creating an 8th school was cost ineffective for the town.

Mr. Nielsen questioned the anticipated project costs. School Facilities Director Michael Lynch offered an estimate of \$320/square foot for new construction at Tokeneke and \$200/square foot for renovations and construction at Royle.

The Board questioned the enrollment projects presented. The Board was uncertain as to the specific impacts from projects like the Heights and Kensett as the age distribution is unknown. Certain assumptions were made for the number of pupils generated. Mr. Bayne questioned the confidence level in the projections. Dr. Falcone noted that the projects carry out to 2021 with the student population projected to peak in 2017/18. He was concerned that the projects were too low and not high enough.

The Board of Selectmen thanked the Board of Education and acknowledged their request for one building committee to be created for both proposed projects/

2. FIRST SELECTMAN'S REPORT

First Selectman Stevenson read her report as follows:

- Congratulate the Transfer Station Advisory Committee for being selected as the Board of Selectman's Darien Community Fund Volunteer Project of the Year and to Craig Flaherty for representing his committee at the Volunteer Luncheon last Friday.
- I had the privilege of addressing the Senior Men's Association on 5/8. I'm always humbled by the collective experience and perspective of this group and I want to thank them, in particular Wally Pugh, for the opportunity to share my thoughts on wide variety of community issues.
- Extend an official welcome to Carrie Bernier as the new Executive Director of the Darien Community Fund.
- The budget has been passed. The process was open and transparent and I want to thank everyone who followed the deliberations.
- Metro North and DOT should be commended for their response to the train accident in Fairfield. Thank you to Jim Cameron for being a strong voice for the concerns of commuters. Limited service has been restored on one of the two affected tracks and full service is anticipated to resume by tomorrow. If so, parking enforcement and fees will be back in effect on Thursday.

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- Tomorrow evening John and I will be attending a meeting of the newly created Holly Pond Steering Committee. We have both offered to join this is a group of interested parties from both Darien and Stamford who will monitor and advocate for progress on
- Holly Pond issues, including dredging, water quality, dam infrastructure and provide information to the Friends of Holly Pond for further action. The steering committee has representation from neighborhood associations, conservation groups, environmental user groups, elected officials, municipal staff and others with specific interest in Holly Pond and its surrounding environment.
- On Thursday, I'm meeting in Hartford with fellow members of SWRPA and MPO and
- Representative Rojas to discuss the intent and potential local impacts of HB 6629 – An Act Concerning Regionalism.
- A planned meeting with our house and senate representatives was postponed pending schedule availability.
- 6/28 Fireworks (6/30 rain date) - this year, parking passes for the high school grounds are required - on sale at Town Hall during regular business hours - \$30 resident, \$60 non-resident. First come first serve. 1 per family. Need to show photo ID and car registration.
- I hope you will attend our wonderful Memorial Day celebration this coming Monday. If you've never attended the post-parade ceremony in Spring Grove cemetery, I recommend you join us. It's a moving tribute to those in our community who have served and sacrificed. After the ceremony, please enjoy the Post 53 Food Fair in Tilley Pond Park.

3. ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff reported that a kick-off meeting will be held to plan the implementation of new parking technology at the train stations. He would advise the Board when a project schedule with milestones is developed.

It was also reported that the Town was getting ready for electricity procurement again by verifying electricity accounts and evaluating approaches to purchasing which included aggregating load with others in a pooled bid and going with a Darien only bid.

Mr. Bayne questioned the timing of implementing parking technology changes and whether it would be in place by the Fall. Mr. Kilduff responded that Fall would be a reasonable timeframe to have pay stations implemented.

4. PUBLIC COMMENT

Jim Cameron spoke as a representative from the Commuter Council and thanked the Town for opening its train stations during the service disruption along the Metro-North New Haven line to other commuters trying to reach New York.

5. NEW BUSINESS

- a) Discuss and Take Action on Resolution Authorizing Acceptance of a Gift Worth \$200,000 to the Darien Board of Education from the Darien Athletic Foundation for a Scoreboard at Darien High School and Referral of Same to the RTM

First Selectman Stevenson noted that the request is solely for a scoreboard. Board of Education Chairman Hagerty-Ross asked the Board of Selectmen to approve the gift and the Board of Education approved the gift during it April meeting. The gift still needs to work through Planning & Zoning issues before final RTM action. Dr. Falcone gave a brief overview of the Darien Athletic Foundation and the larger plans to providing a concession stand and providing turf at certain fields in the district. Peter Graham, President of the Darien Athletic Foundation, was introduced and spoke to the schedule to install the scoreboard and next steps with the concession stand.

Mr. Bayne asked whether the gift included a 5-year extended warrantee for the scoreboard. Mr. Graham stated that the gift included the cost of the warrantee. He added that the Foundation's fund raising goal is \$7.5 million with the intent of providing for an endowment that could pay for on-going costs associated with their planned projects.

The Board thanked the Foundation for their fund raising efforts.

Mr. Bayne moved, seconded by Mr. Campbell, the adoption of the following resolution:

WHEREAS, pursuant to Section 2-33 of the Code of the Town of Darien, the Board of Selectmen is empowered on behalf of the Town of Darien to accept gifts, provided gifts do not have a value in excess of Ten Thousand and 00/100 Dollars (\$10,000.00); and

WHEREAS, pursuant to Section 2-33a of the Code of the Town of Darien, said gifts in excess of Ten Thousand and 00/100 Dollars (\$10,000.00) may be accepted with action by the Representative Town Meeting of the Town of Darien; and

WHEREAS, the Darien Board of Education has moved to accept a gift from the Darien Athletic Foundation which would provide the High School with a new scoreboard; and

WHEREAS, the Board of Selectmen wishes to have this gift accepted.

NOW, THEREFORE BE IT RESOLVED that the Board of Selectmen of the Town of Darien hereby authorizes the acceptance of this gift and directs that this resolution be forwarded to the Representative Town Meeting for its consideration and approval.

The motion passed with a 5-0 vote.

- b) Discuss and Take Action on Health Department Proposed Amendments to Administrative Regulations for Salons and Revised Health Permit Fee Schedule

Health Director David Knauf described that the local health regulations do not respond to the full range of services made available at salons and spas locally. The State mandated inspections of salons but never issued regulations. To develop local regulations, the Health Department created a local advisory committee to learn more about salon business

practices from owners. The result is new sections which govern tanning, massage, tattooing and body art.

Salons and spas will have to post proof of local inspections and be inspected by the department twice per year with the Department Nurse in attendance.

Mr. Lundeen asked if the Department reviewed the requirements with local businesses. Mr. Knauf stated that the intent of the regulations is to get a handle on the range of services being offered. Mr. Bayne asked if Town Counsel reviewed the regulations. Mr. Knauf confirmed that they were approved by Counsel.

Mr. Nielsen moved, seconded by Mr. Bayne, to approve the proposed amendments to the Administrative Regulations for Salons as discussed. The motion passed with a 5-0 vote.

Mr. Knauf reviewed proposed revisions to the fee schedule to simply the fees, to provide exemptions for non-profits, and to align certain fees with the amount of staff time involved.

Mr. Campbell moved, seconded by Mr. Nielsen, to approve the revised health permit fee schedule as presented. The motion passed with a 5-0 vote.

c) Discuss and Take Action on Tax Assessment Appeal Settlement

Mr. Lundeen moved, seconded by Mr. Campbell, that the Darien Board of Selectmen hereby approves settlement of the case of Darien Plaza v. Town of Darien, (FST-CV-09-4016698-S) to amend the Fair Market Value of the property to \$10,400,000 from \$13,349,900 for the Grand List of October 1, 2008 through October 1, 2012, in accordance with a Stipulation for Judgment. The motion passed with a 5-0 vote.

d) Discuss Potential Expansion of Town-Owned Cell Tower Lease Area

Mr. Kilduff provided the Board with a request to extend the ground lease area for the cell tower to accommodate the immediate need of a carrier to locate back-up power generator for their equipment. The current lease area does not provide adequate space for that end. A second lease area was proposed to simply the lease area and to provide for ready pad area should an additional carrier end the market. A discussion of the approval process and potential income from expanding the lease ensued. The Board expressed a preference to seek a lease amendment including both proposed areas.

e) Discuss and Take Action on CGS 8-24 Referral to the Planning & Zoning Commission Regarding the Potential Expansion of Town-Owned Cell Tower Lease Area

Mr. Bayne moved, seconded by Mr. Lundeen, that pursuant to Connecticut General Statutes §8-24, the Board of Selectmen hereby refer to the Darien Planning & Zoning Commission for a report on the possible expansion of the Town-owned cell tower lease area on Ledge Road. The motion passed with a 5-0 vote.

f) Transfers

Library

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From: [REDACTED]

To: [REDACTED]

Acct. No.	Account	Amount		Acct. No.	Account	Amount
	Contingency	\$14,450			Library Grant	\$14,450
	TOTAL	\$14,450			TOTAL	\$14,450

Mr. Bayne questioned the transfer in terms of the difference between a capital expense covered by the Friends of the Library and operating expense covered by the Town. Mr. Kilduff replied that this approach mirrors how the Town funds deductible from the operating budget. Mr. Nielsen moved, seconded by Mr. Campbell, to approve the transfer for referral to the Board of Finance. The motion passed with a 5-0 vote.

6. AGENDA REVIEW

First Selectman Stevenson reminded the Board that Post 53 would be making a presentation to the Board at its next meeting. Mr. Bayne asked for after action reports from departments following recent storms for lessons learned. First Selectman Stevenson noted that some reports were given verbally and it would be better to have Emergency Management Director Marc McEwan come to a future meeting. Mr. Lundeen asked for the opportunity to give a report on the Upper Pond project. First Selectman Stevenson asked Mr. Campbell to make a report on the Central Office/Mather Community Center Building Committee.

7. APPOINTMENTS/REAPPOINTMENTS

Mr. Lundeen moved, seconded by Mr. Campbell, to appoint Cara Gately to the Beautification Commission for a 3-year term beginning on December 1, 2012 and expiring on November 30, 2015. The motion passed with a 5-0 vote.

8. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The following changes were requested:

Page 2: In the resolution heading Accepting a Gift for the Police Department the heading should note the amount as "\$3,900", replacing "\$3,900".

Page 4: In the third paragraph, replace "regionalization" in the first sentence to "legislation" and replace "sponsorship" with "sponsor." In the second sentence of the same paragraph it should read "anticipate action prior to the end of the current legislative session" instead of "anticipate action prior to the next legislative session." Fourth paragraph should be re-written to read; "Questions and comments were fielded by First Selectman Stevenson and Ms. Williamson and the following press release was provided to the Selectmen for their review."

Page 5: In budget transfer, second paragraph, Mr. Lundeen should be replaced with Mr. Bayne.

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Mr. Bayne moved, seconded by Mr. Lundeen, the adoption of the minutes from the regular meeting of May 6, 2013, as amended. The motion passed with a 5-0 vote.

9. ADJOURNMENT

The meeting was adjourned at 9:43 p.m.

Respectfully submitted
Karl F. Kilduff
Town Administrator