

**TOWN OF DARIEN
BOARD OF SELECTMEN
SEPTEMBER 9, 2013**

ATTENDANCE: First Selectman Jayme Stevenson; David Campbell, John Lundeen,
Gerald Nielsen.

STAFF: Karl Kilduff, Administrative Officer.

CALL TO ORDER

First Selectman Stevenson called the meeting to order at 7:45 p.m.

Report from the Environmental Protection Commission

Ms. Vickie Riccardo, Chair of the Environmental Protection Commission presented her report and provided a copy for the Board. She listed the following names of members on the Commission: Richard Rohr, Vice-Chair; Wynne Shapiro, Edwin Sweeney, Alan Armstrong, Eric Joosten, Keith Kearney, and Rich Jacobson, Darien's Environmental Protection Officer. She referred to the Darien Environmental Protection Commission brochure that explains the EPC mission noted that it can be viewed the Town's website. Ms. Riccardo explained that the EPC is two commissions in one, the regulatory Inland Wetland Commission mandated by the State and it is also the Town's Advisory Conservation Commission, and the Inland Wetlands and Watercourses Agency became part of the EPC by an ordinance adopted in 1986.

Ms. Riccardo explained that as the Inland Wetlands Commission, the EPC's job is to review applications for any activity in or abutting wetlands or watercourses, which includes building activity, paving, installation of pools, planting or removal of trees and other vegetation. As the Conservation Commission, our mandate is to protect, preserve and maintain our natural resources. The EPC always attempts to balance the need for economic growth and development in our community against protection of wetland ecosystem and preserve natural resources.

Ms. Riccardo gave an overview of recent initiatives that have been undertaken over the past few years and stated that there were 34 new applications and four carryovers and amendments that represented a very productive year. She noted that they continue to be challenged to render technical assistance and case law interpretation and asked that the Board seriously consider the recommendation to add to staff to provide enforcement relating to drainage projects as part of Darien's flood mitigation system.

First Selectman Stevenson requested the report to be sent by e-mail to the Board and for it to be posted on the website.

Ms. Susan Cameron spoke in agreement with the comments made during the presentation and stated that she totally supports the recommendation to add an engineer staff member in an effort to provide the resources to meet the goals of the Commission.

Public Hearing - Proposed Changes to Parking Regulations

First Selectman Stevenson asked members of the public that wished to comment about the proposed parking changes to Parking Regulations to come forward and state their name and address for the record.

1. Jim Cameron, 55 Hoyt Street stated that he was a member of the RTM and past chair of the Metro North Transit Commission and that he has had a life long passion for open government. He stated that there has been very little outreach to those that will be greatly affected by changes to the parking regulations, and there should have been posted signs at the station lots, mailings to those on the mailing list and e-mail blasts. He explained that the response will be “how come I did not know” about this and he explained his concerns with the lack of communication by the Town. He spoke about the License Plate Reader, and stated that he feels it is a great idea and that it is perfectly appropriate to impose penalties for late applications. He stated that he is concerned with section 74R-8 and the resulting overbuying now to avoid the high increase in daily voucher price from \$3 to \$5. He spoke about the need for transit oriented development and the need to expand parking as the permit waiting list grows and how the Town loses in the race for commuter viability. He emphasized the need for more outreach to the commuters.

2. Dickson Macintyre (no address given) spoke in support of what Mr. Cameron said and stated that he echoed the comments for the need for communication. He stated that he was dismayed at the lack of community engagement with no notice of the increase and changes in regulations. He asked how the money will be utilized and where the line will be drawn of the price increases without advanced notice. He suggested that there be a survey of commuters affected and he wants clarification of the changes to the regulations and how this will affect the Town.

3. Joe Duran (no address given) spoke about the fact that he is not well educated on parking regulations and asked how the enforcement practices will work effectively. He asked to have more voucher lots and to increase the number of parking spaces and the practice of overselling the lots to increase capacity. He stated that he agreed with all that was said previously and he echoed the comments for the need for communication.

First Selectman Stevenson spoke in reply to the comments and stated that she wanted to validate the concerns of the commuters and assured the public that the Town will do a better job with outreach and communication to the commuters. She spoke about the sale of vouchers and the ability to use what is purchased until an expiration date and suggested that in a way to address the transition challenges to have an enforcement holiday without penalty. She added that the City of Stamford is looking at this same system and that the Town of Darien’s scratch off voucher method is antiquated at best. She spoke about the License Plate Reader that is designed to reduce abuse of permit sharing and provide proper enforcement. She stated that while she solicits the support of the state agencies for municipal transit program changes, it is important to note with the Department of Transportation changes and programs take years to be implemented. She stated that parking is a huge issue for the Town of Darien and her hope is that a comprehensive parking study will be done to address these issues.

There was an exchange of comments the members of the public that asked if this is a foregone decision or if the Board is looking for feedback, and it was suggested that further outreach and communication be done to reach commuters to inform them of the changes. Mr. Lundeen stated that there needs to be better public education and he asked about the impact of changes in timing to the implementation of the changes in rates and regulations. Mr. Kilduff stated that there was a 60 day window for the voucher company to change and then to back to implementation.

Mr. Nielsen stated that there needs to be a documented plan for changeover that outlines dates for all the changes and how regulations and enforcement procedures will transition.

First Selectman Stevenson stated that she supports the regulations and that these changes need to be implemented to bring the Town in line with surrounding towns in a more competitive position with parking rates, regulations and enforcement. She added that she is aware that there will be glitches to address as they come up, and hopes that with sufficient communication these can be done in an organized transition plan. She stated that she is open to a delay in the implementation for a reasonable time period to provide public education, and suggested that the public hearing could be continued.

Mr. Cameron came forward again and stated that with sufficient notice, there is plenty that can be done for a smooth transition including signs at the stations and in the lots, flyers, and a video to local media. He requested there be a formal presentation to the public to clearly outline the changes and to show how this will be communicated to the commuters

There was a further exchange of comments with members of the public about hoarding of vouchers and over-buying by commuters in anticipation of the price increase. Mr. Kilduff explained the process of overselling daily vouchers due to the non-use of permit and abuse or sharing of permits. He added that Darien is the only Town that uses the scratch off cards and there is difficulty in implementing a method to enforce a sunset timing or an expiration date. There was discussion of a putting forth a gradual increase rather than a 66% increase, and Mr. Kilduff reminded the Board that the machines are not akin to an ATM and are not programmed to issue change.

Mr. Brandon McKinney (no address given) stated that he was a daily commuter and he asked about the definition of a daily commuter that is essential to then determine how to enforce the regulations. He asked if the intention is to increase only daily voucher rates by 2/3 increase, why would the Town not increase the permit prices as well and move everyone up to market rate?

First Selectman Stevenson stated that it was not the intention to penalize the daily parker and that this is the first time in 6-7 years for a voucher increase whereas the permit rate has gone up three times in five years. She again stated that she is open to a delay in the implementation for a reasonable time period to provide public education, and suggested that the public hearing could be continued. There was a discussion on the required process of public notice and newspaper notification including notice in the Stamford Advocate. **It was agreed by consensus of the Board to continue the public hearing with a special meeting on September 16, at 7:30 p.m.**

Report from Board of Education Central Office/Mather Center Building Committee

Mr. Campbell reported that the project is 95% complete with four outstanding items that included generator hook up, safety railing on the outside, permit for operation of the elevator and HVAC duct work. He spoke about holding back funds and contingency due to the financial problems with the contractor and upcoming meetings with the building lawyer. He stated that subcontractors have been shorted in paying and this will go to the bonding company for reimbursement. He reported that the rebidding for the Mather Center has been completed with Darsan as the low bidder and contracts are now being signed with insurance and bonding. He added that there are no windows and asbestos abatement has been completed, and the building is gutted and ready to go. He explained that the demolition has been taken out of the contract and the Town has doing this through subcontractors. Mr. Campbell reported that as a result of the rebidding, the completion has now been delayed to February 1 or a delay of two months, which seems modest. He thanked John Ryan for all his work with 35 Leroy.

Mr. Lundeen asked about the budgeting impact, and Mr. Kilduff explained that the budget was prepared with ½ at each location and there will need to be few adjustments with transfers of utilities.

FIRST SELECTMAN'S REPORT

First Selectman Stevenson read her report as follows: SWRPA Regionalism — earlier this evening I attended a SWRPA board meeting as an MPO subcommittee representative along with Gayle Weinstein from Weston and Bill Brennan from Wilton to discuss the regional consolidation mandate legislated in Public Act 13-24 Essentially, this legislation and by the express direction from the Office of Policy and Management have required SWRPA to agree to join with at least 1 other regional planning group by the end of 2014 and to become a Council of Governments by 2015 forego state funding for regional planning. We are currently in discussions with our board and other regional planning groups to determine the best path forward given the new law. Because we are an RPA, the 22 member SWRPA board must vote on any potential merger however, the 8 CEO's have given unanimous support to further exploring a merger with the Housatonic Valley CEO commonly referred to as HVCEO. The member towns in HVCEO are Ridgefield, Reading, Newtown, Danbury, Brookfield, New Fairfield, Bridgewater, Sherman and New Milford.

It is my position, and I welcome Board feedback, that no merger is ideal. We function extremely well as an RPA with our 8 member towns. Enlarging the pool of member towns suggests to me that there may likely be challenges with common interest and stretching and disagreement over available financial resources. This is the mandate from the State, therefore, we must comply. If we do not voluntarily merge with one or more regions, the state will make the decision about who we will merge with. All 8 CEO's from SWRPA believe it is in our best interest to do appropriate due diligence and craft a merger that best suits our mutual interests. She stated that this is not an easy task to be sure, and noted that she would like comments from the Board.

First Selectman's Report – continued.

- Yankee Gas — very hopeful discussions about gas line expansion here in Darien. We will know more by the end of November when PURA (Public Utilities Regulatory Authority) announces their decision on the Yankee Gas business proposal.
- Hands for Life — Sunday, September 29th from 10am — 4pm at the YWCA. An event sponsored by Post 53 to teach as many people as possible hands-only CPR.

Mr. Lundeen asked about if SWRPA has any other contiguous agency, and First Selectman replied that it was Greater Bridgeport, but border towns could petition to move to another regional alliance. She added that there is little direction from the Office of Policy Management, which is why the push for voluntary rather involuntary action.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff gave his report and summarized that grants are in progress with the DEEP application with the STEAP Grant for improvements at the Upper Pond at Gorum's Pond. He added that the grant for the Fire Training facility is in process based upon draw down of state funds available for reimbursement. There is also on-going work taking place with negotiations with the Town's insurance carrier for coverage with workmen's compensation and liability issues.

PUBLIC COMMENT

1. Mr. Walter Casey, 11 Webster Valley Road, Darien read his statement and provided it for the record. He gave a rebuttal to comments made in a newspaper editorial. During the reading of his letter, First Selectman Stevenson stated that she found it inappropriate to provide such comments when the statement in question was not a part of the Darien Board of Selectman meeting. Mr. Casey continued and read the remainder of his letter that documented response times by the Stamford EMS (SEMS) paramedics and the EMS Review Committee stated that paramedic response times to Darien and SEMS response times are reported with an intention to misreport response times. In addition, Mr. Hammer has reported that the SEMS paramedic unit in Glenbrook is available only half the day. This means that, during nighttime, paramedics must travel to Darien from more remote areas of Stamford. Even allowing for innumeracy, I believe you and your fellow Selectmen are deliberately allowing Mr. Hammer to distort Post 53's response times in order to shield Post from truthful analysis.

NEW BUSINESS

Discuss Update on Hoyt Street Lighting

First Selectman Stevenson reported that CL&P is in the process of redrafting the contract to allow for movement and extensions of street lighting in response to requests from neighbors. She stated that the pedestrian warning sign will be relocated September 19.

Mr. Lundeen asked if this placement is experimental, and First Selectman Stevenson replied that she has no confidence that this will satisfy neighbors because they want a sidewalk. She added that she is committed to street lighting improvement and ultimately a resolution of this project to improve pedestrian safety.

Discuss Recommendations from Fire Apparatus Replacement Study

First Selectman Stevenson referred to the report and analysis provided to the Board and highlighted the replacement schedule:

Fire Apparatus - Current Replacement Schedule

The fire departments have developed a replacement schedule for their apparatus. This report has taken their recommendations and incorporated them as the basis for the three options for future replacement schedules.

Recommended Replacement Schedule

Noroton Heights Fire Department				
Engine 21	Mack	Pumper	1983 - 30	2013
Engine 23	Mack	Pumper	1989 - 24	2020
Truck 20	Mack	Ladder	1988 - 25	2019
Rescue 25	Mack	Squad	1989 - 24	2017
Tanker 22	Mack	Tanker/Tender	1974 - 39	2016
Noroton Fire Department				
Engine 31	Maxim	Pumper	1972 - 41	2013
Engine 32	Marion	Pumper	2002 - 11	2021
Ladder 30	Stuphen	Aerial	1994 - 19	2018
Rescue 33	Marion	Squad	1989 - 24	2017
Marine Unit 34	Boston Whaler	Boat	1989 - 24	2013
Truck 35	Ford	Utility	1996 - 17	
Darien Fire Department				
Engine 41	Pierce	Pumper	2006 - 7	2026
Engine 42	Pierce	Pumper	2006 - 7	2027
Ladder 43	Seagrave/Aerialscope	Tower/Ladder	2011 - 2	
Rescue 44	Salisbury	Squad	2004 - 9	2024
Tanker 45	Mack	Tanker/Tender	1996 - 17	2022

The Town of Darien requested an unbiased approach to future fire apparatus replacement. This report will provide the Town with three options. These options will be replace current vehicles with like apparatus, modify vehicle types by adding some dual functioning vehicles, and a final shared responsibility approach between the three departments. We feel that the schedule developed by the fire departments is a viable schedule that would work for the community. We have reviewed the pricing that was provided by the fire departments and find clarity is needed to determine how their cost was established, Almont employs manufacturer data to establish the prices listed in this report. The pricing structure we have used is for Custom "Program" trucks with full complements of small equipment, tools and hose. The industry standard has been an annual three percent increase in new apparatus cost. This is reflected in the pricing used below. Replacement of fire apparatus can be determined by age, condition, use and functionality of the current equipment. We do not see fault with the current schedule as recommended by the fire departments, as it provides for a longer life expectancy than Almont would normally.

There was discussion on the recommendation of dual purpose equipment and the collaborative efforts with service and capital expenditure savings. First Selectman Stevenson stated that she finds this a very efficient recommendation and looks forward to resulting savings in the budget.

Mr. Lundeen stated that he feels that the issue of combining stations needs to be addressed. First Selectman Stevenson commented that there are pros and cons of both sides of this argument and to keep in mind that the Town has dramatic savings from the volunteer aspects of the Fire Departments and that it is an important part of the Towns' culture.

Discuss and Take Action on Approval of Amendments to the Parking Regulations

Mr. Kilduff stated that action would be tabled pending the outcome of the public hearing continuation.

Discuss and Take Action:

Resolution Authorizing and Directing the First Selectman to Execute a Memorandum of Agreement Between the State of Connecticut and the Town of Darien
Regarding the Federal Fiscal Year 2012 Homeland Security Grant Program

First Selectman Stevenson requested to waive reading of the resolution and asked for a motion to approve.

**** MR. NIELSEN MOVED TO ADOPT THE RESOLUTION AS FOLLOWS:**
WHEREAS, the State of Connecticut, acting through its Department of Emergency Services and Public Protection Division of Emergency Management and Homeland Security, is the recipient of the United States Department of Homeland Security Federal Fiscal Year 2012 State Homeland Security Grant Program; and
WHEREAS, the Town of Darien is eligible to participate in funding provided to DEMHS Region 1: and
WHEREAS, it is the Board of Selectmen's wish for the Town to be able to participate in the benefits of the above mentioned funding which will benefit the region.
NOW, THEREFORE, BE IT RESOLVED that the Darien Board of Selectmen may enter into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security, any and all documents which it deems to be necessary or appropriate; and
BE IT FURTHER RESOLVED that Jayme Stevenson, as First Selectman of the Town of Darien, is authorized and directed to execute and deliver any and all documents on behalf of the Board of Selectmen and to do and perform all acts and things she deems necessary or appropriate to carry out the terms of such documents, including but not limited to executing and delivering all agreements and documents contemplated by such documents.
**** MR. LUNDEEN SECONDED THE MOTION**
**** MOTION PASSED UNANIMOUSLY.**

APPOINTMENTS/REAPPOINTMENTS

Consider and take Action on the following re-appointments:

1. Keith Kearney to the Environmental Protection Commission for a 3-year term beginning on July 1, 2012 and expiring on June 30, 2015.
2. Jeff Williams to the Zoning Board of Appeals for a 3-year term beginning on July 1, 2013 and expiring on June 30, 2016

**** MR. CAMPBELL MOVED TO APPROVE THE REAPPOINTMENT OF KEITH KEARNEY TO THE ENVIRONMENTAL PROTECTION COMMISSION FOR A 3-YEAR TERM BEGINNING ON JULY 1, 2012 AND EXPIRING ON JUNE 30, 2015 AND JEFF WILLIAMS TO THE ZONING BOARD OF APPEALS FOR A 3-YEAR TERM BEGINNING ON JULY 1, 2013 AND EXPIRING ON JUNE 30, 2016.**

**** MR. LUNDEEN SECONDED THE MOTION**

**** MOTION PASSED UNANIMOUSLY.**

Agenda Review

First Selectman Stevenson stated the Junior Sailing group will meet tomorrow and there will be an update on the possible building repairs. She added that September 30 will include public hearing on cameras along the docks and the Edgerton property public hearing will be in October.

APPROVAL OF MINUTES

Special Meeting of August 26, 2013

**** MR. NIELSEN MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF AUGUST 26, 2013 AS SUBMITTED.**

**** MR. LUNDEEN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Regular Meeting of August 26, 2013

The following changes were requested:

Page 1: Paragraph 3, Sentence 1: Change meting to meeting

Page 2: Paragraph 2, Sentence 1: ...change Jeremy Ginsburg to Wayne Fox

Page 5: In the motion change 1245 acres to 1.245

**** MR. NIELSEN MOVED TO APPROVE THE MINUTES OF THE MEETING OF AUGUST 26, 2013 AS AMENDED WITH CORRECTIONS NOTED.**

**** MR. LUNDEEN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

OTHER BUSINESS – None

FORTHCOMING MEETINGS

September 10, 2013	Board of Education Regular Meeting at 7:30 p.m.
September 10, 2013	Planning & Zoning Commission Planning Meeting at 8:00 p.m.
September 17, 2013	Board of Finance Regular Meeting at 7:30 p.m.
September 17, 2013	Planning & Zoning Commission General Meeting at 8:00 p.m.
September 18, 2013	Parks & Recreation Commission Regular Meeting at 7:30 p.m.
September 24, 2013	Board of Education Regular Meeting at 7:30 p.m.
September 24, 2013	Planning & Zoning Commission Public Hearing at 8:00 p.m.
September 30, 2013	Board of Selectmen Regular Meeting at 7:45 p.m.

Adjournment

** **MR. LUNDEEN MOVED TO ADJOURN.**
** **MR. NIELSEN SECONDED.**
** **MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Marilyn Knox
Telesco Secretarial Services