

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
JULY 23, 2012.**

ATTENDANCE: Jayme Stevenson, First Selectwoman; David Campbell, David Bayne, Gerald Nielsen, John Lundeen

STAFF: Karl Kilduff, Town Administrator

CALL TO ORDER.

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

FIRST SELECTMEN'S REPORT

First Selectwoman Stevenson said that she had been on vacation last week. She thanked Mr. Campbell for supervising while she was away.

First Selectwoman Stevenson said that she attended the ground breaking at the Allen O'Neill project site. There were many people who were present including Governor Malloy.

First Selectwoman Stevenson added that she had met with the neighbors around the site and now the start time for work would be at 7:00 a.m. on weekdays and 8:00 a.m. on Saturdays. She pointed out that these start times were normal for construction projects

On July 18th, the tap water was brown in some areas. First Selectwoman Stevenson said that the water was safe, but that the water company did not communicate well with the community. The State Health Department controls the water issues. The Town will be working with the Water Company to facilitate better communication with the residents.

Mr. Lundeen and First Selectwoman Stevenson will be working on the Gorham's Pond situation.

The State DEEP has made a commitment to study declining lobster population in Sound.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff said that there had been meetings to discuss the situation at Gorham's Pond.

He informed those present that there would be a \$45,000 check coming back to the Town from insurance company.

The Administrative Pay Plan will be completed in August.

PUBLIC COMMENT

Ms. Carolyn Schoonmaker of 231 Old Kings High South, came forward and said that she is on the RTM Public Health and Safety Committee. She said that the Committee had met to discuss the Hoyt Street sidewalk issue. Some of the committee members suggested creating a taxing district for the improvement. The committee suggested that a plan be brought to the Board of Selectmen for redoing the sidewalks in town. Mr. Lundeen asked for a list of the various areas that saw heavy pedestrian traffic. First Selectwoman Stevenson said that she would give Mr. Lundeen a list of the problem areas.

Mr. Charles Judge of 24 Intervale Road came forward and said that he had lived at his house since 1983. In 2006, the storm water run off started to increase and his home is now flooding. He said that he had pictures to back this up. Mr. Judge said that the Engineering Department had stated that the drainage pipe was too small. The water destroyed his driveway, his chimney and his downstairs office. He went on to describe the conditions where the water coming out of the drain pushed large sandbags around like toys. With all the development in his area, the water runs down the street and empties from the drain pipe in front of his house. There are three 13 inch pipes feeding into the catch basin in front of his home and only one 13 inch pipe for drainage.

Mr. Judge passed around a number of photographs showing the flooding from 2007, through 2012. The work that has been done has all been permitted, but the pipes are still too small. He said that when he has asked about this, he was told that the Town had a plan, but this is not his fault or that of his neighbors. He said that he does not like being a prisoner in his own home. First Selectwoman Stevenson thanked him

Mr. Eric Shaller, 22 Intervale Road, came forward and said that he had just moved into his house in the beginning of the month. He described how the water had flooded his garage that was still filled with unpacked moving boxes. There is nothing wrong with the structure of the house, the driveway, but there is a problem with the storm drains and the storm water run off.

Ms. Cindy Brown, 8 Devon Road, came forward and said that the circumstances were that in 2007, the year of the century storm, had water flowing down her street and on to her property. The force of the water was so powerful, that it tilted the mini-van sideways. She then spoke about the different pipes and issues involving a WPCA cement pipe. She said that on Sunday the water came down so fast that within 15 minutes, her house started to flood. The Police were not able to come because of other calls. The Fire Department came and opened up a drain on someone else's property, which drained the water off quickly. The storm drain that was opened was on property where the owner does not wish to have the drain open. Shortly after the Fire Department left, the property owner closed the drain off again. She said that there was an Interval Drainage Project that will require easements. She said that while they love their neighborhood, it costs everyone money when this happens. The drainage pipe needs to be larger.

Ms. Brown said that she was very grateful for the Fire Department for coming out and handling the problem.

Ms. Ellen Klein came forward and said that she was back again to speak to the Board of Selectmen about the flooding. Now there is a drain outside of her house, but this last storm the sump pumps alarms were going off because the pumps could not handle the amount of water. The pumps were working, but there was no place for the water to go. Eventually the storm water pipes will fail. The water has nowhere to go. She said that she's owned the home for two and a half years. Since then, it has flooded four times. She said that the Public Works had put this project in the budget, but the Board of Finance had cut it from the budget. Until the Board of Selectmen makes this happen, it won't happen. Everyone is sitting on a time bomb.

Ms. Holly Schultz, of 543 Hoyt Street came forward. She said that she came to speak about the sidewalk issues but felt that the sidewalks and the flooding issues both need to be addressed. She then read a recent statement in the newspaper from Mr. Cameron about getting people to and from the railroad station safely. She said that she did not think having a special taxing district would be unfair unless everyone had special taxing districts for their sidewalks.

Mr. John Amatruda, of 543 Hoyt Street, said that he has been sitting the background listening to the discussion on the Hoyt Street sidewalk. His real concern is whether the Town is acting for the right reasons. From the residents on Hoyt Street, it's a public safety issue. The list for parking spaces is seven years. This should be handled by the Public Works Department as is the flooding issues. The people who have been working on this have been characterized as loud and screaming, but the neighbors have been working on compiling information for the Town. He added that there are issues and complications about making this work with the State Highway and the Town of New Canaan. It's time to do something about this. He reminded everyone that is why the Selectmen were elected.

Mr. David Kahn, of 20 Barringer Road, the infrastructure needs have changed greatly over time. The train station on the spur line was built about 150 years ago to move agricultural produce to the City. Now there are commuters using it. The town can't continue having people walking in the street. It needs to be addressed.

Mr. Bob Kemen, of 441 Hoyt Street came forward. He said that he is too far south to enjoy a sidewalk but is aware of the traffic issues. As a motorist, it is important to address this issue. He said that it would be important to shift the projects in terms of priority. Drainage and traffic need to be addressed.

First Selectwoman Stevenson asked if there was anyone else who wished to address the Board at this time. Hearing none, she closed the public session.

NEW BUSINESS

a.) Discuss and Take Action on Resolution Authorizing Acceptance of an Easement at 599 Boston Post Road for Public Highway Purposes.

Atty. Arthur Miller came forward and spoke briefly about the assisted living facility. He said that the State was requiring the facility to grant an easement to either the State or the Town about this situation. The area that is subject to the easement already has a sidewalk on it. It is just a means of insuring that the Town can maintain the sidewalk and in the future, the corner can be modified to making turning onto Brookside easier. The sidewalk as it exists today is located on public property.

**** MR. LUNDEEN MOVED TO APPROVE THE FOLLOWING RESOLUTION:**

**RESOLUTION AUTHORIZING ACCEPTANCE OF AN EASEMENT AT
599 BOSTON POST ROAD FOR PUBLIC HIGHWAY PURPOSES**

**WHEREAS, PURSUANT TO SECTION 2-32 OF THE CODIFIED ORDINANCES OF
THE TOWN OF DARIEN, THE BOARD OF SELECTMEN IS EMPOWERED ON BEHALF
OF THE TOWN OF DARIEN TO ACCEPT EASEMENTS FOR PUBLIC HIGHWAY
PURPOSES; AND**

**WHEREAS, AS PART OF A REDEVELOPMENT PLAN, THE PROPERTY OWNER WAS
REQUIRED BY THE STATE OF CONNECTICUT DEPARTMENT OF
TRANSPORTATION TO GRANT AN EASEMENT FOR THE EXISTING SIDEWALK TO
THE TOWN OF DARIEN OR THE STATE OF CONNECTICUT; AND**

**WHEREAS, A PUBLIC HIGHWAY EASEMENT HAS BEEN GRANTED TO THE TOWN
BY DARIEN ALF PROPERTY, LLC; AND**

**WHEREAS, THE BOARD OF SELECTMEN WISHES TO ACCEPT SAID EASEMENT
FOR THE EXISTING SIDEWALK AND RELATED AREA.**

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN OF DARIEN
BOARD OF SELECTMEN HEREBY ACCEPTS THE PUBLIC HIGHWAY EASEMENT AS
DESCRIBED IN THE EASEMENT DOCUMENTS.**

**BE IT FURTHER RESOLVED THAT THE TOWN OF DARIEN BOARD OF
SELECTMEN IS HEREBY AUTHORIZED AND DIRECTED TO EXECUTE THE PUBLIC
HIGHWAY EASEMENT ON BEHALF OF THE TOWN OF DARIEN WITH SUCH
EASEMENT BEING RECORDED ON THE LAND RECORDS OF THE TOWN OF DARIEN.**

**** MR. NIELSEN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

b.) Discuss and Take Action on Hoyt Street Sidewalk

First Selectwoman Stevenson said that she agreed that that the Town needs to have a town wide plan and the driver of this should be a sidewalk policy. First Selectwoman Stevenson and Mr. Kilduff are working on drafting a sidewalk policy. If the Board approves this project, it will be the first in a long list of sidewalk projects. Mr. Nielsen asked when an outline of the policy would be available. Mr. Kilduff said that he would create an outline as soon as possible. First Selectwoman Stevenson said that she would like to have a small group of people review this, and give input. Discussion followed.

Mr. Bayne said that he was in favor of moving forward on the project. First Selectwoman Stevenson asked which of the two State DOT suggestions he was in favor of. Mr. Bayne said that he was in favor of a full blown sidewalk.

Mr. Nielsen said that he still had concerns about this if New Canaan does not participate in the project. Mr. Campbell said that it was very dangerous to build the sidewalk without going all the way to Barringer Road. Mr. Bayne pointed out that the areas with the blind curves are in Darien. Discussion followed.

First Selectwoman Stevenson then read a statement from the Police Commission with their recommendations.

- First, new sidewalks should have continuity.
- Sidewalk should offer a buffer whenever possible between people and vehicles.
- And finally, the sidewalks should be constructed for handicap access.

First Selectwoman Stevenson said that she would like to consult with the Town Attorney about this. She would like to see it as a complete project. Discussion followed about the Town of New Canaan's position on this and the possibility of identifying potential public funds that might be available.

First Selectwoman Stevenson asked Mr. Steeger if he had an idea of what an engineering drawings would cost. Mr. Steeger said that his guess was \$60,000, but added that engineering firms were looking for work and would be competitively bidding. First Selectwoman Stevenson said that she would like to have an estimate on the project and consider possible sources of funding. First Selectwoman Stevenson said that she felt the Board has been considering this for the last 6 to 9 months and would like to see the project move forward.

c.) Discuss Policy for Transfer Station

First Selectwoman Stevenson said that this discussion was prompted by the fact that the transfer station was not covering its own costs. Mr. Lundeen had asked what the Town could do to

change this. Mr. Steeger said that New Canaan was doing a study on tipping fees. He read off the various tipping fees and said that the surrounding towns were also struggling with the same revenue shortfall issues. Other than recyclables, the commercial users pay the tipping fees. Mr. Steeger then reviewed the details of the tipping fees and pointed out that the commercial hauling businesses have a choice of taking their loads to Darien or to one of the other communities with a lower tipping fee. The discussion then moved to the cost of the residential fees for garbage. All the towns with the exception of Wilton have transfer stations. Wilton has a compactor and then takes the garbage to Norwalk.

Mr. Bayne asked how the Board could reduce the subsidy for the transfer station. Pay as you throw, raising the transfer fee and trying to attract commercial haulers back to Darien, were discussed. Mr. Steeger said that enforcing flow control could be done, but there were issues such as violators. Discussion followed about possibly charging a fee for each sticker. First Selectwoman Stevenson said that she had discussed having every residential taxpayer pay a small fee for the transfer.

Mr. Bayne asked when the last time the fees were increased. Mr. Steeger said that it had been increased when John Crary was the Town Administrator, so it was about six or so years.

d.) Discuss and Take Action on Approval for Braking the Cycle to Hold a Bicycle Ride in Part of Darien on September 30, 2012.

First Selectwoman Stevenson said this has been approved in the past. It is the third day of a three day race from Boston and is subject to all of the regulations for this type of event.

**** MR. LUNDEEN MOVED TO APPROVE BRAKING THE CYCLE TO HOLD A BICYCLE RIDE IN PART OF DARIEN ON SEPTEMBER 30, 2012.**

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Transfers

Fire Hydrants

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

The sum of \$24,296 from the following accounts:

Account #10303451-81002 Fire Marshal PT - \$4,412;

Account # 10305010-82007 - Paramedic Fees; \$19,884

To be transferred to Account # 10303460-82032 Hydrants

Budget estimates were low and rates increased during the year, both issues causing an overrun.

**** MR. BAYNE MOVED TO AUTHORIZE THE FOLLOWING TRANSFERS:**

THE SUM OF \$24,296 FROM THE FOLLOWING ACCOUNTS:

**ACCOUNT #10303451-81002 FIRE MARSHAL PT - \$4,412;
ACCOUNT # 10305010-82007 - PARAMEDIC FEES; \$19,884**

TO BE TRANSFERRED TO ACCOUNT # 10303460-82032 HYDRANTS.

**** MR. CAMPBELL SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Finance Department

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

The sum of \$11,841 from Account # 10701001-82101 Dental Insurance to Account #10104011-82007 Professional Services.

The Finance Department bears the cost of the credit card processing fees in its budget. The amount of the fees has exceeded budgetary estimates, primarily due to increased usage.

**** MR. NIELSEN MOVED TO AUTHORIZE THE FOLLOWING TRANSFER:**

THE SUM OF \$11,841 FROM ACCOUNT # 10701001-82101 DENTAL INSURANCE TO ACCOUNT #10104011-82007 PROFESSIONAL SERVICES.

**** MR. CAMPBELL SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Darien Fire Department

Resolved that the following transfer of appropriations is approved for referral to the Board of Finance: The following sums from the various listed accounts:

**Account # 10303415-82040 Equip Repair - \$2,960
Account # 10303415-82055 Wireless Communication - \$354
Account # 10303415-82103 Life AD&D - \$311
Account # 10303415-83005 Heating Fuel - \$2,700**

Account # 10303415-83007 Op Supplies - \$2,228
Account # 10303415-83018 Haz Mat - \$540
Account # 10303415-83016 Turn Out Gear - \$2,000

For the sum of \$11,093 To Account # 10303415-84014 – Air Cylinder Replacement.

The Darien Fire Department ordered 13 Air Cylinder 15 years ago. According to NFPA and OSHA, all bottles should be removed from service and replaced after 15 years.

****MR. BAYNE MOVED TO AUTHORIZE THE FOLLOWING TRANSFERS:**

THE FOLLOWING SUMS FROM THE VARIOUS LISTED ACCOUNTS:

ACCOUNT # 10303415-82040 EQUIP REPAIR - \$2,960
ACCOUNT # 10303415-82055 WIRELESS COMMUNICATION - \$354
ACCOUNT # 10303415-82103 LIFE AD&D - \$311
ACCOUNT # 10303415-83005 HEATING FUEL - \$2,700
ACCOUNT # 10303415-83007 OP SUPPLIES - \$2,228
ACCOUNT # 10303415-83018 HAZ MAT - \$540
ACCOUNT # 10303415-83016 TURN OUT GEAR - \$2,000

FOR THE SUM OF \$11,093 TO ACCOUNT # 10303415-84014 – AIR CYLINDER REPLACEMENT.

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

Insurance

Resolved that the following transfer of appropriations is approved for referral to the Board of Finance: The sum of \$7,722 to Account # 10703611-82523 Accident/Fire to the following accounts:

The sum of \$5,692 to Account #1073611-82526	Genr'l Liability
The sum of \$1,330 to Account #1073611-82527	Auto Insurance
The sum of \$589 to Account #1073611-82582	Umbrella Policy
The sum of \$98 to Account #1073611-82529	Public Officials
The sum of \$13 to Account #1073611-82522	Boiler& Machinery

While the overall liability insurance costs came in within budget, the individual lines of coverage and estimates of deductibles varied.

**** MR. NIELSEN MOVED TO AUTHORIZE THE FOLLOWING TRANSFERS:**

THE SUM OF \$7,722 TO ACCOUNT # 10703611-82523 ACCIDENT/FIRE

TO THE FOLLOWING ACCOUNTS:

**THE SUM OF \$5,692 TO ACCOUNT #1073611-82526 GENR'L LIABILITY
THE SUM OF \$1,330 TO ACCOUNT #1073611-82527 AUTO INSURANCE
THE SUM OF \$589 TO ACCOUNT #1073611-82582 UMBRELLA POLICY
THE SUM OF \$98 TO ACCOUNT #1073611-82529 PUBLIC OFFICIALS
THE SUM OF \$13 TO ACCOUNT #1073611-82522 BOILER& MACHINERY**

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

AGENDA REVIEW

Mr. Bayne said that Hoyt Street sidewalk would be included again on the August 6th agenda. He added that the flooding issues need to be discussed. Mr. Lundeen asked if it would be possible to have someone from P&Z come to discuss this. First Selectwoman Stevenson said that the infrastructure in Darien is aging. Mr. Bayne pointed out that P&Z had passed rain water run off regulations, but it wouldn't help the people in this neighborhood since all the houses are already built. Discussion followed. It was decided to have Mr. Steeger return to discuss this at the August 6th meeting. First Selectwoman Stevenson said that now there was a compelling reason to move this to a priority for the next budget cycle.

APPROVAL OF MINUTES OF THE PREVIOUS MEETINGS

Regular Meeting of July 9, 2012

The following correction was noted:

Page 1, under **Discuss and Take Action on a Revocable License**, paragraph 1, line 1: please change the following from "Mr. Lundeen asked if" to "The First Selectman asked if"

**** MR. LUNDEEN MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JULY 9, 2012 AS CORRECTED.**

**** MR. NIELSEN SECONDED.**

**** THE MOTION PASSED WITH THREE IN FAVOR (STEVENSON, LUNDEEN AND NIELSEN) AND TWO ABSTENTIONS (CAMPBELL AND BAYNE).**

FORTHCOMING MEETINGS

July 24, 2012

Board of Finance Regular Meeting at 7:30 p.m.

July 24, 2012	Planning and Zoning Commission Public Hearing at 8:00 p.m.
July 31, 2012	Board of Education Regular Meeting at 7:30 p.m.
August 6, 2012	Board of Selectman Regular Meeting at 7:45 p.m.

OTHER BUSINESS

There was no other business to consider at this time.

ADJOURNMENT

First Selectwoman Stevenson adjourned the meeting 9:29 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services