

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
MONDAY, APRIL 20, 2009**

ATTENDANCE: Evonne Klein, First Selectwoman; David Bayne; Seth Morton;
Callie Sullivan; Linda Santarella

STAFF: Karl Kilduff, Administrative Officer

OTHERS: Wally Pugh, Chairman-Darien Tree Commission; Penny
Glassmeyer, Brook Street liaison; Wayne Fox, Darien town
lawyer; Ed Schmidt, Darien town lawyer; Mary Guimond,
Advisory Board of Health; David Knauf, Director, Health
Department

CALL TO ORDER

Mrs. Klein called the meeting to order at 8:00 p.m.

PUBLIC COMMENT

There were no public comments.

REPORT from Tree Commission, Wally Pugh

Mr. Pugh said that today begins Arbor Week. The Darien Tree Commission was established last September 1, 2008. Their goal is to promote the preservation of healthy trees on public property. It is the intent of the Commission to preserve all existing safe, healthy trees on Town rights of way which usually includes, but not limited to, trees located 25 feet from the center, on both sides of all Darien roads. If there are any questions, then the Department of Public Works should be contacted for a ruling. Tree removal without approval of the tree warden is a violation. He said that damaged, dead, or diseased trees are those that are earmarked to be removed by the Town of Darien. Better care is being taken to preserve trees that have construction taking place around them. He said that neighboring towns have Ordinances in place. Darien will develop an Ordinance to be approved by the RTM.

Mr. Bayne asked when there will be an Ordinance for the town. Mr. Pugh said in about one month.

Mr. Pugh asked permission to post the letter he included in the board package for this evening. The board approved this letter to be posted.

NEW BUSINESS

a) Discuss and Take Action on Request for Report from Planning and Zoning Commission. Pursuant to CGS §8-24 for Requested Private Improvements to Brook Street.

Ms. Penny Glassmeyer spoke about the proposed new sign and crosswalk improvements at the intersection of Brook Street and Boston Post Road. Ms. Glassmeyer provided a handout of the colored pictures showing the proposed crosswalk. She asked for opinions on choice of brick. She brought with her three brick samples. The tumbled brick was preferred by the board. The Planning & Zoning Commission approved "Sign A" on March 10, 2009.

Mr. Kilduff said that this is a State Right of Way.

Approval is needed from the State of Connecticut DOT, as Boston Post Road (Route 1) is a State Road.

The crosswalk and improvement promotes a "park once and walk" mentality which will make the town more pedestrian friendly.

b) Discuss and Take Action on Request for Report from Planning and Zoning Commission. Pursuant to CGS §8-24 for the Possible Acquisition of 33 Cherry Street with Awarded FEMA Grant Funding.

A brief discussion followed.

**** MR. BAYNE MOVED TO APPROVE THE ABOVE REQUEST.**

**** MR. MORTON SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

c) Discuss and Take Action on Changes to Health Department Permit Fees

Mr. Knauf talked about the fees schedule for different food classes. He provided a handout for discussion.

Mr. Bayne asked if there is a revenue impact. Mr. Knauf said "no".

He said that if there are violations and the facility needs to be re-inspected, then a fee is collected.

Mr. Morton asked for clarification on the difference between classes 3 and 4 in various sections. Mr. Knauf said that it pertains to hours.

Mr. Knauf added that there are vendor permit fees for Farmer's Market participants as they prepare food, serve sandwiches, etc.

**** MRS. SULLIVAN MOVED TO APPROVE THE PERMIT FEES REQUEST, EFFECTIVE JULY 1, 2009.**

**** MR. MORTON SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

d) Discuss and Take Action on Draft Food Service Regulations for Darien Health Department

Mr. Knauf provided a handout for discussion. He said that town counsel has reviewed the document.

Mrs. Sullivan asked how often inspections take place. Mr. Knauf said that different classes have different schedules, i.e., Class 4 – quarterly inspections; Class 3 – three times yearly.

Mr. Morton called attention to Article 10 and asked for clarification on a Fair rating. Mr. Knauf said that the establishment has violations for an extended period of time. The establishment needs to be re-inspected and a fee is collected. Mr. Knauf said that the Poor rating is when the establishment has chronic or critical violations that are likely to cause illness. The violations are to be corrected within two weeks. A re-inspection then takes place and a fee is collected. A new rating is given.

No formal motion necessary.

e) Discuss and Take Action on Proposed Lead Prevention Regulation

There was a brief discussion. No Action was taken.

f) Transfers

Public Works

RESOLVED:

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

This expense is for bulk rock salt. The transportation costs comprise a substantial percentage of the bid price since there are no local sources. The salt must be transported long distances via barge and truck to Darien. The bid price was at the peak of the oil prices in 2008. Salt was purchased at a higher price than normal.

From:

To:

Acct. No	Account	Amount		Acct. No.	Account	Amount
	Contingency	\$63,000		10402144-83021	Snow/Ice Control Mat'ls	\$63,000
	Total	\$63,000			Total	\$63,000

- ** MRS. SANTARELLA MOVED THAT THE BOARD OF FINANCE APPROVE THE ABOVE TRANSFER REQUEST IN THE AMOUNT OF \$63,000.00.
- ** MR. MORTON SECONDED.
- ** MOTION PASSED UNANIMOUSLY.

RESOLVED:

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

This cost is for electricity to power Town Hall and 35 Leroy Avenue and exceeded the budgeted amount. The amount is needed to pay the electric bill for the remainder of FY09.

From:

To:

Acct. No.	Account	Amount	Acct. No.	Account	Amount
10408011-82014	Snow removal Svcs.	\$8,050	10407011-82051	Electricity	\$21,050
104021144-81001	FT Salary	\$13,000			
	Total	\$21,050		Total	\$21,050

- ** MRS. SANTARELLA MOVED THAT THE BOARD OF FINANCE APPROVE THE ABOVE TRANSFER REQUEST IN THE AMOUNT OF \$21,050.00.
- ** MRS. SULLIVAN SECONDED.
- ** MOTION PASSED UNANIMOUSLY.

RESOLVED:

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

Overtime costs at Town Hall have exceeded the budgeted amount for various reasons. There has been an increase in custodian callbacks because of heightened activity levels in the building. Replacement custodians were needed for custodians on sick leave. There were higher callouts for snow removal purposes.

From:

To:

Acct. No.	Account	Amount		Acct. No.	Account	Amount
10401011-82050	Telecommunications	\$ 700		10407011-81004	OT Salary	\$4,700
10402144-83005	Heating Fuel	3,000				
10408001-81001	FT Salary	1,000				
	Total	\$4,700			Total	\$4,700

- ** MR. BAYNE MOVED THAT THE BOARD OF FINANCE APPROVE THE ABOVE TRANSFER REQUEST IN THE AMOUNT OF \$4,700.00
- ** MR. MORTON SECONDED.
- ** MOTION PASSED UNANIMOUSLY.

RESOLVED:

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

There has been increased water consumption at Town Hall as a result of leaks in the system and the difficulty of finding and repairing the leaks. Many of the pipes are hidden under floors, in crawl spaces, and other inaccessible areas. Two major leaks had to be repaired.

From:

To:

Acct. No	Account	Amount		Acct. No.	Account	Amount
10407011-82054	Sewer Use Charges	\$1,619		10407011-82053	Potable Water	\$3,519
10408011-81004	OT Salary	1,900				
	Total	\$3,519			Total	\$3,519

- ** MRS. SANTARELLA MOVED THAT THE BOARD OF FINANCE APPROVE THE ABOVE TRANSFER REQUEST IN THE AMOUNT OF \$3,519.00
- ** MR. BAYNE SECONDED.
- ** MOTION PASSED UNANIMOUSLY.

Mrs. Santarella and Mr. Bayne left the meeting at 8:54 p.m.

FIRST SELECTWOMAN'S REPORT

- Mrs. Klein talked about a recent article in the Stamford Advocate newspaper about expediting projects.
- She added that when a project is 'shovel ready' that it is fully permitted, and fully designed and ready to go.
- Baker Field needs a DEP permit. Mrs. Klein will follow up.
- There are no stimulus projects in the DEP.
- She said that stimulus dollars get distributed quickly.
- Susan Warren is retiring. Dennis Cummings is her replacement.
- Mrs. Klein will be attending the League of Women Voters in New Canaan this week. The panel will discuss downtown development.
- She will be at a May 4 meeting with the DOT Commissioner.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff talked about the Census that is occurring. He said that the census takers will be working in Darien until the end of June. Police have been notified.

Mr. Kilduff said that next week the discussion will continue on Option to Lease.

He reported that the senior wellness program has wrapped up. There was a strong attendance, and overall the program was well received.

Mrs. Klein added that the senior center director is retiring.

Mrs. Sullivan said that the SWERPA Summit was well attended. Affordable housing is needed.

AGENDA REVIEW

Mrs. Klein said that there was nothing new to add, but that currently there are many important projects to be managed. She added that progress has been made on the Board's priorities list.

Mrs. Sullivan suggested that a speaker from Aging in Place make a presentation at a future meeting.

APPOINTMENTS AND REAPPOINTMENTS

Consider and take action on the following appointments:

Melissa Reardon (U) as a member of the Social Services Commissioner, for the term beginning on 11/10/08 and expiring on 11/30/11.

Pam Elliott (R) as a member of the Beautification Commission, for the term beginning on 12/1/08 and expiring on 11/30/11.

Cindy Ryan (R) as a member of the Beautification Commission, for the term beginning on 12/1/08 and expiring on 11/30/11.

**** MR. MORTON MOVED TO APPROVE THE ABOVE THREE PERSONS FOR THEIR APPOINTMENT AND REAPPOINTMENT. PRIOR APPROVAL WAS GIVEN BY MRS. SANTARELLA AND MR. BAYNE BEFORE THEIR LEAVING THIS MEETING.**

**** MRS. SULLIVAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

FORTHCOMING MEETINGS

April 20, 2009	Board of Finance Regular Meeting at 7:30 p.m. (set mill rate)
April 21, 2009	Planning & Zoning General Meeting at 8:00 p.m.
April 27, 2009	Board of Selectmen Regular Meeting at 8:00 p.m.
April 28, 2009	Board of Education Regular Meeting at 7:30 p.m.
April 28, 2009	Planning & Zoning Public Hearing at 8:00 p.m.
May 4, 2009	Board of Selectmen Regular Meeting at 8:00 p.m.
May 5, 2009	Planning & Zoning Planning Meeting at 8:00 p.m.

OTHER BUSINESS

Mrs. Klein said that the following Resolution is to be added to the Agenda and voted on as follows:

RESOLUTION RECOMMENDING THE CREATION OF TRUSTS TO FUND OTHER POST EMPLOYMENT BENEFITS

WHEREAS, in keeping with current governmental accounting standards, the Town of Darien and its Board of Education are required to report their liability for Other Post Employment Benefits as well as the funding level of the liability; and

WHEREAS, during the course of its deliberations, the Board of Finance believes it prudent for the Town to fund this liability as good fiscal policy in addition to benefiting the Town's current bond rating; and

WHEREAS, the creation of trusts for Other Post Employment Benefits provide a number of benefits to the Town in the actuarial assumptions used to account for the accrued liability; and

WHEREAS, such trusts also provide an opportunity to maximize the investment possibilities for these funds; and

WHEREAS, the creation of such trusts requires an ordinance to implement the policy recommendation of the Board of Finance; and

WHEREAS, the Board of Selectmen concur with the findings of the Board of Finance.

NOW, THEREFORE BE IT RESOLVED that the Board of Selectmen recommends to the Representative Town Meeting of the Town of Darien that the attached amendment to the Darien Code of Ordinances be adopted, allowing for the establishment of a Retiree Health Care Trust for Police Department Employees and a Retiree Health Care Trust for Town Employees.

Mr. Kilduff said that this is a new accounting standard. Full liability is accrued. He said that the Trust is a vehicle. Benefits come out of it.

Mr. Morton asked how it is funded.

Mr. Kilduff said that it is 'pay as you go'.

The Board of Finance is acting on it tonight at their meeting.

Mr. Morton said that he has questions and needs to discuss the Trust. Mrs. Santarella, Mrs. Sullivan and Mr. Bayne agreed that they did not have sufficient time to review the document, ask questions of counsel, and discuss it.

Mr. Kilduff said that the Board of Selectmen need to Vote.

The vote was as follows:

- ** **MRS. KLEIN MOVED THE ABOVE: WHEREAS....**
- ** **MRS. SANTARELLA SECONDED.**
- ** **MOTION FAILED WITH FIVE ABSTENTIONS (MRS. KLEIN, MR. BAYNE, MR. MORTON, MRS. SANTARELLA, MRS. SULLIVAN).**

ADJOURNMENT

- ** 1ST SELECTWOMAN KLEIN MADE A MOTION TO ADJOURN THE MEETING.**
- ** MR. MORTON SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

There was no further business and the meeting was adjourned at 9:08 p.m.

Respectfully submitted,

Anne Hohlweck,
Telesco Secretarial Services