

**TOWN COUNCIL OF NEW CANAAN
REGULAR MEETING
MARCH 19, 2008**

MEMBERS PRESENT:

Dr. Mark DeWaele
Kenneth Campbell
Kathryn Devereaux
Elizabeth Jones
Stephen Karl

Thomas O'Dea
Johnny Potts
Dick White
Penny Young

MEMBERS ABSENT: Chris Hussey, Paul Foley, Tucker Murphy

ALSO PRESENT: Jeb Walker, First Selectman and Ex-Officio Member of the Town Council; Gary Conrad, Chief Financial Officer; Pamela Flynn, Executive Assistant; Chris Jarboe, Town Attorney; Scott Bassett, Kevin Dubias, McGladrey and Pullen; Ben Patch and other members of the Board of New Canaan Rink, Inc.; Frank DeNicola, Director of Public Works; Jim Rogers, Transfer Station Superintendent; Keith Simpson, Landscape Architect and approximately 25 other members of the public; representatives of the press.

Dr. DeWaele convened the meeting at 7:35 p.m. Mr. O'Dea read the Notice of the Meeting and Agenda and called the roll, noting the presence of all the members except Ms. Hussey, Ms. Murphy and Mr. Foley.

Dr. DeWaele asked for a motion to approve of the minutes of the Public Hearing of February 13, 2008 and, upon the motion of Mr. O'Dea and second of Ms. Devereaux, the minutes were approved unanimously, Mr. Campbell and Ms. Young abstaining. Next, upon motion of Mr. O'Dea and second of Mr. White, the Council voted unanimously to approve the minutes of the February 13, 2008 Regular Meeting, Mr. Campbell and Ms. Young abstaining. Finally, the minutes of the Special Meeting of February 27, 2008 were approved unanimously, on the motion of Mr. O'Dea and second of Ms. Jones, Ms. Young abstaining.

Dr. DeWaele said Items would be taken out of order to permit representatives of McGladrey & Pullen to leave early..

Item 2, To receive and act upon the Towns Financial Report for the fiscal year 2006-07 reported on by McGladrey & Pullen, Certified Public Accountants.

Scott Bassett and Kevin Dubias from McGladrey & Pullen were present to answer questions from the Council. The Council had received a draft copy of the audit report, and Mr. Bassett reviewed its highlights. He said that the preface of the report focuses on changes in the Town's debt, major financial developments throughout the year and major budget variances. The body of the report contains detail supporting information.

Assets at June 30, 2007 were \$259 million, \$209 million of which are capital assets. There were \$166 million in liabilities, leaving net assets at \$93 million. Of that, \$64 million is invested in capital assets net of the related debt, and approximately \$29 million is unrestricted.

The increase in net assets from the prior year is \$12 million, attributable to new construction projects, increased property tax collections and better than expected investment income throughout the year.

When investigating internal controls, there were three minor findings. The nature of each and its corrective action are contained within the report. The final draft should be done within one week.

Item 5, Presentation by representatives of New Canaan Rink, Inc.

Mr. O’Dea spoke on behalf of New Canaan Rink, Inc. as its President. He introduced the members of the Board, including fellow Council member, Penny Young. Mr. O’Dea explained that this was an update for the Town Council since previously proposing a site at Dunning Field thirteen months ago. He said the site or even the existence of a rink has yet to be decided.

Ben Patch of New Canaan Rink, Inc. made a brief presentation with regard to prospective location, the building and the rink. He spoke to the hours of use and the funding, and how the facility would be a self-sustaining. The site at Dunning Field was determined to be problematic due to the close proximity of buried utilities, sewer and water lines. After considering various alternate sites, the location West of Lapham Road was evaluated and ultimately recommended. The minimum lot size is 140’ X 240’. The building would hold an Olympic-size rink, with 500 seats, 4 locker rooms, a skate rental area, snack bar and lobby area. He indicated that proximity to electricity, water and sewer and the schools were important factors in determining the location.

The minimum cost of construction is just under \$5 million. Additional funding would be raised for maintenance. There are approximately 600 families in New Canaan that utilize skating programs. There would be a break-even cash flow if peak season use was sold at an average market rate or \$425 per hour. The next step is to raise capital funds. Similar presentations have also been made to the Board of Selectmen and Parks and Recreation Commission. There was a brief presentation of ground water mitigation involved with the project.

Item 3, To approve a Resolution authorizing Jeb Walker, First Selectman of the Town of New Canaan, to execute an Agreement between the State of Connecticut and the Town of New Canaan for rights of way activities in conjunction with the Replacement of Bridge No. 04999-Mariomi Road over the Silvermine River in the Town of New Canaan- State Project No. 89-120.

Mr. DeNicola said that this is a routine requirement by the State. The grant amounts to 80% of the total cost, which is approximately \$1 million. Upon motion of Mr. Potts and second of Mr. Campbell to approve the Resolution, Mr. O’Dea read the Resolution into the record as follows:

“This is to certify at its meeting held on March 19, 2008, the following Resolution was acted on by the Town Council, Town of New Canaan, Connecticut, the legislative body: Be it hereby Resolved that Jeb Walker, First Selectman of the Town of New Canaan, Connecticut, 77 Main Street, New Canaan, Connecticut, 06840, is authorized , to execute an Agreement between the State of Connecticut and the Town of New Canaan for rights of way activities in conjunction with the Replacement of Bridge No. 04999-Mariomi Road over the Silvermine River in the Town of New Canaan- State Project No. 89-120.”

The motion to approve carried unanimously.

Item 6, Request from the Public Works Department for approval to remove the Town of New Canaan from the Southwest Connecticut regional Recycling Operating Committee (SWEROC).

Mr. Rogers presented a request to remove New Canaan from SWEROC and contract with City Carting of Stamford for a period of three years, with two additional one-year options, for the removal of recyclable items at \$15 per ton. Upon motion of Mr. O’Dea and second of Ms. Devereaux, the Council voted unanimously to approved the request.

Item 1, To approve a Proposed Ordinance Re-Establishing a Conservation Commission together with any amendments thereto.

Mr. White distributed the final draft of the Ordinance, as approved by the By-laws and Ordinances Subcommittee, to the Council. It contains wording changes and modifications to Section 4.B.5, 6, 8 and 9. The approved draft is very close in substance to the original draft presented at the Public Hearing. Concerns at the Public Hearing centered on the execution of the Ordinance in terms of selection and qualifications of the Commission members, support staff and funding to support Commission activities.

Mr. Walker spoke to the issues involving Commission members, support staff and funding. He has been in contact with the chairs of the Planning and Zoning, Parks and Recreation and Environmental Commissions, who will have a part in identifying qualified candidates for the Conservation Commission. A member of Town Hall staff has also been selected to act as support staff, and at the present time there is no budget in place for FY2008-09. Whatever funding is needed would be raised by special appropriations.

Upon motion of Mr. O'Dea and second of Mr. Campbell, the Council voted unanimously to amend paragraphs 4.B.5, 4.B.6, 4.B.8 and 4.B.9 as outlined in the draft ordinance dated February 25, 2008. Then, upon motion of Mr. Potts and second of Mr. Karl the Council voted unanimously to approve the proposed Ordinance as written and dated February 25, 2008, as amended.

Item 4, To approve the appointment of Kent M. Barker as a Commissioner of the New Canaan Housing Authority, to fill the unexpired term, to April 30, 2010, of Henry Rowett, who resigned.

Dr. DeWaele expressed that the Council should have the opportunity to meet with Mr. Barker before acting on his appointment. Council approval is postponed until the March 25, 2008 Town Council meeting.

On motion of Mr. O'Dea and second of Ms. Jones, the Council voted unanimously to amend the agenda to add Item 7, **A Project for Irwin Park.**

Mr. Karl explained that this project involves the removal of 6 trees and the replacement with 5 beech trees at Irwin Park on Earth Day, April 22, 2008. The removal of the trees will be paid for by Aquarion, who is sponsoring similar Earth Day projects in Simsbury and Redding. The replacement trees will be 15 feet tall and paid for by the Town. This project has been approved by Parks and Recreation Commission. The trees to be removed are either of poor quality or considered hazardous. The Town's responsibility is to cut the trees, grind the stumps, chip the brush and dispose of debris. Aquarion will clean up the stump grindings, fill the holes, add soil and seed, remove any logs and purchase some of the trees. He noted there are funds in the Tree Warden's budget to accomplish this project.

Mr. DeWaele reminded the Council members of the next meeting scheduled for March 25, 2008 at 6:30 PM, instead of the usual 7:30 PM starting time. The Health Department and the Parks and Recreation Department will present budgets and there is a request for an appropriation from the Housing Authority.

He also reminded members of the informal presentation covering the Freedom of Information Act, to be held on April 7, 2008 at 6:00 p.m. in the Auditorium. The Board of Selectmen and members of the Board of Education will also be invited.

There being no further business, the meeting adjourned at 9:10 p.m.

Respectfully Submitted,

Thomas O'Dea, Secretary