

**TOWN COUNCIL OF NEW CANAAN  
REGULAR MEETING  
MAY 21, 2008**

MEMBERS PRESENT:

Dr. Mark De Waele	Stephen Karl
Kenneth Campbell	Tucker Murphy
Kathryn Devereaux	Thomas O'Dea
Paul Foley	Johnny Potts
Christine Hussey (left 8:05 p.m.)	Dick White
Elizabeth Jones	Penny Young

ALSO PRESENT: Jeb Walker, First Selectman and Ex-Officio member of the Town Council; George Maranis, Administrative Officer; Gary Conrad, Chief Financial Officer; Chris Jarboe, Town Attorney; Kevin Tobias, McGladrey and Pullen, LLP; Rick Werner, Director of Health; Randy Salvatore, Chairman of the Town Hall Building Committee; Tiger Mann, Senior Engineer and Assistant Director of Public Works; John Howe, Superintendent of Parks and Tree Warden; Jim Beall, Chairman of the Police/EMS Building Committee; Police Chief Ed Nadriczny; Police Sgt. Dave Ferris; Police Commissioner Jim Cole; Melanie Barnard and Lt. Mike Handler, NCVAC; Assistant Fire Chief Jack Hennessey; Bruce Pauley, arborist; Lew Annunziato; members of the press.

Dr. De Waele convened the meeting at 7:32 p.m. Mr. O'Dea called the roll, noting the presence of all members.

**Approval of the Minutes of the Special Meeting of February 27, 2008, the Special Meeting of March 10, 2008, the Special Meeting of March 19, 2008 and the Regular Meeting of March 19, 2008; the Special Meeting of March 25, 2008 the Special Meeting of April 7, 2008, the Special Meeting of April 16, 2008, and the Annual Budget Meeting of April 16, 2008.**

Upon motion of Mr. Potts and second of Mr. Foley, the Council voted to approve the minutes of the Special Meeting of February 27, 2008, after correcting on page 2 that the Council was considering a procedure for disseminating information of a **public** nature using the Town website. Ms. Young abstained.

Upon motion of Mr. Foley and second of Mr. White, the Council voted to approve the minutes from the Special Meeting of March 10, 2008. Ms. Hussey abstained.

Upon motion of Ms Young and second of Ms. Devereaux, the Council voted to approve the minutes from the Special Meeting of March 19, 2008. Ms. Hussey, Ms. Murphy and Mr. Foley abstained.

Upon motion of Mr. O’Dea and second of Ms. Jones, the Council voted to approve the minutes from the Regular Meeting of March 19, 2008, after correcting on page 2, paragraph 3, that the sequence of agenda items was changed not only in the interest of time but also to avoid undue expense in delaying the departure of the Town’s auditors; also on page 2, the presentation by New Canaan Rink, Inc was started at **8:15 p.m.** Ms. Hussey, Ms. Murphy and Mr. Foley abstained.

Upon motion of Ms. Jones and second of Mr. Potts, the Council voted to approve the minutes from the Special Meeting of March 25, 2008, after correction that Mr. Benko was referring to **Dunning Stadium**, not Waveny Park. Ms. Murphy and Mr. Foley abstained.

Upon motion of Mr. Potts and second of Ms. Devereaux, the Council voted to approve the minutes from the Special Meeting of April 7, 2008. Mr. Foley abstained.

Upon motion of Mr. Foley and second of Ms. Hussey, the Council voted to approve the minutes from the Special Meeting of April 16, 2008. Mr. White abstained.

Upon motion of Mr. Karl and second of Ms. Young, the Council voted to approve the minutes from the Annual Budget Meeting of April 16, 2008. Mr. White abstained.

**Item 1. To approve the appointment of McGladrey & Pullen, LLP as Auditors for the Town for the year ending June 30, 2008.**

The amount to be charged for the audit is \$67,000, a 3% increase over the current year. There are no major changes in procedures from the previous audit. The auditors addressed an inquiry on rotation, and the members were promised a booklet on Audit Committee responsibilities.

Upon motion of Mr. Foley and second of Mr. Campbell, the Council voted unanimously to approve the appointment of McGladrey & Pullen, LLP as Auditors for the Town for the year ending June 30, 2008.

**Item 2. To approve a request from the Park and Recreation Commission to approve a Lease Extension Agreement between the Town of New Canaan and the Girl Scouts of Connecticut, Inc.**

Mr. Jarboe presented the Extension Agreement and first responded to a question about the term of the Agreement, explaining that the General Counsel for the Connecticut Girl Scouts requested that it be revised to a 3 year extension – a term which he felt was acceptable and advantageous to the Town. Mr. O’Dea noted the reference in the Lease Extension to the 1958 Agreement, which Mr. Jarboe believed was acceptable.

Upon motion of Ms. Hussey and second of Mr. Karl, the Council voted unanimously to approve a request from the Park and Recreation Commission to approve a Lease Extension Agreement between the Town of New Canaan and the Girl Scouts of Connecticut, Inc.

**Item 3. To approve a request from the Park and Recreation Commission to approve an Easement and Indemnity Agreement between the Town of New Canaan and Kevin C. Clark and Michelle F. Clark.**

Mr. Jarboe presented the Lease Extension Agreement, explaining that access to the Clark property is obtained by a driveway within a Right of Way over a portion of Irwin Park. The Town wishes to disclaim responsibility for maintenance, repair and liability relating to the driveway, and the Clarks wish to have exclusive use of the Right of Way in order to exclude the general public from the driveway and to serve as a buffer between the Clark property and activities at Irwin Park. The Easement Agreement grants the Clarks exclusive use of the driveway and bars the Town from allowing any park or recreation activities in the Right of Way. The Clarks will be obligated to maintain and repair the driveway within the Right of Way and may add vegetation to improve the natural buffer and screening between their property and the Park. Ms. Jones asked that consideration be given to the outright sale of the land to the Clarks, and Mr. Walker agreed to look into this.

Upon motion of Mr. O’Dea and second of Mr. Campbell, the Council voted unanimously to approve the Easement and Indemnity Agreement between the Town of New Canaan and Kevin C. and Michelle F. Clark, with the condition that paragraph 8 be amended to read “The Clarks may add vegetation within the right of way to improve the natural buffer and screening between the Clark property and the activities in Irwin Park, **subject to the approval of the Park & Recreation Commission.**”

**Item 4. To approve a request from the Garden Center of New Canaan to place a bench at the Post Office drop area.**

Upon motion of Mr. O’Dea and second of Mr. Potts, the Council agreed to postpone this item until a representative from the Garden Center was present. The Council would like to know the type of bench intended, the exact location of the bench and if the Post Office has any objection to the location.

**Item 5. Presentation from the Director of the Health Department on the status, including funding and expenditures, of the contract with the State of Connecticut for Public Health Preparedness.**

Mr. Werner summarized base grant and pandemic flu grant expenditures from 2006 through the present, explaining that \$49,725 was expended during the fiscal year ended August 30, 2007 and \$31,858 during the period August 31, 2007 to May 14, 2008, a total of \$81,583. The first grant payment of \$24,394 has been received, leaving a net unreimbursed amount of \$57,186. Another \$16,936 is to be expended through August

9, 2008, resulting in a total unreimbursed amount of \$74,122. Mr. Werner explained that contracts are in place to receive additional grant monies from the State to cover this deficiency. Mr. Conrad disclosed that expenditures made in anticipation of grant receipts are recorded in the form of an account receivable from the State.

Mr. Werner volunteered to give monthly updates to the Council of activity in the Base and Pandemic Flu programs.

**Item 6. To approve a request from the Town Hall Building Committee for an appropriation from General Funds of \$18,300 for emergency architectural services in connection with the flooding of Town Hall.**

Mr. Salvatore gave a brief overview of the renovation project. Until the flood in October 2007, the project was progressing satisfactorily. After the flood, alternative plans needed to be considered since it was problematical that Town offices could be relocated to the basement as there was no guarantee that all drainage issues could be resolved. The first plan involves increasing the present footprint, adding space by taking out the garage. The second option would convert the now temporary Town offices at Irwin Park into permanent space. Mr. Salvatore said that approximately \$225,000 of the original \$450,000 in approved architectural fees has been spent for Step I of the project. Step II, for \$150,000, is for construction drawings, and the final step, for \$75,000, is for construction management and the bidding process. The \$60,000 request is in addition to these fees, and is considered to be part of Step I. Approximately \$18,300 of the request is directly related to the flood, and these costs have already been incurred. The remaining \$41,700 are costs to be incurred in developing alternative plans for the renovation of Town Hall. When this matter was presented to the Board of Finance, it elected to vote separately on the components of the \$60,000, as the \$18,300 has already been incurred and may be reimbursable from the insurance company as part of the Town's flood claim.

Upon motion of Mr. Foley and second of Mr. O'Dea, the Council unanimously voted to approve a request from the Town Hall Building Committee for an appropriation from General Funds of \$18,300 for emergency architectural services in connection with the flooding of Town Hall.

**Item 7. To approve a request from the Town Hall Building Committee for an appropriation from General Funds of \$41,700 for additional architectural fees and costs in connection with alternative plans for the renovation of Town Hall.**

Upon motion of Mr. White and second of Mr. Campbell, the Council voted unanimously to approve a request from the Town Hall Building Committee for an appropriation from General Funds of \$41,700 for additional architectural fees and costs in connection with alternative plans for the renovation of Town Hall (see Item 6. above for the discussion of this Item.)

**Item 10. was then taken up: To approve a request from the Police/EMS Building Committee for an appropriation of \$3,500,000 for the construction of a new building for the New Canaan Volunteer Ambulance Corps, Inc.**

Mr. Beall presented the request to the Council. He reviewed the details of the proposed plans for the new NCVAC building and parking area. The lower level will house five vehicles and provide storage area. This level will also house sleeping quarters and showers. The upper level comprises the living area, which comprises dining and television rooms, offices and a small meeting room. Approximately \$1.8 million has been raised toward building construction. In addition, there are plans to apply for certification as a “green” building. Credits are also available for recycling of building materials. The budget for building construction is \$2,575, 000, and the apparent winning bid came in at \$2,577,000.

Upon motion of Ms. Young and second of Ms. Devereaux, the Council unanimously voted to approve a request from the Police/EMS Building Committee for an appropriation of \$3,500,000 for the construction of a new building for the New Canaan Volunteer Ambulance Corps, Inc.

**Item 11. To approve a resolution entitled “Resolution Appropriating \$3,500,000 For The Construction Of A New Building For The New Canaan Volunteer Ambulance Corps, Inc. And Authorizing The Issuance Of \$1,420,000 Bonds Of The Town To Meet A Portion Of Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose.”**

Upon motion of Ms. Young and second of Mr. Karl, the Council voted unanimously to approve the following Resolution:

“Resolution Appropriating \$3,500,000 For The Construction Of A New Building For The New Canaan Volunteer Ambulance Corps, Inc. And Authorizing The Issuance Of \$1,420,000 Bonds Of The Town To Meet A Portion Of Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose.”

**Item 8. was next addressed: To approve a request from the Police/EMS Building Committee for an appropriation of \$965,000 for work at the New Canaan Police Station, comprising \$535,000 for construction of a Police Pistol Training Range, \$250,000 for a garage addition, \$95,000 for brick and mortar and related repairs and \$85,000 for paving of parking areas.**

Mr. Beall presented this item to the Board, explaining that the police building was originally constructed as a high school between 1920-1927 and converted into a police station in 1980. The interior has been in use for over 28 years with no changes and is in need of updating and repair. The estimated cost of the entire renovation is \$5 million to \$5.5 million. The initial phase was estimated at \$1.7 million, with a new slate roof and

cupola having already been completed, as well as renovation of the third floor. The next phase, in 2008-09, is proposed to cost approximately \$965,000, and this request is presented below. The final phase, in 2009-10, will comprise the first and second floor renovation and is estimated to cost \$2.5 million to \$3 million.

Mr. Beall proceeded with the presentation of the request for \$965,000, focusing on a new shooting range estimated at \$485,000 plus a \$50,000 contingency. He described the components of the range and their cost estimates, explaining that it will be located at the site of the former shooting range and will require a high powered ventilation system. He explained that the annual cost of using facilities in other towns for training is about \$15,000 to \$20,000 per year, but that the justification for the new range is not economic, but matters of quality, safety, and liability. Chief Nadriczny explained that the old shooting range was closed in 2005 due to heavy concentrations of lead from ammunition. He said that in his 30 years on the force police firearms have been fired five times, but that this could happen at any time and training remains a critical need. Commissioner Cole and Sgt. Ferris also spoke in support of a new range.

Mr. Beall proceeded to discuss the proposed police garage. It will have spaces for three vehicles and be approximately 25' x 40' in size, replacing existing spaces on the northeast corner of the existing building. The estimated cost is \$200,000 plus a \$50,000 contingency.

Mr. Beall then discussed the brick and mortar repairs, indicating that brickwork will entail re-pointing brick walls on the north and south walls and removing caps and re-sealing them. The estimated cost is \$95,000. Finally, he addressed the paving of the parking areas on the north and west sides of the police building, estimated to cost \$85,000, including contingency.

Upon motion of Mr. O'Dea and second of Mr. Foley, the Council voted unanimously to approve a request from the Police/EMS Building Committee for an appropriation of \$965,000 for work at the New Canaan Police Station, comprising \$535,000 for construction of a Police Pistol Training Range, \$250,000 for a garage addition, \$95,000 for brick and mortar and related repairs and \$85,000 for paving of parking areas.

**Item 9. Approval of a resolution entitled “Resolution Appropriating \$965,000 For Work At The New Canaan Police Station, Comprising \$535,000 For Construction Of A Police Pistol Training Range, \$250,000 For A Garage Addition, \$95,000 For Brick And Mortar And Related Repairs and \$85,000 For Paving Of Parking Areas. And Authorizing The Issuance of \$965,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose.”**

Upon motion of Mr. O'Dea and second of Ms. Jones, the Council voted unanimously to approve the following Resolution:

“Resolution Appropriating \$965,000 For Work At The New Canaan Police Station, Comprising \$535,000 For Construction Of A Police Pistol Training Range, \$250,000 For A Garage Addition, \$95,000 For Brick And Mortar And Related Repairs and \$85,000 For Paving Of Parking Areas And Authorizing The Issuance of \$965,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose.”

**Item 12. Presentation by Mr. Bruce Pauley of a proposal for maintenance, preservation and planting of Town trees and the long term planning and comprehensive inventory of Town trees.**

Mr. Pauley explained that the plan would not only protect the health and safety of the Towns trees, but save the Town money at the same time. Some components of the plan are as follows:

- Tree Warden- New Canaan has always had a licensed arborist as a Tree Warden;
- Tree Ordinance- To include provisions to respect the rights of individual property owners while protecting Town-owned trees, and to gather information for a tree inventory;
- Tree Commission- Would work with the Tree Warden to establish an annual plan to care for trees as well as a budget;
- Tree Alliance- Would comprise residents concerned about the condition of Town trees, working to maintain the current inventory of trees and add new trees; proactive efforts toward beautification of the Town through education and planting appropriate trees for certain areas.

The plan Mr. Pauley described is a nationwide program hosted by the National Arbor Day Foundation and includes 13 other Connecticut cities and towns as well as others across the country. Some of the benefits to being a member of this program include improved public image of environmental enhancement, increased citizen pride, and public education leading to public awareness. Financial grants are available to help finance the program. Several surrounding towns have been members of the program for some time.

Dr. De Waele suggested that Mr. Pauley work with Mr. Howe, Tree Warden, and Mr. White, Chairman of the Ordinance Committee, to begin the process of adopting a tree ordinance.

**Item 13. Discussion of the leasing of Town owned apartments at Kiwanis Park and Irwin Park.**

Mr. Conrad presented this item to the Council. The two properties are rental houses that are located on Town property at Kiwanis and Irwin Parks. Historically, the houses have been occupied by police officers, an arrangement which provided security at these sites.

Both houses are vacant, and the Council discussed renting them to police officers, or changing the arrangement to include other town employees as prospective renters. The Council also discussed increasing the rents, and obtaining the services of a realtor to advise on the amounts of rent to be charged.

Upon motion of Mr. Foley and second of Ms. Young, the Council voted unanimously to empower the Selectmen to negotiate leases of the residential properties at Kiwanis Park and Irwin Park, with priority given to police officers, and if one or both units remain vacant, then to be offered to members of the paid fire department and, if still not leased, to offer them to all Town employees in a lottery.

Dr. De Waele reminded everyone to participate in the Memorial Day Parade and encouraged the members to attend the off-site meeting addressing budget practices and policies to be held at Lapham Community Center on June 14, 2008, between 9 a.m. and 1 p.m.

The meeting adjourned at 10:27 p.m.

Respectfully Submitted,

Thomas O'Dea, Secretary