

**TOWN OF DARIEN  
BOARD OF SELECTMEN  
JANUARY 13, 2014**

ATTENDANCE: First Selectman Jayme Stevenson; Christopher (Rip) Hall, Susan Marks, Gerald Nielsen, E. Reilly Tierney.

STAFF: Karl Kilduff, Administrative Officer.

CALL TO ORDER

First Selectman Stevenson called the meeting to order at 7:05 p.m.

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

Mr. David Campbell gave his report and stated that the following items at 35 Leroy are in progress and the final phase of completion: heating, A/C and lighting in the main meeting room. He stated that the manufacturer is replacing lighting fixtures.

He reported that the Mather Center is scheduled to open between March 1-15 with lighting and HVAC system completed by the end of January. He reported that windows are being installed next week and there are no major problems. The engineer is working on field areas of fencing, second floor is being sheet-rocked this Thursday, and they are pouring concrete this week to finish the sidewalks before it gets too cold.

He summarized that they are very close to budget and hopefully it will be right on, depending on the steam system repairs. He fielded questions and noted that the elevator issues are all resolved, and final items are on order. Mr. Nielsen noted that the lighting was very impressive.

FIRST SELECTMAN'S REPORT

First Selectman Stevenson read her report, as follows:

- 1/7/14 — the SWRPA region Mayors and First Selectmen met with Office of Policy and Management Commissioner Ben Barnes and Lt. Governor Nancy Wyman to discuss the pending merger of SWRPA and HVCEO
- 1/7/14 — attended the Darien Planning and Zoning meeting to discuss long range planning. Specifically, I asked the commission to work with the BOS and other town boards to develop plans and priorities on issues including parking, incentive housing zones, permanent lights at the high school, sidewalks/bike paths.
- Susan Marks has agreed to become the Board of Selectmen's representative to the Thriving Youth/Connected Community initiative. I've served for the past several years and welcome Susan's involvement.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff stated that budget development is in being finalized for recommendation to the Board the end of January.

PUBLIC COMMENT - None

NEW BUSINESS

a) Discuss and Take Action on a Resolution Appropriating \$1,925,000 for the Purchase of Real Property and Authorizing the Issuance of Bonds and Notes in the Amount of \$1,925,000 to Meet Said Appropriation.

**\*\* MR.HALL MOVED TO ADOPT THE RESOLUTION APPROPRIATING \$1,925,000 FOR THE PURCHASE OF REAL PROPERTY AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF \$ 1,925,000 TO MEET SAID APPROPRIATION AND REFER TO THE REPRESENTATIVE TOWN COMMITTEE AS FOLLOWS:**

**RESOLVED:**

**Section 1. The sum of \$1,925,000 is appropriated for the purchase of real property and improvements located thereon to be used for municipal purposes consisting of approximately 0.57 acres +/- located at 4 Short Lane, assessor's map #56, lots 5-6, in the Town of Darien (the "Town"), as well as demolition and disposal costs and engineering, architectural and administrative, printing, legal and financing costs related thereto (the 'Project'), said appropriation to be inclusive of any and all state and federal grants-in-aid thereof.**

**Section 2. To meet said appropriation, and in lieu of a tax therefore, \$1,925,000 bonds of the Town or so much thereof as shall be necessary for such purpose, may be issued, maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series as determined by the Board of Finance, or any Town official designated by the Board of Finance. and the amount of bonds of each series to be issued shall be fixed by the Board of Finance, or any Town official designated by the Board of Finance, in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amount of the state and federal grants-in-aid on the Project, and the anticipated times of the receipt of the proceeds thereof. The bonds shall be in the denomination of \$5,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut.**

**The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and interest thereon.**

**The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying registrar and transfer agent, and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the Board of Finance, or any Town official designated by the Board of Finance, in accordance with the General Statutes of the State of Connecticut, as amended (the “General Statutes”).**

**Section 3. Said bonds shall be sold by the Board of Finance, or any Town official designated by the Board of Finance, and the Town Treasurer, in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Board of Finance, or any Town official designated by the Board of Finance.**

**Section 4. The Board of Finance, or any Town official designated by the Board of Finance, is authorized to issue and sell temporary notes in anticipation of the receipt of the proceeds of any series of said bonds and to determine the amount, date, date of maturity, interest rate, form and other details of such notes pursuant to the General Statutes. Notes evidencing such borrowings shall be signed by the First Selectman and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance, be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut and be certified by a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance.**

**The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.**

**Section 5. The Town hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the “Regulations). to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this resolution in the maximum amount and for the Project defined herein with the proceeds of bonds, notes, or other obligations authorized to be issued by the Town.**

Such bonds, notes or other obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Board of Finance, or any Town official designated by the Board of Finance, is authorized to pay Project expenses in accordance herewith pending the issuance of reimbursement bonds and to amend this declaration.

**Section 6.** The First Selectman, Town Treasurer and Finance Officer or any one of them are hereby authorized, on behalf of the Town, to enter into any agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution and to perform all acts which are necessary or appropriate to issue and deliver the bonds or notes. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the First Selectman, the Town Treasurer and the Finance Officer, or any one of them, are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years. Should such bonds or notes issued in anticipation of such bonds be issued in such form and manner that the interest on such bonds or notes is includable in the gross income of the holders thereof under the Internal Revenue Code of 1986, as amended, then it is hereby determined that the issuance of such taxable bonds or notes is in the public interest.

**\*\* MOTION PASSED UNANIMOUSLY.**

b) Discuss and Take Action on Approval of Assessment Appeal

**\*\* MR. NIELSEN MOVED TO ADOPT THE RESOLUTION AND REFER TO THE REPRESENTATIVE TOWN COMMITTEE AS FOLLOWS:**

**The Darien Board of Selectmen hereby approves settlement of the case of 9 Old Kings Highway South LLC v. Town of Darien, (CVO9-4016699S) to amend the Fair Market Value of the property to \$19,750,000 from \$24,789,800 for the Grand List of October 1, 2008 through October 1, 2012, in accordance with a Stipulation for Judgment.**

**\*\* MR. HALL SECONDED THE MOTION.  
\* MOTION PASSED UNANIMOUSLY.**

Transfers  
**Police Department**  
RESOLVED:

60

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

From: \_\_\_\_\_ To: \_\_\_\_\_

Acct. No.	Account	Amount	Acct. No.	Account	Amount
10302313-82040	PD Fleet – Maint.	\$6,400	10302323-82041	PD Station – O&M	\$6,400
	TOTAL	\$6,400		TOTAL	\$6,400

Mr. Kilduff reviewed the supporting document and explained with the switch to natural gas for heating, and the removal of the in-ground tank that previously supplied fuel to the generator, the emergency generator must be refueled by trucked in deliveries. Generator line appears to be running at a favorable level and is believed to be funded at a level capable of absorbing the requested transfer for diesel fuel at current diesel fuel price of \$3.20/gal.

- \*\* MR. NIELSEN MOVED TO APPROVE THE ABOVE TRANSFER OF APPROPRIATIONS FOR REFERRAL TO THE BOARD OF FINANCE.
- \*\* MOTION PASSED UNANIMOUSLY.

AGENDA REVIEW

First Selectman Stevenson stated that the presentation on Budgets with performance measures is on Saturday, January 25, 2014.

APPOINTMENTS RE-APPOINTMENTS

Consider and take action on the following appointments:

- Steven Spivey to the Advisory Commission on Coastal Waters for a 1-year term beginning on January 1, 2014 and expiring on December 31, 2014.

First Selectman Stevenson stated that she wanted to publicly thank Bud Raleigh for his service on the Advisory Commission on Coastal Waters.

- \*\* MS. MARKS MOVED TO APPROVE THE APPOINTMENT OF STEVEN SPIVEY TO THE ADVISORY COMMISSION ON COASTAL WATERS FOR A 1-YEAR TERM BEGINNING ON JANUARY 1, 2014 AND EXPIRING ON DECEMBER 31, 2014.
- \*\* MR. HALL SECONDED THE MOTION.
- \*\* MOTION PASSED UNANIMOUSLY

Approval of Minutes - Special Meeting of January 6, 2014

- \*\* MR. HALL MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF JANUARY 6, 2014 AS SUBMITTED.**
- \*\* MS. MARKS SECONDED THE MOTION.**
- \*\* MOTION PASSED UNANIMOUSLY.**

FORTHCOMING MEETINGS

January 13, 2014 Board of Selectmen Regular Meeting at 7:00 PM.  
January 14, 2014 Joint Department Heads Meeting at 8:30 AM.  
January 27, 2014 Representative Town Meeting Regular Meeting at 8:00 PM.  
January 27, 2014 Planning & Zoning Commission Regular Meeting at PM.

There was no other business.

Adjournment

- \*\* MS. MARKS MOVED TO ADJOURN THE MEETING.**
- \*\* MR. HALL SECONDED THE MOTION.**
- \*\* MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Marilyn Knox  
Telesco Secretarial Services