

**MINUTES
REPRESENTATIVE TOWN MEETING
April 22, 2014**

**RECEIVED
APR 24 2014
TOWN CLERK'S OFFICE
DARIEN CT.**

CALL TO ORDER

A Special Meeting of the Representative Town Meeting was called to order at 8:10 P.M. by Donna Rajczewski, Town Clerk.

Upon Roll Call, the following members were present:

From District I, there were 7 members present, 6 absent.
From District II, there were 11 members present, 6 absent.
From District III, there were 10 members present, 4 absent.
From District IV, there were 12 members present, 4 absent.
From District V, there were 14 members present, 3 absent.
From District VI, there were 13 members present, 4 absent.

The absentees from District I were : Buchesky, Dupont, Hayes, Henderson Schneider
Valentino.

The absentees from District II were: Bacon, Ebrahimi, Finn, Keith, McIlmurray, Sartoni.

The absentees from District III were: Camuti, Cepeda, Maroney, Schulz-Amatruda

The absentees from District IV was :Domittner, Hawkins, Peters, Savage.

The absentees from District V were: Burke, Stolar, Young.

The absentees from District VI were: Plehaty, Poli, Ritchie, Whitehead.

Mrs. Rajczewski announced the appointment of District VI new member Joseph J. Cherico.

The Moderator, Sarah Seelye, assumed the Chair.

ACCEPTANCE OF THE AGENDA

**** THE AGENDA WAS ACCEPTED BY UNIVERSAL CONSENT.**

APPROVAL OF THE MINUTES OF THE MARCH 17, 2014 MEETING

**** THE MINUTES WERE ACCEPTED BY UNIVERSAL CONSENT.**

ANNOUNCEMENTS

The Moderator reminded members about the May 12 Budget Meeting, and that information is posted on Darien's website, including the text of the budget as approved by the Board of Finance

14-10

**CONSIDERATION AND ACTION ON THE STIPULATED AGREEMENT BETWEEN
THE TOWN OF DARIEN AND LOCAL 1303-357 COUNCIL 4, AFSCME, AFL-CIO
(DARIEN BOARD OF EDUCATION CAFETERIA WORKERS)**

**** JAMES PALEN, DISTRICT VI, CHAIRMAN OF THE FINANCE & BUDGET COMMITTEE, MOVED:**

WHEREAS, the Town of Darien has been in negotiations with the Local 1303-357 Council 4, AFSCME, AFL-CIO (Darien Board of Education Cafeteria Workers); and

WHEREAS, part of those negotiations related to the retirement plan provided for under the Darien Town Code; and

WHEREAS, a stipulated agreement has been reached, which specifically calls for a modification to section 50-91 of the Darien Town Code;

NOW THEREFORE BE AND IT IS HEREBY RESOLVED that the RTM approves the stipulated agreement as more particularly set out in the document attached hereto and made part thereof.

See Exhibit A Attached

**** THE MOTION WAS SECONDED FROM THE FLOOR.**

James Palen, District VI, Chairman of the Finance & Budget Committee, read the committee report (attached), indicating that the RTM was only addressing the pension portion of agreement, since pensions are paid by the Town, not the Board of Education.

Joseph Miceli, District IV, Acting Chairman of TGS&A presented his Committee's report (attached) indicating the need for a future amendment to the Code of Ordinances regarding pensions.

Jeff Marston, District II questioned the financial impact of the change on the Town.

**** ITEM 14-10 CARRIED ON A RISING TALLY VOTE OF 65 IN FAVOR, 0 OPPOSED, 1 ABSTENTION.**

As Resolution 14-11 addresses the same pension issues as Resolution 14-10, merely for a different bargaining unit, that of the BOE Nurses, Mrs. Seelye called for a voice vote to waive the reading and reports for the following and go directly to a tally vote. The motion passed.

14-11

CONSIDERATION AND ACTION ON THE STIPULATED AGREEMENT BETWEEN THE TOWN OF DARIEN AND LOCAL 1303-141 COUNCIL 4, AFSCME, AFL-CIO (DARIEN BOARD OF EDUCATION NURSES)

WHEREAS, the Town of Darien has been in negotiations with the Local 1303-141 Council 4, AFSCME, AFL-CIO (Darien Board of Education Nurses); and

WHEREAS, part of those negotiations related to the retirement plan provided for under the Darien Town Code; and

WHEREAS, a stipulated agreement has been reached, which specifically calls for a modification to section 50-91 of the Darien Town Code;

NOW THEREFORE BE AND IT IS HEREBY RESOLVED that the RTM approves the stipulated agreement as more particularly set out in the document attached hereto and made part thereof.

See Exhibit B Attached

**** ITEM 14-11 CARRIED ON A RISING TALLY VOTE OF 65 IN FAVOR WITH 1 ABSTENTION.**

**** UPON MOTION MADE AND SECONDED FROM THE FLOOR, IT WAS UNANIMOUSLY VOTED TO ADJOURN AT 8:27 P.M.**

Respectfully submitted,

Donna Rajczewski
Acting Secretary

APPENDIX

<u>DISTRICT I</u>	<u>(14-10)</u>	<u>(14-11)</u>	<u>DISTRICT IV</u>	<u>(14-10)</u>	<u>(14-11)</u>
Buchesky	absent	absent	Banks	yes	yes
Bumgardner	yes	yes	Cameron	yes	yes
Conologue	yes	yes	Davis, Joan	yes	yes
Conze	yes	yes	Domittner	absent	absent
Dupont	absent	absent	Fiore	yes	yes
Dweck	yes	yes	Haidinger	yes	yes
Glassmeyer	yes	yes	Hardison	yes	yes
Hayes	absent	absent	Hawkins	absent	absent
Henderson	absent	absent	Kemp	yes	yes
Kelly	yes	yes	Miceli	yes	yes
Schneider	absent	absent	Millar	yes	yes
Valentino	absent	absent	Morrison	yes	yes
van der Kieft	yes	yes	Peters	absent	absent
			Rayhill	yes	yes
			Rycenga	yes	yes
<u>DISTRICT II</u>			Savage	absent	absent
Bacon	absent	absent	<u>DISTRICT V</u>		
Ebrahimi	absent	absent	Adiletta	abstain	abstain
Finn	absent	absent	Bayne	yes	yes
Hoffman	yes	yes	Boulton	yes	yes
Howe	yes	yes	Burke	absent	absent
Keith	absent	absent	Coyne	yes	yes
Marston	yes	yes	Duffy	yes	yes
Matton	yes	yes	Fead	yes	yes
McIlmurray	absent	absent	Fiveson	yes	yes
McNally	yes	yes	Hennessy	yes	yes
Miller	yes	yes	LeHan	yes	yes
Mundt	yes	yes	Lublin	yes	yes
Sartori	absent	absent	McLachlin	yes	yes
Sawitsky	yes	yes	Mosher	yes	yes
Seelye		DID NOT VOTE	Patrick	yes	yes
Thorne, B.	yes	yes	Russell	yes	yes
Thorne, M	yes	yes	Stolar	absent	absent
			Young, Rob	absent	absent
<u>DISTRICT III</u>			<u>DISTRICT VI</u>		
Anderson	yes	yes	Adelman	yes	yes
Camuti	absent	absent	Ball	yes	yes
Cardone	yes	yes	Broecking	yes	yes
Cepeda	absent	absent	Cherico	yes	yes
Conniff	yes	yes	Grogan	yes	yes
Coyle	yes	yes	Hawkins	yes	yes
Coyle Downs	yes	yes	Luz	yes	yes
Davis	yes	yes	McDermott	yes	yes
Hegarty	yes	yes	McLean	yes	yes
Larkins	yes	yes	Palen	yes	yes
Maroney	absent	absent	Plehaty	absent	absent
Moore	yes	yes	Poli	absent	absent
Morton	yes	yes	Ritchie	absent	absent
Schulz-Amatruda	absent	absent	Swenson	yes	yes
			Van Loan	yes	yes
			Whitehead	absent	absent
			Young, David	yes	yes

STIPULATED AGREEMENT BETWEEN THE
TOWN OF DARIEN
AND
LOCAL 1303-357 COUNCIL 4, AFSCME, AFL-CIO
(DARIEN BOARD OF EDUCATION CAFETERIA WORKERS)

THIS AGREEMENT is made and entered into on this 3rd day of February, 2014 by and between the TOWN OF DARIEN (hereinafter referred to as the "Town") and LOCAL 1303-357, COUNCIL 4, AFSCME, AFL-CIO (hereinafter referred to as the "Union:). All terms and conditions in the Town Pension Plan as codified in Chapter 50 of the Darien Town Ordinance shall remain in full force and effect except as modified, changed, or replaced by this Agreement.

WHEREAS, Representatives of the Town and the Union have bargained in good faith with respect to the subject of pensions for Employees, and they have reached agreement;

NOW THEREFORE, the Town and Union desire to set forth in this Stipulated Agreement those changes in the Town Pension Plan to which they have previously agreed, as more fully set forth below:

1. Add the following provision to Section 50-91

(c) Effective July 1, 2017, no annual retirement benefit shall exceed a maximum of seventy percent (70%) of the employee's "average annual compensation" as defined in Section 50-36.

Notwithstanding the above:

Employees with at least twenty-five (25) years of credited service in the pension plan on 7/1/17 shall not receive an annual retirement benefit plan that is greater than:

1. seventy-five percent (75%) of the employee's "average annual compensation"

Or

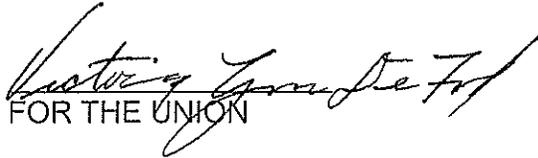
2. the percentage of the employee's "average annual compensation" that he/she would have been entitled to receive had he/she retired on 7/1/17.

2. The parties agree that the earliest date that either party can demand any additional changes to the pension plan is five (5) years from date of execution of this Stipulation. If no demand to reopen the pension plan is made within thirty days of that date, the pension plan may be reopened during the window period concurrent with the expiration of the parties' collective bargaining agreement.

3. The parties agree to submit this Stipulation to their respective bodies for ratification in accordance with the parties' Ground Rules.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal this 3rd day of February, 2014.

FOR THE TOWN


FOR THE UNION

DATE

2/3/14
DATE

STIPULATED AGREEMENT BETWEEN THE
TOWN OF DARIEN
AND
LOCAL 1303-141 COUNCIL 4, AFSCME, AFL-CIO
(DARIEN BOARD OF EDUCATION NURSES)

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Or

2. the percentage of the employee's "average annual compensation" that he/she would have been entitled to receive had he/she retired on 7/1/17.

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3. The parties agree to submit this Stipulation to their respective bodies for ratification in accordance with the parties' Ground Rules.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal this 3rd day of February, 2014.

FOR THE TOWN

Victoria Gray, J.E. Fed
FOR THE UNION

DATE

2/3/14
DATE

**Finance & Budget Committee
Report to RTM, April 22, 2014**

**(14-10) RESOLUTION REGARDING THE STIPULATED AGREEMENT BETWEEN THE
TOWN OF DARIEN AND THE LOCAL 1303-357 COUNCIL 4, AFSCME, AFL-CIO
(DARIEN BOARD OF EDUCATION CAFETERIA WORKERS)**

**(14-11) RESOLUTION REGARDING THE STIPULATED AGREEMENT BETWEEN THE
TOWN OF DARIEN AND THE LOCAL 1303-141 COUNCIL 4, AFSCME, AFL-CIO
(DARIEN BOARD OF EDUCATION NURSES)**

I am James Palen, District 6 and Chair of the Finance and Budget Committee.

I move Resolution (14-10) Regarding The Stipulated Agreement Between the Town of Darien and the Local 1303-357 Council 4, AFSCME, AFL-CIO (Darien Board of Education Cafeteria Workers).

If there are no objections, I propose to waive the reading of the Resolution and provide a combined report on both Resolutions that will be before us tonight.

The F&B committee met at a tonight, Tuesday, April 22, 2014 right before this meeting with 9 of 15 members present, comprising a quorum, to discuss and take action on RTM Resolution 14-10 and 14-11.

The resolutions are both related to recent contract agreements that have been reached between the BOE and two of their non-certified employee groups. Unlike the teacher and administrator contracts that must come before the RTM to be approved, contracts for non-certified groups, such as the cafeteria workers and the nurses, are exempt from approval by the RTM under the Municipal Employee Relations Act (MERA).

The reason that the RTM is involved in approving these two stipulated agreements is that as part of the broader contract negotiations that took place between the BOE and the two employee groups, the parties have agreed to institute a cap on the amount of retirement benefits that employees can receive once they stop working. Although these employees are paid by the BOE, their pensions are part of the Town of Darien's pension program and therefore fall under the Town Code of Ordinances and therefore any changes to the pensions must come before the RTM.

The changes being proposed are to institute "cap" on what employees can earn as part of their retirement package. Currently, employees earn retirement benefits equal to 2% of the average of their highest 3 of the last 5 years of service. For example, if an employee works for 20 years, they can earn 40% of their average salary, if an employee works 30 years, they can earn 60% of their average salary. The stipulated agreement that we are voting to approve tonight will cap what an employee who retires on or after July 2017 can earn at 70% of their average

salary, effectively capping their benefits at 35 years of service. In certain circumstances, employees who would already have been above 35 years and 70% will be capped at 75% or what they would have earned under the current plan. The two union groups include a current total of 33 employees – 4 of which will be capped at between 70% and 75% (35 to 37.5 years) and one employee that will be frozen at their current level of service of 38.5 years that will cap them at approximately 77%.

Financially, the change to this provision is good for the Town in that it caps what we must pay for retiree benefits and therefore may reduce the amount that we need to fund into the pension in future years. In short, a cap is better than no cap.

What will happen next? If we approve these two resolutions tonight, then these 2 group will join the two approved last month to bring the total to 4 of the 6 non-certified employee groups at the BOE that will be subject to the cap for the term of their new 3-year contracts.

The BOE is also in active discussions with the last 2 of its groups and if agreed, will also be put out to their membership for a formal vote.

Once all 6 B BOE groups and the 2 additional Town of Darien employee groups that are covered under the Town Pension have agreed to the same changes, the RTM can then go forward with a final resolution and make these changes permanent in the Town Code so that it will be binding on all future employee contracts.

The F&B committee, with 9 of 15 members present, voted unanimously to recommend that the full RTM approve both resolutions.

Thank you.

James Palen
Chair, Finance & Budget Committee
April 22, 2014

DRAFT REPORT FROM TGS&A TO THE RTM (for Tuesday, April 22, 2014)

On Tuesday April 22, 2014, at a Special Meeting of the TGS&A Committee with 9 out of 11 members present, voted:

9 For, 0 Against, with 0 Abstaining, to approve this report to the RTM.

The TGS&A Committee has reviewed the stipulated agreements with the Board of Education Cafeteria Workers Unit, and the Registered Nurses Unit of the Board of Education, and has no objection to amending Darien Code of Ordinances, Section 50-91 in accordance with the stipulated agreements.

The TGS&A understands that amending the Code will take place after 2016 when negotiations are completed with all unions participating in the plan.