

**MINUTES
REPRESENTATIVE TOWN MEETING
MARCH 18, 2013.**

**RECEIVED
MAR 25 2013
TOWN CLERK'S OFFICE
MIDDLEBURY, VT.**

CALL TO ORDER.

A Regular Representative Town meeting was called to order at 8:06 p.m. by Donna Rajczewski, Town Clerk, who announced that there were two new District VI members, Caroline Luz and Bill Van Loan appointed at a February 25 Caucus.

Upon Roll Call, the following members were present:

From District I, there were 9 members present, 4 absent.
From District II, there were 10 members present, 6 absent.
From District III, there were 11 members present, 5 absent.
From District IV, there were 14 members present, 2 absent.
From District V, there were 14 members present, 3 absent.
From District VI, there were 11 members present, 4 absent.

The absentees from District I were: Haas, Henderson, Kelly & Valentino.
The absentees from District II were: Ebrahimi, Howe, Matton, Mundt, Synnott, & B. Thorne.
The absentees from District III were: Camuti, Coyle, Ferretti, George, & Morton.
The absentees from District IV were: Millar & C. Schoonmaker
The absentees from District V were: Bayne, Coyne & McLachlin.
The absentees from District VI were: Adelman, Broecking, McLean, & Poli.

The Moderator, Sarah Seelye, assumed the Chair. She reminded everyone that the attendance must be taken and turned in to the Town Clerk in order to start the meeting.

ACCEPTANCE OF THE AGENDA.

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

APPROVAL OF THE MINUTES OF THE JANUARY 28, 2013 MEETING.

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

ANNOUNCEMENTS

The Moderators made the following announcements:

- When there is a change of address, please notify the Town Clerk. Also, please notify the League of Women Voters of any changes in email address or street addresses.
- Ms. Soltes from Telesco Secretarial Services is present to take the minutes.

- Committee Minutes are required to be turned in within 7 days and votes must be submitted within 48 hours.

13-2

**CONSIDERATION AND ACTION ON AMENDMENTS TO DARIEN CHARTER,
CHAPTER VIII REGARDING BUILDING & ZONING OFFICIALS AND THE
BUILDING BOARD OF APPEALS.**

**** FRANK KEMP, DISTRICT IV, CHAIRMAN OF TGS&A, MOVED:**

WHEREAS, discussions have been held regarding the need to amend Sections 29 and 30 of Chapter VIII of the Darien Town Charter concerning establishment of a Deputy Zoning Official and other technical changes concerning Building and Zoning Officials and the Building Board of Appeals; and

WHEREAS, this resolution amends the existing Sections 29 and 30 of Chapter VIII of the Town Charter.

BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien amends said Sections 29 and 30 of Chapter VIII of the Town Charter in a manner set out in the document attached hereto and made part hereof.

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

Mr. Frank Kemp, District IV, Chairman of TGS&A, presented his report (attached).

Mr. Michael Burke District V member stated that the phrase "The Zoning Official shall..." appears several times in the document. He noted that in the last line of Section B, the "shall supervise" was changed to "may supervise". Assoc. Town Counsel Ed Schmidt said that the Zoning Officer is not charged with supervising the ZBA.

**** ITEM 13-2 CARRIED ON A RISING TALLY VOTE OF 69 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

13-3

RTM RESOLUTION APPROPRIATING FIVE HUNDRED EIGHTEEN THOUSAND AND 00/100 DOLLARS (\$518,000.00) FOR OIL TANK REPLACEMENT AND MAINTENANCE IN THE PUBLIC SCHOOLS.

**** JACK DAVIS, DISTRICT III, VICE CHAIR OF FINANCE AND BUDGET MOVED:**

WHEREAS, the existing oil tanks, as well as associated piping and pumps, at seven public schools are approaching the end of their useful lives and will need to be replaced; and

WHEREAS, the Board of Education requests the appropriation of Five Hundred Eighteen Thousand and 00/100 Dollars (\$518,000.00) to advance the projects to the State School and Construction Grant Program for review and release for bid; and

WHEREAS, the appropriation has been previously approved by the Darien Board of Finance.

BE AND IT IS HEREBY RESOLVED, that the Representative Town Meeting of the Town of Darien approves an appropriation of Five Hundred Eighteen Thousand and 00/100 Dollars (\$518,000.00) from the General Fund for the replacement and maintenance of the oil tanks in the public schools.

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

Mr. Jack Davis, District III, the Vice Chair of F&B presented his report. (Attached).

Mr. Dennis Maroney, District III, Chairman of the Education Committee stated that he was in agreement with Mr. Davis' comments. He reported that the Committee had voted 9 to 0 in favor of this.

Ms. Monica McNally, District II, asked if the relatively new oil tank monitoring units were being replaced simply because the records were lost. Ms. Hagerty-Ross, the BOE Chair, replied that the monitoring systems were under concrete slabs. Water and ice got under the slabs due to the ground settling and damaged the systems. Tokeneke also had a large piece of equipment that was removing snow a few years ago subsequently damaged the oil fill pipe.

**** ITEM 13-3 CARRIED ON A RISING TALLY VOTE OF 66 IN FAVOR, 3 OPPOSED, 0 ABSTENTIONS.**

(13-4)

RTM RESOLUTION APPROPRIATING ONE HUNDRED THIRTY TWO THOUSAND, SEVEN HUNDRED THIRTY THREE AND 00/100 DOLLARS (\$132,733.00) TO COVER DELINQUENT DARIEN PUBLIC SCHOOL SEWER SERVICE CHARGES.

**** JACK DAVIS, DISTRICT III, VICE CHAIR OF F&B MOVED:**

WHEREAS, it has come to the attention of the Town that the Board of Education has not paid it's Sewer Service Charges for several years; and

WHEREAS, the Board of Education has paid the current fiscal year's charges, with the exception of the charges for the High School, which charges are in dispute; and

WHEREAS, the remaining unpaid charges without interest total One Hundred Thirty Two Thousand Seven Hundred Thirty Three and 00/100(\$132,733.00) Dollars; and;

WHEREAS, at the February 12, 2013 meeting, the Board of Finance voted to approve the amount of One Hundred Thirty Two Thousand Seven Hundred Thirty Three and 00/100 (\$132,733.00) from the General Fund fund balance for payment of the delinquent sewer service charges.

BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien hereby approves an appropriation One Hundred Thirty Two Thousand Seven Hundred Thirty Three and 00/100 (\$132,733.00) from the General Fund fund balance to the Board of Education budget for the payment of said delinquent sewer service charges.

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

**** JACK DAVIS, DISTRICT III, VICE CHAIR OF F&B MOVED TO AMEND THE RESOLUTION AS FOLLOWS:**

BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien hereby approves an appropriation of One Hundred Thirty Two Thousand Seven Hundred Thirty Three and 00/100 (\$132,733.00) from the General Fund fund balance to the Board of Education budget for the payment of said delinquent sewer service charges.

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

**** THE AMENDMENT WAS CARRIED BY VOICE VOTE.**

Mr. Davis then presented his report. (Attached)

Mr. Maroney, District III, Chairman of the Education Committee stated that he was in agreement with Mr. Davis' comments. He reported that the Committee had voted 9 to 0 in favor of this.

**** ITEM 13-4 AS AMENDED CARRIED ON A RISING TALLY VOTE OF 69 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

(13-5)

RTM RESOLUTION APPROPRIATING THREE HUNDRED FORTY FOUR THOUSAND AND 00/100 DOLLARS (\$344,000.00) FOR SECURITY MEASURES AT THE TOWN OF DARIEN PUBLIC SCHOOLS.

**** JACK DAVIS, DISTRICT III, VICE CHAIR OF F&B MOVED:**

WHEREAS, the Board of Education has determined that school district has additional security needs; and

WHEREAS, the Board of Education has requested additional funds be appropriated in the amount of Three Hundred Forty Four Thousand and 00/100 Dollars (\$344,000.00) as follows:

1. \$179,000.00 for the purchase of security cameras and exterior PA systems;
2. \$90,000.00 to address hardware and technology security needs for the 2012-2013 school year;
3. \$75,000.00 for the placement of a security monitor for the remainder of the school year at each of the elementary schools and Middlesex Middle School; and

WHEREAS, the Board of Finance has approved the Board of Education's request and recommends the approval of said amount. It recommends that the sum be divided into two parts: \$179,000.00 in Capital and \$165,000.00 to Board of Education Operating account, with the source of funding to be the General Fund fund balance; and

BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien hereby approves an appropriation from the General Fund in the sum of \$344,000.00 for the security measures at the Darien schools to be divided into two parts: \$179,000.00 to the Board of Education Capital fund and \$165,000.00 to Board of Education Operating account.

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

Mr. Davis presented his Committee's report. (Attached)

Mr. Maroney, District III, Chair of the Education Committee presented his report. He stated that the Education Committee had approved the funding for the security cameras, the PA system and the remaining hardware from the Capital Budget in one vote and voted funding for the security staff from the Operating Budget in a second vote.

Ms. Kate Keith, District II, had a question regarding the campus monitoring. Ms. Hagerty-Ross indicated that there are currently 4 campus monitors at the high school, who have worked out well. Ms. Keith asked how the monitoring would differ between the high school and middle schools. Ms. Hagerty-Ross replied that there would be no difference.

Ms. Ann Finn, District II, wished to know how quickly the new monitors would be installed in the schools. She also requested some background on the monitors. Ms. Hagerty-Ross said that the staff will be started this year. School Superintendent Dr. Falcone explained that the District is looking for some people who have security background. Ms. Finn wished to know whether there would be additional hiring if the staff is hired this year. Dr. Falcone said that it would depend on a variety of factors.

Mr. Bruce Orr, District III, said that he was supportive of improving security, but had issue with adding more staff. He said that there was little evidence that monitors will prevent an incident like Sandy Hook. Mr. Orr said there would also be benefit expenses incurred for the new staff.

**** MR. ORR MOVED TO DIVIDE THE ITEM 13-5 INTO TWO QUESTIONS:**

13-5A FOR THE APPROPRIATION OF:

1. \$179,000.00 FOR THE PURCHASE OF SECURITY CAMERAS AND EXTERIOR PA SYSTEMS;

2. \$90,000.00 TO ADDRESS HARDWARE AND TECHNOLOGY SECURITY NEEDS FOR THE 2012-2013 SCHOOL YEAR; AND

13-5B – FOR THE APPROPRIATION OF \$75,000.00 FOR THE PLACEMENT OF A SECURITY MONITOR FOR THE REMAINDER OF THE SCHOOL YEAR AT EACH OF THE ELEMENTARY SCHOOLS AND MIDDLESEX MIDDLE SCHOOL.

**** THE MOTION TO DIVIDE THE RESOLUTION WAS SECONDED FROM THE FLOOR.**

**** THE MOTION TO DIVIDE ITEM 13-5 INTO TWO SEPARATE VOTES CARRIED ON A RISING TALLY VOTE OF 62 IN FAVOR, 4 OPPOSED, 0 ABSTENTIONS.**

In response to a question about the role of the new security staff, Dr. Falcone said that there were procedures that would be set up. The goal is to establish consistency. There are visitors, deliveries and substitute teachers who come into the building during the day. Monitors would assist with tracking and other related activities.

Mr. Davis, District III, requested that the first section of the question be voted on first in order to keep the appropriation for the equipment and the personnel in separate discussions. Mrs. Seelye requested that the questions be limited to 13-5A until the appropriation was voted on by the assembly.

Mr. Reilly Tierney, District I, asked whether the security staff would be monitoring the equipment. Dr. Falcone gave a brief overview of the proposed protocol.

Mr. Jim Cameron, District IV, noted that in London, there are more cameras than anywhere in the world, but they were not able to stop the terrorist bombing. He said that if there was no staff monitoring, there would be no way to stop an event. Dr. Falcone said that the cameras would be a deterrent. It would allow the police and others to know what was happening during a particular event.

Ms. Haggerty-Ross said that the security cameras and the PAs had been in the budget for a number of years. She explained that the security cameras were not directly in response to the Sandy Hook tragedy. Last year the cameras were approved by the Board, but later cut from the budget by the Finance Committee.

Ms. Ann Finn, District II, asked about the equipment and who would be monitoring the equipment. Dr. Falcone said that it would depend on how it was set up. Ms. Finn said that it would be crucial to the vote to know if the security staff would be monitoring the equipment. Dr. Falcone said that the equipment would be a tool for the staff and the security staff would have a number of duties that could include the monitoring of the equipment.

Mr. Kirk Hoffman, District II, said that the equipment would be worthwhile.

**** ITEM 13-5A CARRIED ON A RISING TALLY VOTE OF 62 IN FAVOR, 4 OPPOSED, 0 ABSTENTIONS.**

****ITEM 13-5B \$75,000.00 FOR THE PLACEMENT OF A SECURITY MONITOR FOR THE REMAINDER OF THE SCHOOL YEAR AT EACH OF THE ELEMENTARY SCHOOLS AND MIDDLESEX MIDDLE SCHOOL.**

Mr. Marc Thorne, District II, said he was against splitting the question. There needs to be consistent policy and the school needs to be able keep the students safe. Mr. Thorne said that the information that the RTM members needed to make a decision was in the packet. While he hates to add to the tax burden, this request clearly has been well thought through by the BOE.

Mr. Bob Kernen, District III, commented that the BOE had presented a plan, a complete program. However, by splitting the proposal, the RTM is only funding half the program.

Ms. Elisabeth Bacon, District II, asked who would be accountable for the position and pointed out that doing this on a piecemeal basis would be difficult.

Mr. Hoffman, District II, noted that this is specific to the remainder of this year. He asked if the staff would be budgeted for next year. Ms. Haggerty-Ross replied that the funding had been allocated for next year. This issue is a top priority for the BOE. The BOE has requested this funding in order to protect the teachers, the students and those who come into the school. Whether this appropriation is passed or not, the BOE will find the funding in the budget for the security staff.

Mr. Davis, District III, requested Ms. Haggerty-Ross clarify her earlier statement. He pointed out that the RTM has the right to approve or deny the funding for the program, but the RTM does not have the right to tell the BOE how to spend their funding. Therefore, if the \$75,000 is not approved tonight, the BOE will find \$75,000 in the current 2012-2013 budget. He pointed out that if the money is not approved, \$75,000 of anticipated educational expenses will not happen if the BOE has to pay for this out of its own budget. Ms. Haggerty-Ross replied that this was the number one priority for the BOE, and is the recommendation of the Connecticut legislature. Every school is putting in some stage of the security program.

Mr. Tierney, District I, stated that everyone here believes that the security of the students is number one priority and everyone is certain that the BOE does this. Mr. Tierney said that the RTM members were present to vote on the appropriation. To the RTM members, it appears illogical to hire someone to do the task that staff is already doing. The amount that has been proposed does not include benefits. This money could be spent on teachers. It is arrogant to say that it is District's money to spend as the BOE see fit.

Ms. Holly Schultz-Amatruda, District II, responded that she felt it would be well worth the money.

Mr. John Boulton, District V, said that the meeting should refocus on what needs to be done. The security in the schools needs to be there. It is not an excessive request. This will not stop a Newtown situation and was never intended to. There are children at the school, it is not an armed camp. However, doing nothing would not be appropriate.

Ms. Maria Cleary, District IV, said that there is no consistent staff member at her child's school. The school tried to work on this with parent volunteers. With a rotating group, it is difficult to know who is coming in and out. She asked for a brief description of what the monitors at the high schools do. Dr. Falcone gave a brief overview of the monitors' duties.

Ms. McNally, District II said that she completely supported this. The private school that her child attends had an incident in the last few weeks. The local police were informed about an intruder on campus and the staff was able to deal with the incident quickly and efficiently.

Mr. Orr, District III, strongly encouraged the BOE to use outside contractors to avoid benefit costs.

**** MR. ORR CALLED THE QUESTION.**

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

**** THE MOTION TO CALL THE QUESTION PASSED ON A VOICE VOTE.**

**** ITEM 13-5B CARRIED ON A RISING TALLY VOTE OF 47 IN FAVOR, 17 OPPOSED, 2 ABSTENTIONS.**

**** A MOTION WAS MADE FROM THE FLOOR TO ASK FOR CLARIFICATION ON THE FUNDING FROM THE BOARD OF FINANCE.**

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

**** THE MOTION PASSED ON A VOICE VOTE.**

Ms. Liz Mao, Chairman of the Board of Finance, explained why the BOF allocated the funding as they did. If the equipment was not installed, the money would come back to the Town.

Ms. Hagerty-Ross said that the BOE was transparent and the BOE Finance Committee meets once a month. She thanked the RTM for approving the security resolution and said that everyone's children and teachers would benefit.

Mr. Davis, District III, said that he had seen other town's school budgets and that Darien received a tremendous amount of detail in the budget request. When there have been additional questions, the information was supplied.

(13-6)

RTM RESOLUTION APPROPRIATING TWO HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$250,000.00) FOR EXPENSES RELATED TO HURRICANE SANDY

**** JACK DAVIS, DISTRICT III, VICE CHAIR OF THE F&B MOVED:**

WHEREAS, the auditors for the Town of Darien have recommended that there be established a special revenue fund to account for the expenses related to Storm Sandy; and

WHEREAS, the Board of Finance of the Town of Darien has approved that recommendation; and

WHEREAS, some of the expenses incurred to repair damages sustained will be reimbursed from FEMA and/or insurance.

BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien hereby approves an appropriation of Two Hundred Fifty Thousand and 00/100 (\$250,000.00) from the General Fund fund balance to the Storm Sandy Fund.

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

Mr. Davis presented his report. (Attached.)

Mr. Jim Cameron, District IV, requested clarification regarding the references to Storm Sandy and Storm Sandy Revenue Fund in the document. He wished to know if they were one and the same. Mrs. Seelye said that they were.

**** ITEM 13-6 CARRIED ON A RISING TALLY VOTE OF 57 IN FAVOR, 6 OPPOSED, 3 ABSTENTIONS.**

REPORT FROM MARC MCEWAN ON TOWN EMERGENCY MANAGEMENT.

Mr. Marc McEwan, Director of Emergency Management, gave an overview of the Town's Emergency Management Plan.

Ms. Anita Rycenga, District IV, asked about the power outage on Christmas Eve. Mr. McEwan said that a single car accident took out a pole, darkening 600 homes. However, the information was never passed to the town officials until Christmas morning.

Will there be public input or comments when the emergency plan is updated? Mr. McEwan said that the document is compiled by Department Heads. It is updated every year and he would be more than happy to receive suggestions/comments from the public.

**** UPON MOTION MADE AND SECONDED, IT WAS UNANIMOUSLY VOTED BY VOICE VOTE TO ADJOURN AT 10:00 P.M.**

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services

APPENDIX

				Split			
<u>DISTRICT I</u>	<u>(13-2)</u>	<u>(13-3)</u>	<u>(13-4)</u>	<u>(13-5)</u>	<u>(13-5A)</u>	<u>(13-5B)</u>	<u>(13-6)</u>
Bumgardner	yes	yes	yes	yes	yes	yes	yes
Conologue	yes	yes	yes	yes	yes	no	yes
Glassmeyer	yes	yes	yes	yes	yes	yes	yes
Haas	absent	absent	absent	absent	absent	absent	absent
Hall	absent	absent	absent	absent	absent	absent	absent
Henderson	absent	absent	absent	absent	absent	absent	absent
Huck	yes	yes	yes	yes	yes	yes	yes
Kelly	absent	absent	absent	absent	absent	absent	absent
McNamara	yes	yes	yes	yes	yes	yes	yes
Schneider	yes	yes	yes	yes	yes	no	yes
Tierney	yes	yes	yes	yes	yes	no	yes
Valentino	absent	absent	absent	absent	absent	absent	absent
van der Kieft	yes	yes	yes	yes	yes	yes	yes
<u>DISTRICT II</u>							
Bacon	yes	yes	yes	yes	yes	yes	yes
Ebrahimi	absent	absent	absent	absent	absent	absent	absent
Finn	yes	yes	yes	yes	yes	yes	yes
Hoffman	yes	yes	yes	yes	yes	yes	yes
Howe	absent	absent	absent	absent	absent	absent	absent
Keith	yes	yes	yes	yes	yes	yes	yes
Marston	yes	yes	yes	yes	yes	no	yes
Matton	absent	absent	absent	absent	absent	absent	absent
McIlmurray	absent	absent	yes	yes	yes	yes	yes
McNally	yes	yes	yes	yes	yes	yes	yes
Miller	yes	yes	yes	yes	yes	yes	yes
Mundt	absent	absent	absent	absent	absent	absent	absent
Seelye							
Synott	absent	absent	absent	absent	absent	absent	absent
Thorne, B.	absent	absent	absent	absent	absent	absent	absent
Thorne, M	yes	yes	yes	no	yes	yes	yes
<u>DISTRICT III</u>							
Anderson	yes	yes	yes	yes	yes	yes	yes
Camuti	absent	absent	absent	absent	absent	absent	absent
Cardone	yes	yes	yes	?	yes	yes	yes
Conniff	yes	yes	yes	yes	yes	yes	yes
Coyle	absent	absent	absent	absent	absent	absent	absent
Davis	yes	yes	yes	yes	yes	abstain	yes
Ferretti	absent	absent	absent	absent	absent	absent	absent
George	absent	absent	absent	absent	absent	absent	absent
Hegarty	yes	yes	yes	yes	yes	yes	no
Kernen	yes	yes	yes	no	yes	yes	yes
Maroney	yes	yes	yes	yes	yes	yes	yes
Moore	yes	yes	yes	no	yes	yes	yes
Morton	absent	absent	absent	absent	absent	absent	absent
Orr	yes	yes	yes	yes	yes	no	yes
Saksena	yes	yes	yes	yes	yes	yes	no
Schulz-Amatruda	yes	no	yes	yes	yes	yes	no

<u>DISTRICT IV</u>	<u>(13-2)</u>	<u>(13-3)</u>	<u>(13-4)</u>	<u>split</u> <u>(13-5)</u>	<u>(13-5A)</u>	<u>(13-5B)</u>	<u>(13-6)</u>
Cameron	yes	yes	yes	yes	yes	yes	yes
Cleary	yes	yes	yes	yes	yes	yes	yes
Davis	yes	yes	yes	yes	yes	no	yes
Domittner	yes	yes	yes	yes	yes	abstain	yes
Fiore	yes	no	yes	yes	yes	yes	yes
Haidinger	yes	yes	yes	yes	yes	yes	yes
Hardison	yes	no	yes	yes	yes	yes	no
Hawkins	yes	no	yes	yes	yes	yes	yes
Kemp	yes	yes	yes	yes	yes	yes	yes
Millar	absent	absent	absent	absent	absent	absent	absent
Morrison	yes	yes	yes	yes	yes	no	yes
Peters	yes	yes	yes	yes	yes	yes	no
Rayhill	yes	yes	yes	yes	yes	yes	yes
Rycenga	yes	yes	yes	yes	yes	no	abstain
Savage	yes	yes	yes	yes	yes	yes	yes
C.Schoonmaker	absent	absent	absent	absent	absent	absent	absent

DISTRICT V

Adiletta	yes	yes	yes	yes	abstain	no	abstain
Bayne	absent	absent	absent	absent	absent	absent	absent
Boulton	yes	yes	yes	no	yes	yes	yes
Burke	yes	yes	yes	yes	yes	yes	absent
Coyne	absent	absent	absent	absent	absent	absent	absent
Duffy	yes	yes	yes	yes	yes	yes	no
Fead	yes	yes	yes	yes	no	yes	yes
Hennessy	yes	yes	yes	yes	yes	no	yes
LeHan	yes	yes	yes	yes	yes	yes	yes
Lublin	yes	yes	yes	yes	yes	yes	yes
Martens	yes	yes	yes	yes	yes	no	yes
McLachlin	absent	absent	absent	absent	absent	absent	absent
Mosher	yes	yes	yes	yes	yes	no	yes
Patrick	yes	yes	yes	yes	yes	yes	yes
Russell	yes	yes	yes	yes	yes	yes	yes
Stolar	yes	yes	yes	yes	yes	yes	abstain
Young	yes	yes	yes	yes	yes	yes	yes

DISTRICT VI

Adelman	absent						
Ball	yes						
Broecking	absent						
Cherico	yes						
Grogan	yes						
Hawkins	yes	yes	yes	yes	yes	no	yes
Luz	yes						
McDermott	yes						
McLean	absent						
Palen	yes	yes	yes	yes	yes	no	yes
Plehaty	yes	yes	yes	yes	yes	no	yes
Poli	absent						
	yes	yes	yes	yes	yes	no	yes
Swenson	yes	yes	yes	yes	yes	no	yes
Van Loan	yes						

13-2

MINUTES
TOWN OF DARIEN
REPRESENTATIVE TOWN MEETING
TOWN GOVERNMENT STRUCTURE AND
ADMINISTRATION COMMITTEE
PUBLIC HEARING
December 12, 2012

RECEIVED
DEC 13 2012
TOWN CLERK'S OFFICE

Attendees: Frank Kemp (Chairman). There were no members of the public in attendance.

Mr. Kemp called the hearing to order at 7:30 pm and remained available for public questions until 8:00pm.

Mr. Kemp noted several items for inclusion in the minutes of the hearing:

- an announcement of the public hearing was published in the Darien News-Review on Friday November 30, 2012, page B12.

- that the hearing's purpose was to receive the public's comments on two (2) proposed changes to the Town Charter, within Chapter VIII, Sections 29 and 30. These sections describe the function of the Building and Zoning Officials and the Building Board of Appeals.

- that the revisions to Sections 29 and 30 have been reviewed by the Planning and Zoning Department, the Building Department, the RTM's TGS&A and Rules Committees, and the Town's legal counsel.

- that the revisions to Chapter VIII include: a) clarification of the job descriptions of the Building official and the Zoning official (Section 29), and b) clarification of the responsibilities of the Building Inspector (Section 30).

Mr. Kemp noted the two items could be taken up by the RTM's March 18, 2012 meeting, as that would be more than 60 days after the date of this public hearing, thereby fulfilling the requirements of the procedure required to modify the Town Charter.

The hearing was concluded at 8:00 pm.

Jack Davis - Dist IV
Vice Chairman F & B

(13-3) RTM Resolution appropriating \$518,000 for Oil Tank Replacement and Maintenance in the Public Schools

RTM Finance & Budget Committee Report

The RTM Finance and Budget Committee met on March 11th with 13 of 15 members present constituting a quorum. Attending the meeting were BOE Chair Betsy Haggerty-Ross; Darien School Superintendent Dr. Falcone; Darien Schools Director of Facilities and Operations Mr. Lynch; BOE Vice Chair Clara Sartori and BOE members Heather Shea, Michael Harmon and Katie Stein. Also present was RTM Moderator Sarah Seelye.

The BOE is requesting \$518,000 to replace oil tank monitoring systems at six schools, replace the oil tanks at three schools (Holmes, Royle and Ox Ridge), remove the oil tank at Hindley School and perform associated repairs, grading and a \$25,000 reserve for contamination.

During a review of testing records required by the State Department of Energy and Environmental Protection (DEEP), it was discovered by Mr. Lynch that prior year testing records could not be located. Testing is performed in conjunction with the town. Further review indicated that the monitoring systems at all in ground oil tanks were not functioning. The BOE has been working with DEEP to resolve this issue since last summer and avoid the levy of fines and penalties.

Oil tanks have an estimated life of 30 years. Oil tanks are replaced around the end of their useful life. If testing records cannot be located, DEEP immediately reduces the useful life of the tank to 15 years. Such was the case here requiring three tanks to be replaced immediately.

The BOE prepares a 5-year capital plan each budget season. Two of the three tanks were scheduled to be replaced in 2016 and 2018 and therefore for those tanks, this represents an acceleration of future capital expense in the next 2 to 4 years. The State DEEP has already approved not reducing the useful life at MMS and Tokeneke and the BOE expects to receive similar approval for DHS shortly.

The monitoring systems will also be replaced on all tanks excluding Hindley School. At Hindley school the tank will be removed, ground restored and no tank replaced as Hindley is currently using natural gas and will continue to do so while natural gas prices are under heating oil prices – which should be for quite some time.

F&B noted that the detail memorandum sent to the RTM members totals \$513,000 while the request is for \$518,000. The \$5,000 difference is due to the earlier paperwork submitted to the state at \$518,000. Several of the projects may result in a state grant equaling 20% of the projects in excess of \$10,000. The state has each site as a separate location and therefore a separate project. Any state grant monies will be received after the current school fiscal year ending June 30, 2013 and therefore the request for appropriations required needs to be for the full amount submitted to the state. As always,

any grants received later as well as costs below the original estimates will be returned to the Capital account. F&B understood the \$5000 difference and did not perceive any need to adjust the appropriation request.

This request is being moved into the current fiscal year so the BOE can begin the bidding process that cannot begin without an approved appropriation. Installation is expected to be completed for all projects during the summer and before the next school year begins.

F&B voted 13-0 to recommend approval of this resolution by the RTM.

Respectfully submitted,

Jack Davis
Vice Chairman – RTM Finance and Budget Committee

(13-4) RTM Resolution Appropriating \$132,733 to Cover Delinquent Sewer Service Charges

RTM Finance & Budget Committee Report

The F&B Committee met on March 11th and again on March 18th with 11 of ~~15~~ members present representing a quorum. Kate Buch, Darien Director of Finance was present at the latter meeting.

The BOE challenged the sewer assessment charges for the years 2008, 2009 and 2010. The challenge was due to the assessment not reflecting the watering of the various school fields for those years which resulted in a significant increase in the charges. The BOE installed a meter for the sprinkler systems to determine amounts of water being utilized for this purpose.

During the period being disputed, the BOE returned to the Town's General Fund fund in excess of \$350,000; far more than the charges in question.

During the summer under the leadership of First Selectman Stevenson, BOE Chair Hagerty-Ross and BOF Chair Mao initiated steps to resolve the dispute. The settlement was reached for the amount of \$132,733 covering the period and with no interest charged.

As the BOE must close its books at the end of each fiscal year ending June 30th and return all unspent appropriates to the Town's General Funds, the BOE has essentially paid for this amount based upon amounts returned for the years covered.

It is therefore reasonable to pay for the agreed upon settlement from the Town's General Fund fund, as the BOE has returned unspent appropriations greater than the settlement and if the BOE was required to use current appropriations, educational expenditures would have to be reduced in the current year.

F&B voted 11 for, 0 against and 0 abstained and therefore recommends/~~does not recommend~~ the RTM to approve this appropriation from the Town's General Fund fund to the _____.

Respectfully submitted,

Jack Davis
Vice Chairman – RTM Finance & Budget Committee

(13-5) RTM Resolution Appropriating \$344,000 for Security Measures at the Town of Darien Public School

RTM Finance & Budget Committee Report

The RTM Finance and Budget Committee met on March 11th with 13 of 15 members present constituting a quorum. Attending the meeting were BOE Chair Betsy Haggerty-Ross; Darien School Superintendent Dr. Falcone; Darien Schools Director of Facilities and Operations Mr. Lynch; BOE Vice Chair Clara Sartori and BOE members Heather Shea, Michael Harmon and Katie Stein. Also present was RTM Moderator Sarah Seelye.

The BOE is requesting an increase in appropriations to initiate security measures in our public schools. They consist of (1) \$179,000 in capital appropriations for cameras and exterior PA systems and (2) \$165,000 in operating account appropriations consisting of \$90,000 for hardware and technology security needs and \$75,000 for security monitors at each of the elementary schools.

Prior to the tragic events at Newtown, our public schools did have security measures in place. Some of the requested amounts have been on the BOE 5-year Capital Plan for a number of years and last budget cycle for the 2012/13 fiscal year moved to a #1 priority – although those capital requests were not funded.

Mr. Lynch and the facilities staff initiated inspections of all schools on the Saturday after the events at Newtown. It was determined that certain repairs or elevated standards were required. The BOE has initiated these improvements using existing operating funds. That is the reason the \$90,000 amount to address hardware and technology security needs is in operating budget – as some of these amounts have already been spent.

In addition, a new check in procedure was implemented at all schools with a “monitor” being used to oversee individuals entering our schools. These monitor positions have been staffed by paraprofessional aides, teachers, administrators and staff – and thereby taken away from their assigned work. The BOE has reviewed their security procedures with the Darien Police Department. At this time, the BOE is requesting \$75,000 to hire school monitors in each of the elementary schools to replace the aides, teachers, administrators and staff currently performing those duties. During the 2013/14 budget approval process, the BOE approved the full year salaries and benefits for the next school year – so these are funded positions in the budget currently before the BOF.

The BOE is also requesting an acceleration of the purchase of security cameras and exterior PA systems as a capital appropriation in this fiscal year. As previously mentioned this request has been on the BOE 5-year Capital Plan and was elevated to a #1 priority during the 2012/13 budget cycle. F&B reviewed the use of the monitors with the BOE, and with understanding that not all security initiatives can be discussed, understand the BOE’s commitment to implement the monitor program at the elementary schools.

The BOF decided to break this request into two component parts, a capital request and an operating request. The RTM F&B Committee agrees with this approach. Any unused amounts from the capital appropriation will be returned to the town. Any unused operating account funds would be returned to the town at the end of the fiscal year as part of the unspent appropriations.

F&B voted **13** in favor and no one against to recommend the RTM approve this resolution.

Respectfully submitted

Jack Davis
Vice Chairman – RTM Finance & Budget Committee

(13-6) RTM Resolution Appropriating \$250,000 for expenses related to Hurricane Sandy

RTM Finance & Budget Committee Report

The F&B Committee met on March 11th and again on March 18th with 4 of 15 members present representing a quorum. Kate Buch, Darien Director of Finance was present at the latter meeting.

Hurricane Sandy resulted in approximately \$900,000 of incurred and proposed expenses. This amount would result in the BOS or Town budget being over its approved 2012/2013 budget. Some of the expenses incurred will be reimbursed by either FEMA or insurance. As such, the total expenses can be broken down into two main categories – available for reimbursement and expenses not available for reimbursement. Currently the amount not available for reimbursement amounts to approximately \$281,000. Approximately \$530,000 will be available for reimbursement. There is an additional \$123,000 in potential expenses that are awaiting BOS decisions and these might also be available for reimbursement.

As to the expenses available for reimbursement, \$55,000 is expected from insurance and \$475,000 is attributable to FEMA reimbursement. FEMA only reimburses 25% of approved expenses – the remaining represents the Town's share. Further, FEMA uses a standard rate when calculating reimbursement of town employees. Give example. So the amount from FEMA may be less than the calculation shows – currently at \$119,000 (\$118,623.) At this time, the town has not been notified that the events in Washington DC will further reduce Storm Sandy funding. To add to this situation, the FEMA reimbursements are not expected to occur until the September / October timeframe – well beyond the fiscal year end of the town.

Similar to the BOE, the BOS cannot exceed their appropriated budget. In addition, items cannot be carried over from one year to the next while awaiting reimbursement. There were two options available – one is fund the entire amount of incremental expenses attributable to Storm Sandy or, as recommended by the town outside auditors, establish a Storm Sandy Reserve fund – transfer all expenses attributable to Sandy into that Fund and transfer all receipts from insurance and FEMA into that fund when received. The town can carry a deficit Reserve account from one fiscal year into the next fiscal year. This is what this Resolution is about. To establish a Special Storm Sandy reserve account – put in all related expenses and receipts from insurance and FEMA and cover the anticipated shortfall of approximately \$390,000 by transferring \$140,000 from the BOF Contingency fund (which was done) and have the RTM approve an increase of appropriations of \$250,000. The resolution here tonight is the approval of the \$250,000 appropriation.

Some additional points:

- Our outside auditors will review all amounts entered into this Reserve to ensure accuracy

- If there remains a shortfall after all settlement items are received, the difference will be covered in one of three ways – the BOS 2013/14 budget; the BOF contingency account for the 2013/14 fiscal year or most probably a return to the RTM to cover any difference. Any overage – the town receiving more than the expenses, will be returned to the Town's General Fund fund.

The RTM F&B Committee voted 13 in favor, 1 against, and 1 abstaining and therefore recommends / ~~does not recommend~~ approval of this resolution by the entire RTM.

Respectfully submitted,

Jack Davis
Vice Chairman – RTM Finance & Budget Committee

Dissenting opinion - there was insufficient information in the preliminary memorandum sent to the RTM. A spreadsheet detailing the expenses to be allocated was not received.