

**MINUTES
REPRESENTATIVE TOWN MEETING
SEPTEMBER 23, 2013**

**RECEIVED
SEP 30 2013
TOWN CLERK'S OFFICE**

CALL TO ORDER

A Regular 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 11 members present, 4 absent.
From District II, there were 9 members present, 7 absent.
From District III, there were 13 members present, 3 absent.
From District IV, there were 13 members present, 3 absent.
From District V, there were 15 members present, 2 absent.
From District VI, there were 13 members present, 2 absent.

The absentees from District I were: Haas, Henderson, Kelly, Valentino.
The absentees from District II were: Ebrahimi, Hoffman, Howe, Marston,
Matton, Mundt, B. Thorne.
The absentees from District III were: Conniff, Kernan, Saksena.
The absentees from District IV were: Domittner, Millar, Rycenga.
The absentees from District V were: Boulton, Fead.
The absentees from District VI were: Adelman, McDermott.

The Moderator, Sarah C. Seelye, Assumed the Chair.

ACCEPTANCE OF THE AGENDA

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

ANNOUNCEMENTS

The Moderator notes that the wives of two RTM members, Eugene Coyle and Frank Kemp, had recently passed away, and she called for a Moment of Silence in their memory.

REPORT ON FUNDS FOR SOCIAL SERVICES BY OLIVE HAUSER

The Moderator spoke of all of the services provided by this agency, such as filling and giving backpacks to schoolchildren, providing Thanksgiving supplies and presents for the holidays. They also need the following household items:

Toothbrushes	Toothpaste	Dish Soap
Liquid Floor & Surface Cleaner	Paper Towels	Toilet Paper
Laundry Stain Remover	Laundry Soap	Pump Hand Soap
Shampoo & Conditioner	Windex	Body Wash
Bath Soap	Tissues	Razors

Deodorant - Men& Women	Shaving Cream	Spray Cleaner
Dryer Sheets	Spray Wax/Duster	Disinfectant Wipes
Tall Kitchen Garbage Bags	Sponges	Disinfecting Spray

The Moderator said that any contributions could be dropped off in Room 109 of Town Hall or at the next RTM meeting.

ANNOUNCEMENTS OF HANDS FOR LIFE, DARIEN, "HANDS ONLY CPR TRAINING", SEPTEMBER 29, 2013

The Moderator introduced students Bridgette Nelson and Caroline Hannigan, who spoke about this training. There will be a demonstration of this procedure at the Darien Y from 10 a.m. to 4 p.m.

STATUS OF RTM PORTION OF THE NOVEMBER 5, 2013 BALLOT

Mrs. Rajczewski reported the following:

<u>DISTRICT</u>	<u>VACANCIES</u>	<u>CANDIDATES</u>
I	13	7
II	8	6
III	10	6
IV	10	11
V	8	8
VI	10	10

Although the ballot is closed, any elector wishing to run for the RTM, may register as a write-in candidate in the Town Clerk's Office by November 4th at noon. Write-in candidates must receive at least 25 votes to win.

It was also noted that Bruce Orr, District III, was resigning from the RTM as of 11:59 tonight to go over to the Board of Finance.

APPROVAL OF MINUTES FOR JUNE 24, 2013 SPECIAL MEETING

** THE MINUTES WERE ACCEPTED BY UNIVERSAL CONSENT.

13-14

CONSIDERATION AND ACTION ON NOMINATION OF WILLIAM E. JESSUP TO THE FIVE MILE RIVER COMMISSION FOR SUBMISSION TO THE GOVERNOR FOR RE-APPOINTMENT

** FRANK HUCK, DISTRICT I, VICE-CHAIR OF TGS&A, MOVED:

WHEREAS, pursuant to § 15-26a of the Connecticut General Statutes, the Governor may appoint two electors from each of the towns of Norwalk and Darien to the Five Mile River Commission; and

WHEREAS, each such member shall be appointed by the Governor from a list of nominees to be submitted by the legislative body of each such town; and

WHEREAS, the Board of Selectmen at its meeting of August 26, 2013 voted unanimously to recommend the reappointment of William E. Jessup to the Governor for membership on the Five Mile River Commission.

BE AND IT IS HEREBY RESOVED that the Representative Town Meeting of the Town of Darien recommends the renomination of William E. Jessup to the Governor for membership on the Five Mile River Commission.

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

Frank Huck, District I, Vice-Chair of TGS&A, read the TGS&A report (attached).

Bruce Orr, District III, asked why this was coming to the RTM, and the Moderator responded that it was statutory.

**** ITEM 13-14 CARRIED ON A RISING TALLY VOTE OF 71 IN FAVOR, 0 OPPOSED, 1 ABSTENTION.**

13-15

CONSIDERATION AND ACTION ON AN AMENDMENT TO DARIEN'S CODE OF ORDINANCES ESTABLISHING AN AFFORDABLE HOUSING TRUST FUND

**** FRANK HUCK, DISTRICT I, VICE-CHAIR OF TGS&A, MOVED:**

WHEREAS, the Connecticut General Statutes, in particular Section 7-148(c)(2)(K), allow for and provide for the creation of a Trust Fund to assist in the development of affordable housing and;

WHEREAS, the Board of Selectmen of the Town of Darien has unanimously approved the establishment of such a Fund.

BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien approves an Ordinance establishing such a Trust Fund as more particularly set out in the proposed Ordinance attached hereto and made part hereof.

TOWN OF DARIEN
Chapter 55

AFFORDABLE HOUSING TRUST FUND

ARTICLE I.

Sec. 55-1. Purpose.

Pursuant to the provisions of G.S. 7-148(c)(2)(K), the town of Darien does hereby create a special trust fund to provide affordable housing for the Town of Darien. The fund shall be known as the Darien Affordable Housing Trust Fund (DAHTF), hereinafter the "Fund." Such Fund shall not lapse at the end of the municipal fiscal year.

Sec. 55-2. Sources of Funding, Investments, and Limitations on Use of Fund.

(a) In addition to such sums as may be appropriated by the town for deposit into said Fund, the town is authorized to and shall deposit all monies received by it, from whatever source, for the provision of affordable housing, including fees received pursuant to G.S. Sec. 8-2i and Section 588 (e) and (f) of the Darien Zoning Regulations, and other fees, monetary gifts, grants and loans, unless otherwise restricted, into said Fund.

(b) Said Fund shall be in the custody of the town treasurer. All or any part of the monies in said Fund may be invested in any securities in which public funds may be lawfully invested. All income derived from such investment shall be placed into the Fund and become a part thereof. The monies so invested shall at all times be subject to withdrawal for use as hereinafter set forth.

(c) No sums contained in said Fund, including interest and dividends earned, shall be transferred to any other account within the town budget. Any applicant who has paid a fee pursuant to Section 588(e) and (f) shall not be eligible to apply for an expenditure from the Fund for the same project. No expenditures shall be made from said Fund except in accordance with the provisions of this ordinance.

Sec. 55-3. Expenditures from Fund.

(a) The continuation of the Fund shall be perpetual, notwithstanding that from time to time said Fund may be unfunded.

(b) Expenditures shall be made from the Fund only in accordance with the following procedures and requirements:

(i) Said expenditures may be made for purchasing, constructing, rehabilitating or repairing affordable housing. Expenditures for purchase or sale of development rights, easements, deed restrictions, or other rights therein by the town shall be subject to approval by board of selectmen, board of finance and representative town meeting. The expenditure of such funds shall be limited to retention or designation of parcels for their long-term use in providing affordable housing as defined by state statute (G.S. 8-30g).

(ii) Recommendations for any and all proposed expenditures from the Fund shall be submitted to the Darien Affordable Housing Trust Fund Commission (DAHTFC). The DAHTC is an advisory commission and the advisory commissioners shall be appointed by the board of selectmen pursuant to Sec. 18 of the Town Charter. Recommendations from DAHTFC for expenditures from the Fund shall be submitted to the board of selectmen. The board of selectmen may request a report pursuant to G.S. 8-24. Any recommendation approved by the board of selectmen for the expenditure from the Fund shall be forwarded to the board of finance for their consideration. If approved by the board of finance, the board of selectmen shall present such recommendation for a vote at a duly warned and noticed meeting of the representative town meeting.

Sec. 55-4. Authorization

- (a) Any acquisition of real estate under Sections 55-1, 55-2 and 55-3, shall require the normal procedures called for under the town charter and state statutes.
- (b) This ordinance shall become effective on January 1, 2014.

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

Frank Huck, District I, Vice-Chair of TGS&A, read the TGS&A report (attached).

Seth Morton, District III, asked if the money given to the Housing Trust Fund were tax deductible; Attorney Fox said they were not. Mr. Morton asked the size of the Committee, the Moderator said that has not been decided yet. It is up to the Selectmen.

Joanne Hennessey, District V, Chair of PZ&H, read that committee's report (attached).

Maria Cleary, District IV, asked how donating to the Housing Trust Fund arises. Town Attorney Fox said Zoning regulations require that a certain portion be affordable housing. If it is not feasible to build affordable housing on site, money can be put into a trust fund.

**** ITEM 13-15 CARRIED ON A RISING TALLY VOTE OF 69 IN FAVOR, 2 OPPOSED, 2 ABSTENTIONS.**

13-16

CONSIDERATION AND ACTION ON PURCHASE OF PROPERTY ON HECKER AVENUE

The Moderator announced that this item had been withdrawn.

13-17

CONSIDERATION AND ACTION ON A \$250,000 LOAN TO ALLEN O'NEILL HOMES, LLC

**** BRUCE ORR, DISTRICT III, CHAIRMAN OF FINANCE & BUDGET, MOVED:**

WHEREAS, it is the desire of the Town of Darien to provide additional funding to the project which would redevelop Allen-O'Neill Homes; and

WHEREAS, the Town was eligible for a grant in the amount of Two Hundred and Fifty Thousand Dollars and 00/100 (\$250,000.00) which would have formed the basis of the Town's financial contribution to the project; and

WHEREAS, it was later determined by the Darien Housing Authority, the developer and the Town, that the grant requirements would place an undue financial burden on the Town; and

WHEREAS, applications were made to the State of Connecticut along with representations to financial institutions that the Town would be a funding partner in the development project; and

WHEREAS, the current developer would prefer that the Town's contribution be structured as a loan; and

WHEREAS, both the Board of Selectmen and the Board of Finance of the Town of Darien have unanimously approved a loan for this purpose in the amount of Two Hundred and Fifty Thousand Dollars and 00/100 (\$250,000.00).

BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien hereby approves a loan in the amount of Two Hundred Fifty Thousand and 00/100 (\$250,000.00) from the Town to Allen-O'Neill Homes, LLC, a Connecticut Limited Liability Company, with an address of 1281 East Main Street, Suite 201, Stamford, Connecticut 06902. The terms of said mortgage note and the leasehold mortgage deed are more specifically described in the documents attached hereto and made a part hereof.

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

Joanne Hennessey, District V, Chair of PZ&H, said that she had toured the facility. It is really well done and fits the character of the neighborhood.

**** ITEM 13-17 CARRIED ON A RISING TALLY VOTE OF 69 IN FAVOR, 2 OPPOSED, 0 ABSTENTIONS.**

Mrs. Rajczewski informed everyone that, even though the next meeting was in November after the election, there would be a mailing going out in October.

Courtney Haidinger, District IV, asked why item 13-16 had been withdrawn. She said that PZ&H had held a meeting and asked if that had been a waste of time. The Moderator said that certain issues had been raised that needed clarification, and this will probably be brought back at another time. She stressed that this had not been a waste of time.

The Moderator, noting that this was the last meeting before the November election, thanked everyone for their service.

Spencer McIlMurray, District II, called for a round of applause for Mr. Orr, AND SO IT WAS!

**** UPON MOTION MADE & SECONDED FROM THE FLOOR, IT WAS UNANIMOUSLY VOTED TO ADJOURN AT 9 P.M.**

Respectfully submitted,

Cheryl Telesco Blois
Telesco Secretarial Services

APPENDIX

<u>DISTRICT I</u>	<u>(13-14)</u>	<u>(13-15)</u>	<u>(13-17)</u>	<u>DISTRICT IV</u>	<u>(13-14)</u>	<u>(13-15)</u>	<u>(13-17)</u>
Bumgardner	yes	yes	yes	Cameron	yes	yes	yes
Conologue	yes	yes	yes	Cleary	yes	yes	yes
DuPont	yes	yes	yes	Davis, Joan	yes	yes	yes
Glassmeyer	yes	yes	yes	Domittner	absent	absent	absent
Haas	absent	absent	absent	Fiore	yes	yes	yes
Hall	yes	yes	yes	Haidinger	yes	yes	yes
Hayes	yes	yes	yes	Hardison	yes	no	no
Henderson	absent	absent	absent	Hawkins	yes	yes	yes
Huck	yes	yes	yes	Kemp	yes	yes	yes
Kelly	absent	absent	absent	Millar	absent	absent	absent
McNamara	yes	yes	yes	Morrison	yes	yes	yes
Schneider	yes	yes	yes	Peters	yes	yes	yes
Tierney	yes	yes	yes	Rayhill	yes	yes	yes
Valentino	absent	absent	absent	Rycenga	absent	absent	absent
Van der Kieft	yes	abstain	yes	Savage	yes	yes	yes
				Schoonmaker	yes	yes	yes
 <u>DISTRICT II</u>				 <u>DISTRICT V</u>			
Bacon	yes	yes	yes	Adiletta	yes	yes	yes
Ebrahimi	absent	absent	absent	Bayne	yes	yes	yes
Finn	yes	yes	yes	Boulton	absent	absent	absent
Hoffman	absent	absent	absent	Burke	yes	yes	yes
Howe	absent	absent	absent	Coyne	yes	yes	yes
Keith	yes	yes	yes	Duffy	yes	abstain	yes
Marston	absent	absent	absent	Fead	absent	absent	absent
Matton	absent	absent	absent	Hennessy	yes	yes	yes
McIlmurray	yes	yes	yes	LeHan	yes	yes	yes
McNally	yes	yes	yes	Lublin	yes	yes	yes
Miller	yes	no	yes	Martens	yes	yes	yes
Mundt	absent	absent	absent	McLachlin	yes	yes	yes
Seelye	Did Not Vote			Mosher	yes	yes	yes
Synnott	yes	yes	?	Patrick	yes	yes	yes
Thorne, B	absent	absent	absent	Russell	yes	yes	no
Thorne, M	abstain	yes	yes	Stolar	yes	yes	abstain
				Young	yes	yes	yes
 <u>DISTRICT III</u>				 <u>DISTRICT VI</u>			
Anderson	yes	yes	yes	Adelman	absent	absent	absent
Camuti	yes	yes	yes	Ball	yes	yes	yes
Cardone	?	yes	yes	Broecking	yes	yes	yes
Conniff	absent	absent	absent	Cherico	yes	yes	yes
Coyle	yes	yes	yes	Grogan	yes	yes	yes
Davis, Jack	yes	yes	yes	Hawkins	yes	yes	yes
Ferretti	yes	yes	yes	Luz	yes	yes	yes
George	yes	yes	yes	McDermott	yes	yes	yes
Hegarty	yes	yes	yes	McLean	absent	absent	absent
Kiernan	absent	absent	absent	Palen	yes	yes	yes
Maroney	yes	yes	yes	Plehaty	yes	yes	yes
Moore	yes	yes	yes	Poli	yes	yes	yes
Morton	yes	yes	yes	Ritchie	yes	yes	yes
Orr	yes	yes	yes	Swenson	yes	yes	yes
Saksena	absent	absent	absent	van Loan	yes	yes	yes
Schulz-Amatruda	yes	yes	yes				

(13-14) RTM RESOLUTION RECOMMENDING THE REAPPOINTMENT
OF WILLIAM E. JESSUP TO MEMBERSHIP ON THE FIVE MILE RIVER COMMISSION

The Town Government Structure and Administration Committee met on September 23, 2013 with 8 of 11 members present, constituting a quorum.

The Board of Selectmen at its meeting on August 26, 2013 voted unanimously to recommend to the Governor the reappointment of William E. Jessup to membership on the Five Mile River Commission (the "Commission"). Pursuant to the Connecticut General Statutes the Governor may appoint two electors from each of Norwalk and Darien to the Commission from nominees approved by the legislative body of the town. Mr. Jessup has been a member of the Commission since 2004. He has extensive work and personal experience relating to sailing and similar activities on Long Island Sound and is a resident of Darien living on Five Mile River Road.

TGS&A voted 8 to 0 to recommend to the Governor Mr. Jessup's reappointment.

Respectfully submitted,

Frank Huck

Vice Chairman – RTM Town Government Structure and Administration Committee

(13-15) RTM RESOLUTION AUTHORIZING ESTABLISHMENT OF A DARIEN
AFFORDABLE HOUSING TRUST FUND

RTM TGS&A Committee Report

The Town Government Structure and Administration Committee met on September 23, 2013 with 8 of 11 members present, constituting a quorum.

The Connecticut General Statutes allow for the creation by a town of a trust fund to assist in the development of affordable housing. The Board of Selectmen has unanimously approved the establishment of such a fund for Darien. A proposed Ordinance, which would be Chapter 55 of the Town's Ordinances (the "Proposed Ordinance"), has been drafted to provide for the creation and funding of such a fund, to be known as the Darien Affordable Housing Trust Fund (the "Fund") and to set forth directions for the investment and use of the funds from time to time in it.

Any sums received by the Town for the provision of affordable housing, including fees received pursuant to Section 8-21 of the Connecticut General Statutes and Section 588 of the Darien Zoning Regulations, shall be deposited in the Fund. Expenditures from the funds from time to time in the Fund may be made for purchasing, constructing, rehabilitating or repairing affordable housing.

The Proposed Ordinance also refers to an advisory commission known as the Darien Affordable Housing Trust Fund Commission, whose members will be appointed by the Board of Selectmen. Prior to any expenditure being made from the funds in the Fund, the Commission must submit a recommendation for the expenditure to the Board of Selectmen. Any such recommendation approved by the Board of Selectmen shall be forwarded to the Board of Finance for its consideration. If approved by the Board of Finance, the recommendation shall be submitted for a vote at a meeting of the RTM.

TGS&A voted 8 to 0 to recommend approval of this resolution by the RTM.

Respectfully submitted,

Frank Huck
Vice Chairman – RTM Town Government Structure and Administration Committee

Planning, Zoning and Housing Committee Report

Affordable Housing Trust Fund

The Planning, Zoning and Housing Committee met on Monday, September 9, with 10 of 14 members present, comprising a quorum. We discussed the document establishing the affordable housing trust fund and its future benefit to increasing the affordable housing stock in Darien. By a vote of eight in favor with two abstentions, the committee voted to support the resolution and recommends that the RTM do the same.

**Finance & Budget Committee
Report to RTM, September 23, 2013**

**(13-17) RTM RESOLUTION PROVIDING A LOAN OF \$250,000 TO THE
HEIGHTS AFFORDABLE HOUSING DEVELOPMENT TO THE PROJECT
DEVELOPER TO SUPPORT THE REDEVELOPMENT OF THE FORMER
ALLEN O'NEILL HOMES SITE**

I am Bruce Orr, District 3 and Chair of Finance and Budget.

I move Resolution (13-17) and ask for a second.

If there are no objections, I propose to waive the reading of the Resolution.

The F&B committee met on September 16, 2013 for a Regular Meeting with 11 of 15 members present, comprising a quorum. At the meeting we were joined by a number of guests including, the RTM moderator, Ed Schmidt for Town Counsel and representatives of the Heights developer, Allen O'Neill Homes, LLC, to discuss this Resolution and other matters.

As you have read in your RTM packets, the history of this loan dates to 2010 when the Town was eligible for a \$250k grant from the US Dept. of Housing and Urban Development (HUD). At that time, the Darien Housing Authority was in the process of acting as the developer for the redevelopment and expansion of the Allen-O'Neill homes and at its meeting of Dec, 13, 2010, the BOS approved a resolution assigning the HUD grant to the Darien Housing Authority for the redevelopment of AON homes. It was later determined that conditions for acceptance and administration of a Federal grant were determined to be onerous and the grant was not accepted.

As the AON redevelopment plan progressed, the Darien Housing Authority determined that project could best be accomplished by bringing in an independent affordable housing developer. Allen O'Neill Homes, LLC was selected to be partner in the redevelopment and applications for construction loans and affordable housing tax credits proceeded. This approximately \$38 million project is both privately and publicly financed. The various loan and low income housing tax credit applications submitted during 2011 and 2012 had consistently represented that the Town of Darien would contribute \$250k to the project financing. The success of securing State issued low income housing tax credits is based on a scoring system, including whether all stakeholders in the project, including the municipality, are financially committed to the project.

After the successful financing of the project, it was determined that the \$250k contribution by the Town should be structured as an interest free 30 year loan. While the NPV of a 30 year interest free is essentially zero, the developer may choose to refinance or recapitalize the project after 15 years of ownership and management. In that case, the Town may have the opportunity to recoup its investment.

The project is now over 50% complete, on budget and about six months ahead of schedule.

The Committee voted unanimously to approve this Resolution and recommends that the RTM vote in favor of this Resolution.

Bruce G. Orr, Sr.
Chairman, September 23, 2013

Planning, Zoning and Housing Committee Report

Resolution to provide a loan of \$250,000 to Allen O'Neill Homes LLC in support of the redevelopment of the Allen O'Neill Housing Site

The Planning, Zoning and Housing Committee met on Monday, September 9, with 10 of 14 members present, comprising a quorum. We discussed the resolution to provide a loan of \$250,000 to Allen O'Neill Homes LLC in support of the redevelopment of the Allen O'Neill Housing Site. This is an amount the Town had previously indicated it would contribute and demonstrates our commitment to the development of affordable housing in Darien. By a vote of seven in favor with three abstentions the PZ & H committee voted in favor of this resolution and recommends that the RTM do the same.