

**MINUTES
REPRESENTATIVE TOWN MEETING
MARCH 21, 2011**

RECEIVED
MAR 24 2011
TOWN CLERK'S OFFICE
DARIEN CT.

CALL TO ORDER

The Regular Representative Town Meeting was called to order at 8:05 p.m. by Donna Rajczewski, Town Clerk, who noted that information about committee meetings have been sent out by e-mail to save costs. Those people who do not have computers have been sent the information by mail. If anyone has a problem with this, please contact her.

Upon Roll Call, the following members were present:

From District I, there were 11 members present, 5 absent.
From District II, there were 13 members present, 3 absent.
From District III, there were 12 members present, 5 absent.
From District IV, there were 12 members present, 4 absent.
From District V, there were 11 members present, 5 absent.
From District VI, there were 15 members present, 2 absent.

The absentees from District I were: Harrington, Kahn, Nelson, Price, Sommer.

The absentees from District II were: Howe, Marston, Noe.

The absentees from District III were: Brode, Cardone, Duffy, D'Urso, Olvany.

The absentees from District IV were: Millar, Miller, C. Schoonmaker,
S. Schoonmaker.

The absentees from District V were: Adiletta, Camuti, Nizolek, Sharp, Stolar.

The absentees from District VI were: McDermott, Poli.

The Moderator, Karen A. Armour, Assumed the Chair.

ACCEPTANCE OF THE AGENDA

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

ANNOUNCEMENTS

UPDATE FROM FIRST SELECTMAN ON THE REALIGNMENT OF FACILITIES

First Selectman Campbell reviewed his written update (attached).

Anthony Imbimbo, District I, asked what they are looking for the architect to do. First Selectman Campbell said this phase is for the architect to interview and collect data. The Board of Education has given them ed specs, so they will be looking into all options. They will look at 35 Leroy and Town Hall re space needs.

PRESENTATION FROM TGS&A REGARDING CHARTER PROJECT

Sarah Seelye, District II, Chairman of TGS&A, read her remarks (attached), and Frank Kemp, District IV, TGS&A, made a power point presentation (attached).

The Moderator announced that District II has elected Cecelia Mundt as Chairman and Dennis Cummings as Vice-Chairman and that Ted Hilton was appointed to fill a vacancy. In addition, there are two new members in District IV – Joseph Hardison and Lucy Milby-Fiore.

APPROVAL OF THE MINUTES OF THE JANUARY 24, 2011 MEETING

The following adjustments were made: In the attachments from Mr. Orr, the footer read 2010 instead of 2011, and Lois Schneider should be referred to as Ms. instead of Mrs.

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

09-6

CONSIDERATION AND ACTION ON AN AMENDMENT TO THE DARIEN CODE OF ORDINANCES REGARDING DOG CONTROL

The Moderator said that the Rules Committee has unanimously agreed to postpone this to the September meeting because of the recommendation of the Public Health & Safety Committee, the primary committee, which is waiting to hear from the Parks & Recreation Commission regarding what they are going to do about their rules.

11-4

CONSIDERATION AND ACTION ON BOARD OF EDUCATION REQUEST FOR \$277,000 FOR MIDDLESEX MIDDLE SCHOOL GYMNASIUM UPGRADES

**** LOIS SCHNEIDER, DISTRICT I, CHAIRMAN OF THE EDUCATION COMMITTEE, MOVED:**

WHEREAS, the gymnasium in Middlesex Middle School is more than 50 years old and is in need of upgrading; and

WHEREAS, the upgrades to the gymnasium are important if the space is to remain viable for its intended use; and

WHEREAS, the floor has worn to the point where sanding and refinishing is no longer a viable option and must now be replaced; and

WHEREAS, the bleachers are over fifty (50) years old and are approaching the end of their useful life; and

WHEREAS, the dividing door is also approaching the end of its useful life and there is a fear that it will become completely inoperable; and

NOW THEREFORE, BE IT RESOLVED THAT the Representative Town Meeting of the Town of Darien approves an appropriation of Two Hundred Seventy Seven Thousand and 00/100 Dollars (\$277,000.00) from the General Fund fund balance for the Middlesex Middle School Gym Renovation.

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

Lois Schneider, District I, Chairman of the Education Committee, read the report of the committee (attached).

Bruce Orr, District V, Chairman of the Finance & Budget Committee, read the report of the Finance & Budget Committee (attached).

Kim Westcott, Chairman of the Board of Education, read her written comments (attached).

**** ITEM 11-4, CARRIED ON A RISING TALLY VOTE OF 71 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

11-5

CONSIDERATION AND ACTION ON AN AMENDMENT TO THE DARIEN CODE OF ORDINANCES REGARDING A CLEANUP OF PENSION LANGUAGE

**** SARAH SEELYE, DISTRICT II, CHAIRMAN OF TGS&A, MOVED:**

WHEREAS, Chapter 50, Section 76 of the Code of Ordinances of the Town of Darien deals with the “Normal Retirement Date” for an individual to retire; and

WHEREAS, Chapter 50, Section 77 of the Code of Ordinances of the Town of Darien deals with the “Earlier Retirement Date” for an individual to retire; and

WHEREAS, the existing section (Section 76) defines the normal retirement date as...the later of turning 65 or completing ten years of service; and

WHEREAS, when the vesting requirement was changed from ten years to five years, this section was not modified to acknowledge the change. This resulted in employees hired after the age of 55 not being able to retire without a penalty until after they reach the age of 65 even though their right to retirement benefits vested after five years of service; and

WHEREAS, Section 77 also refers to ten years of service and should be changed to reflect five years vesting at the same time the normal retirement date language is changed.

NOW THEREFORE, BE IT RESOLVED THAT the Representative Town Meeting of the Town of Darien hereby amends Chapter 50, Section 76 and Chapter 50, Section 77 of the Darien Code of Ordinances in a manner set out in the proposal attached hereto and made part hereof.

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

Sarah Seelye, District II, Chairman of TGS&A, read the committee report (attached).

Bruce Orr, District V, Chairman of Finance & Budget, read that committee's report (attached).

James Cameron, District IV, asked for a Point of Information. He asked if a town employee can be fully vested in their pension after five years. He said he understands that Bob Harrel was negatively impacted by this. If this passes, will it be retroactive?

Nancy Markey said people are vested after five years. There is no intent that anything be retroactive.

Peter Kelly, District I, said pension contributions are much different from what talked about here. They are talking about a payout for an early retirement. He would like clarity on that. It has nothing to do with pension contributions. He does not understand the wording of 56-76 and 56-77 – is the word “later” or “latter”? He wanted to know if a person can receive a pension at age 55 after five years of service.

Nancy said 65 years is not changing. However, there are 30 employees, hired between the ages of 55 and 70, who are vested after five years. You still have to be 65 to get full retirement. You can take an early retirement at 55 with a penalty.

Seth Morton, District III, said his understanding was that this was an administrative matter. Specific individuals were never mentioned in this discussion. There is no point in bringing up specific individuals.

**** ITEM 11-5 CARRIED ON A RISING TALLY VOTE OF 68 IN FAVOR, 0 OPPOSED, 2 ABSTENTIONS.**

11-6

CONSIDERATION AND ACTION ON PLANNING & ZONING DIRECTOR'S REQUEST FOR INCREASES IN LAND USE BOARD APPLICATION FEES

**** JOHN VAN DER KIEFT, DISTRICT V, CHAIRMAN OF PZ&H, MOVED:**

WHEREAS, the Darien Land Use Boards, in particular, Planning & Zoning Commission, Architectural Review Board, Zoning Board of Appeals and Environmental Protection Commission, have requested increases in Land Use Board application fees; and

WHEREAS, the Darien Land Use Boards have prepared a proposal to modify Land Use Board application fees, a copy of which is attached hereto and made part hereof.

NOW THEREFORE, BE IT RESOLVED THAT the Representative Town Meeting of the Town of Darien hereby authorizes and approves the increases in Land Use Board application fees as set out in the schedules attached hereto, to become effective on Sunday, May 1, 2011 at noon.

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

John van der Kieft, District V, Chairman of PZ&H, read the report of that committee (attached).

Bruce Orr, District V, Chairman of the Finance & Budget Committee, read the report of the Finance & Budget Committee (attached).

Jack Davis, District V, said he is in favor of this. However, he asked why, with the movement of fees out of the ordinances, is the RTM even reviewing this? The Moderator responded that the appendix is still part of the ordinances. Mr. Davis asked if there is an established process that anything in the appendix will be reviewed. The Moderator said she could not attest to any established process.

James Cameron, District IV, said \$58 of the \$60 goes to the state and he asked what they would do with that money. Are we just a convenient way of raising money for the state? Jeremy Ginsberg, Director of Planning & Zoning, said that fee went up in 2008, but not since then. It is used for the DEP. Mr. Cameron asked how these new rates compare with comparable towns. Mr. Ginsberg said that Greenwich, New Canaan, Wilton and Westport were reviewed, and Darien in very much in keeping with what they charge. Mr. Cameron asked what percentage of the cost of this paperwork is actually covered by the fees to be collected, and can it be narrowed down in the future with perhaps even higher fees? Mr. Ginsberg said zoning permits require quite a bit of review time. These new fees rate the amount of review time to the fees. They will continue to monitor this.

**** ITEM 11-6, CARRIED ON A RISING TALLY VOTE OF 69 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

**** UPON MOTION MADE AND SECONDED FROM THE FLOOR, IT WAS UNANIMOUSLY VOTED TO ADJOURN AT 9:30 P.M.**

Respectfully submitted,

Cheryl Telesco
Telesco Secretarial Services

APPENDIX

<u>DISTRICT I</u>	<u>(11-4)</u>	<u>(11-5)</u>	<u>(11-6)</u>	<u>DISTRICT IV</u>	<u>(11-4)</u>	<u>(11-5)</u>	<u>(11-6)</u>
Bishko	yes	yes	yes	Cameron	yes	yes	yes
Glassmeyer	yes	yes	yes	Cleary	yes	yes	yes
Harrington	absent	absent	absent	Davis	yes	yes	yes
Hegarty	yes	yes	yes	Fiore	yes	yes	yes
Imbimbo	yes	yes	yes	Hardison	yes	yes	yes
Kahn	absent	absent	absent	Kemp	yes	yes	yes
Kelly, P.	yes	yes	yes	McIlree	yes	yes	yes
Nelson	absent	absent	absent	Millar	absent	absent	absent
Ness	yes	yes	yes	Miller	absent	absent	absent
Price	absent	absent	absent	Morrison	yes	yes	yes
Schneider	yes	yes	yes	Peters	absent	absent	absent
Schulz-Amatruda	yes	yes	yes	Rayhill	yes	yes	yes
Schwarz	yes	yes	yes	Rycenga	yes	yes	yes
Sini	yes	yes	yes	Savage	yes	yes	yes
Sommer	absent	absent	absent	C.Schoonmaker	absent	absent	absent
Tierney	yes	yes	yes	S.Schoonmaker	absent	absent	absent
 <u>DISTRICT II</u>				 <u>DISTRICT V</u>			
Bacon	yes	yes	absent	Adiletta	absent	absent	absent
Cummings	yes	yes	yes	Camuti	absent	absent	absent
Gallo	yes	yes	yes	Conniff	yes	yes	yes
Harman	yes	yes	yes	Dailey	yes	yes	yes
Hilton	yes	yes	yes	Davis	yes	yes	yes
Hoffman	yes	yes	yes	George	absent	absent	absent
Howe	absent	absent	absent	Hennessy	yes	yes	yes
Magida	yes	yes	yes	Nizolek	absent	absent	absent
Maguire	yes	yes	yes	Orr	yes	yes	yes
Marston	absent	absent	absent	Patrick	yes	yes	yes
McIlmurray	yes	yes	yes	Pierret	yes	yes	yes
Mundt	yes	yes	yes	Ritchie	yes	yes	yes
Noe	absent	absent	absent	Russell	yes	yes	yes
Seelye	yes	yes	yes	Sharp	absent	absent	absent
Thorne, B.	yes	yes	yes	Stolar	absent	absent	absent
Thorne, M	yes	yes	yes	vanderkieft	yes	yes	yes
 <u>DISTRICT III</u>				 <u>DISTRICT VI</u>			
Bayne	yes	yes	yes	Adelman	yes	yes	yes
Brode	absent	absent	absent	Armour	Did not vote		
Burke	yes	yes	yes	Baldwin	yes	yes	yes
Cardone	absent	absent	absent	Bealle	yes	yes	yes
Coyle	yes	yes	yes	Conologue	yes	yes	yes
Duffy	absent	absent	absent	Grogan	yes	yes	yes
D'Urso	absent	absent	absent	Guimond, M.	yes	yes	yes
Fead	yes	yes	yes	Guimond, N.	yes	yes	yes
Ferretti	yes	abstain	yes	Hawkins	yes	yes	yes
LeHan	absent	absent	absent	Kelly, H.	yes	yes	yes
Maroney	yes	yes	yes	McDermott	absent	absent	absent
Martens	yes	abstain	yes	McLean	yes	yes	yes
Moore	yes	yes	yes	McNamara	yes	yes	yes
Morton	yes	yes	yes	Palen	yes	yes	yes
Olvany	absent	absent	absent	Plehaty	yes	yes	yes
Smith	yes	yes	yes	Poli	absent	absent	absent
Young	yes	yes	yes	Swenson	yes	yes	yes

David M. Campbell
March 21, 2011
RTM Address

Good Evening,

I want to give a short update on the Facilities Optimization project, also known as the Shuffle.

The Facilities Building Committee has selected Beinfield Architects who is partnering with Quisenberry Associates. Quisenberry has been involved with 22 Community or Senior Center projects in CT. The building committee is in the process of signing contracts for work to begin. The first phase is reviewing programs and demographics. Then they will interview the various stakeholders and finalize the programs. Finally, they will come up with schematic designs and cost estimates. Their goal is to come to you in June to present their findings and ask for Bonding Approval for the project - Architectural Fees and Construction.

I want to quickly review the common sense of these facility moves.

Notes for 3/21/11 RTM Update

Senior Center

- . Existing condition precludes renovation
- . Resources demand multi-purpose programs available for all town residents
- . Rebuilding at Edgerton site would:
 - . require displacement of seniors and programs for at least 2 years;
 - . have negative impact on neighbors;
 - . be cost prohibitive
- Moving the center allows for the opportunity for senior affordable housing

35 Leroy

- . 35 Leroy is an important, downtown location
- . Iconic, much loved building in good condition
- . Building design limits type of renovation
- . Studies by current *and previous* BOS preclude use as Senior Center
- . RTM voted to purchase and proactively voted to keep options open as to use
- . Purchase has been bonded by Bd of Finance for municipal use for 5 years
- . Unwinding the bond would cost us money and credibility so selling is not feasible
- . Allowing building to sit idle for 5 more years until bond expires is not feasible and very costly for the town

Town Hall Annex

- . Significant underutilized space, all of which is at or above grade
- . Good building, highly conducive to renovation and open space
- . Can accommodate multi-purpose center but not also Board of Ed - P&Z Memo
- . Central location, sufficient parking, handicapped access
- . Possible community pool accommodation

Shuffle is born – Board of Ed to 35 Leroy/Senior Center to Town Hall Annex

- . Reduces municipal square footage by 17,000-19,000 sqft
- . Utilizes existing, high quality buildings
- . Consolidates offices and services
- . Maintains current location for Darien Arts Council
- . Accommodates Probate Court

Conclusion

- . There have been **30+ studies** completed on these issues over the past **12 years**
- . 35 Leroy empty for 3 years and Senior Center conditions continue to deteriorate
- . We must move to remedy these situations
- Opportunities created – efficiencies, collaborations, shared services, reduced facility operating expenses, affordable housing
- . Majority BOS and majority BOF voted to spend money to obtain Architectural drawings and plans
- . As soon as practical, hopefully by early June, will bring to the RTM the architect's redesign of buildings and cost of the project for your vote

**TOWN GOVERNMENT, STRUCTURE AND ADMINISTRATION
PRESENTATION OF "DEMYSTIFYING THE CHARTER"
MARCH 21ST, 2011**

Good evening. I am Sarah Seelye, chair of TGS&A.

TGS&A would like to just take a few minutes of the RTM's time to bring you up to date on our work regarding the Charter that began last year. It requires that all members of the RTM be involved in the coming months. With that in mind, we would like to give an overview of the Town Charter. The approval of the RTM is critical to this project. The Board of Selectmen are aware of this project and we have their support as well.

The project is: Review of the Charter with an eye to:

- 1) moving material from the Charter into the Code of Ordinances
- 2) making technical corrections to bring the Charter into line with current practices and
- 3) retiring sections that may be obsolete

Now this is the part where TGS&A and YOU the RTM enter the picture. You may recall last year that TGS&A reviewed the Code of Ordinances and removed specific dollar amounts and created an appendix at the end of the Code. There were no policy changesjust cleaning up the Charter. Now, if you want to find a fine...look for Appendix D! We also updated purchasing procedures and budget publication time tables through Charter changes that were approved last September. You may recall that to make these small changes, we held a Public Hearing in July so we could vote in our September meeting.

As an aside, I am sure the Charter appears to be a daunting massive document...you are right. It does not flow well and it is overrun with painful and outdated minutia. I have to say that I have been in meetings where a discussion has not been able to get traction and then out will come "BUT IT'S IN THE CHARTER!" That's when you get the OHHHH factor. Discussion comes to an end and you move on.

At the point I would like to emphasize the scope of this project is MAINTENANCE and it does not involve ANY policy changes. I had asked Frank Kemp to summarize these efforts to our Committee a few weeks ago and he prepared a concise explanation of how the Charter was created and where it may be going. It only takes about 8 minutes but it will bring us all up to date on what TGS&A is working and what we all may be considering as a legislative body in the next few months.

After Frank's briefing, we would like to time some questions and then move on to the rest of the evening's business.

Now I would to ask Frank to start the show!

Slide for 2010 members

Thank you to all in advance

Any questions before we turn this back to Karen.

DEMYSTIFYING THE CHARTER

A Presentation to the
RTM

Monday, March 21, 2011

An Alternative Title:

The Darien Charter and the Magna Carta

WHAT ARE THE DIFFERENCES ?

Most of us are
OLDER than
this Charter !

Our Charter's DOB is
June 15, 1959

Lets look at some basics:

- Background – History
- Why bother maintaining it ?
- How should we go about it ?

Just what is a:

- Charter
- Ordinance
- Regulation

Definitions

Charter

Defines what our elected officials need to do

Ordinances

Define what appointed & employed officials do

Regulations (sometimes within ordinances)

Specific laws that make things work

League of Women Voters

Definition: **Charter**

- The Charter describes (the organizational structure of the town) the method of election and terms of office of elected officials, specifies duties of certain departments and rules relating to the financial structure of the town.
- It is our constitution or enabling legislation.

Lets look at the Charter

- It is on the Town Web Site:
the Charter & Ordinances are on-line, approximately 260 pages
- A compact copy of the Charter is available by e-mail: w/o preface & tables – 33 pages
- There are 68 “sections” in the Charter – 34 have been amended since 1968

Why is it so hard to read?

What we call “The Charter” began in 1959 as a collection of the Special Acts that had been accumulating since 1911

The first Special Act in 1911 established the Board of Finance

Why is it so hard to read?

Until 1959, Darien was governed by “Special Acts”

- 1820 – Incorporated - Selectmen - Town Meeting format
- 1911 – Special Act – Board of Finance
- 1925 – Special Act – Planning and Zoning Commission
- 1951 – Special Act – Formation of RTM
- 1957 – “Special Act Charter” attempted Home Rule, then
- 1959 – Special Act 410 Consolidated Special Acts into the current Town Charter

Home Rule

Under Connecticut law, the rationale for the Home Rule Act is –

that issues of purely local concern are most logically addressed locally.

Amendments to CHARTER

- 23 Amendments since 1968 – touching 34 sections, or half of the 68 sections
- Amending has slowed down – not including this fall’s purchasing & budget publication amendments, there have been:
 - 6 Amendments in the last 20 years
 - 3 Amendments in the last 10 years

There Have Been Two Charter Revision Commissions

- Appointed by Board of Selectmen

CRC “1” – report in 1999

CRC “2” – report in 2008

- Both Commissions’ recommendations were rejected by referendum vote

Nevertheless

- There is housekeeping to do
- The two CRCs’ suggested improvements in the text of the Charter did not “survive” the Referendum process
- The language in the Charter is largely from the Special Acts of the 1950s

Members of the CRC “1” – 1999

Karen Armour	Jerry Nielsen
Harry Earle	Jan Raymond
Wilder Gleason	George Reilly
Lynn Hamlen	Linda Santarella
Jed Lawrence	Amy Squyres
Max McCreery	Bill Swett

Members of the CRC “2” – 2008

John Bosee	Janet Pierpont
Sharon Walker Epps	Vickie Riccardo
Holly Kelly	Natalie Tallis
Jed Lawrence	David Young
Joe Miceli	

Rules' 2011 request to TGS&A

- The Rules Committee has asked the TGS&A Committee to prepare a review of the Charter that will identify sections of the Charter that:
 - 1) may be moved from the Charter into the Ordinances
 - 2) are in need of technical correction to bring them into line with current practices, and
 - 3) are obsolete and may be identified for deletion or inactivation.

And, we might add:

MAKE
NO
POLICY
CHANGES

Task # 1 – Move text from the Charter to the Ordinances

Some whole Sections of the Charter may be better maintained as Ordinances

There may be specific portions of Sections that can be cut and then reintroduced as Ordinances

For example: The description of RTM meetings is duplicated in Appendix B's Rules of Procedure of the RTM

Task # 2 – Technical corrections

Examples:

- The Town Clerk now keeps records on computer, not file cards
- Voter Rolls are on computer systems
- There are 6 electoral districts, not 3 or 5 – it varies by Census data

And, many, more "Technical Changes:"
Just talk to any Department head !

The Town Clerk "before" technical correction

Sec. 10. Compensation.

- (a) The town clerk of the town shall receive a salary in lieu of all fees and other compensation provided for by the general statutes. Said town clerk may appoint one or more assistant town clerks, subject to the approval of the board of selectmen, each of whom shall have the duties provided by law for such office and shall hold office under such appointment for a term which shall be no longer than the term of the clerk who appointed him. The fees or compensation provided by the general statutes to be paid to the town clerk shall be collected by such town clerk and he shall deposit all money collected by him in accordance with such provisions or the ordinances of the town with the town treasurer and, at the time of making each such deposit, said town clerk shall file with said treasurer a full statement of such receipts and shall at such time furnish a copy of such statement to the board of selectmen. The town clerk shall also keep a record of receipts in his office in book form, which record shall show the names of each person from whom such money is received, the amount of the same and for what received. All expenses of the town clerk's office, including necessary clerical assistance, shall be paid by the town within the limit of the appropriation therefor.

The Town Clerk "after" technical correction

The Town Clerk shall:

- (a) Collect the fees and compensation which are to be paid to a Town Clerk under the General Statutes, and deposit all the money collected in a manner consistent with best municipal practices;
- (b) Receive a salary in lieu of all fees and other compensation which are or may be paid to a Town Clerk under the General Statutes;
- (c) Maintain records of and for the Town, and prepare and deliver reports consistent with best municipal practices;
- (d) Provide staff support for the RTM; and

Task # 3 – Is it obsolete?

- the Water and Sewerage Commission has been abolished (although we do have a Sewer Commission)
- mention of the Town Court, which has been abolished
- the transitional Sections associated with Charter "start-up"

There are many others – so there is work to do

Why do this, and why now?

1. Because the Charter is hard to read
2. Duties of officials are 'buried' in trivia
3. Things are just "not right"
4. The CRCs have given us some good language
5. It's only reasonable to revisit the text of our founding document at least every 50 years !

How do we change the charter?

Very carefully

How Do We Change the Charter?

- Review of the documentation
- Consultation with appropriate parties
- Coordination with related parties
- Review by legal counsel
- Preparation of an amendment
- Keep the RTM informed of progress

How do we change the charter?

As described in Section 98:

Hold a Public Hearing

- with notice in paper more than 10 days in advance
- the Public Hearing could be within an RTM meeting

Bring the matter before the RTM

- not less than 60 days after the Public Hearing

The RTM must pass by a majority of its membership

- notice published within one week, with any petition to overrule by Referendum filed within 10 days

What we are working on now:

A review of the Department of Social Services –

Possibly to be renamed:

Department of Human Services

Obsolete sections near the end of the Charter

Description of the RTM: from Charter to Appendix

Description of Legal Counsel

What we will work on "next:"

Continue with what the Rules Committee asked us to look at:

1. What may be moved into the Ordinances
2. Areas in need of technical correction
3. Sections that are obsolete

So – how is the Darien Charter:

Different from the Magna Carta ?

Well, for one thing:

THE RTM CAN FIX
THE READABILITY &
ACCESSABILITY OF
ITS OWN CHARTER

If you would like to receive:

- a copy of this presentation
- or
- the 33-page condensed Charter

Send an e-mail to

seelye5ct @ aol.com

Members of the TGS&A Committee

Preston Bealle	Michael J. Burke
Eugene F. Coyle	Joi Reiner Gallo
William S. Glassmeyer	Holly Wade Kelly
Frank B. Kemp	Spencer J. McIlmurray
Seth W. Morton	Diana M. Nizolek
Janette Pierret	S. Lloyd Plehaty
Samuel Schoonmaker	Sarah C. Seelye

RTM Education Committee - March 21, 2011

Report to the RTM on Resolution 11-4

Good evening. My name is Lois Schneider from District 1 and I am Chair of the RTM Education Committee.

Without objection, I would like to waive the reading of the text of resolution numbered 11-4 Appropriating \$277,000 for the Middlesex Middle School Gym Renovation. . . . I would like to make a motion to consider this resolution. . . Do I have a second? . .

At the Regular Meeting of the RTM Education Committee on Monday, March 7th, 2011 with 10 of 14 members present, our committee met to discuss and vote on the proposed resolution on the MMS Gym Renovation. Guests included Mrs. Westcott Board Chairperson, 4 members of the Board of Education and Dr. Falcone, the Superintendent. They discussed the reasons for the project, the timing of the work to be done, and answered all of our questions. As many of us have seen the condition of the gym floor deteriorate over the years, we understood the need for this project. We voted unanimously to support the resolution not to exceed an expenditure of \$314,000 as the wording of the resolution had not been draft by our meeting time. We recommend it for your approval.

The project to Renovate the MMS gym has been proposed for many years as a capital project Each year on the Tour of the Schools, we look at the floor and the decision is made for financial reasons to "just wait another year." The time has come when we can't wait another year. This project is the top priority project for the Board of Ed this year. It is coming before us now so that the facilities staff can make arrangement and order all of the equipment for a project start when school ends and have it finished for the opening of school. The timing is critical for the project's success. Even though the expenditure is before us tonight, it is thought of in terms of the new capital projects being considered in this budget cycle. They have used this process of an early request for the completion of the boiler replacements with much success. It is difficult to get approval for a big project in the middle of May and start it one month later and completing it in the summer window.

The project consists of putting in a new wood floor and replacing the bleachers, dividing door and 2 backboard units. All of the steps are needed to provide for a continuing functioning gym for teaching, recreation and as place for large events such as 8th grade graduation. Asbestos abatement tests have already taken place and no problems have been found. The dividing door will be replaced with a curtain to reduce the cost of the renovation. The school facilities staff will also paint the gym.

The estimated cost of the gym renovation is \$314,000. The resolution here is for \$277,000 as \$37,000 has been made available to this project from unspent funds from previously approved capital projects.

The Education Committee supports this renovation of the Middlesex Middle School Gym and recommends that the RTM do the same. Thank you very much.

**Finance & Budget Committee
Report to RTM, March 21, 2011**

**(11-4) RTM RESOLUTION APPROPRIATING \$277,000 FOR MIDDLESEX
SCHOOL GYM FLOOR RENOVATIONS**

I am Bruce Orr, District 5 and Chair of Finance and Budget.

The F&B committee met at a Regular Meeting on March. 14, 2011, with 11 of 15 members present comprising a quorum. At this meeting, the Committee was joined by members of the BOE and Scholl District.

As you have heard from Ms. Schneider of the Education Standing Committee, this capital project has been and continues to be a top priority for the School District for the past several years but – like several Town capital projects – has been deferred as the Town successfully managed through the recent economic climate.

Members of the Committee have toured the gym facility on numerous occasions and concur that renovation project is long overdue. Its condition has deteriorated to a point where safety of the children using the facility is now a primary consideration.

This appropriation has been moved forward to the current fiscal year so that the bidding process and renovation work can be completed prior to the beginning of the next school year.

At its March 8, 2011 meeting, The Board of Finance approved the project.

The Committee voted unanimously to approve this Resolution.

We recommend to the RTM to vote in favor of this Resolution.

Bruce G. Orr, Sr.
Chairman
March 21, 2011

Good evening Madame Moderator, and members of the RTM.

I am Kim Westcott, Chairman of the Darien Board of Education

Thank you for considering the Middlesex gym renovation capital project. As you have heard this is the Board of Education's top priority capital project for 2011-12. We appreciate your consideration of a special appropriation which would allow the Administration to have sufficient time for the bidding and ordering and for construction to commence immediately after school ends in June so that the project can be completed before school starts at the end of August, 2011.

As you know there are four components to the old gym renovation:

Replacement of the original wood floor, replacement of the bleachers, remove the dividing door and replace it with a curtain (to divide the space for separate gym classes), and the replacement of two backboard units. The total cost of the project is \$314,000. We anticipate savings in 2010-11 capital project accounts and have been able to apply \$37,000 from these accounts to reduce the total appropriation to \$277,000.

The Board of Finance, The RTM Education Committee and the RTM Finance and Budget committee have approved the project and I ask for your support to allow this important renovation project to move forward. Dr. Stephen Falcone, Superintendent of schools joins me tonight and we would be happy to answer any questions relating to this project.

Kimberly P. Westcott, Chairman, Darien Board of Education

March 21, 2011

Town Government, Structure and Administration Report to RTM, March 21, 2011

(11-5) RTM Resolution Revising Chapter 50, Section 76 and Chapter 50, Section 77 of the Code of Ordinances.

I am Sarah Seelye, District 2 and Chair of TGS&A. I would like to waive reading of the resolution. Is there a motion?

TGS&A met at a Regular meeting on March 7th, 2011 with 9 of 14 members present. The Committee also met tonight March 21, 2011 to discuss and take action on this Resolution.

Joi Gallo and Diane Nizolek went on a fact finding mission and reported back to TGS&A

The request from the Rules Committee and the memo from Nancy Markey, Acting Clerk for the Town Pension Board were read. The language change seemed to be clerical in nature due to the fact the vesting requirement had been ratified January 18, 2002. One of the primary changes (of those two union contracts in 2002) was to change the pension vesting requirement from ten years to five years. Relative to that ratification, the Board of Selectmen, on February 25, 2002, voted to approve and refer to the Board of Finance and the RTM adoption of related amendments to the Code of Ordinances. Unfortunately, no one noticed that six of the ordinances should have been changed (not just the four they suggested). Four sections: 38-52, 53, 81 and 91 were all changed. The newly numbered 50-76 and 50-77 were not changed as they were overlooked.

To quote Ms. Markey "the Town's actuary utilized age 65 with five years vesting when calculating the Town's required contribution". Calculations for contributions have already been calculated by the actuaries, so the cost to the town today is not an issue. This has been addressed since the approval in 2002. Because the original sections were approved, the Town of Darien has been making contributions to the Town Pension Fund in accordance with the original ratification.

The Committee met tonight, March 21st, with 11 of 14 members present and the vote was:

11-yes 0-No
We recommend that the RTM vote *in favor of the wording change*

Sarah Seelye
Chair, TGS&A

**Finance & Budget Committee
Report to RTM, March 21, 2011**

**(11-5) RTM RESOLUTION REVISING CHAPTER 50, SECTION 76 AND
CHAPTER 50, SECTION 77 OF THE CODE OF ORDINANCES**

I am Bruce Orr, District 5 and Chair of Finance and Budget.

The F&B committee met at a Regular Meeting on March 14, 2011, with 11 of 15 members present comprising a quorum. The Committee also met at a Special Meeting, tonight, March 21, 2011 to discuss and take action on this Resolution.

At its Regular meeting on March 14, 2011, the Chair read memos from the Town Administrator, Finance Director and Pension Board who all favored this change in language to the two sections of the Ordinances. The consensus of the aforementioned functions was that these changes merely aligned the language to what the Town's actuary assumptions and funding are based on, i.e. a five year vesting period versus 10. It was further noted that given the current employee population and retirement assumptions moving forward that there would be little or no change to the Town's funding obligations.

Despite these the above assurances, at its March 14 meeting the Committee felt that they need more factual information on this topic and voted against this language change. However, the Committee agreed to revisit the topic and a sub-committee was formed to pull together additional facts.

During the week of March 14th, the sub-committee, led by Reilly Tierney, conducted additional due diligence, including several conference calls with Town's Human Resource Director, the Town's external actuary and a member of the BOF who sits on the Town's Pension Board.

Subsequent to these calls, the sub-committee findings were that the change in the language would align to actuarial current practices and would be, at worst case, be cost neutral to the Town – both short and long term.

The Committee met tonight, March 21st, with 10 of 15 members present. Joining us was Nancy Markey, the Town's ~~act~~ Director of Human Resources.

The Committee voted UNANIMOUSLY

We recommend that the RTM vote FOR THIS RESOLUTION

Bruce G. Orr, Sr.
Chairman
March 21, 2011

Land Use Fees 3/21/11

Contained within the packet for this evening's meeting is a memorandum from Jeremy Ginsberg, Planning & Zoning Director, proposing to Amend the Darien Zoning Regulations by increasing Land Use Application Fees. The purpose of this proposal is to amend Appendix B – the Schedule of Fees, contained within the Darien Zoning Regulations. A copy of the proposed fee schedule is attached to the memorandum.

The memorandum explains that upon review of present fees there is a need to increase fees in order to reflect increases in costs to process land use applications and Zoning Permits since fees were last updated June 29th, 2008.

For all P&Z Commission applications an increase of \$10 is recommended to offset increased out-of-pocket costs.

The Zoning Board of Appeals fee for a **variance** or for an **appeal application** is proposed to increase by \$50. This larger increase not only encompasses increases in office processing costs but also addresses costs for required legal notices in local papers, certified mailing costs, and a court stenographer when needed.

Three Environmental Protection Commission application fees are proposed for amendment:

- A \$30 increase to help offset costs for amending and reproducing a new inland wetlands map
-
- A \$30 increase for a new or replacement residence application to more equitably reflect processing costs
-
- A \$20 increase to the "Basic Maintenance" application where regulated projects of minor construction or smaller amounts of work require less staff review time.

Architectural Review Board fees are proposed to remain the same as present rates correspond to the amount of work to process applications, and there are no required out-of-pocket costs.

It is important to note each total fee combines the specific application fee with a flat state fee of \$60 ----- of which the state receives \$58 and the town \$2.

With regard to Zoning Permit fees where a flat fee of \$70 regardless of project size has previously been charged, the Department recognized there is a need to restructure fees to better cover the time and effort required in larger project applications. Simply, larger and more complex projects require longer time to review.

The Department has recommended the establishment of three fee categories where the cost of the project would be indicative of the size and complexity of a project and would determine the fee to be applied.

The recommended fee restructuring for Zoning Permit applications is:

- For a total work value of \$79,999 or less ---- \$20 for the town and \$80 for state and town combined. This is a \$10 increase over the present fee for all Permits.
-
- For a total work value of \$80M - \$250M ----- \$100 for town; \$160 combined
-
- For a total work value greater than \$250M ----- \$260 for town; \$320 combined

The proposal recommends that if the changes are adopted by the RTM that the revised fees become effective on May 1.

The PZ&H Committee met with Jeremy on Monday, March 7 to review the proposed fee adjustments and the document at hand. Also attending our meeting was Bruce Orr, Chairman of F&B.

In general discussion the Committee agreed there is a need to update costs for most applications in order to adjust for increases in the costs to do business. And, at the same time, it was important to address the time and effort the processing of each application requires, to be assured costs are equitably covered.

The Committee was in agreement with the Department's proposal to restructure fees for Zoning Permits in a manner that addresses the size and complexity of a project, as smaller less involved projects will inherently require less time to evaluate than larger more complex projects.

Asked about a fourth possible category that might have a substantially larger work value than the "greater than \$250M designation" and might justify an even larger fee, Jeremy advised it would be unlikely there would be a significant number of these and that it was felt not to be necessary.

The Committee felt the recommended fee increases are reasonable and was satisfied to learn they are in line with other communities.

Upon a motion to approve the fees, and implementation date, as presented in Mr. Ginsberg's document, with 14 attending of 17, the Committee voted unanimously to approve.

Thank you.

John van der Kieft
Chairman, PZ&H Committee

**Finance & Budget Committee
Report to RTM, March 21, 2011**

**(11-6) RTM RESOLUTION AUTHORIZING INCREASES IN LAND USE
APPLICATION FEES**

I am Bruce Orr, District 5 and Chair of Finance and Budget.

The F&B committee met at a Regular Meeting on March. 14, 2011, with 11 of 15 members present comprising a quorum. On March 7, 2011 the Chair joined the Regular meeting of the PZ&H standing committee to participate in the discussion on this resolution with Mr. Jeremy Ginsburg.

As you have heard from Mr. Van der Kieft, this proposed fee increase was initiated during P&Z's departmental 2011/2012 budget review with the BOS. The BOS requested that the department conduct a review of the fee schedules charged by the department. The review and subsequent increases resulted in the new fee schedule that was included in your packet.

The biggest change in the fee schedule is in the area of Zoning Permits, where two new tiers of fees have been created based on the construction costs of the project; smaller projects for less than \$80k, such as garage renovation would increase from \$20 to \$80. The two new categories have been created for larger projects; the first from \$80k to \$250k and the second for projects over \$250k. The rationale is that larger projects do require more work and review by the department.

Based on the assumption that the 2011/2012 fiscal year will have approximately the same number and "mix" of projects, the estimated increase in revenue for the Town will be \$36k, of which \$34k will come from the addition of the two new Zoning Permit categories.

The Committee voted unanimously to approve this Resolution.

We recommend to the RTM to vote in favor of this Resolution.

Bruce G. Orr, Sr.
Chairman
March 21, 2011