

**MINUTES  
REPRESENTATIVE TOWN MEETING  
MAY 9, 2011**

**RECEIVED  
MAY 16 2011  
TOWN CLERK'S OFFICE  
DARIEN CT.**

**CALL TO ORDER**

The Regular Annual Budget 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 12 members present, 3 absent  
From District II, there were 11 members present, 5 absent.  
From District III, there were 12 members present, 5 absent.  
From District IV, there were 14 members present, 2 absent.  
From District V, there were 16 members present, 0 absent.  
From District VI, there were 15 members present, 2 absent.

The absentees from District I were: Harrington, Imbimbo, Ness.  
The absentees from District II were: Bacon, Mundt, Noe, B. Thorne, M. Thorne.  
The absentees from District III were: D'Urso, Fead, Ferretti, Lehan, Young.  
The absentees from District IV were: Kemp, Peters.  
The absentees from District VI were: Hawkins, McLean.

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

**ACCEPTANCE OF THE AGENDA**

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

**ANNOUNCEMENTS**

The Moderator called for a moment of silence in memory of long-time member, John Price, who died last month, having demonstrated enormous generosity of spirit in his many contributions to the community.

The Moderator said that the Public Hearing about the proposed Parks & Recreation regulations with respect to animal control, the leash law, is on May 18<sup>th</sup> at 7:30 p.m. in the Auditorium. Everyone is invited to attend to speak and/or listen to the comments.

The Moderator said everyone whose terms are up in November should be on the lookout for the form that enables them to be put on the ballot without having to circulate a petition. The mailing will take place in late July and the forms must be received in the Town Clerk's Office by August 30<sup>th</sup>. Petitions will be available beginning June 21<sup>st</sup> in the Town Clerk's Office and the deadline for their return is September 13<sup>th</sup>. 25 signatures are required.

**APPROVAL OF THE MINUTES OF THE MARCH 21, 2011 MEETING**

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

11-7

**CONSIDERATION AND ACTION ON ACCEPTANCE OF GIFT FOR WEED BEACH FITNESS TRAILS**

**\*\* CHERYL RUSSELL, DISTRICT V, CHAIRMAN OF THE PARKS & RECREATION COMMITTEE, MOVED:**

WHEREAS, pursuant to Section 2.33 of the Code of the Town of Darien, the Board of Selectmen is empowered on behalf of the Town of Darien to accept gifts provided gifts do not have a value in excess of Ten Thousand and 00/100 Dollars (\$10,000.00); and

WHEREAS, pursuant to section 2.33 of the Code of the Town of Darien, said gifts in excess of ten Thousand and 00/100 Dollars (\$10,000.00) may be accepted with action by the Representative Town Meeting of the Town of Darien; and

WHEREAS, the Pioneering Healthy Communities Initiative through grant funding from the Robert Woods Johnson Foundation, administered by the Darien YMCA has offered to provide fitness trail equipment and installation for a fit trail at Weed Beach; and

WHEREAS, the gift involves a donation of up to Fifty Thousand and 00/100 Dollars (\$50,000.00); and

WHEREAS, this work will require no expenditure by the Town of Darien.

**BE AND IT IS HEREBY RESOLVED** that the Representative Town Meeting of the Town of Darien accepts with thanks the gift to be made to the Town by the Pioneering Healthy Communities Initiative. In particular, the Representative Town Meeting authorizes the acceptance of fitness trail equipment and installation for a fit trail at Weed Beach.

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

Cheryl Russell, District V, Chairman of the Parks & Recreation Committee, read the report of the committee (attached).

Bruce Orr, District V, Chairman of the Finance & Budget Committee, said he echoed the comments of the Moderator about John Price, a long-time member of the RTM and the Finance & Budget Committee. He then read the committee report (attached).

Jane Branigan, Chairman of the Parks & Recreation Commission, said she hoped everyone would vote to accept this very generous gift from the YMCA.

**\*\* ITEM 11-7 CARRIED ON A RISING TALLY VOTE OF 76 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

**APPROPRIATION OF \$210,000 FOR BOARD OF EDUCATION BUDGET  
SHORTFALL FOR FISCAL 2010-2011**

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

WHEREAS, the Board of Education has determined it will have a shortfall in the education budget for the fiscal year 2010-2011 of Two Hundred Ten Thousand and 00/100 Dollars (\$210,000.00); and

WHEREAS, it has been determined that additional funds are needed to complete the school year; and

WHEREAS, the Board of Finance has previously recommended and approved such an appropriation.

**BE AND IT IS HEREBY RESOLVED** that the Representative Town Meeting of the Town of Darien hereby approves and authorizes a special appropriation of Two Hundred Ten Thousand and 00/100 Dollars (\$210,000.00) from the General fund to balance the Board of Education Budget for the fiscal year 2010-2011.

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

Ms. Schneider read the report of the Education Committee (attached).

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

Liz Mao, Chairman of the Board of Finance, read the report of the Board of Finance (attached).

Kim Westcott, Chair of the Board of Education, read the Board's report (attached).

Peter Kelly, District I, asked Dr. Falcone to talk about the special education budget, especially for last year. He said that they are \$2,000,000 over budget, so they must be doing something and there must be something they can look at to adjust the special education budget for the coming year.

Mrs. Westcott said they are not alone in their peer group (Wilton, Westport) in having costs growing. Up to 2009-2010, they had one of the lowest pupil costs in special education. Dr. Falcone said they are not dissimilar from their peer towns in special education. Darien spends less per pupil for special education than most of their peer towns. They are, however, looking at efficiencies. They have looked at IEP procedures but they have to make sure that the child is the focus.

Mark Dailey, District V, asked about the size of the special needs population relative to their peer groups. Dr. Falcone said they have an approximate 11% population of special needs; about 2% or 3% higher than the state average but similar to their peers. The percentage of students

identified with autism was different but that was more of a semantic difference. Every student who is eligible for services comes onto our rolls at age three.

Jack Davis, District V, said Darien is below in terms of the number of autistic children. They are in line with other districts in their community. Re the increase of 63 pupils added mid-year, one of the initiatives (SRBI) should help the children. Out of the 63 who have been added, what percentage have been added because they are being moved from the SRBI process? Mrs. Westcott said she did not have the answer to that question but she would get it for him.

Spencer McIlmurray, District II, asked for an elaboration of the services ordered, if there is any measure of regionalization and if they are tailored for each student. Dr. Falcone said each child's program is based on a PPT meeting and the components will be different for each child. They work with CES, a regional services center, which serves Fairfield County. They provide regional services. They don't have many programs that are inter-district, although they do work with districts in the area of transportation.

Karin Sharp, District V, asked of the 60+ students new to special education, what percentage are new families moving into the district? Dr. Falcone said approximately 6 to 10 are new families to the district. The 3-year old population might be approximately 15, and 25 to 30 might have gone through the SRBI process.

Nora McIlree, District IV, said she appreciates that special education is hard to anticipate and budget for. In the two years she has been on the RTM, there has been a shortfall in special education. She asked how they plan to better budget for 2011-2012. Mrs. Westcott read a portion of her speech relating to the Board of Education budget (attached). She also noted that the Special Education Committee of the Board of Education will start meeting within the next ten days. Dr. Falcone said there is no magic bullet. It will take a lot of work on the part of a lot of people. They are going to do the best for their children in an appropriate way. They are looking at consolidation of services to make their program better.

**\*\* ITEM 11-8 CARRIED ON A RISING TALLY VOTE OF 75 IN FAVOR, 0  
OPPOSED, 3 ABSTENTIONS.**

**11-9**

**APPROPRIATION OF \$50,000,000 FOR REFUNDING OF CERTAIN OF THE TOWN'S  
BONDS AND AUTHORIZING ISSUANCE OF REFUNDING BONDS TO FINANCE  
SUCH APPROPRIATION**

**\*\* BRUCE ORR, DISTRICT V, CHAIRMAN OF THE FINANCE AND BUDGET  
COMMITTEE, MOVED:**

**RESOLVED:**

**Section 1.** The sum of FIFTY MILLION DOLLARS (\$50,000,000) is appropriated to fund the redemption and the payment, in whole or in part, as determined by the First Selectman, the Town Treasurer, the Board of Finance or any Town official designated by the Board of Finance and the Finance Director of the Town of Darien (the "Town"), of the outstanding principal, accrued interest and any call premium on all or any portion of any issue of the Town's General Obligation Bonds including, but not limited to, the Town's General Obligation Bonds issued in 1999, 2002, 2003, 2004,

RTM, May 9, 2011

2005, 2006, 2007, 2008, 2009, 2010 and 2011 (the "Prior Bonds"), together with the costs of issuance including, but not limited to, any applicable consultants' fees, legal fees, trustee and escrow agent fees, investment fees, verification fees, underwriters' fees and other financing or transactional costs and other expenses related to the payment or redemption of such bonds for the purposes of refunding them.

**Section 2.** The Town is hereby authorized to issue its refunding bonds, in an amount not to exceed FIFTY MILLION DOLLARS (\$50,000,000) (the "Refunding Bonds"), to fund the appropriation authorized by Section 1 of this resolution, provided that the issuance of such Refunding Bonds achieves present value debt service savings for the Town. The Refunding Bonds shall be issued pursuant to Section 7-370c of the Connecticut General Statutes, as amended, and any other provision of law thereto enabling. The Refunding Bonds shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

**Section 3.** The First Selectman and the Town Treasurer shall sign the Refunding Bonds by either manual or facsimile signatures and the law firm designated as bond counsel is authorized to approve the legality of the Refunding Bonds.

**Section 4.** The First Selectman, the Town Treasurer, the Board of Finance or any Town official designated by the Board of Finance and the Finance Director are authorized to determine which of the Prior Bonds are to be redeemed and the amount, date, interest rates and interest mode, maturities, redemption provisions, form and other details of the Refunding Bonds; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the Refunding Bonds and escrow agent with respect to the refunding escrow or escrows to be funded with proceeds of the Refunding Bonds; to provide for the keeping of a record of the Refunding Bonds; to sell the Refunding Bonds at public or private sale; to deliver the Refunding Bonds; and to perform all other acts which are necessary or appropriate to issue the Refunding Bonds.

**Section 5.** The First Selectman and the Town Treasurer are authorized to call irrevocably for redemption such of the maturities of the Prior Bonds, as they shall determine to refund from the proceeds of the Refunding Bonds and other moneys as they may determine to make available for this purpose and to defease such Prior Bonds by executing and delivering an escrow agreement in such form and upon such terms as they shall approve, such approval to be conclusively evidenced by their execution thereof.

**Section 6.** The First Selectman, the Town Treasurer and the Finance Director, or any two of them, are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the Refunding Bonds authorized by this resolution, if issued on a tax- exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

**Section 7.** The First Selectman, the Town Treasurer and the Finance Director, or any one of them, are authorized to make representations and enter into written agreements for the benefit of holders of the Refunding Bonds to provide secondary market disclosure information, which agreements may include such terms as she or he deems advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such Refunding Bonds.

**Section 8.** The First Selectman and the Town Treasurer are authorized to take all other action which is necessary or desirable to enable the Town to effectuate the refunding of all or a

portion of the Prior Bonds and to issue Refunding Bonds authorized hereby for such purposes, including, but not limited to, the entrance into agreements on behalf of the Town with underwriters, trustees, escrow agents and others to facilitate the issuance of the Refunding Bonds, the escrow of the proceeds thereof and investment earnings thereon and the payment of the Prior Bonds in whole or in part.

**Section 9.** Any authorized but unissued portions of previous refunding authorizations are rescinded.

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

Mr. Orr read the report of the Finance & Budget Committee (attached).

Liz Mao, Chairman of the Board of Finance, read the report of the Board of Finance.

**\*\* ITEM 11-9 CARRIED ON A RISING TALLY VOTE OF 78 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

### 11-10

#### CONSIDERATION AND ACTION ON THE JULY 1, 2011 TO JUNE 30, 2012 BUDGET RECOMMENDED BY THE BOARD OF FINANCE

**\*\* BRUCE ORR, DISTRICT V, CHAIRMAN OF THE FINANCE & BUDGET COMMITTEE, MOVED:**

The Board of Finance of the Town of Darien, at its meeting of April 7, 2011, approved various resolutions adopted in conjunction with the budget for the period July 1, 2011-June 30, 2012. The following resolutions are hereby adopted by the Representative Town Meeting of the Town of Darien

A. **RESOLVED**, that an appropriation of \$ 1,429,575 is hereby made from the Reserve Fund for Capital and Non-Recurring Expenditures for the purpose of meeting expenses of the Town of Darien as shown by the budget this day approved.

B. **RESOLVED**, that an appropriation of \$ 38,798,485 is hereby made in the General Fund for the Selectmen's Operating Budget.

C. **RESOLVED**, that an appropriation of \$ 76,313,805 is hereby made in the General Fund for the Education Operating Budget.

D. **RESOLVED**, that the above appropriations, totaling \$115,112,290 are for the purpose of meeting the expenses of the Town of Darien for the fiscal year commencing July 1, 2011 and ending June 30, 2012 as shown by the budget this day approved.

E. **RESOLVED**, that a tax of 12.20 mills is hereby levied upon the last complete grand list of the Town with a total net assessment of \$8,786,059,663 on property as of October 1, 2010, payable in two equal semi-annual installments, the first installment to become due and payable on July 1,

2011 and the second installment to become due and payable on January 1, 2012, provided however that:

1. Any taxpayer may pay both of said installments on July 1, 2011
2. The personal property tax on motor vehicles in said Town shall become due and payable in one single installment on July 1, 2011
3. Any property tax in any amount not in excess of one hundred (\$100.00) shall become due and payable in one single installment on July 1, 2011

F. **RESOLVED**, that the Town of Darien, acting through its Board of Selectmen, and subject to the approval of said Town at the Annual Budget Meeting of the Representative Town Meeting to be held May 9, 2011 be authorized to borrow on the note or notes of the Town the sum of \$ 5,000,000 or so much thereof as may be necessary for the general expenses of the Town pending the collection of either or both of said semi-annual installments of taxes on or prior to June 30, 2012.

G. **RESOLVED**, that the following appropriations for other funds are hereby made as detailed below for the 2011-2012 fiscal year as shown by the budget this day approved.

\$ 2,938,857	Sewer Operating Fund for the purpose of meeting expenses of the Town of Darien, Sewer Commission
\$ 550,000	Sewer Assessment Fund
\$ 75,947	Animal Control Fund
\$ 668,341	Parking Lot Administration Fund
\$ 201,199	Parking Lot Capital Fund

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

Mr. Orr read the report of the Finance & Budget Committee (attached).

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

Cheryl Russell, District V, Chairman of the Parks & Recreation Committee, read that committee's report (attached).

John Van Der Kieft, District V, Chairman of PZ&H, said that this committee met on March 7<sup>th</sup> with Jeremy Ginsberg to review the proposed 2011-12 P&Z budget. The Committee voted unanimously to support this budget.

Liz Mao, Chairman of the Board of Finance, read the Board's report (attached).

Kim Westcott, Chairman of the Board of Education, read that Board's report (attached).

Seth Morton, District III, said they have dealt with special education for along time. Mandates and judicial rulings have forced their backs against the wall. It is time to influence how these laws and mandates are written. It is time to put the pressure on those who are not funding the mandates they are voting for.

Jack Davis, District V, Vice-Chairman of Finance & Budget and Chairman of the F & B Education Budget Subcommittee, said it is not appropriate for them to be worrying about the mandates. It is the civil right of children; it is not a war. He also said that this year, he will vote differently than he did last year on the entire budget. He believes that the overall budget increase is not consistent with the increase in enrollment or the increase in special education.

Sam Schoonmaker, District IV, said he will vote for the budget with reluctance. He is doing it because they have contractual obligations. The personnel costs in this town are inappropriate and unfair. The revenue of many of the employers (us), is flat, if not down, but the revenue of the employees goes up and up. They have to stop this. They have to negotiate responsibly, but there is a fairness factor that town officials must take into account. When the next budget is submitted, he will look at personnel costs and if he sees continual significant increases, he will not vote for it. Enough is enough.

Cheryl Russell, District V, asked if they could split the town and the Board of Education budget, even though it had been decided earlier to have one vote.

Liz Mao, Chairman of the Board of Finance, said they had decided to use the reserve because they are getting almost no money from interest income. They did not feel it was right to have a high reserve sitting on the books unused. There is still a significant amount of money in the reserves – approximately \$200,000. She also echoed Mr. Schoonmaker's comments, noting that she is on the negotiating committee and wants to be in the strongest position possible when negotiating upcoming contracts.

The Moderator, after conferring with Town Counsel, said the opinion is not to separate the motions and votes at this point. However, it is appropriate or possible for someone to make an amendment for a specific reduction.

No one offered an amendment.

**\*\* ITEM 11-10 CARRIED ON A RISING TALLY VOTE OF 55 IN FAVOR, 20 OPPOSED, 2 ABSTENTIONS.**

**\*\* UPON MOTION MADE AND SECONDED FROM THE FLOOR, IT WAS UNANIMOUSLY VOTED TO ADJOURN AT 10:30 P.M.**

Respectfully submitted,

Cheryl Telesco  
Telesco Secretarial Services

APPENDIX

<u>DISTRICT I</u>	<u>(11-7)</u>	<u>(11-8)</u>	<u>(11-9)</u>	<u>(11-10)</u>
Bishko	yes	yes	yes	no
Glassmeyer	yes	yes	yes	yes
Harrington	absent	absent	absent	absent
Hegarty	yes	yes	yes	no
Imbimbo	absent	absent	absent	absent
Kahn	yes	yes	yes	no
Kelly, P.	yes	yes	yes	no
Nelson	yes	yes	yes	yes
Ness	absent	absent	absent	absent
Schneider	yes	yes	yes	yes
Schulz-Amatruda	yes	yes	yes	no
Schwarz	yes	yes	yes	yes
Sini	yes	yes	yes	yes
Sommer	yes	yes	yes	yes
Tierney	yes	yes	yes	yes

DISTRICT II

Bacon	absent	absent	absent	absent
Cummings	yes	yes	yes	yes
Gallo	yes	yes	yes	yes
Harman	yes	yes	yes	yes
Hilton	yes	yes	yes	yes
Hoffman	yes	yes	yes	no
Howe	yes	yes	yes	yes
Magida	yes	yes	yes	yes
Maguire	yes	yes	yes	yes
Marston	absent	yes	yes	no
McIlmurray	yes	yes	yes	yes
Mundt	absent	absent	absent	absent
Noe	absent	absent	absent	absent
Seelye	yes	yes	yes	yes
Thorne, B.	absent	absent	absent	absent
Thorne, M	absent	absent	absent	absent

DISTRICT III

Bayne	yes	yes	yes	yes
Brode	yes	yes	yes	yes
Burke	yes	yes	yes	yes
Cardone	yes	yes	yes	yes
Coyle	yes	yes	yes	yes
Duffy	yes	yes	yes	no
D'Urso	absent	absent	absent	absent
Fead	absent	absent	absent	absent
Ferretti	absent	absent	absent	absent
LeHan	absent	absent	absent	absent
Maroney	yes	yes	yes	yes
Martens	yes	yes	yes	abstain
Moore	yes	yes	yes	yes
Morton	yes	yes	yes	yes
Olvany	absent	yes	yes	yes
Smith	yes	yes	yes	yes
Young	absent	absent	absent	absent

<u>DISTRICT IV</u>	<u>(11-7)</u>	<u>(11-8)</u>	<u>(11-9)</u>	<u>(11-10)</u>
Cameron	yes	yes	yes	yes
Cleary	yes	yes	yes	yes
Davis	yes	yes	yes	yes
Fiore	yes	yes	yes	no
Hardison	yes	yes	yes	yes
Kemp	absent	absent	absent	absent
McIlree	yes	abstain	yes	no
Millar	yes	yes	yes	no
Miller	yes	abstain	yes	no
Morrison	yes	yes	yes	yes
Peters	absent	absent	absent	absent
Rayhill	yes	yes	yes	yes
Rycenga	yes	abstain	yes	no
Savage	yes	yes	yes	yes
C.Schoonmaker	yes	yes	yes	yes
S.Schoonmaker	yes	yes	yes	yes

DISTRICT V

Adiletta	yes	yes	yes	no
Camuti	absent	yes	yes	abstain
Conniff	yes	yes	yes	yes
Dailey	yes	yes	yes	yes
Davis	yes	yes	yes	no
George	yes	yes	yes	yes
Hennessy	yes	yes	yes	no
Nizolek	yes	yes	yes	yes
Orr	yes	yes	yes	yes
Patrick	yes	yes	yes	yes
Pierret	yes	yes	yes	yes
Ritchie	yes	yes	yes	yes
Russell	yes	yes	yes	no
Sharp	yes	yes	yes	yes
Stolar	yes	yes	yes	yes
vanderkieft	yes	yes	yes	yes

DISTRICT VI

Adelman	yes	yes	yes	yes
Armour	Did not vote			
Baldwin	yes	yes	yes	no
Bealle	yes	yes	yes	no
Conologue	yes	yes	yes	no
Grogan	yes	yes	yes	yes
Guimond, M.	yes	yes	yes	yes
Guimond, N.	yes	yes	yes	yes
Hawkins	absent	absent	absent	absent
Kelly, H.	yes	absent	absent	absent
McDermott	yes	yes	yes	absent
McLean	absent	absent	absent	absent
McNamara	yes	yes	yes	yes
Palen	yes	yes	yes	yes
Plehaty	yes	yes	yes	yes
Poli	yes	yes	yes	yes
Swenson	yes	yes	yes	yes

May 9, 2011

## REPRESENTATIVE TOWN MEETING

### RESOLUTION 11-7

Good evening, I am Cheryl Russell, Chairman of the Park and Recreation Committee.

Without objection, I would like to waive the reading of resolution 11-7  
I would like to move 11-7 of the warning. Do I have a second?

The Park and Recreation Committee met on May 2, 2011 with eight of 14 members present to discuss and vote on the donation of up to \$50,000 for fitness equipment at Weed Beach. We voted unanimously for this resolution.

We will receive six outdoor fitness systems that will be placed along the natural walking trail behind the tennis and paddle courts at Weed Beach. There will be signage next to each station with graphics that indicate the motion and movements of activity. You will know exactly where to start and finish. It will enable you to perform fitness exercises from strength to Cardio to Tai Chi. This fitness system offers more than just walking exercise. It offers you exercise for your heart, lungs and small muscles and more, for all over body benefit. To be able to exercise outdoors, within a beach environment is also a plus.

The Park and Recreation Committee had some concerns with the warranty as to what was covered and for how long. We understand there is a limited warranty ranging from 3 years to 100 years depending on components. Another of our <sup>concerns</sup> ~~concerns~~ was the on going maintenance of this equipment. Park and Recreation will maintain this equipment, as is our policy now. In addition, we were concerned with the liability to the Town. The Town's insurance will cover this equipment as it does all Town facilities.

This gift will be an enhancement to the Weed Beach Master Plan and we thank the Darien YMCA and the Pioneering Healthy Communities Initiative for this gift.

We urge all of you to support this resolution.

Thank you.

**Finance & Budget Committee  
Report to RTM, May 9, 2011**

**(11-07) RTM RESOLUTION ACCEPTING A GIFT FOR A WEED BEACH  
FITNESS TRAIL VALUED AT \$50K**

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

The F&B committee met on May 2, 2011, with 12 of 14 members present comprising a quorum. The Committee also met on April 25, 2011 with 10 of 14 members present to discuss this item and other topics.

At our meeting on April 25, several questions regarding the short and long term financial implications of this gift were raised. These were:

- 1) Does the trail or path currently exist as shown by the red line on the map provided to our Committee?
- 2) Will the trail be natural ground or pavement / cement? Will the Town need to plow / shovel during the winter?
- 3) Will the grant cover 100% of the installation cost of the fitness equipment - including any ground work or clearing of paths that would be required for resident to fully utilize the equipment?
- 4) By accepting the grant, will there be any [significant] ongoing obligation of the town to maintain the path or equipment?
- 5) Will the town's insurance cover residents use of the equipment?
- 6) Are there any other stipulations or requirements of the town (financial or otherwise) to its acceptance of the grant?
- 7) Is the proposed fitness trail part of the larger Weed Beech development plan - i.e., will this grant result in a reduction of the proposed budget for the larger project?

These questions were satisfactorily addressed by the Director of Parks & Rec and the Committee voted unanimously to approve this Resolution at our meeting on May 2, 2011.

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

Bruce G. Orr, Sr.  
Chairman May 9, 2011

# RTM Education Committee – Resolution 11-8

## Report to the RTM on May 9, 2011

Good Evening. My name is Lois Schneider and I am chair of the RTM Education Committee.

I would like to make a motion to consider resolution 11-8 authorizing an appropriation of \$210,00.00 for the Board of Education Shortfall for the fiscal year 2010-11. May I have a second. . . Thank you.

Without objection, I would like to waive the reading of the text of resolution 11-8.

A note – The title of the resolution should say 2010-2011 instead of 2009-10. This will be corrected in the minutes.

At the Regular Meeting of the RTM Education Committee on May 2, 2011 with 8 of 14 members present, the Education Committee met to discuss and vote on the request for this appropriation. Guests at our meeting were Ms. Mao from the Board of Finance, Board of Ed members: Mrs Westcott, Ross, Sartori, Shea, and administration members: Dr. Falcone and Mr. Huot. Thank you all for working with us to explain all of the details. After discussion of the reasons for the potential shortfall, the committee voted unanimously to support the resolution.

Our committee has followed the budget progression closely all year. Despite serious efforts by the administration early on, the budget shortfall was not able to be contained since so much of the budget is committed the day the doors open for the school year.

The potential shortfall is \$475,000. The Board of Education by law is required to balance its budget. The Board of Ed has requested up to \$475,000 for the potential imbalance. The Board of Finance decided to cover \$265,000 of this from the Special Ed reserve. Thus our resolution asks for \$210,000. Any unneeded funds at year-end will be returned to the Town. The current projection shows a negative balance of \$330,000.

Last year the Board of Ed requested \$350,000 and returned over \$250,000 to the Town; thus needing less than \$100,000.

The shortfall is caused by Special Education costs:

- Special Ed operating costs were over budget by \$1.6 million as of April 1. The majority of these expenses are for out-of-district tuition that was more than double the budget. These costs are associated with the IEP requirements of the students. We must provide the services that are written into the IEP and these requirements change as the year progresses. In addition, legal and consultant services are over the budgeted amounts. Legal fees are based on the cases that come forward. There is a reduction in the costs associated with teacher aides of \$220,000, thus reducing some of the shortfall.

The district was able to compensate for some of this year's shortfall with:

- A Freeze on district-wide hiring and expenditures saving about \$560,000 on budgeted operating expenses
- Almost \$100,000 received from a Federal Jobs Grant;
- Fixed expense reductions over \$300,000 mostly in health expenses and fuel.
- And additional Excess Cost reimbursement projected at \$175,000

Key components of the final figures are dependent on:

- Summer School Tuition revenue
- High school participation fees
- Final Health Care and Special Ed costs and
- Final excess cost reimbursement payment – The state pays when an individual student has Special Ed costs that are more than 4.5 times our average yearly per student expenditure. The state has a set pool of money and distributes it based on submissions of all districts in CT. Due to its own budget problems, the state is paying less than 100%. We budgeted for receipts of 75% and the forecast is for a similar %. Our eligible costs were higher so we expect to receive about \$175,000 over the budgeted amount. If the state reimburses over 75%, then this also goes toward the budget overage.

The Education Committee supported the requested \$210,000. The impact on the general fund is minimal. The Board of Ed continues to restrict expenditures and will return any funds not needed to the General Fund at the end of the fiscal year. We recommend that you also approve this request.

Thank you.

**Finance & Budget Committee**  
**Report to RTM, May 9, 2011**  
**(11-8) RTM RESOLUTION AUTHORIZING AN APPROPRIATION OF**  
**\$210,000 FOR BOARD OF EDUCATION 2009-2010 DEFICIT**

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

The F&B committee met on May 2, 2011, with 12 of 14 members present comprising a quorum to discuss and take action on this Resolution. The Committee also met on April 25, 2011 with 10 of 14 members present to discuss and conduct a preliminary vote on budgetary items and other matters. Joining us at our April 25 meeting were Kim Westcott, Chair of the BOE, Steve Falcone, Superintendent of Schools, Dick Huot, Director of Finance and other members of the BOE.

At the April 25 meeting, we reviewed in detail the Recommended <sup>2011-12</sup> 2010-2011 BOE budget, as well as the anticipated 2010/2011 fiscal year deficit.

As Ms. Schneider has so capably pointed out, the primary driver of the deficit is increased Special Ed costs that are somewhat off-set by several items including savings in other areas.

Ms. Westcott's April 11, 2011 memo indicated a \$475k deficit. The BOF, who had anticipated potential over runs in current fiscal year, had established a Special Education Reserve Fund that had a balance of \$365k. The BOF agreed to fund \$265k of this deficit from the fund, leaving a balance of \$100k in case there are additional overruns. This Resolution for is for an appropriation of \$210k to fund the remaining balance.

The Committee reviewed all elements of the deficit with the BOE and the Administration. They have provided guarded assurances that the proposed budget for next year can be managed to avoid a deficit. While we are not pleased with yet another year of deficits, the Committee voted unanimously to approve this Resolution and recommends that the RTM votes in favor.

Bruce G. Orr, Sr.  
Chairman  
May 9, 2011

Remarks re request for appropriation

475 THOUSAND TOTAL BOE DEFICIT

265 funded from special education reserve

210 requested tonight in appropriation

Updated information;

*UNEXPECTED*

ON APRIL 30<sup>TH</sup> THE TOWN RECEIVED AN ADDITIONAL 263 THOUSAND DOLLARS FROM THE STATE AS AN ADJUSTMENT TO THE SPECIAL EDUCATION EXCESS COST GRANT FROM LAST YEAR. THIS UPWARD ADJUSTMENT SHOWS UP IN THE <sup>DUPLICATE</sup> EQUALIZED COST SHARING GRANT. PLEASE NOTE IT MORE THAN EXCEEDS THE 210 THOUSAND DOLLAR REQUEST FOR AN APPROPRIATION FROM THE FUND BALANCE. ✓

SINCE THE ECS FUNDS COME DIRECTLY TO THE TOWN IT IS NOT POSSIBLE FOR THEM TO GO TO THE BOE AND WE MUST GO THROUGH THIS APPROPRIATION PROCESS.

HOWEVER, WHEN YOU DO THE MATH, <sup>AS WAS NO LAST YEAR</sup> THE DEFICIT ARGUABLE HAS SHRUNK TO 212 THOUSAND DOLLARS.

60! ACCORDINGLY, WE HAVE NO WAY TO PREDICT HOW MUCH OF THE BOARD OF FINANCE RECOMMENDS YOU APPROVE THE <sup>THIS</sup> APPROPRIATION REQUEST.

*years deficit will eventually come back to us from the STATE next year*

Good Evening Madam Moderator and RTM members:

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

<sup>MS. Schneider, Mr. Wu</sup>  
Board of Finance Chairman Liz Mao has explained the proposed funding of the BOE projected 2010-11 deficit resulting in the request of the RTM for a \$210,000 appropriation. The Board of Education anticipates a budget shortfall in the range of \$300,000- \$475,000. I will explain the causes of the shortfall, what has been done to mitigate the shortfall and areas of uncertainty.

As you have heard significant overages in the special education operating accounts are causing the shortfall in the Board of Education budget. Specifically, as of our May 1st financials, Consultant services, Legal services, and Out of district tuition accounts are driving the \$1.1MM deficit in special education (originally budgeted at \$13.3MM and now running at \$14.5MM).

The Tuition –Non Public schools account (Out of District tuition) has totaled between \$1MM-\$1.3MM for the previous three years. In 2010-11 we saw a significant \$1.2 MM increase due to a relatively few number of students whose academic, emotional and/or behavioral needs could not be met in-district. Administrators, teachers, parents agree through the highly regulated PPT (Planning Placement Team) meetings that an out-of-district placement is warranted. Overall, there are 24 children in out-of-district IEP driven placements representing \$1.9MM. Settlements and due process hearings occur when parents and the Administration are unable to agree on the components of the student's individual education plan. There are 14 settlements totaling \$500,000.

Consultant services represent speech, language, and behavioral specialists, and physical and occupational therapists with whom we contract to provide IEP required services to children. These accounts are over budget by \$100,000 and the legal services account is over budget by \$170,000. At the end of 2009-10, these accounts' actual totals were well above the levels budgeted for the current year. While consultant and legal services accounts are over-budget at *this* time, all three are running below the 2009-10 levels.

Within special education there is about \$200,000 of offsetting positive balances in the personnel accounts, partly explained by the out of district placements freeing up staff and a district commitment to efficient deployment of teachers and aide staff.

Special education enrollment had a mid-year 63-student increase. Enrollment as of October 1 was 562 students, as of May 1, we are servicing 628 students. There is a steady increase in special education students throughout the year as children who turn 3 become eligible for services and others are identified during the year. During 2010-11, the district hired 1 teacher and 1 aide to accommodate the additional 63 students reflecting a concerted effort to fully utilize and redeploy existing staff. This marks a departure from the previous 2 years when 8-12 staff members were added during each school year.

To recap: Special education is over budget by \$1.1 MM, the current BOE deficit as of May 1 is about \$333,000. The district has worked diligently to identify savings in other areas of the budget to offset the deficit. Federal and state funding has decreased the shortfall as well.

Special education costs that exceed a \$67,000 foundation level per student become eligible for the State's excess cost reimbursement grant. Up until 2009-10 the state funded the excess cost claims at 100%. Last year we received 84% and a 75% reimbursement rate is anticipated for 2010-11. We budgeted to receive 75% reimbursement. Our total claims (our eligible costs) however, are higher than budgeted which results in an additional \$174,631 in reimbursement. There is probably no need to remind anyone in this room that if excess cost had been funded at the 100% mandated level, the Board of Education would be receiving an additional \$900,000.

Ms. Mao has explained the town recently received \$263,000 additional ECS (Educational Cost Sharing) grant money. This represents the "true up" of excess cost reimbursement based on the CT Dept of Education (SDE) yearend audit of each town's 2009-10 eligible special education expenses. In other words the state calculated a higher amount of eligible special education costs for Darien after June 30, 2010 and reimbursed the town after the fact through the excess cost

grant. (You will recall the BOE shortfall at June 30, 2010 was just under \$100,000, so no deficit if recalculated 9 months later).

The BOE would not know until after June 30, 2011 whether the state will allow higher eligible expenses and such funds would be received by the town some time in 1<sup>st</sup> quarter, 2012. I would suggest a “re-appropriation” of the unexpected \$263,000 ECS grant receipts to offset the proposed 2010-11 shortfall.

We learned in December that the Darien BOE would receive \$94,480 from the 2010 Federal Education Jobs Fund grant.

Since the start of the fiscal year the district has looked for savings in personnel and operating accounts. Despite increased enrollment, several personnel positions have gone unfilled in 2010-11 and those that were necessary to fill have resulted in reduced salaries. Currently there is a projected \$530,163 positive variance in the personnel accounts. Building administrators have managed their budgets and frozen expenses not directly related to instruction. Excluding special education, the operating accounts have a projected \$30,000 positive variance. Fixed expenses show a \$329,336 positive variance, largely due to better than budgeted health benefits expenses.

Given that a shortfall funding decision occurs at the May RTM meeting and there are almost two more months in the BOE fiscal year, the Board of Education has conservatively estimated the budget deficit. There are fewer moving parts but we are watching special education expenses and summer school revenues, areas of uncertainty that could negatively impact the budget. We will continue to be diligent in managing our expenses to reduce the shortfall balance.

We respectfully ask you to approve the \$210,000 appropriation request. Dr. Falcone is here tonight and we would be happy to answer your questions. Thank you.

Kimberly P. Westcott  
Chairman, Darien Board of Education

**Finance & Budget Committee  
Report to RTM, May 9, 2011**

**(11-09) RTM RESOLUTION APPROPRIATING \$50 MILLION TO REFUND  
CERTAIN OF THE TOWN'S OUTSTANDING BONDS**

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

I move Resolution (11-9) 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 May 2, 2011, with 12 of 14 members present comprising a quorum. The Committee also met on April 25, 2011 with 10 of 14 members present to discuss this item and other budget related topics.

This resolution simply provides the BOF the ability to refinance certain existing bond obligations to take advantage of special circumstances, namely lower interest rates or shortened (or lengthened) maturities of our issued debt, without having to come before the RTM, up to \$50 million in value. The RTM has previously approved resolutions of this nature and the BOF has acted this past few years of in a low interest rate environment, saving the Town substantial interest charges. The genesis of this annual resolution was that several years ago there was an opportunity to refinance some debt and by the time a Special RTM meeting was convened, the window for favorable refinancing had closed.

The Town currently has approximately \$100 million of outstanding bonded debt. This resolution does not impact the requirement for the RTM to approve any new issuances of debt.

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  
May 9, 2011

**Finance & Budget Committee  
Report to RTM, May 9, 2011**

**(11-10) RTM RESOLUTION TO APPROVE THE ANNUAL TOWN BUDGET  
FOR THE FISCAL COMMENCING JULY 1, 2011 TO JUNE 30, 2012**

*1 YEAR*

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

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

I move Resolution (11-10) and ask for a second.

The F&B committee again had a very active budget season. Our Sub Committee Chairs, Bill Smith for BOS and Jack Davis for the BOE and members of their Committees, attended nearly every Town and District departmental budget meeting. Members of the F&B Committee also attended various BOF meetings and the annual tour of the Town schools to examine all major capital requests. At these meetings we listened to administrative and departmental proposed budgets, debated and challenged many budget requests and documented our recommendations. These meetings were in addition to our scheduled regular meetings and special meetings called over the past four months. The Committee met in a Regular meeting on April 25 2011, with 10 of 14 members present to discuss and debate many elements BOF recommended Budget. We again met on May 2, 2011 with 12 of 14 members present to once again review the budget and conduct our vote.

In total, the overall increase for the entire recommended 2011/2012 Town budget, including the Board of Education is 4.4%. This translates into a new mill rate of 12.20 or a 3.8% mill rate increase over last year. The BOF approved this budget on April 7, 2011. For reference, last year's budget was an increase of 2.3% over the previous year and the mill rate was 11.75

Contained in the resolution before you are 7 discrete items, A – G; with items A, B and C being the primary expenditure drivers.

While this body will vote on this Resolution in its entirety, the Committee chose to debate, discuss and vote separately on items A, B and C.

That said; let me briefly touch on Item A, capital and non-recurring expenses. This appropriation of \$1.4 million is a fairly modest list of capital expenses for both the Town and the BOE. Details of the approved capital projects can be found beginning on page 255 of your budget books. This amount is down modestly from last year's approved \$2.0 million. Many of these planned expenditures are for police, fire, public works and BOE replacement vehicles. Other modest expenses are budgeted for sidewalk rehabilitation, boiler room re-piping and the renovation of a portable class room at Ox Ridge School.

*The F&B Committee voted unanimously to approve this capital appropriation.*

Item B, \$38.7 million consists primarily of three major pieces: The Selectman's Operating Budget, which includes primary Town services, the above mentioned Reserve Fund for Capital, Library operations and the Town Debt Service. The increase over last year's approved budget of \$38.1 million represents a 1.6% increase. Town Debt service of \$10 million is up modestly due primarily to some recent bonding issuances to support previously approved Town projects, while the aforementioned capital and non-recurring expenses are down sharply. Library operations expenses of \$3.2 million are up 1.7% and the larger Selectman's operating budget of \$24.1 million is up a modest 2.1% over last year.

While most Town Departments in the Selectman's Budget show flat or decreased budgets for next year, a further analysis points to the areas of increase and paints a more modest and conservative budget picture:

- Human Services: up 9.1% or \$108k primarily driven by accounting methodology related to the Senior Center operations; specifically, recording revenue and costs regarding meals provided which impacts this cost center.
- General Overhead: Up 8.0% or \$503k primarily driven by increased costs for employee benefits and insurance costs.

*The F&B Committee voted to approve the Selectman's Operating budget with 8 in favor, 2 against and one abstention.*

The two dissenters to the Selectman's Operating Budget asked the chair to read the following position statement:

- *"The dissent votes for the BOS budget were made because we believe there is a need to look at the budgets of the town on a unified basis, and*

*combined, the town budgets are increasing faster than inflation or population growth.*

- *Darien's tax base is overwhelmingly dependent upon property values and the economy and the housing market continue to struggle. Taxpayers will soon be burdened by state tax increases signed by Governor Malloy, which includes numerous new taxes, including higher conveyance taxes, which will negatively impact property values. Additionally federal taxes are uncertain, and at best not going down.*
- *Although the BOS budget increase is smaller in comparison to the BOE, the Selectmen budget is not immune to government creep. In response to our F&B oversight responsibility, we respectfully vote against the combined town spending increase".*

END OF STATEMENT

Item C – The Board of Education's request of \$76.3 million for the '11/'12 operating budget. This is an increase of 6.3% or approx. \$4.5 million over prior year's budget. The initial Administration budget proposal to the BOE was a 8% increase but fine tuning and some difficult decisions by the BOE and others managed to reduce it to the current recommended level.

While always subject to tremendous scrutiny by our Committee and other interested and engaged factions, this year was particularly challenging in light of the economic environment. Many creative and often times unpopular concepts were floated and debated by the BOE to reduce what seem to be ever rising costs to educate our children, especially those with special needs. The BOE was extremely challenged this year to meet their goals and deliver a budget that does not compromise the quality of a Darien public school education.

While there are many "puts and takes" on this budget – I'm sure you have heard about and will hear more tonight about the many aspects of this budget - the overarching driver on this budget is personnel. The \$4.5 increase over last year can be simply put into 4 categories:

- \$2 million increase in salaries – driven primarily by the 4.2% increase stipulated in the teacher's contract, which is in its final year.
- \$1 million increase in the cost of health care and other benefits.
- \$1 million increase in the operating costs of Special Education
- And \$500k for everything else, such as replacement equipment, etc.

Given the higher than expected increases proposed in this year's Education budget, our Committee did extraordinary due diligence – both independently and

in concert with the many BOE budget meetings. As you likely hear from the BOF tonight, we have challenged the BOE to bring future operating budgets – namely the '12/'13 budget back down to earth through a combination of measures, including managing Special Education expenses more in line with inflation and general enrollment growth. The BOE has recently taken steps in this direction by forming a standing Special Education sub-committee to do – among other things – to analyze and develop recommendations to get these spiraling costs under control.

*The F&B Committee voted to approve the Education Operating budget with 7 in favor and 4 against.*

The four dissenters to the Education Operating Budget asked the chair to read the following position statement:

- *"The BOE and administration have done a tremendous amount of work and spent countless hours getting the proposed budget to its current state. We were hopeful that they had given guidance to the School Administrators to propose the budget based on a need to have vs. a nice to have basis given our current state of economy. We thank them for their time and consideration. We do have a few concerns that we feel were not addressed in this presented budget. Our "No" votes are an attempt to draw attention to these concerns.*
- *The dissenting members are considerate of all of our constituents. Those with children, those on fixed incomes, and empty nesters. We are desirous of having a fair allocation of resources that benefit all Darien taxpayers and not burdening them with budgets that exceed inflation if at all possible. Darien has been a desirable place to live due to it's proximity to NYC, LI Sound, good educational system and reasonable taxes all of which contribute to our real estate values which benefit the entire population of Darien. If our real estate taxes keep escalating we all lose that component of what makes our community attractive.*
- *When the budget was first proposed it was an 8% increase from the prior year's budget. It seems that there were items put in the budget knowing they will get cut out to make it appear that the proposed budget had been paired down. In these times, most of the dissenters felt a realistic flat to down budget should be proposed. Faced with a potentially prolonged economic slowdown, higher state taxes, and higher federal taxes, we*

*should be looking to reduce not maintain a status quo of the previous years.*

- *Much of the increases are attributed to the current union contracts we have in place. We felt the contract should have been reopened and renegotiated prior to the expiration date since the salary increases and benefits were not considerate of our fiscal crisis. The BOE's opinion was to adhere to the regularly scheduled negotiations scheduled to start this June. We would like to see an attempt to go for NO NET increase to very low net increases.*
- *The SPED portion of the budget is spiraling out of control with a 10% plus compounded growth rate from fiscal years 2006/2007 to the current 2010/2011. This has resulted in the BOE budget being in a deficit from its approved budget now for the past 2 years. The BOE has had to come back to ask for more funds as a result. In the past the BOE has underestimated the amount of reimbursement it received from the state for excess cost in SPED. This became a big boon for the budget and the monies were baked into the overall spending. This luxury is no longer there given the fiscal crisis on the State level and should be addressed in the budget accordingly, in other words also reduced. If the SPED portion of the budget, by way of measuring the fiscal efficiencies of how services are allocated thus resulting in savings, is not addressed in a meaningful way it is feared that services provided to the general student population will be diluted. Due to the fact that we have to comply with Federal and State mandates with respect to SPED we have no choice but to vigilantly measure and manage this area of the budget which continues to grow by unsustainable leaps.*
- *A consultant was contracted to do a study regarding our SPED program and made recommendations within its report a couple of years ago. One of the recommendations was the use of metrics to analyze all facets of the program. We were surprised that just last week a SPED subcommittee of the BOE was formed to specifically focus on SPED. We feel this is a giant step forward but it should have been formed a couple of years ago when the SPED increases started to balloon and there were recommendations made that should have been considered or implemented.*
- *With regard to metrics, one of our committee members did a fairly extensive analysis on basic SPED numbers using sound data available to the general public. We understand there are different circumstances with*

*each SPED situation and related costs however, there were some ratios which raised concern such as Darien having the highest teacher to SPED student and highest assistant to SPED student in its DRG peer group. Most districts had high in one area but low in another, we have it high on both counts. Had a measurement system been in place monitoring such ratios, and a subcommittee been in place that could have devoted the time to analyze the data and explore or implement changes, perhaps some savings could have resulted and a lower budget presented. Another cost saving area noted was that SPED services could possibly be submitted as claims by the users to their individual insurance companies to help us mitigate costs.*

*These were some of our thoughts after having spent countless hours doing our due diligence in the best interest of Darien. We note that there was spirited debate among the entire committee. While some voted YES they were in agreement that this degree of growth in budget just cannot be sustained year after year”*

END OF STATEMENT

The remaining items, namely Items E to G, which are mainly dealing with the establishment of the mill rate, administration of tax collections, interim funding (if required) and appropriations for Funds that all have essentially no net impact on the budget or taxes.

*The Committee recommends that the RTM approve this budget in its entirety and as approved by the Board of Finance.*

Respectively submitted,

Bruce G. Orr, Sr.  
Chairman  
May 9, 2011

# **RTM Education Committee**

## **Report to the RTM on May 9, 2011**

### **2011-2012 Education Budget**

Good evening. My name is Lois Schneider and I chair the RTM Education Committee.

The RTM Education Committee met on May 2, 2011 with 8 of 14 members present to discuss and vote on the Education components of the Town Budget. Joining us for this meeting were representatives from the Board of Finance, Board of Ed and administration as mentioned earlier. The Committee voted 7 in favor with 1 abstention to approve the Education Operating Budget of \$76,313,805 and a unanimous vote to approve the Education portion of the Reserve Fund for Capital and Non-Recurring Expenditures.

Since I usually go first and also it is late, I will edit my speech to the key items and not repeat the points Mr. Orr has already made.

This was a tough budget process for the Educational program for our town for 2011-12. We are budgeting for the 3<sup>rd</sup> year of a 3-year teacher contract that was set before the economic downturn. Our enrollment continues to grow. The economy has not picked up to increase State and Town revenue. And many cuts already have been made and contractions already accomplished. Additional major cuts would affect the delivery of services in the general education area. The one area that is being closely reviewed is Special Ed. This review started last year and is a major long-term effort to answer the questions relating to identifying and providing necessary services in a cost-effective manner.

The Superintendent's proposed budget was presented in early January and, at the Board of Education's request, represented the dollars needed for maintaining our high level of quality education and some new initiatives. The Board of Ed then discussed all of the budget line items, postponed considering the World language initiative and most non-teaching staff increases for next year, reduced some budget lines and added in \$ to others. The goal was to present a workable budget meeting our commitments and not underfunding particular line items nor providing for expansions.

The Board of Finance then did not reduce the Board of Ed budget and added in \$ to cover the fuel and OPEP pension assumptions, but strongly stated that the Board of Ed MUST live with the \$s allocated. It is now the RTM's opportunity to address this budget.

The 2011-12 Education budget of \$76.3 million is a 6.7% increase over the current budget including a 23 student increase in the high school and the 3<sup>rd</sup> year of a teachers contract negotiated in a more prosperous time.

Following on to this year's difficult budget as per the prior resolution, next year's budget will again be a challenge. The key components for the 2011-12 budget are:

- 1). Enrollment – Elementary enrollment continues to stay at its peak and is not decreasing yet. The current projection for October 2011 is 150 students higher than that projected 2 years ago for this time. MMS was supposed to peak last year, but instead continues to grow slowly and the High School is projected to reach peak enrollment in 1.5 years and stay there for several years. We are seeing higher growth than our neighboring districts and no reduction.
- 2). Class-size policy is being maintained – a key request from the Board, parents, and educators.
- 3). As mentioned the major teachers' contracts was negotiated prior to the economic collapse resulting in a 4.2% increase next year. The recently completed Administrators' contract is an increase of 1.5%. There was some discussion that the Board should have opened up the teachers' contract for review for this budget, but teachers would have had to agree and the Board chose to look at the long run and be in a stronger position for negotiating for the 3 years following.
- 4). Special Education has already been discussed in detail.

- 5). Healthcare costs will increase 9% as we continue to have a favorable experience history.
- 6). Technology expenditures are \$345,255 as we can't continue to postpone the replacement of aging technology.
- 7). Two capital projects have already been funded – the MMS gym floor and the Hindley dual fuel upgrade – with an additional \$174,500 in this budget. Almost \$300,000 in priority 1 requests have been postponed.
- 8). The student fees initiated last year at the high school will be continued, ELP tuition has been increased and Darien Parents organizations have contributed an average of \$120,000 each year over the last 4 years.

In summary, it is important to maintain our quality educational program with this budget as the students' learning cannot be postponed. The Education Committee supports the budget as submitted and recommends that the RTM do the same.

Thank you very much.

REPRESENTATIVE TOWN MEETING  
WARNING 11-10  
2011-2012 BUDGET

Good evening, I am Cheryl Russell Chairman of the Park and Recreation Committee.

The Park and Recreation Committee met on May 2, 2011 with eight of 14 members present, to discuss and vote on the Park and Recreation Operating and Capital section of the 2011-2012 Town Budget. Ms Swiatek, Director of Park and Recreation also joined us. We voted unanimously for this budget, however, many concerns were raised during our discussion.

We discussed the \$1,500.00 cut from the operating budget. Once again, this cut will directly affect the public, as services will be reduced. We believe services to the public must be maintained in the highest standards.

The Capital budget was cut by \$17,150.00.

Sand for both beaches was cut from the budget for a total of \$96,000. Ms Swiatek explained that for years the replacement of sand at both the beaches had been staggered, that way our budget would be reasonable. Since sand had been cut from one or the other beach in different years, we now find ourselves needing sand at both beaches within the same year. We understand not replenishing sand this year for Weed Beach, because of the renovations but why not replenish the sand at Pear Tree Point Beach this year so that next year we will not be in this same position. Let us not forget that beach permits alone generate more than \$200,000 a year in revenue, not to mention our other revenue. We understand all revenue goes into the general fund for the entire town, however, we feel that this is a large amount of money and yet our budget <sup>receives</sup> is such a tiny piece of the pie.

Other cuts were \$8,000 for repairs to the Ross property, \$20,000 for a backstop, \$10,000 for outfield fencing and \$7,500 for screen planting are all cut from Holohan field. Once again, \$30,000 for a dog park was cut.

All of these cuts will most likely return in next year's budget, which is why we urge the powers to be to reconsider the Park and Recreation Commission 5-year plan, that way we can look into the future and budget for our needs in the appropriate years to come.

Thank you.

REMARKS TO THE RTM

MAY 9, 2011

LIZ MAO

GOOD EVENING. I AM LIZ MAO, CHAIRMAN OF THE BOARD OF FINANCE, AND I AM HERE TONIGHT TO PRESENT DARIEN'S FISCAL YEAR 2012 BUDGET TO YOU FOR YOUR CONSIDERATION AND YOUR VOTE. THIS PROPOSED BUDGET WAS APPROVED BY A UNANIMOUS VOTE OF THE BOARD OF FINANCE AFTER MANY ADJUSTMENTS AND MUCH DISCUSSION, BOTH AMONGST OUR BOARD MEMBERS , AND ESPECIALLY, WITH THE BOARD OF EDUCATION AND ADMINISTRATION.

AS YOU HAVE HEARD, THE BUDGET PROPOSES TOTAL SPENDING OF \$115 MILLION, 112 THOUSAND AND 290 DOLLARS. ALTHOUGH THE TOTAL SPENDING IS UP OVER FOUR PERCENT, THE MILL RATE INCREASE IS 3.92 PERCENT, PRIMARILY DUE TO THE FOLLOWING: WE EXPECT THAT TOWN REVENUES ARE FINALLY RISING AFTER THE FISCAL DOWNTURN; THE GRAND LIST HAS GROWN ABOUT HALF A PERCENT, AND WE HAVE REVISED UPWARD OUR ASSUMPTIONS ABOUT THE PERCENTAGE OF PROPERTY TAXES WHICH WILL BE COLLECTED FROM 98.5 PERCENT TO 98.9PERCENT.

WHEN I CAME BEFORE YOU LAST DECEMBER, I WAS VERY CONCERNED THAT THE BUDGET REQUEST FROM THE BOARD OF EDUCATION WAS ALREADY PROJECTED TO BE ABOVE 6 PERCENT, AND I TOLD YOU THAT A BUDGET INCREASE OF 6 PERCENT WOULD BE UNACCEPTABLE. IN FACT, THEIR REQUEST ENDED UP BEING

*and the BOF actually added to this request to account for fuel costs O&EB*  
OVER SIX PERCENT. SO, LET ME BRIEFLY EXPLAIN THE BOARD OF FINANCE'S THINKING ABOUT THIS YEAR'S REQUEST.

FIRST, HOWEVER, I WANT TO BRIEFLY STATE THAT THE TOWN SIDE OF THE BUDGET HAD VERY MODEST INCREASES. THE TOWN ADMINISTRATOR AND THE BOARD OF SELECTMEN WERE VERY PRUDENT IN THEIR REQUESTS FOR INCREASES AND THE TOTAL TOWN SIDE OF THE BUDGET IS A 1.6 PERCENT INCREASE.

ONE OF THE KEY POINTS IN KEEPING THE TOWN SIDE OF THE BUDGET LOWER IS THAT WE DID NOT DO IT BY CUTTING OUT ~~WORTHY~~ <sup>NEEDED</sup> PROJECTS. RATHER, THE BOARD OF FINANCE DECIDED TO FUND SEVERAL WORTHY CAPITAL PROJECTS OUT OF THE BOARD OF FINANCE RESERVE FUNDS FOR INFRASTRUCTURE AND FOR CONTINGENCY. THE PROJECTS WE FUNDED ARE CONSISTENT WITH OUR PRINCIPLE OF BEING IN FAVOR OF PROJECTS THAT HAVE THE EFFECT OF LOWERING OPERATING COSTS THROUGH ENERGY EFFICIENCIES, AND FOR MEETING OUR COMMITMENT TO REDUCE FLOODING BY INVESTING IN NEEDED DRAINAGE PROJECTS.

*For example used our Contingency Reserve*  
SPECIFICALLY, WE APPROVED 170 THOUSAND FOR RUNNING A GAS LINE TO TOWN HALL AND 25 THOUSAND FOR CONVERTING HINDLEY BOILERS TO DUAL BURNERS SO THAT GAS CAN BE USED THERE AS WELL. THE INFRASTRUCTURE RESERVE ACCOUNT—SET UP A FEW YEARS AGO FOR FLOODING PROJECTS, WAS USED TO FUND TWO DRAINAGE PROJECTS TOTALING 235 THOUSAND DOLLARS. THESE PROJECTS ARE FOR INTERVALE AND WEST AVE.

*The Middlesex Gym Floor*  
WE ALSO APPROVED PROJECTS TO BE FUNDED OUT OF THE CONTINGENCY ACCOUNT FOR A POSSIBLE SOLAR PANEL INSTALLATION AT TOWN HALL AND FOR AN ARCHITECTURAL STUDY FOR THE USE OF 35 LEROY AS THE NEW BOARD OF EDUCATION HEADQUARTERS AND THE MOVING OF THE SENIOR CENTER TO TOWN HALL.

*These do not appear in next year's budget*  
ACCORDINGLY, NONE OF THE PROJECTS I'VE JUST MENTIONED ARE INCLUDED IN THE \$1,429,575 FROM THE RESERVE FUND FOR CAPITAL AND NON-RECURRING EXPENDITURES.

*To show how serious we were about reducing the budget increase, we cut our own line items for adding to these reserves*

ONE OF THE OTHER KEY ACTIONS WE TOOK TO KEEP THE BUDGET INCREASE DOWN WAS TO KEEP THE DEBT SERVICE NUMBER TO 10 MILLION, 095 THOUSAND, 356 DOLLARS, OR AN INCREASE OF \$642,449 THOUSAND ( 6.8 PERCENT) AS YOU KNOW WE HAVE COMMENCED SEVERAL CAPITAL PROJECTS, THE BIGGEST ONE BEING THE POLICE STATION. WHEN WE WENT OUT TO BOND FOR ONE HALF OF THE POLICE STATION. 35 LEROY AND SEWERS, WE DECIDED TO TAKE ADVANTAGE OF THE SHORTER YIELD CURVE AND GO FOR A 13 YEAR BOND, BUT DEFER PRINCIPAL PAYMENTS FOR TWO YEARS. THE INTEREST RATE WE WERE ABLE TO CAPTURE WAS 2.75 PERCENT, AND THE TOTAL PAYMENTS WE WILL MAKE ARE NO MORE THAN IF WE HAD GONE OUR TRADITIONAL 20 YEAR ROUTE.

Boe BUDGET DISCUSSION

BUILT IN INCREASES

SPECIAL EDUCATION EXPENSES NOT ABLE TO BE CUT

SAVINGS WOULD COME FROM TEACHER LAYOFFS OR EARLY REOPENING OF CONTRACT. WE DID NOT LIKE THAT COURSE OF ACTION AS IT WOULD HAMPER US IN THE UPCOMING NEGOTIATIONS.

WE SUPPORT THE BUDGET AS PRESENTED AND ASK FOR YOUR VOTE TO APPROVE IT.

I AM HAPPY TO ANSWER QUESTIONS.

Good Evening, Madame Moderator and members of the RTM. I am Kim Westcott, Chairman of the Darien Board of Education. Thank you for the opportunity to report on the Board of Education Recommended Budget for 2011-12.

The Board of Education 2011-12 recommended operating budget equals \$76,313,805 and the recommended capital budget equals \$174,500.

The overall goal of the 2011-12 budget is to maintain core academic and extra-curricular programming in our schools. Salaries and benefits represent close to 90% of the budget and are driven by enrollment, class size policy, contractual obligations and federal and state mandates.

Enrollment continues to grow in Darien, unlike all but one of our Fairfield county peer towns (New Canaan is up slightly). We are budgeting for <sup>22</sup>~~30~~ more students with the largest growth continuing at the high school. Despite increased enrollment, headcount is flat. For the second year, teacher increases at the secondary level are offset by reductions in support areas and attrition.

Contractual increases for teachers in 2011-12 were set at 4.2%. Based on our projections, 2011-12 total budgeted salaries will be up 3.2%, reflecting those contractual agreements negotiated in 2008. Significantly lower salary increases and greater health benefit cost sharing are reflected in the Administrators' contract covering 2011-14. We will begin negotiating with the teachers this summer for the contract that begins July, 2012. It has been especially challenging to honor our contracts during the economic downturn. Our teachers are important partners and critical to the success of the district. Nevertheless, we *must* find relief from the salary and benefit cost increases, not only to maintain Darien's current educational programming, but to have a shot at keeping up with educational best practices.

There is a 22% increase in operating accounts almost entirely driven by special education and the Board's decision to fund the consultant, legal and out of district tuition accounts at the 2010-11 level. The Board of Education expects that state

mandates will continue to be underfunded for the foreseeable future and that the current growth rate of expenses is unsustainable. To maintain the educational programs in Darien at current levels, we must carefully manage all aspects of our budget and right now that especially means special education.

The administration has put considerable resources into analyzing how the district can deliver free and appropriate special education services to our students using the most effective and efficient models of instruction and support. In 2009, the BOE hired a consultant who reviewed the special education program and presented a report in January, 2010 that included an extensive list of findings and recommendations. Last spring, then Assistant Superintendent, Dr. Falcone, organized the findings into a framework of five major categories (PPT's, Legal Guidelines, Glossary or language, Professional and Paraprofessional staff, and District Culture) which were analyzed and an overall plan of action was developed.

A cultural shift is occurring whereby there is greater integration of regular education and special education staffs so that all teachers recognize a shared responsibility for all students. A special education mission statement has been developed, a special education procedural handbook has been published, professional development has occurred at all levels and buildings. These steps lay a foundation for a common language, a clear message of collaboration and an emphasis on correct procedure. A special education committee of the Board has been established to review and provide guidance as the administration makes recommendations to improve the delivery of services, insure the efficient use of resources, and provide current data so results can be measured. Dr. Falcone is to be commended for his thorough and methodical approach to strengthening management of our special education services.

Fixed expenses will increase 9.5% largely due to a 9% increase in health insurance and a 35% increase in fuel oil (\$3.18 per gallon). A 47% increase in the OPEB obligation (\$432,194) and a 10% increase in the pension contribution (\$938,116) are funded as recommended by the actuary. The district looks to reduce energy

consumption and shift where possible to less expensive sources. We have contracted with Yankee gas, who will install a gas line to Hindley School, and in return, the district agrees to buy gas at a fixed rate for five years.

For several years equipment purchases have been restricted to maintaining district technology and this approach continues. In 2011-12 district servers will be replaced. 6 year old desktop computers at DHS and middle school tablet PC's which were postponed last year, will be replaced.

The proposed \$174,500 capital budget includes a portable renovation and boiler re-piping at Ox Ridge, Holmes exterior painting and replacement of a 16 year-old dump trunk for the maintenance department.

A word about projected Revenues: Federal ARRA funds are discontinued in 2011-12 (\$455,000) which drive a 1% decrease in revenues. We have budgeted the special education excess cost grant at 70%, a decrease from the 75% rate expected this year. ELP tuition was increased 25%. We will continue to charge a \$100 per student activity fee at Darien High school and have budgeted summer school revenues to continue at 2010-11 level.

The Administration and Board of Education are committed to careful management of the school district's financial resources. The past three years have demanded that we find efficiencies in all aspects of our operations. We will continue to analyze and measure all district operations, looking for savings, while delivering a strong educational program to the school children of Darien.

I'd like to thank the members of the Board of Finance and members of the RTM Education and Finance and Budget Committees who have done their homework and asked many good questions that have improved our work. The Board of Education appreciates the longstanding support of the RTM for education in Darien and I ask for your support of the 2011-12 Recommended Education budget.

Kimberly P. Westcott,  
Chairman Darien Board of Education