

**MINUTES
REPRESENTATIVE TOWN MEETING
SEPTEMBER 26, 2011**

CALL TO ORDER

The Regular Representative Town Meeting was called to order at 8 p.m. by Donna Rajczewski, Town Clerk.

Upon Roll Call, the following members were present:

From District I, there were 9 members present, 5 absent.
From District II, there were 15 members present, 1 absent.
From District III, there were 14 members present, 2 absent.
From District IV, there were 12 members present, 4 absent.
From District V, there were 13 members present, 2 absent.
From District VI, there were 14 members present, 3 absent.

The absentees from District I were: Bishko, Kahn, Kelly, Ness, Sommer.
The absentees from District II were: McIlmurray.
The absentees from District III were: Brode, Coyle.
The absentees from District IV were: Millar, Peters, C. Schoonmaker, S. Schoonmaker.
The absentees from District V were: Camuti, Pierret.
The absentees from District VI were: Baldwin, Bealle, Grogan.

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 Barbara Harrington, a long-time member of the RTM from District I.

STATUS OF RTM PORTION OF THE NOVEMBER 8, 2011 BALLOT

Mrs. Rajczewski said that District III has gained a seat ; District VI has lost one seat.

Mrs. Rajczewski reported on the status of RTM candidates as follows:

- District I has 10 vacancies, 5 candidates.
- District II has 8 vacancies, 4 candidates.
- District III has 11 vacancies, 11 candidates.
- District IV has 10 vacancies, 9 candidates.
- District V has 7 vacancies, 6 candidates.
- District VI has 7 vacancies, 7 candidates



Mrs. Rajczewski said there is one other way to be elected – be a write-in candidate. The person needs to register with the Town Clerk’s Office and receive at least 25 votes on the ballot. They can register up to the day before the election.

APPROVAL OF MINUTES FOR MAY 9, 2011 BUDGET MEETING

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

BOARD OF SELECTMEN FACILITIES REALIGNMENT PRESENTATION

First Selectman David Campbell read his written report (attached).

Mr. Guimond, Chairman of the Building Committee, introduced the architects, Thomas Arcari and Rusty Malik of Quisenberry/Arcari Architects.

Elizabeth Mao, Chairman of the Board of Finance, read her comments (attached), noting that it was not written on behalf of the Board of Finance as this has not specifically come before the Board of Finance.

Power Point presentations were made by architects Rusty Malik and Tom Arcari on the proposed Board of Ed Building at 35 Leroy and the senior center in the Town Hall annex.

Mr. Guimond said the projected cost for both buildings is \$6,900,000.00. They don’t know the cost of demolition of the senior center.

First Selectman Campbell reviewed the “cost of doing nothing” via a power point presentation.

Holly Kelly, District VI, asked who will control the bulk of the space at 35 Leroy. Mr. Guimond said it is community space. Mrs. Kelly asked when the need for community space was established, and Mr. Guimond said it had evolved. This could also be used by the Board of Education. He also said that the cost established for the spaces included furnishings and kitchen equipment. Mrs. Kelly asked when they would have the information on the third phase of this project. First Selectman Campbell said they would have that information in the future.

Barbara Thorne, District II, said a few issues about 35 Leroy were raised at the Education Committee? meeting. The possibility of heating with gas instead of oil and not using the basement space was raised. Mr. Guimond said the town has asked Yankee gas to supply an estimate on putting gas into the building, It would be much more efficient. Mrs. Thorne asked if the proposal were coming in with 50% of the cost, and Mr. Guimond responded that it is 50% of the design and maintenance costs. Re the basement area, that is not in their scope. Mr. Malik said they had an environmental assessment done. The ventilation does not only serve the Board of Education space. They will make sure that all systems are operational. He noted that, in addition, the gym in the annex has to be sprinklered.

Jack Davis, District V, said he has not heard about parking spaces available at 35 Leroy vs, what is there now. He asked where the overflow would go. Mr. Malik said there are 34 spaces at 35 Leroy plus the shopping center across the street. In response to Mr. Davis’s question as to whether the usage by field users had been taken into account at the annex, Mr. Arcari said it had been. Mr. Davis noted that there are four conference rooms in the new design for the Board of

Education, and he asked how many currently existed. Mr. Guimond said that the Board of Education currently has three conference rooms.

Lois Schneider, District I, asked what would happen if the forecast for the number of seniors is wrong – are they overbuilding? Mr. Arcari said when they look at the actual population numbers of seniors, they can agree that there will be peaks. In addition, non-profit groups will use the facility in the evening. They feel that the program is appropriate for the senior needs of Darien.

Elisabeth Bacon, District II, asked if this was a senior center or a community center. Mr. Guimond said it was a community center. Mrs. Bacon asked if there was a distinction between Darien residents and those of adjacent communities, and Mr. Arcari said he would have to obtain that data.

Edgar Hawkins, District VI, asked about the timing. Mr. Guimond said an important factor is the move of the Board of Education, which would be best done in the summer. If this plan is approved, they would move the Board of Education in July or August. Phase II would take approximately 1-1/2 years after that. The renovation of the Board of Education would take five months. They would like a decision from the RTM as soon as possible.

Christa McNamara, District VI, asked about zoning for the community center. Mr. Guimond said the only difference is the front deck. Mrs. McNamara asked, under the program review with focus groups, what about the non-senior uses. Mr. Arcari said those are programs from the Parks & Recreation Department. They met with them, with the seniors and with the Arts Council.

Maria Cleary, District IV, asked if it was designed as a community center or as a senior center. Mr. Arcari said they were charged with designing a senior center. As they went through the process, they realized the facility would have more value as a community center. Mrs. Cleary asked which groups had expressed dissatisfaction. Mr. Arcari said there was no specific group. The Parks & Recreation Director expressed the need for meeting and program space. In response to a question from Mrs. Cleary, Mr. Guimond said that the soft costs for 35 Leroy were \$36,000. The amount of space for the Board of Education is increasing, according to Mrs. Cleary, and she asked if they would be responsible for the basement. Mr. Guimond said that was controlled by the town. Mrs. Cleary asked if an operating budget had been set up for 35 Leroy. Mr. Guimond said they had presented the costs at the Board of Education meeting. They don't have the operating costs for the Mather Center. Mr. Kilduff said the analysis has been done. First Selectman Campbell said he would get that information out tomorrow.

Bruce Orr, District V, said that 35 Leroy sits vacant and needs to be used. It is a building that needs maintenance. He supports this project.

Jay Hardison, District IV, asked about approaching the \$100,000,000 upper limit for bonded indebtedness. Mrs. Mao said that could happen, but it is up to the Board of Finance to make sure it doesn't happen. Re another question about a housing use, First Selectman Campbell said if they used Edgerton as housing, it would depend on the type of housing being built.

Holly Schulz-Amatruda, District I, said she was concerned about the extra spaces and meeting rooms. She was disturbed about the basement at 35 Leroy not being used. This is an expansion that is not really necessary. The estimates for the increase in the senior population will not necessarily happen. This was designed as a senior center and making it a community center was

an after-thought. Mr. Malik said they focused on sustainable design. Mrs. Schulz-Amatruda asked if the experts in the senior center were asked to look at both the senior center and town hall. Mr. Arcari said they looked at both and felt Mather was a much better solution.

John Sini, District I, said there had been a presentation on affordable housing in the past. The proposed renovation of town hall for the senior center is very good. He also pointed out that prior administrations had talked in terms of community/senior center use.

Christian Noe, District II, asked how one would get from the community room to the basement to use the bathroom. Mr. Malik said there is a handicapped-accessible rest room in the lobby on the main level.

An unidentified member of the public asked why the \$4,200,000 that the town paid for the library several years ago was excluded from the price of the facilities shift. Mr. Guimond said that was for a pre-existing piece of property. In response to a question about what precludes the town from selling 35 Leroy, First Selectman Campbell said it is bonded and cannot be sold as long as there is a deed on it. The unidentified man said it is bonded by General Obligation Bonds. Mrs. Mao said it is now bonded by the town. They could sell it, but the decision was made by the Board of Finance that the town purchase this building for municipal use.

Seth Morton, District III, said this will come before the RTM again. He asked that this discussion be shut down so that they can move onto other items.

E. Reilly Tierney, District I, asked if incremental debt service costs for the next two years related only to this. Mrs. Mao said it only relates to current debt. Mr. Tierney said that they should have a special meeting for this discussion. Mrs. Armour said that could be done.

11-11

CONSIDERATION AND ACTION ON WAIT LIST MODIFICATIONS TO DARIEN BOAT CLUB LEASE

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

WHEREAS, the Darien Boat Club has requested a modification of the lease between the Town of Darien and said Club.

WHEREAS, the Club has requested a change in the way wait lists are ordered.

WHEREAS, the Club has requested that wait lists be by “membership date” as listed on a membership bond.

NOW THEREFORE, BE IT RESOLVED that the Representative Town Meeting of the Town of Darien hereby approves this second amendment and modification of said lease by and between the Town of Darien and the Darien Boat Club, Incorporated, as more particularly described in proposal attached hereto and made a part hereof.

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

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

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

Diane Conologue, District VI, asked the length of the waiting list; if it includes kayaks; if those people on the current wait list would be grandfathered and how they would handle this bylaw change. Jerry Kutz, Darien Boat Club, said there is a separate wait list for slips. As of Sept. 12th, there are 5 people waiting for 251 slips. There is a problem with waiting lists in terms of grandfathering – generally, it makes no difference in terms of older members because they already have boat slips.

**** JACK DAVIS, DISTRICT V, CALLED THE QUESTION.**

**** ITEM 11-11 CARRIED ON A RISING TALLY VOTE OF 68 IN FAVOR, 3 OPPOSED, 0 ABSTENTIONS.**

09-6

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

Town Counsel Fox noted that there could be an amendment to the original resolution.

**** JAMES PATRICK, DISTRICT V, CHAIRMAN OF PUBLIC HEALTH & SAFETY, MOVED:**

WHEREAS, the Town of Darien desires to establish an ordinance for the control of dogs; and

WHEREAS, the ordinance would require the owner to leash and control the conduct of the dog; and

WHEREAS, the ordinance would require the owner to clean up after the dog.

BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien hereby adopts an ordinance attached hereto and made part hereof.

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

James Patrick, District V, Vice Chairman of Public Health & Safety, read the committee report (attached).

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

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

**** JAMES PATRICK, DISTRICT V, VICE CHAIRMAN OF PUBLIC HEALTH & SAFETY, MOVED TO AMEND THE RESOLUTION TO READ AS FOLLOWS:**

Control of Dogs in Public Places

A. Leashing and Conduct in Public Places

Except in a dog run established by the Town or any private entity, no owner or keeper shall bring any dog onto any public street, sidewalk or any other public property unless the dog is on a leash or lead that is no more than twenty-five (25) feet and under the control of its owner or keeper at all times. No owner or keeper shall allow any dog under his supervision to dig up, mutilate, deface or destroy any public properties.

B. Cleaning Up After Dogs

The owner or keeper of any dog on a public street, sidewalk, or public property shall promptly remove all feces left by the dog on such public areas and dispose of such feces in a sanitary manner.

C. Exceptions

The provisions of this section shall not apply to:

- dogs used by a governmental agency or a service animal as defined by 28 C.F.R. 36.104.

D. Enforcement and Penalty

The provisions of this section may be enforced by a summons for a violation issued by any police officer or animal control officer. Any person violating this section shall be fined in accordance with Appendix D, Table of Ordinance Fines.

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

Tony Imbimbo, District I, said that the ordinance seems to pulverize the work that the Parks & Recreation Commission did. He said that there are ordinances that apply directly to parks. This contradicts a town ordinance.

**** SHEDD GLASSMEYER, DISTRICT I, MOVED TO AMEND TO ADD TO SECTION C - "THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO DOGS IN TOWN PARKS, WHICH ARE SUBJECT TO THE RULES AND REGULATIONS OF THE DARIEN PARKS & RECREATION COMMISSION".**

**** THE AMENDMENT WAS SECONDED FROM THE FLOOR.**

Lloyd Plehaty, District VI, said if this amendment to the amendment passes, a blind man would be evicted from the beach. Mrs. Armour said there would be two separate exceptions.

Joanne Hennessy, District V, asked whether the committees favor the first or the second amendment. Mrs. Seelye said she supports both the amendment and the amendment to the amendment. Mrs. Armour said it would be useful to have this amendment along with the Parks & Recreation ordinance.

In response to a question, Town Counsel Fox said the amendment to the amendment was a clarification.

**** THE AMENDMENT TO THE AMENDMENT CARRIED UNANIMOUSLY BY VOICE VOTE.**

Holly Schulz-Amatruda, District I, asked that this information be included when people get their dog licenses each year. Mrs. Armour said that was their intention. Jane Branigan, Chairman of the Parks & Recreation Commission, said this was a budgetary issue.

Bruce Orr, District V, said he heard comments about additional costs and the fact that some people felt this fell short of what is needed.

Gary Swenson, District VI, gave thanks to all of the people who have been involved in this effort.

**** GARY SWENSON, DISTRICT VI, CALLED THE QUESTION.
** MOTION PASSED WITH ONE VOTE IN OPPOSITION.**

**** THE AMENDMENT, AS AMENDED, CARRIED UNANIMOUSLY BY VOICE VOTE.**

**** ITEM 09-06, AS AMENDED, CARRIED ON A RISING TALLY VOTE OF 59 IN FAVOR, 13 OPPOSED, 0 ABSTENTIONS.**

**** UPON MOTION MADE AND SECONDED FROM THE FLOOR, IT WAS UNANIMOUSLY VOTED TO ADJOURN AT 11 P.M.**

Respectfully submitted,

Cheryl Telesco
Telesco Secretarial Services

APPENDIX

<u>DISTRICT I</u>	<u>(11-11)</u>	<u>(09-6)</u>	<u>DISTRICT IV</u>	<u>(11-11)</u>	<u>(09-6)</u>
Bishko	absent	absent	Cameron	yes	yes
Glassmeyer	yes	yes	Cleary	yes	yes
Hegarty	yes	yes	Davis	yes	yes
Imbimbo	yes	yes	Fiore	no	yes
Kahn	absent	absent	Hardison	no	yes
Kelly, P.	absent	absent	Kemp	yes	yes
Nelson	absent	absent	McIlree	yes	yes
Ness	absent	absent	Millar	absent	absent
Schneider	yes	yes	Miller	yes	yes
Schulz-Amatruda	yes	yes	Morrison	yes	no
Schwarz	yes	yes	Peters	absent	absent
Sini	yes	no	Rayhill	yes	yes
Sommer	absent	absent	Rycenga	yes	yes
Tierney	yes	no	Savage	yes	yes
			C.Schoonmaker	absent	absent
			S.Schoonmaker	absent	absent
<u>DISTRICT II</u>			<u>DISTRICT V</u>		
Bacon	yes	yes	Adiletta	yes	yes
Cummings	absent	absent	Camuti	absent	absent
Gallo	yes	no	Conniff	yes	yes
Harman	absent	absent	Dailey	yes	yes
Hilton	absent	absent	Davis	yes	yes
Hoffman	yes	?	George	yes	yes
Howe	yes	yes	Hennessy	yes	yes
Magida	yes	yes	Orr	yes	no
Maguire	yes	no	Patrick	yes	yes
Marston	yes	yes	Pierret	absent	absent
McIlmurray	absent	absent	Ritchie	yes	yes
Mundt	yes	no	Russell	yes	yes
Noe	yes	no	Sharp	yes	no
Seelye	yes	yes	Stolar	yes	yes
Thorne, B.	yes	yes	vanderKieft	yes	yes
Thorne, M	yes	yes			
<u>DISTRICT III</u>			<u>DISTRICT VI</u>		
Bayne	yes	yes	Adelman	yes	yes
Brode	absent	absent	Armour	Did not vote	
Burke	yes	yes	Baldwin	absent	absent
Cardone	yes	yes	Bealle	absent	absent
Coyle	absent	absent	Conologue	yes	yes
Duffy	yes	yes	Grogan	absent	absent
Fead	yes	no	Guimond, M.	yes	yes
Ferretti	yes	yes	Guimond, N.	yes	yes
LeHan	yes	yes	Hawkins	yes	yes
Maroney	no	no	Kelly, H.	yes	no
Martens	yes	no	McDermott	yes	yes
Moore	yes	yes	McLean	yes	yes
Morton	yes	yes	McNamara	yes	yes
Olvany	yes	yes	Palen	yes	yes
Smith	yes	yes	Plehaty	yes	yes
Young	yes	yes	Poli	absent	yes
			Swenson	yes	yes

OPENING REMARKS Good evening, madam moderator and members of the RTM,

I come before you tonight to discuss a concept to better utilize our towns facilities in a fiscally responsible way. Currently some of our towns facilities are not being used efficiently, to capacity, or not at all, and our goal is to change this...The facilities in question are the senior center, old library, and the town hall.

Before we took office, a study was conducted dated March 10, 2008, which provided a cost estimate for a new Senior Center. The estimate entailed a 19,500 sq foot building with a 3,000 sq foot basement, costing 7,950,000 million dollars, without soft cost.

After taking office, we asked a facilities task force to instead look at the existing facilities that might be better utilized to meet our needs. The task force conducted a feasibility study covering three properties:

- The current senior center at Edgerton is a 18,000 sq foot building that is in disrepair.
- The town hall has 10,000 sq feet that is poorly utilized.
- The old library at 35 Leroy is sitting empty.

With the information from the fit study the decision was made by the facilities task force to move the Senior Center to the Town Hall, and the school's Central Office to 35 Leroy.

Next we formed a building committee led by Norm Goumond, who hired the architects, Tom Arcari and Rusty Malik that would design the two facilities and create a budget.

The current proposal is to demolish the senior center at Edgerton whose land we can use to build affordable senior housing and to renovate the two good buildings, the old library and town hall, to make them code compliant, hazmat free, and in excellent condition for the next 25 years. The cost estimate has increased from the original fit study for a number of reasons, which the building committee and architects will explain.

Having been involved in the building of the new Darien High School and Darien Library I am very aware of building cost, but even with the added cost I feel strongly that these changes are in the best interest for the town of Darien taxpayers. This is a forward thinking program with all of our tax dollars in mind.

Now I would like to turn the program over to Norm.

Good evening. I am pleased to say a few words about these proposed projects and their possible financial impact on the town.

However, I must emphasize that I am not speaking on behalf of the full Board of Finance, nor has the Board of Finance had any opportunity to review the projects. I am here tonight primarily to provide a few remarks on the **POSSIBLE** impact on the town's debt and debt service, as a matter of information.

If we assume that the facilities transfer projects are approved in more or less the way they are being described here tonight, I personally believe the town can comfortably handle the debt level and the debt service associated with the projects.

The Board of Finance adopted a policy with respect to total debt a year or so ago. The general policy is that Darien should keep its total debt level below \$100 million dollars. Should the town approve these projects, we would remain comfortably below our upper limit.

At the end of Fiscal Year 2011, which was June 30, 2011, Darien's debt level was \$92,150,000 dollars. The interest and principal paid in FY 2011, otherwise called "debt service" was \$9.39 million dollars.

Assuming these projects go forward, Darien's forecasted debt service for this fiscal year, FY 12, will be \$10.459 million dollars, with a debt level reaching \$97.63 million dollars at the end of the current year. This would be the peak debt level.

Also assuming level principal payments, the debt repayment will rise to \$11.4 million in 2013 and then peaking at \$12.7 million in 2014. However, **the underlying debt** will actually be down to \$94,648,000 in 2013, and in 2014, the debt level will drop to \$85,310,000. Thereafter, debt will drop by about nine or ten million dollars per year.

I have spoken to several members of the Board of Education, and they do not anticipate any multi-million dollar projects over the foreseeable future. Other than the facilities transfer project, the town also does not have any other large projects on the horizon.

CLOSING REMARKS

As we all know- there is no perfect plan, if there was we would not be here tonight discussing a new community senior center. Over the past ¹² ten years there have been close to 30 studies and surveys with no solutions. During that time the senior center continued to deteriorate.

Many people, well respected community volunteers, have spent the past year working together to analyze the details of this plan. This has been a collaborative and open process that has looked at many possibilities to utilize our town facilities.

This last slide is the cost of voting NO. We will need to spend ^{3.325} 3.35 million dollars in capital improvements over the next 6 years to maintain the 3 buildings we discussed tonight. Bonded debt and principal will cost 2.82 million dollars over the same period. By implementing this facilities plan the cost to the tax payers will be reduced by ~~\$530,000.~~ ⁵⁰⁵

This is your decision to make.

Thank you.

Review Presentation on Town Website

**Finance & Budget Committee
Report to RTM, Sept. 26, 2011**

**(11-11) RTM RESOLUTION APPROVING THE SECOND AMENDMENT
AND MODIFICATION OF A LEASE BY AND BETWEEN THE TOWN OF
DARIEN AND THE DARIEN BOAT CLUB, INC.**

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

I move Resolution (11-11) 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 Sept 19, 2011, with 9 of 14 members present comprising a quorum.

We thoroughly reviewed the Amendments and Proposed changes to the Boat Club by-laws and determined that there were no financial implications to Town as a result of these changes. These changes are simply designed to improve how the Club manages slip and locker wait lists are managed.

Finding no meaningful financial elements embodied in these changes, the Committee voted unanimously to approve these changes. We recommend to the RTM to vote in favor of this Resolution.

Bruce G. Orr, Sr.
Chairman, Sept. 26th, 2011

September 26, 2011

REPRESENTATIVE TOWN MEETING

RESOLUTION 11-11

AMENDMENT TO THE DARIEN BOAT CLUB LEASE

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

The Park and Recreation Committee held a meeting on September 12, 2011 with 12 of 13 members present. Our guests were Mr. ~~Chris Mangan~~, Mr. John Keena ~~Commodore~~ and Jerry Kutz, Fleet Captain of the Darien Boat Club.

I explained to the committee that we were only to vote on the Lease change and not the By-Laws since the By-Laws are the jurisdiction of the Board of Selectman and lease changes are under the RTM jurisdiction.

Mr. Kutz explained the change in the lease was necessary at this time, as it would simplify the way in which the wait list is presently handled for boat slips and lockers. Under Schedule A of the lease, item three states, facilities assigned strictly according to a priority determined by the "dates of applications for such spaces and facilities." The change would read, "Members joined the club established by the date on the member's bond". In other words, the wait list will now go by the date people join the club, instead of the date they applied for a slip. With this change, only one date and one application will be necessary

After some discussion, the Park and Recreation Committee vote 10 in favor 1 opposed.

The opposing vote felt by allowing the membership date as apposed to the application date to be the defining criteria for a slip, locker etc. the Boat Club was favoring older members. This member also felt people that have left their slip for sometime would now be able to jump ahead on the wait list. The member is upset as to this change and concedes this very unfair.

RTM report of Public Health & Safety Committee September 26, 2011

Resolution (10-19 formerly 09-6) Final Version 8-15-11 Code of Ordinances amendment regarding animal control

I am James Patrick, District 5, and Vice-Chairman of the Public Health & Safety Committee.

Without objection, I waive the reading of the resolution (10-19) formerly (09-6) Consideration and action on Code of Ordinance amendment regarding animal control.

I move this earlier resolution. May I please have a second?

I now move to amend the old resolution with the new resolution dated 8-15-11, substituting in its entirety. May I please have a second?

PH&S Committee met tonight with 8 of 10 members present to discuss and vote on Consideration and action on Code of Ordinance amendment regarding animal control.

This has been a very difficult ordinance to work on because there are strong feelings and opinions on both sides of this issue. For over two years we have weighed the concerns of dog owners and the concerns of the general public. The Committee met with a representative from the Police Dept. who indicated its concerns regarding safety issues. The officer noted that the majority of reported bites of people occurred on children age ten and under. The department wants to keep complete records of infractions throughout town, especially tracking repeat offenders. He stressed that the ordinance allows for prevention of an offense, not just a reaction to an offense.

PH&S Committee is concerned about the safety of citizens in all public places such as on sidewalks and streets, in public buildings, ~~in parks~~, and on school grounds. It wants to be sure that dogs are not jumping on people, scaring people, hurting people; and are under control at all times. There have been some serious incidents on sidewalks and other town property that are unacceptable. Small dog owners have expressed a need for large dogs to be on a leash when they are in a public area together.

Another concern is in regard to public health. On several occasions Park & Recreation maintenance crews have found feces on playing fields, ~~in parks and~~ ^{are} in other public places. Although most dog owners and keepers are very careful to clean up after their animals, there many times when this has been violated.

On September 27, 2010, PH&S met with representatives from Park & Recreation Committee and TGS&A Committee, ^{RTM} Park & Recreation Commission Chairman, Jane Branigan, Moderator Karen Armour, and Attorney Wayne Fox to discuss the ordinance.

On October 4, 2010, PH&S met and voted unanimously in favor of the ordinance that was created on September 27. At this meeting, PH&S members made the suggestion that dog owners have a dialogue with the P&R Commission to make suitable arrangements for dog owners' use of public parks.

The Public Health & Safety Committee commends the Parks & Recreation Commission for establishing leash and off leash provisions for dog owners in Town Parks, of which they have exclusive authority by Town Charter.

Our Committee met on September 12, 2011 with the recommendation to take a final vote at are regularly scheduled meeting which took place tonight at 7:15pm.

The Public Health & Safety Committee Voted 7 in favor with 1 abstention.
for the ~~amendment~~ Animal Control Ordinance _____ we and urge you to vote for it
tonight..as well

James Patrick,
Vice-Chairman, PH&S Committee of RTM
09/26/11

September 26, 2011

REPRESENTATIVE TOWN MEETING

RESOLUTION 09-6

ORDINANCE FOR DOG CONTROL

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

The Park and Recreation committee met on September 12, 2011 with 12 of 13 members present to discuss and vote on 09-6 Adopting an Ordinance for Dog Control.

We understood the wording had changed from the Ordinance the RTM tabled last year and this past March. Therefore, we discussed the current Ordinance dated August 15, 2011.

Some of our discussion was center on two major factors.

1. This Ordinance says nothing about the Parks and Beaches
2. This Ordinance overrides all the Park and Recreation Commission work.

We discussed an email I received from Town Counsel Mr. Schmidt, that states "The Park and Rec. Dog Leash Rule-Sec.42 R29 (b) (5) specifically states Weed and Pear Tree Beaches: No dogs are permitted except for access to the Darien Boat Club." As far as this Ordinance overriding the Commissions work, this email states, "under Sec 27 of the Town Charters the commission shall have exclusive care, management and control of all parks owned by the town". Therefore, we understand the Commissions Rules and Regulation stand alone and do not override this ordinance.

On a motion to approve this ordinance, we voted eight in favor 3 opposed

The three members opposed to this ordinance felt,
The wording *any other public place* creates conflict and confusion for the town.

This ordinance should exempt parks with off leash hours.

This ordinance is solving a problem that does not exist

The Police Department may request funding for an additional Animal Control Officer.

I ask you to approve this Ordinance as written.

Thank you.

TGS&A Committee Report
Proposed Animal Control Ordinance (09-06)
RTM September 26, 2011

Good Evening, I am Sarah Seelye, Chair of TGS&A. On September 26, the TGS&A Committee met to consider RTM proposal dated 8-15-11 and Proposed Ordinance (09-06).

With a quorum of 8 members of 13 present.

The committee voted on the following motions:

1) The ordinance version (09-06) should be rejected. The motion was approved unanimously.

2) The amendment dated 8-15-11 should be proposed to the RTM. The motion was passed with 5 votes FOR, 2 AGAINST and 1 ABSENTION.

I have a minority report to add.

Thank you

RTM September 26, 2011
TGS&A Minority Report

For the meeting of TGS&A on September 26, 2011 regarding moving the amendment dated 8-15-11, two members voted no and there was one abstention. Those who did not vote yes offer the following report:

While we consider the amended version a great improvement, we would like to see a reference to exceptions in Darien town Parks. We would like to see the following or similar wording in sections "c" following the first full sentence.

"The provisions of this section shall not apply to dogs in town parks which are subject to Darien Parks and Recreation Commission Rules and Regulations."

We feel this will make for a clearer interpretation and enforcement of this ordinance. Both ordinances and Parks and Recreation Commission Rules and Regulations are available online. The above wording will point enforcers and residents towards all exceptions.

We do not believe this conflicts with Town Code.