

**MINUTES
REPRESENTATIVE TOWN MEETING
SEPTEMBER 28, 2009**

A Regular Meeting of the Representative Town Meeting was called to order at 8:10 p.m. by Donna Rajczewski, Town Clerk.

Upon Roll Call, the following members were present:

From District I, there were 12 members present, 3 absent.
From District II, there were 10 members present, 5 absent.
From District III, there were 10 members present, 7 absent.
From District IV, there were 14 members present, 2 absent.
From District V, there were 14 members present, 2 absent.
From District VI, there were 12 members present, 4 absent.

The absentees from District I were: Grimes, Ness, Puzyk.
The absentees from District II were: Magida, Ridley, Rudnick, Sheehan, Weicker.
The absentees from District III were: Helms, Lehan, Olvany, Pullen, Smith, Voigt,
Young.
The absentees from District IV were: Morrison, Rycenga.
The absentees from District V were: Davis, George.
The absentees from District VI were: Baldwin, Berl, Jones, McDermott.

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

ACCEPTANCE OF THE AGENDA

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

James Cameron, District IV, said this agenda was produced by the Rules Committee, which met two weeks ago. There are no minutes from this meeting, and he asked why. The Moderator said there was a computer failure. In addition, Mr. Davis took those minutes and he was not present tonight.

ANNOUNCEMENTS

The Moderator called for a moment of silence in memory of William Swett, a long-time member from District I and the Charter Revision Commission.

The Moderator expressed appreciation to Grace Hanafee, who is retiring, for her years of service to the town.

**UPDATE ON H1N1 INFLUENZA PLANNING, DIRECTOR OF PUBLIC HEALTH
DAVID KNAUF**

Mr. Knauf spoke about the H1N1 pandemic and left information cards for everyone to take home. Many people have fallen ill, but the symptoms are not as bad as the regular flu. It does not seem to affect seniors. The vaccine has still not been distributed. All of the clinics for the next

few weeks will be for the seasonal flu. They are working with the schools to set up the infrastructure for clinics. The school system will have a hand-washing training session for program for students. The Health Department has applied to be a vaccine provider. The vaccine will come in stages, which may take until mid- to late- November.

Christa McNamara, District VI, asked how the town was going to handle the financial impact. Mr. Knauf said there is no cost from the state to the provider. The town can charge an administrative fee, to be reimbursed by the state.

STATUS OF RTM PORTION OF THE NOVEMBER 3, 2009 BALLOT

Town Clerk Rajczewski provided the following update:

- District I – 12 vacant seats with 11 candidates
- District II – 9 vacancies, 3 candidates
- District III – gained one seat - 11 vacancies, 12 candidates
- District IV – lost one seat – 9 vacancies, 9 candidates*
- District V – 7 vacancies, 9 candidates
- District VI – 7 vacancies, 9 candidates

*(Editor's note – District IV has 8 vacancies)

James Cameron, District IV, asked if the candidates would be listed in alphabetical order and Mrs. Rajczewski responded affirmatively. Mr. Cameron asked for guidance from the Registrar of Voters as to write-in candidates. Mrs. Rajczewski said a write-in candidate has to have a minimum of 25 write-in votes. They have to be 75 feet away from the polling area.

APPROVAL OF MINUTES FOR THE MAY 11, 2009 BUDGET MEETING

The following correction was made: Discussion on changing the time of meetings to 8 p.m was added to the minutes

**** THE MINUTES, AS CORRECTED, WERE APPROVED BY UNIVERSAL CONSENT.**

09-17

CONSIDERATION AND ACTION ON THE SEWER BOND AUTHORIZATION

**** MARK ADILETTA, DISTRICT V, CHAIRMAN OF THE PUBLIC WORKS COMMITTEE, MOVED:**

RESOLVED:

Section 1. The sum of \$2,700,000 is appropriated for (i) the design and construction of sewer extension projects, (ii) the design and construction of sewer systems connecting to existing sewers, laterals to each property line, surveying and contingency in various areas of the Town of Darien (the "Town"), including, without limitation, Goodwives River Road, Hawthorne

Road (a.k.a. Salem Straits), Beverly Place, Candlewood Lane, Conant Place, Whaling Road, Peabody Place and a portion of Old Kings Highway South, (iii) the purchase of real property between Goodwives River Road and Gorham's Pond and (iv) administrative, printing, legal and financing costs related thereto (the "Project"), said appropriation to be inclusive of any and all state and federal grants-in-aid thereof.

Section 2. To meet said appropriation and in lieu of a tax therefor, bonds of the Town may be issued in the amount of \$2,700,000 or so much thereof as shall be necessary for such purpose, maturing not later than the thirtieth year after their date. Said bonds may be issued in one or more series as determined by the Board of Finance, or any Town official designated by the Board of Finance, and the amount of bonds of each series issued shall be fixed by the Board of Finance, or any Town official designated by the Board of Finance in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amount of the state and federal grants-in-aid on the Project, and the anticipated times of the receipt of the proceeds thereof. The bonds shall be in the denomination of \$5,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectwoman and the Treasurer, bear the Town Seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent, and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the Board of Finance, or any Town official designated by the Board of Finance, in accordance with the General Statutes of the State of Connecticut, as amended (the "General Statutes").

Section 3. Said bonds shall be sold by the Board of Finance, or any Town official designated by the Board of Finance, and the Treasurer, in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest true interest cost to the Town. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Board of Finance, or any Town official designated by the Board of Finance

Section 4. The Board of Finance, or any Town official designated by the Board of Finance, is authorized to issue and sell notes in anticipation of the receipt of the proceeds of any series of said bonds and to determine the amount, date, date of maturity, interest rate, form and other details of such notes pursuant to the General Statutes. Notes evidencing such borrowings shall be signed by the First Selectwoman and the Treasurer, bear the Town Seal or a facsimile thereof, be payable at a bank or trust company designated by the Board of Finance, or any Town

official designated by the Board of Finance and be certified by a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds or notes, shall be included as a cost of the Project.

Section 5. The Board of Finance, or any Town official designated by the Board of Finance, and the Treasurer is authorized to issue, sell and secure sewer assessment notes of the Town pursuant to Section 7-269a of the General Statutes and to determine the amount, date, maturity, interest rate, form and other details and particulars of such notes. Such notes shall be signed by the First Selectwoman and the Treasurer have the Town Seal or a facsimile thereof, affixed, be payable at a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance and be certified by a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance. If the receipts and other revenues pledged to the repayment of such sewer assessment notes shall be insufficient to pay the principal of and interest on such sewer assessment notes at the time prescribed by Section 7-269a of the General Statutes, or if the Board of Finance shall deem it advisable to pay such sewer assessment notes with the proceeds of bonds, the Board of Finance, or any Town official designated by the Board of Finance, and the Treasurer are hereby authorized to issue and sell bonds of the Town under the authority of Section 1 of this resolution, in an amount sufficient to pay any such sewer assessment notes.

Section 6. The First Selectwoman is authorized in the name and on behalf of the Town to apply for and accept any and all federal and state loans and/or grants-in-aid for the Project and is further authorized to expend said funds in accordance with the terms hereof and in connection therewith to contract in the name of the Town with engineers, contractors and others. To meet any portion of the costs of the Project determined by the State of Connecticut Department of Environmental Protection to be eligible for funding under Section 22a-475, *et seq.* of the General Statutes, as the same may be amended from time to time (the "Clean Water Fund Program"), the Town may issue interim funding obligations in anticipation of project loan obligations and project loan obligations in such denominations as the First Selectwoman shall determine. The First Selectwoman, the Finance Officer, the Treasurer and the Board of Finance or any town official designated by the Board of Finance are hereby authorized to determine the amount, date, maturity, interest rate, form and other details and particulars of such interim funding obligations and project loan obligations, subject to the provisions of the Clean Water Fund Program, and to execute and deliver the same. Said obligations shall be general obligations of the Town for which the full faith and credit of the Town is pledged to the payment of the principal thereof and the interest thereon. The First Selectwoman is hereby authorized to execute and deliver to the State of Connecticut in the name of and on behalf of the Town, Project Loan and Project Grant Agreements under the Clean Water Fund Program.

Section 7. The Town hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this resolution in the maximum amount of and for the Project defined herein with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Town. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date that the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Board of Finance, or any Town official designated by the Board of Finance is authorized to pay Project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 8. The First Selectwoman, the Treasurer and the Finance Officer, or any one of them, are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution and to perform all acts and execute any instruments or documents which are necessary or appropriate to issue and deliver the obligations authorized by the resolution. If such obligations are issued on a tax-exempt basis, the First Selectwoman, the Treasurer and the Finance Officer, or any one 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 bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years.

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

Mark Adiletta, District V, Chairman of the Public Works Committee, read the report of that committee (attached).

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

Murry Stegelmann, Chairman of the Board of Finance, read the report of the Board of Finance (attached).

Christian Noe, District II, spoke of the release of raw sewage and ground water and said there were two issues in the report. At some point, they were going to have to look into the suggestions that were made in the report.

**** ITEM 09-17 CARRIED ON A RISING TALLY VOTE OF 69 IN FAVOR, 2 OPPOSED, 1 ABSTENTION.**

CONSIDERATION AND ACTION ON ACCEPTANCE OF GIFTS FOR WEED BEACH LANDSCAPING

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

WHEREAS, pursuant to sec. 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 sec. 2-33a of the Code, said gifts in excess of Ten Thousand and 00/100 Dollars (\$10,000.00) may be accepted with action by the RTM of the Town of Darien; and

WHEREAS, the Garden Club of Darien has raised funds for the purpose of supplementing beautification improvements for the Weed Beach Building Project; and

WHEREAS, at its meeting of July 15, 2009 the Darien Park & Recreation Commission adopted a resolution approving the acceptance of said gift; and

WHEREAS, the Board of Selectmen of the Town of Darien at its meeting of August 3, 2009 approved a resolution authorizing the acceptance of this gift.

NOW THEREFORE BE IT RESOLVED that the Representative Town Meeting of the Tow of Darien accepts a gift of up to Forty Five Thousand and 00/100 Dollars (\$45,000.00) from The Garden Club of Darien for trees and other landscape improvements for the Weed Beach Building Project

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

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

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

**** BRUCE ORR, DISTRICT V, MOVED TO AMEND THE MOTION TO REPLACE "WEED BEACH BUILDING PROJECT" WITH "WEED BEACH".**

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

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

Jane Branigan, Chairman of the Parks & Recreation Commission, said that they had approved this on July 15th. The Garden Club gave this money to the Weed Beach Building Project, and she did not know where the amendment came in. The Commission is very happy to have this donation. Peter Hovell was Chairman of the Weed Beach Building Committee. He has retired to Arizona and the new Chairman is Debbie Parnon. Mrs. Branigan said she would recommend that the amendment not be approved.

Lloyd Plehaty, District VI, said they cannot change the wishes of the Garden Club.

- ** **ITEM 09-18A (AMENDMENT) FAILED ON A RISING TALLY VOTE OF 23 IN FAVOR, 43 OPPOSED, 2 ABSTENTIONS.**
- ** **ITEM 09-18 CARRIED ON A RISING TALLY VOTE OF 69 IN FAVOR, 1 OPPOSED, 1 ABSTENTION.**

09-19

**CONSIDERATION AND ACTION ON MODIFYING DEFINITIONS IN CODE
CHAPTER 78 (WATERWAYS)**

** **JACK WHITEHEAD, DISTRICT VI, CHAIRMAN OF TGS&A, MOVED:**

WHEREAS, Chapter 78, Article 2 of the Town of Darien Ordinances deals with boats, harbors and waterways.

NOW THEREFORE BE IT RESOLVED that the Representative Town Meeting of the Town of Darien hereby repeals Chapter 78, Article 2 and adopts a revised version thereof attached hereto and made part hereof.

Chapter 78

WATERWAYS

ARTICLE II. BOATS, HARBORS AND WATERWAYS

Sec. 78-21. Definitions.

The following words, terms and phases, when used in this article, shall have meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Harbor Master and Deputy Harbor Master mean the individuals appointed by the Governor of the state and with the authority vested in said position pursuant to Chapter 263 §15-1 et seq of the Connecticut General Statutes.

Town Waters mean all tidal waters north of a line from the southern extremities of Bell Island, Rowayton, Connecticut, westerly to the northern extremities of the Fish Islands, Darien, Connecticut, to the southern end of Long Neck Point, Darien, Connecticut, to the southern extremities of Shippan Point, Stamford, Connecticut, and west through the Norwalk/Darien border which is a line south from Five Mile River, and east of the Stamford/Darien border which is a line south from the entrance to Holly Pond.

Harbors. The harbors of the Town are defined to be and are described, as follows:

- (1) ***Noroton Bay:*** All the navigable waters of Long Island Sound north of a line 270 True from the western extremity of Pratt Island and east of the Stamford town line.

(2) *Noroton (Darien) Harbor*: All the navigable waters north of lines extending 180 True about 200 yards from the southernmost extremity of Long Neck Point, thence 305 True for about 850 yards to the east side of a clump of rocks, thence 336 True for about 425 yards to Nash Island.

(3) *Ziegler's Cove*: All the navigable waters west of a line from the northeast extremity of Hay Island extending 360 True, to about 240 yards to the southernmost point of Great Island.

(4) *Scott Cove*: All the navigable waters north of a line from the northernmost extremity of Fish Island extending 280° True about 790 yards to the southeasterly point of Great Island, and west of a line from the northernmost extremity of the Fish Islands extending 025 True about 190 yards to the southernmost point of Contentment Island.

(5) *Tokeneke Beach Cove*: All the navigable waters north of a line from the southwestern most extremity of Butlers Island extending 245° True about 280 yards to the nearest point of Contentment Island

(6) *Five Mile River*: All the navigable waters of Five Mile River lying within the town north a line from the southwestern most extremity of Butlers Island extending 090 True for about 400 yards.

(7) *Fish Islands*: All the navigable waters east of a line extending 025 True about 190 yards from the northernmost extremity of the Fish Islands to the southernmost extremity of Contentment Island; thence north of a line 100 True for about 200 yards from the northernmost extremity of the Fish Islands; thence, from that point, west of a line 025 True about 350 yards to Contentment Island. Moorings are prohibited except those authorized by State Statute.

(Code 1972, § 5-1; Amd. of 6-13-2006(1), § 5-1)

Sec. 78-22 Penalties.

Violation of any provisions of these regulations in any Darien waters (except Five Mile River) shall be punishable by a fine in accordance with Darien and State Boating Statutes and Regulations. The provisions of this section are in addition to and do not supersede any penalties resulting from simultaneous violations of State or Federal laws.

(Code 1972, § 5-8; Amd. Of 6-13-2006(1), § 5-8)

Sec. 78-23. Disposal of refuse and other substances.

No refuse or garbage shall be dumped and no sewage shall be discharged from any vessel into any Darien Harbor or Waters except as may be caused by an act of nature.

(Code 1972, § 5-2; Amd. of 6-13-2006(1), § 5-2)

Sec. 78-24. Operation of boats in public beach areas.

The Park and Recreation Commission shall place official markers in accordance with the Regulations of Connecticut State Agencies indicating the area of operation of the public beaches of the Town.

(Code 1972, § 5-3; Amd. Of 6-13-2006(1), § 5-3)

Sec. 78-25. Speed Limit “Slow-No-Wake”.

A vessel shall not produce more than a minimum wake in all Darien harbors and shall not attain speeds greater than 6 miles per hour over the ground unless a higher speed is necessary to maintain steerageway when traveling with a strong current. In no case shall the wake produced by the vessel be such that it creates a danger of injury to persons, or will damage vessels or structures of any kind.

(Code 1972, §5-4; Amd. Of 6-13-2006(1), § 5-4)

Sec. 78-26. Mooring, tackle, and gear.

All mooring standards in Darien harbors are determined by the Harbor Master and will be approved by the Board of Selectmen. These standards are available in the Darien Town Clerk’s Office, and from the Harbor Master. Standards regarding the color and shape of mooring buoys are required to comply with subsection (a) of section 15-121-A3 of the Regulations of Connecticut Agencies. (Code 1972, § 5-5; Amd of 6-13-2006(1), § 5-5)

Sec. 78-27. Interference with channels.

Under no circumstances shall moorings interfere with the free use of channels.

(Code 1972, § 5-6; Amd. Of 6-13-2006(1), § 5-6)

Sec. 78-28. Special regulations governing Darien (Noroton) harbors and waters.

The Harbor Master shall have jurisdiction over moorings, dock (whether floating or fixed to the land), or other matters pertaining to water craft and their regulations on Holly Pond. Holly Pond pier, dock and mooring applications within the territorial limits of Darien will be subject to Darien Regulations and State Statutes and Regulations.

(Code 1972, § 5-7; Amd. Of 6-13-2006(1), § 5-7)

Sec. 78-29. Appeals.

Any person aggrieved by a decision of the Harbor Master, or a Deputy Harbor Master made pursuant to the powers granted in this chapter may appeal such decision to the Board of Selectmen in writing within fifteen (15) days of the decision. The Board of Selectmen is empowered, after a hearing to be held within thirty (30) days of receipt of the appeal at which both the appellant and the official involved shall be given an opportunity to be heard upon a finding that such decision does not conform to the provision of this chapter or State Statutes or Regulations, to reverse or amend such decision.

(Code 1972, § 5-9; Amd. of 6-13-2006(1), § 5-9)

Sec. 78-30. Coordination with other governmental laws and regulations.

Nothing herein contained shall bar or prevent the Harbor Master of the Town or any of his deputies from performing those duties which have been assigned to him under the General Statutes of the State.

(Code 1972, § 5-10; Amd. of 6-13-2006(1), § 5-10)

Sec. 78-31. Rafting of Boats

No more than three boats may raft together on one mooring or anchor in Darien Waters.

(Code 1972, § 5-11; Amd. of 6-13-2006(1), § 5-11)

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

Jack Whitehead, District VI, Chairman of TGS&A, read the report of that committee (attached).

**** ITEM 09-19 CARRIED ON A RISING TALLY VOTE OF 68 IN FAVOR, ONE OPPOSED.**

09-20

CONSIDERATION AND ACTION ON ORDINANCE AMENDMENTS RE RETIREE HEALTHCARE TRUST

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

WHEREAS, the Board of Finance and the RTM have approved funding for the Board of Education's Other Post Employment Benefit ("OPEB") and the Town's non-police Other Post Employment Benefit ("OPEB") liability for the fiscal year FY2009 and FY2010; and

WHEREAS said appropriation was approved by the RTM of the Town of Darien as a special appropriation at its meeting of May 11, 2009.

NOW THEREFORE BE IT RESOLVED that the Representative Town Meeting of the Town of Darien amends its Code of Ordinances to adopt and approve Retiree Health Care Trusts.

RETIREE HEALTH CARE TRUSTS

- A. In accordance with Conn. Gen. Stat § 7-450(a), the Town shall establish two trust Funds (collectively "Trusts") to hold and invest all contributions and assets of the Town's retiree health care plan ("Retiree Health Care Plan"). The Board of Selectmen of the Town shall have the sole authority to amend or terminate the Trusts.
- B. The Trusts shall be for the purpose of funding current and future postemployment health care benefits for eligible retired employees and eligible retired police officers in accordance with the Retiree Health Care Plan. The Trusts may also be used for the purpose of funding any other postemployment health and life plans as the Town may establish.
- C. The Trusts shall be administered by the Pension Board described in section 50-52. The Pension Board shall have such powers and duties as set forth in the terms of the Trusts, including directing the investment of the assets of the Trusts.
- D. The Finance Director, Human Resources Director, and Administrative Officer shall serve as the trustees ("Trustees"). The Trustees shall have such powers and duties as set forth in the terms of the Trust, including, but not limited to, making payments or other disbursements in accordance with the Retiree Health Care Plan and the terms of the Trusts.
- E. The Human Resources Director shall serve as the Plan Administrator of the Retiree Health Care Plan and shall have such powers and duties as set forth in

the Plan and the Trusts with respect to the administration of the Plan, including, but not limited to, providing all proper instructions and directions to the Trustees regarding disbursements from the Trusts.

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

John Wolcott, District V, asked why the trust(s) could be dissolved solely by the action of the Selectmen. The answer was related to the possible passage of national health insurance, which would presumably obviate the need for the trust(s).

The Moderator read the proposed amendment, which was seconded from the floor, and noted that the vote could be taken by voice vote.

(Replacement for Paragraph "C") The trust for funding current and future post-employment health care provisions for eligible retired employees shall be administered by the pension board described in sec. 50-52 of the Darien Code of Ordinances. The trust for the purpose of funding current and future post-employment health care benefits for retired police officers shall be administered by the pension board described in sec. 50-252 of the Darien Code of Ordinances.

Murry Stegelmann, Chairman of the Board of Finance, read the report of the Board of Finance (attached).

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

**** ITEM 09-20, AS AMENDED, CARRIED ON A RISING TALLY VOTE OF 69 IN FAVOR, 0 OPPOSED, 1 ABSTENTION**

INFORMATIONAL UPDATE ON 35 LEROY

The Moderator explained that the Rules Committee believes it is possible for the developer to hold the town responsible. They agreed to go on record as having identified this issue and voted unanimously to allow Mr. Schoonmaker to comment on the wisdom of letting this issue remain as is for now. Moderator's statement attached.

Sam Schoonmaker, District IV, said a committee to look at alternative uses has not been implemented. The Selectmen have executed and adopted a resolution to lease the property. He would like to defuse what could be contentious. Issuing the option to lease should be allowed to go forward, but the study of alternate uses should also be done. The option to lease requires a ground lease and is not the end of the story. The ground lease has not been negotiated or adopted, and the RTM will have to vote on that. This calls for two years of work by Mutual Housing. Mr. Schoonmaker said there is no reason this body should not implement its 2007 resolution to have uses studied. \$4,200,000 has been invested, which could be tied up for 200 years. He knows no piece of property in Darien that is tied up for 200 years. [Editor's note: Clock Hill Homes as a 99-year lease with option for another.] There will be 14-21 units. On this investment, the town will receive 1/3rd to 1/2 of 1% of a return. The best course of action might be to take two courses of action simultaneously. It is not too late to take a survey for other uses such as a senior center, etc. Affordable housing is on the fast track. While they are waiting the two years, they should do their survey.

David Martens, District III, asked, with this option in place, if there is a way another developer would be interested in pursuing this property. Town Counsel Fox said there could be a developer who might be interested, but they would not be able to interfere.

Flora Smith, District I, raised a Point of Order. The Rules Committee voted to have an informational session and to allow Sam Schoonmaker to offer comments this evening. It was not intended to result in further discussion.

Barbara Thorne, District II, raised a Point of Order. She said there are inaccuracies in Mr. Schoonmaker's comments.

Selectman Linda Santarella asked Town Counsel Fox if it was appropriate for the Rules Committee to have voted that only Mr. Schoonmaker could address the RTM. She has never before heard a Moderator say that they were not entertaining anyone else to talk. Why is the electorate not allowed to speak? The RTM would like to hear a response. Town Counsel Fox said it is appropriate for the Rules Committee to ask an individual to make a presentation, it is his opinion that it is within the discretion of the Moderator to determine the individuals who are appropriate to make presentations before that meeting. It is appropriate for the moderator to run the meeting and make rulings.

(It was noted that Selectman Bayne wished to comment and tried to do so numerous times but was not permitted to do so.)

The Moderator said that this agenda calls for an informational update. It does not call for discussion. The subject has already been debated at great length. It is the RTM's purview to set its own agenda. She gave an update and Mr. Schoonmaker basically made his presentation along the lines of his Op-Ed piece that appeared recently in the newspaper. She said she will entertain questions to Town Counsel Fox only.

Frank Adelman, District VI, asked if Town Counsel would represent any individuals who feel this will affect their property values. Town Counsel Fox said he would not. There is a process in the town whereby people can appeal their tax assessments.

**** DENNIS MARONEY, DISTRICT III, MOVED TO SUSPEND THE RULES TO ALLOW DISCUSSION OF THE ITEM.**

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

**** ITEM 09-21 FAILED ON A RISING TALLY VOTE OF 19 IN FAVOR, 48 OPPOSED, 1 ABSTENTION.**

Selectman Seth Morton asked Town Counsel Fox if there were laws pertaining to affordable housing and Darien that apply to the backdrop of this option. Mr. Fox referred to 8-30(g).

Maria Cleary, District IV, said the agenda did not say that Mr. Schoonmaker was going to speak. She asked if it was appropriate to choose only one side to be represented. If he is allowed to take a stand then everyone else should be. Town Counsel Fox said it is his opinion that the Moderator has the authority to run a meeting. The appropriateness or inappropriateness is not up to him.

The Moderator said that the Rules Committee voted to have Mr. Schoonmaker speak. He spoke on two sides of the question, not one.

Christian Noe, District II, asked the town's exposure at this point. Town Counsel Fox said it was made clear that there is no lease and if there is going to be one, it has to be approved by the Board of Selectmen and P&Z. There is no exposure if the lease does not go forward.

First Selectwoman Klein said Mr. Schoonmaker said that a committee should be formed to look into uses of the property. PZ&H did study and report on uses. In June 2007 the body voted to purchase the property. At that time, it would have been the purview of PZ&H to look into uses of that site.

John van der Kieft, District V, asked if PZ&H might have conducted a study. The Moderator said it could have done so. Town Counsel Fox said a legislative body has the right to study whatever it deems to be appropriate.

- ** **LLOYD PLEHATY, DISTRICT VI, MOVED TO ADJOURN.**
- ** **THE MOTION WAS SECONDED FROM THE FLOOR.**
- ** **MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

The meeting was adjourned at 10 p.m.

Respectfully submitted,

Cheryl Telesco
Telesco Secretarial Services

APPENDIX

<u>DISTRICT I</u>	<u>(09-17)</u>	<u>(09-18a)</u>	<u>(09-18)</u>	<u>(09-19)</u>	<u>(09-20)</u>	<u>(suspend rules)</u>
Bishko	yes	no	yes	yes	yes	no
Grimes	absent	absent	absent	absent	absent	absent
Harrington	yes	no	yes	yes	yes	no
Imbimbo	yes	no	yes	yes	yes	yes
Kelly	yes	no	yes	yes	yes	no
Nelson	yes	no	yes	yes	yes	no
Ness	absent	absent	absent	absent	absent	absent
Piccaro	yes	no	yes	yes	yes	no
Price	yes	yes	yes	yes	yes	no
Puzyk	absent	absent	absent	absent	absent	absent
Schneider	yes	no	yes	yes	yes	no
Sini	yes	no	yes	yes	yes	no
Smith	?	no	yes	yes	yes	no
Tierney	yes	yes	yes	yes	yes	no
Wong	no	no	yes	yes	yes	no

DISTRICT II

Bacon	yes	no	yes	yes	yes	no
Conway	yes	no	yes	yes	yes	absent
Howe	yes	no	yes	yes	yes	no
Magida	absent	absent	absent	absent	absent	absent
Maguire	yes	no	yes	yes	absent	absent
Marston	yes	yes	yes	yes	yes	no
Noe	no	no	yes	yes	yes	no
Ridley	absent	absent	absent	absent	absent	absent
Rudnick	absent	absent	absent	absent	absent	absent
Seelye	yes	no	yes	yes	yes	abstain
Sheehan	absent	absent	absent	absent	absent	absent
Smosky	yes	yes	yes	yes	yes	absent
Thorne, B.	yes	no	yes	yes	yes	yes
Thorne, M	yes	yes	yes	yes	yes	yes
Weicker	absent	absent	absent	absent	absent	absent

DISTRICT III

Bayne,	yes	yes	yes	yes	yes	yes
Brode .	yes	yes	yes	yes	yes	no
Cardone	yes	yes	yes	yes	yes	no
Coyle	yes	no	yes	yes	yes	no
Duffy	yes	yes	yes	yes	yes	yes
D'Urso	yes	yes	yes	yes	yes	yes
Fead	yes	yes	yes	yes	yes	yes
Helms	absent	absent	absent	absent	absent	absent
LeHan	absent	absent	absent	absent	absent	absent
Maroney	yes	yes	yes	yes	yes	yes
Martens	yes	yes	yes	absent	yes	yes
Moore	yes	no	yes	yes	yes	yes
Olvany	absent	absent	absent	absent	absent	absent
Pullen	absent	absent	absent	absent	absent	absent
Smith	absent	absent	absent	absent	absent	absent
Voigt	absent	absent	absent	absent	absent	absent
Young	absent	absent	absent	absent	absent	absent

<u>DISTRICT IV</u>	<u>(09-17)</u>	<u>(09-18a)</u>	<u>(09-18)</u>	<u>(09-19)</u>	<u>(09-20)</u>	<u>(suspend rules)</u>
Artinian	yes	no	yes	yes	yes	no
Cameron	yes	no	yes	yes	yes	yes
Cleary	yes	no	yes	yes	yes	yes
Davis	yes	no	yes	yes	yes	yes
Eng	yes	no	yes	yes	yes	yes
Kemp	yes	no	yes	yes	yes	yes
Millar	yes	yes	no	no	yes	no
Miller	yes	no	yes	yes	yes	no
Morrison	absent	absent	absent	absent	absent	absent
Peters	yes	no	yes	yes	yes	no
Pratt	yes	no	yes	yes	yes	no
Rayhill	yes	no	yes	yes	yes	no
Rycenga	absent	absent	absent	absent	absent	?
Savage	yes	no	yes	yes	yes	?
C.Schoonmaker	yes	abstain	yes	yes	yes	no
S.Schoonmaker	yes	no	yes	yes	yes	no

DISTRICT V

Adiletta	yes	?	yes	yes	yes	no
Balian	yes	no	yes	yes	yes	no
Camuti	yes	?	yes	yes	abstain	no
Conniff	yes	no	yes	yes	yes	no
Dailey	yes	yes	yes	yes	yes	yes
Davis	absent	absent	absent	absent	absent	absent
George	absent	absent	absent	absent	absent	absent
Hennessy	yes	yes	yes	yes	yes	no
Nizolek	yes	no	yes	yes	yes	no
Orr	yes	yes	yes	yes	yes	no
Patrick	yes	yes	yes	yes	yes	no
Russell	yes	no	yes	yes	yes	yes
Sharp	yes	abstain	yes	yes	yes	no
Vanderkieft	yes	no	yes	yes	yes	no
Wenger	yes	yes	yes	yes	yes	no
Wolcott	yes	no	yes	yes	yes	no

DISTRICT VI

Adelman	yes	no	yes	yes	yes	yes
Armour	did not vote					
Baldwin	absent	absent	absent	absent	absent	absent
Berl	absent	absent	absent	absent	absent	absent
Conologue	yes	no	yes	yes	yes	no
Grogan	yes	no	yes	yes	yes	no
Guimond	yes	no	yes	yes	yes	no
Hawkins	yes	yes	yes	yes	yes	no
Jones	absent	absent	absent	absent	absent	absent
McDermott	absent	absent	absent	absent	absent	absent
McLean	yes	yes	yes	yes	yes	no
McNamara	yes	yes	yes	yes	yes	yes
Plehaty	yes	no	yes	yes	yes	no
Poli	yes	yes	yes	yes	yes	no
Swenson	yes	no	yes	yes	yes	no
Whitehead	yes	abstain	abstain	yes	yes	no

Report to RTM on Rules Meeting 9/14/09

At the request of a member of the RTM, the Rules Committee agenda included a discussion of the option to lease 35 Leroy.

One question concerned the appropriateness of the process leading to the signing of the option. The Committee had an extended conversation about that question and the language contained in the option-to-lease document. A resolution was proposed to seek an independent opinion by hiring outside counsel to review the matter. Following extensive discussion, that motion failed.

Additional questions were raised about possible liability and financial risk to the town, if the affordable housing project being planned at 35 Leroy were not to go forward.

The Rules Committee believes that the developer might wish to hold the town responsible for costs incurred in the planning and development stages of the project if it does not proceed, despite a caveat in the option that a vote approving the lease is required by the RTM. The Rules Committee wants to go on record as having identified this issue and its possible negative impact.

Beyond that, the Rules Committee has not reached consensus on how to proceed.

In addition, the Rules Committee voted to allow Mr. Schoonmaker to comment on the wisdom of letting the issue rest for now. We have all expressed ourselves on the matter, and eventually, we will have the opportunity to vote on the ground lease.

Good evening Town official, RTM Members, Darien Residents and Guests.

My name is Mark Adiletta and I am Chairman of the Public Works Committee.

At this time I would like to move Item 09-17 Appropriating \$2.7MM for the design & construction of a sewer extension project in the town of Darien, ~~purchase of real property, & authorizing the issuance of \$2.7MM of Bonds or Notes to meet said appropriation~~ and ask for a second •

Without objection I move to waive the reading of the Resolution.

On behalf of the PWC I present to the RTM for their consideration and ratification Item 09-17.

At our meeting September 28th, with 10 of 14 members present, PWC voted to recommend this item to the RTM.

For Against
9 to 1 to 0

Based on correspondences and a meeting ~~with~~ ^{among} the Director of Public Works, Mr. Steeger and various PWC members over the past few weeks as well as a review of Minutes to Sewer Commission meetings on this topic, the follow overview was discussed at our meeting. and his dept.

Background:

In 1995 an order was issued by the Connecticut Department of Environmental Protection requiring a study of local wastewater facilities. The "Wastewater Facilities Plan" was developed in response and adopted in 1997. Although no specific recommendations were made for the area covered by the proposed Goodwives sewer extension, general recommendations call for monitoring conditions in unsewered areas and expansion of sewers as needed. Projects are pursued as the need and public support are expressed directly to the Darien Sewer Commission, the designated Water Pollution Control Authority for the Town of Darien. No projects were completed in FY 09. The most recent projects were done in FY 07. There are no other sewer extension projects in any stage of development at this time for future years. For these projects typically benefited property owners pay 100 % of the cost of the sewers either by direct payment or levy of assessment over a 20 year payment schedule. ~~It is our understanding that~~ such projects have been funded this way since federal funds ceased to be available for sewer extension projects 30 years ago.

Process:

In general, projects are initiated when a group of property owners contact the Sewer Commission. ~~to~~ They appear at a Commission meeting and request the Commission to consider extending the sanitary sewer to serve their neighborhood. The Commission usually asks for a written petition signed by the property owners. Then a public hearing is conducted. Only then does the Commission authorize a project. So need and public support is prerequisites.

Specific Plan:

This project will bring town sewer service to 81 homes in the Goodwives River Road, Hawthorne Road, Beverly Place, Candlewood Lane, Conant Place, Whaling Road, Peabody Place and Old

Kings Highway South. Our understanding is that these residences are currently utilizing private septic systems.

has plenty of capacity for ^{the added} daily volume _{but it}

Issues:

events

The PWC understands the Stony Brook Pumping Station may be inadequate during heavy rain and that it discharges raw sewage into Stony Brook during these events. ~~Basement sump pumps connected illegally to the town's sewer system likely contribute to this situation.~~ This situation should be taken into account if/when future hook ups are considered.

~~and contribution~~

~~if sump pumps~~

overflow

Summary:

This project is consistent with broad parameters of the Wastewater Facilities Plan and is supported by ^{most} property owners.

The capital cost is borne by the benefiting property owners.

The sewer operating fund has been declining the past three years as expenditures exceed revenues. ~~The operating shortfall is being driven by the payments due to Stamford. Since the amount due Stamford is determined by formula and the volume of sewage actually generated by properties.~~

~~Barrenness.~~ If the sewer charge is set properly, the additional connections should not contribute to the shortfall and at the margin contribute to fixed costs.

If all 81 properties connect ^{over} time, it will not contribute meaningfully to the daily ^{volume} of the system.

The Committee wishes to thank Mr. Steeger for ^{their} assistance, and Darren Oustaline

The PWC asks the Sewer Comm. + DPW to address the overflow situation with the Stony Brook Pump Station.

The Public Works Committee asks that you vote "Yes" and ratify Item 09-17 appropriating \$2.7MM for this expansion.

Thank you.

**Finance & Budget Committee
Report to RTM, Sept. 28, 2009**

**(09-17) RTM RESOLUTION APPROPRIATING \$2.7 MILLION FOR THE
DESIGN AND CONSTRUCTION OF A SEWER EXTENSION PROJECT FOR
THE AREA IN AND AROUND GOODWIVES RIVER ROAD AND
AUTHORIZING THE ISSUE OF \$2.7 MILLION BONDS OR OTHER
OBLIGATIONS**

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

The F&B committees met on Sept. 21, 2009, with 10 of 15 members present comprising a quorum. We were joined by Murry Stegelman, Chair of the BOF who provided us essential background on this resolution and other matters.

While it has been several years since the Town has issued any sewer bonds, this issuance is quite common for towns like Darien that have need to connect as many homes as practical to the existing sewer grid.

These obligations have essentially no impact on the Town's operating budget, as assessments for the principal and interest are levied on the benefiting property owners. Furthermore, the impact on the Town's rating will be negligible, as outstanding sewer bonds represent only a fraction of the Town's outstanding bonded debt of \$90 million.

The Committee voted unanimously to approve this resolution

We recommend to the RTM to approve this resolution

Bruce G. Orr, Sr.
Chairman
Sept. 28, 2009

Remarks on ~~OP 09-17~~ Sewer Extension

Murry Stegelmann, Chair

Darien Board of Finance

September 28, 2009

The Board of Finance urges you to adopt item 09-17.

The sewer operations of the Town of Darien are conducted through a separate sewer fund. As sanitary sewers are extended, the benefitting homeowners are assessed the cost over 20 years. As such, this bonding for sanitary sewer extensions does not impact the General Fund or the overall mill rate for the town of Darien.

September 28, 2009

REPRESENTATIVE TOWN MEETING
WARNING 09-18

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

The Park and Recreation Committee met on September 14, 2009 to discuss and vote on accepting a gift of up to \$45,000.00 from the Garden Club of Darien. Unfortunately, with only five of thirteen members present we were unable to vote, as we did not have a quorum. However, we had discussion and felt it is important to give you a report.

The Weed Beach Building Committee has a base plan from Stearns and Wheeler for landscaping that they will work from with the Garden Club to develop final plans to move this project forward. The Park and Recreation's vision was to preserve and enhance the natural resources through the use of natural plantings. This gift will enable us to fulfill that goal.

On behalf of the Park and Recreation Committee, I would like to thank the Garden Club of Darien for this very generous gift.

**Finance & Budget Committee
Report to RTM, Sept. 28, 2009**

**(09-18) RTM RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GIFT
FOR TREES AND OTHER LANDSCAPE IMPROVEMENTS FOR THE WEED
BEACH BUILDING PROJECT**

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

The F&B committee met on Sept. 21, 2009, with 10 of 15 members present comprising a quorum.

The Committee would first of all like to thank the Garden Club and all who participated in this fund raising event, for this generous gift.

The Committee noted that this gift (and the Resolution) is specifically targeted for the "Weed Beach Building Project". As we all know, this capital project has been delayed. In light of the delay and the uncertain outlook, the Committee discussed the notion that the Building Project might get perpetually delayed. It was the sense of the Committee that Parks and Rec should have access to these funds for the any beatification needs at Weed Beach, in the unlikely case that the Building Project never gets off the ground.

In that regard, the Committee voted that Resolution 09-18 be amended to replace the phrase "the Weed Beach Building Project" with the phrase "Weed Beach". We put forth this Amendment for your consideration.

The Committee voted unanimously to approve this resolution, as amended.

We recommend to the RTM to amend and approve this resolution.

Bruce G. Orr, Sr.
Chairman
Sept. 28, 2009

Planning, Zoning & Housing Committee

RTM Report --- Monday, September 28, 2009
Resolution (09-18) Garden Club Donation to Weed Beach

PZ&H met on Tuesday, September 22 to review and vote on The Garden Club of Darien's proposal to donate up to \$45,000 to support a gift of trees and other landscape improvements for the Weed Beach Building Project.

The Committee was greatly appreciative of the generosity of the Garden Club's proposed gift and pleased to learn that in addition to the enhancement and beautification of the park the intent of the gift is for the planting of native flora, including trees, bushes and plants, for the support of birds and wildlife.

Plans are for the Garden Club to work closely with the Weed Beach Building Committee in the preparation of final details and actual plans.

With 15 of 16 members present the Committee voted unanimously to approve the Garden Club's gift.

John W. van der Kieft
Chairman

Good Evening : Town Officials, Representative Town Meeting Members, Darien Residents and Guest.

My name is Jack Whitehead and I am Chairman of Town Government, Structure and Administration, (TGS&A)

At this time I would like to move Item 09-19, Repeal Chapter 78, Article 2 and adopts a revised version. I ask for a second.

Without objection I move to waive the reading of the Resolution.

On behalf of the Town Government, Structure and Administration Committee I present to the Representative Town Meeting for their consideration and ratification Item 09-19.

At our meeting of September 21, 2009, with 9 of 12 members present. TGS&A voted unanimously to recommend this item to the RTM.

This is the third Item that TGS&A brings to the RTM thru the review of the Code of Ordinances of the Town of Darien. The Rules Committee of the Representative Town Meeting requested that the TGS&A committee undertake this.

The Advisory Commission on Coastal Waters has been working on these changes for over two years. These changes were accepted by the Board of Selectmen at their May 26, 2009 meeting.

These changes were reviewed by the State of Connecticut Department of Environmental Protection who proposed two wording changes, that were made.

The Town Government Structure and Administration Committee asks that you vote, " Yes" and ratify Item 09-19 Repeal Chapter 78, Article 2 and adopt a revision version. the Darien Code of Ordinances. Thank You.

**Finance & Budget Committee
Report to RTM, Sept.28, 2009**

**(09-20) RTM RESOLUTION AMENDING THE TOWN ORDINANCES TO
ADOPT AND APPROVE THE ESTABLISHMENT OF RETIREE HEALTH CARE
TRUSTS TO HOLD AND INVEST ASSETS OF THE OTHER POST
EMPLOYMENT BENEFIT (OPEB) FUND**

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

I move Resolution (09-20) 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. 21, 2009, with 10 of 15 members present comprising a quorum. We were joined by Murry Stegelman, Chair of the BOF who provided us essential background on this resolution and other matters.

As this Electorate will recall, at our May 11, 2009 budget meeting, we approved a special appropriation of \$1.1 million to fund the first two years of a Post Retirement Benefits Fund for non-police employees, including teacher retirees. While the Town has rarely paid or provided health care benefits to retirees, the Government Accounting Standards Board (GASB) and the State of Connecticut have mandated that the Town make health care benefits available to retirees at favorable rates until they are eligible for Medicare. It has been calculated that the Town needs to recognize a \$4.4 million liability. The funding in May allows the Town to be actuarially compliant in the eyes of the rating agencies.

The establishment of the Trusts will allow the Trustees to hold and invest all contributions to the OPEB fund. In the absence of a Trust, the investment management of the Fund would be limited with no clear oversight.. The Trust will be administered by the Pension Board of the Town.

The Committee voted unanimously to approve this resolution

We recommend to the RTM to approve this resolution

Bruce G. Orr, Sr.
Chairman
Sept. 28, 2009

Good Evening : Town Officials, Representative Town Meeting Members, Darien Residents and Guest.

My name is Jack Whitehead and I am Chairman of Town Government, Structure and Administration, (TGS&A)

At our meeting of September 21, 2009, with 9 of 12 members present. TGS&A voted unanimously to recommend this item 09-20 Retiree Healthcare Trust to the RTM.

The Committee engaged in an extensive discussion on various matters related to the proposed Trust including administration, investment and audits of the funds. The Committee concluded that the action before it was limited to creation of the trust and not any operational, administration, or investments matters pertaining to the trust.

At our meeting of September 21, 2009, with 9 of 12 members present TGS&A voted unanimously to recommend this item 09-20 to the RTM.

At the proper time I wish to be recognized to make a report of TGS&A on the amendment to this item.

The Town Government Structure and Administration Committee asks that you vote, " Yes" and ratify Item 09-20 Retiree Healthcare Trust to the Darien Code of Ordinances. Thank You.

Remarks on OPEB Trust

Murry Stegelmann, Chair

Darien Board of Finance

September 28, 2009

The Board of Finance urges you to adopt item 09-20.

I last discussed this issue with the RTM at your May 11 meeting.

The Government Accounting Standards Board (also known as GASB) is the governmental equivalent of Financial Accounting Standards Board (or FASB).

In seeking to increase the disclosure of contingent or off-balance sheet liabilities, GASB has ruled that governmental bodies should determine the liabilities associated with Post-Employment benefits that are promised to retirees of states and towns. This is similar to the pension accounting requirements adopted many years ago. For the town of Darien, those liabilities are chiefly health care benefits promised to retirees.

In order to begin to address this liability, the RTM approved a special appropriation of \$1,082,160 to create a Post Employment Benefits Fund. That amount of money should allow the Town of Darien to report that we are solid on an actuarial basis until June 30, 2010. Beyond that time, we will be incorporating the annual liability into the budget each year, and amortizing the prior liability over 30 years. This funding approach is one that has been adopted by all of our neighboring towns in Fairfield Country.

Tonight, we are asking that the RTM amend the ordinances of the Town to create a Trust Fund which would function similar to a Pension Trust. Under existing State of Connecticut laws, the creation of such a Trust Fund is required in order for the funds to be invested in appropriate long term investments.