

MINUTES
REPRESENTATIVE TOWN MEETING
JUNE 6, 2016

RECEIVED
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TOWN CLERK'S OFFICE
DARIEN CT.

CALL TO ORDER

A Regular Meeting of the Representative Town Meeting was called to order at 8:05 p.m. by Donna Rajczewski, Town Clerk.

Upon Roll Call, the following members were present:

From District I, there were 11 members present, 6 absent.
From District II, there were 9 members present, 4 absent.
From District III, there were 8 members present, 7 absent.
From District IV, there were 14 members present, 2 absent.
From District V, there were 12 members present, 5 absent.
From District VI, there were 14 members present, 3 absent.

The absentees from District I were: Buchesky, Butler, Conze, Dweck, B. Hayes, Keane.

The absentees from District II were: Agnew, Boulter, Doherty, Howe.

The absentees from District III were: Coyle, Coyle Downs, Hegarty, Hite, Jordan, Washecka, Yarnell.

The absentees from District IV were: Montanaro, Morrison.

The absentees from District V were: Boulton, Fead, Fiveson, Haueisen, M. Hayes.

The absentees from District VI were: Baldwin, McDermott, Poli.

The Moderator, Sarah Seelye, Assumed the Chair.

ACCEPTANCE OF THE AGENDA

** THE AGENDA WAS ACCEPTED BY UNIVERSAL CONSENT.

APPROVAL OF THE MINUTES OF THE MAY 9, 2016 BUDGET MEETING

** THE MINUTES WERE ACCEPTED BY UNIVERSAL CONSENT.

ANNOUNCEMENTS

The Moderator introduced and welcomed Sarah Baldwin, a new member in District I.

Jack Davis, District III, introduced Ed Gentile, Director of Public Works, who reviewed the purchase of Eversource lights (attached).

Mark Adiletta, District V, asked if, in the case that the maintenance could not be done by a vendor, if it could be done in-house. Mr. Gentile responded that in the second year, they can put out an RFP, but this type of electrical work should not be done in-house.

16-13

CONSIDERATION AND ACTION ON CHANGE TO CHAPTER 46 OF DARIEN'S CODE OF ORDINANCES REGARDING PEDDLERS & SOLICITORS

**** FRANK KEMP, DISTRICT IV, CHAIRMAN OF TGS&A, MOVED:**

WHEREAS, the above referenced sections of the Darien Code of Ordinances have been outdated and in need of revisions; and

WHEREAS, most of these sections of the code date back to 1952 with some amendments being adopted in 1972; and

WHEREAS, the Darien Police Department has recognized the need for these sections of the codes of ordinances to be updated.

NOW THEREFORE BE IT RESOLVED that the Representative Town Meeting of the Town of Darien hereby adopts the proposed amendments to the Code of Ordinances attached hereto and made part hereof.

Chapter 46 - PEDDLERS AND SOLICITORS

FOOTNOTE(S):

--- (1) ---

State Law reference— Authority to regulate peddlers, G.S. §§ 7-148(c)(7)(H)(iv), 21-37. (Back)

ARTICLE I. - IN GENERAL

Secs. 46-1—46-20. - Reserved.

ARTICLE II. - PEDDLERS

DIVISION 1. - GENERALLY

Sec. 46-21. - Definition.

In this article, the term "peddler" means any person, other than a tradesman having an established place of business within the town, who shall vend or hawk upon the public streets of the town at public or private sale or auction, or shall vend or peddle from house to house or from place to place within the town, any articles of food, goods, wares or merchandise, except such as are exempted by G.S. § 21-37.

(Code 1972, § 36-1; Ord. of 10-13-1952, art. I, § 1)

State law reference— Definition of itinerant vendor, G.S. § 21-27.

Sec. 46-22. - Penalty; license revocation.

Any person who shall engage in the business of a peddler, as defined by this chapter, without being duly licensed as herein provided; or who shall violate the provisions of this article, or shall make any false statement or misrepresentation of fact for the purpose of obtaining a license hereunder shall be subject to a fine for each offense. The amount of such fine is listed on Appendix D, Table of Ordinance Fines. The chief of police shall forthwith revoke the license of such peddler (if a licensed peddler) for the balance of such license year, and no new license shall be issued to that peddler during the license year.

(Code 1972, § 36-21; Ord. of 10-13-1952, art. I, § 7; Amd. of 5-17-2010, § 7)

State law reference— Authorized penalty, G.S. § 21-38.

Secs. 46-23—46-35. - Reserved.

DIVISION 2. - LICENSE

Sec. 46-36. - Required; application; identification.

(a) No person shall carry on the business of a peddler without a license issued by the chief of police.

(b) An applicant for a peddler's license shall complete an application blank provided by such police department, which application blank shall contain the following information:

- (1) The name, home address and local address of the applicant;
- (2) A physical description of the applicant, setting forth the applicant's age, height, weight, color of hair and eyes;
- (3) The name, address, and phone number of the person, if any, by whom he is employed;
- (4) The nature of the goods, wares or merchandise for which orders are to be sold;
- (5) A statement as to whether the applicant has been convicted of any crime or misdemeanor and, if so, what, when and where;
- (6) A statement as to the period during which the applicant intends to sell.

(c) The applicant, at the time of executing such application blank, shall also submit identification satisfactory to the police department which shall contain a specimen of the applicant's signature. Each application shall be signed by the applicant and sworn to before a justice of the peace or other person authorized by the laws of the state to administer oaths.

(d) The applicant, at the time of executing such application blank, will be photographed and fingerprinted.

(Code 1972, § 36-16; Ord. of 10-13-1952, art. I, § 2)

Sec. 46-37. - Exemptions.

The provisions of this division shall not apply to:

- (1) Sales by farmers and gardeners of the produce of their farms and gardens, as provided in G.S. § 21-37.
- (2) The sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, as provided in G.S. § 21-37.
- (3) Sales on approval or conditional sales of merchandise, as provided in G.S. § 21-37.
- (4) A resident of the state for two years who is a veteran, as defined by G.S. § 27-103, who shall, however, secure a license without the payment of any fee.
- (5) Goods sold by any blind person which have been manufactured, in whole or in part, by him with his own hands, as provided in G.S. § 10-300.
- (6) Sales made to dealers by commercial travelers or selling agents in the usual course of business, or by sample for future delivery, as provided in G.S. § 21-37.
- (7) Wholesalers selling and delivering their goods to the merchants of the town.

(Code 1972, § 36-22; Ord. of 10-13-1952, art. I, § 8)

Sec. 46-38. - Issuance; contents; investigation of applicant.

(a) Upon compliance by the applicant with the provisions of section 46-36, the police department shall thereupon issue a license, within a period of seven business days, which shall set forth the name and address of the applicant and of his employer, if any, the nature of the goods, wares or merchandise which he intends to sell, and the period during which the applicant may sell which shall not exceed the timeframe selected on the application.

(b) The police department shall not be required to grant such permission to any person who shall have been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this chapter, and further provided the chief of police or some member of the police department designated by him may defer the issuance of a license, pending investigation, for a period not to exceed seven days.

(Code 1972, § 36-17; Ord. of 10-13-1952, art. I, § 3)

Sec. 46-39. - Expiration; fee.

In all cases and unless sooner revoked all annual licenses shall expire on December 31, succeeding the date of issuance thereof. The board of selectmen may establish a fee and an operating time frame (i.e. Daily, Weekly, Monthly, Yearly) for each license based upon the recommendation of the police commission.

(Code 1972, § 36-18; Ord. of 10-13-1952, art. I, § 4; Ord. of 9-26-1972, § 2; Ord. of 5-8-1995)

Sec. 46-40. - Badge.

Each person so licensed and so exercising his vocation shall have in his possession, at all times, a badge furnished by the chief of police with the words "Licensed Peddler," photograph, the number of such license, and the timeframe in which such license is in force, in numerals plainly inscribed thereon; such badges to be furnished by the chief of police to the person so licensed.

(Code 1972, § 36-19; Ord. of 10-13-1952, art. I, § 5)

Sec. 46-41. - Records.

It shall be the duty of the chief of police to keep a record of all licenses granted under the provisions of this article, giving the number and date of all licenses, the name, age and residence of the person licensed, the amount of license fee paid, and also the dates of revocation of any licenses revoked as provided herein.

(Code 1972, § 36-20; Ord. of 10-13-1952, art. I, § 6)

Secs. 46-42—46-75. - Reserved.

ARTICLE III. - SOLICITATIONS OF SALES OF MERCHANDISE

DIVISION 1. - GENERALLY

Sec. 46-76. - Penalty; suspending or canceling permission.

Any person violating any of the provisions of this article or making any false statement or misrepresentation of fact for the purpose of obtaining permission to solicit orders shall, upon conviction thereof and in addition to other penalties provided by law, be subject to punishment as provided in section 1-8, each solicitation or sale being deemed a separate offense; and pending trial therefor, the police department may suspend such permission to solicit. Upon any registered person being convicted of any crime or misdemeanor under this article or involving moral turpitude, the stamped credentials of such person shall be delivered to the police department and the department's stamped credentials thereon shall be canceled, and such person shall not thereafter solicit orders in the town.

(Code 1972, § 36-43; Ord. of 10-13-1952, art. II, § 6)

Sec. 46-77. - Exemptions.

This article shall not apply to salesmen selling goods to retail or wholesale stores for resale. Any person who has, and has had for the preceding 12 months, a regular place of business within the town, and any person employed by or soliciting for any person, firm or corporation that has, and has had for the preceding 12 months, a regular place of business within the town shall not be required to register before soliciting orders, but all other provisions of this article shall apply to such persons.

(Code 1972, § 36-44; Ord. of 10-13-1952, art. II, § 7)

Sec. 46-78. - Conduct of solicitor; order receipts.

Any person soliciting within the town, whether or not required to register under the provisions of this article, shall conform to the following regulations:

- (1) The solicitor shall conduct himself at all times in an orderly and lawful manner;
- (2) The solicitor shall give a written receipt for all orders taken within the town, which receipt shall be signed by the solicitor and shall set forth a brief description of the goods, wares or merchandise ordered, the total purchase price thereof, and the

amount of the down payment received by the solicitor from the purchaser.

- (3) The solicitor shall go to the front door ONLY of a dwelling residence.
- (4) The solicitor shall not conduct business before 9:00 A.M. nor after hours of official sunset.
- (5) The solicitor shall show the permit to any such person so solicited or to any Police Officer on request.
- (6) The solicitor must, at all times, wear their issued badge in a plainly visible location on the outermost garment and carry their permit with them.
- (7) The solicitor shall immediately, without question, vacate any residence or premises of a person so solicited, if the person so solicited indicates that he or she does not wish to engage in business with said solicitor.

(Code 1972, § 36-42; Ord. of 10-13-1952, art. II, § 5)

Secs. 46-79—46-90. - Reserved.

DIVISION 2. - REGISTRATION

Sec. 46-91. - Required.

It shall be unlawful for any person over 16 years of age to solicit orders of purchase for future delivery of any goods, wares or merchandise, including magazines and other printed matter, from door to door or on any street or highway within, or by telephone from and within, the town, without first registering with the police department of the town and having his credentials stamped as provided in this division. Registration shall not constitute a permit to enter privately policed areas.

(Code 1972, § 36-38; Ord. of 10-13-1952, art. II, § 1)

Sec. 46-92. - Application; identification.

(a) An applicant for permission to solicit orders hereunder shall complete an application blank provided by such police department, which application blank shall contain the following information:

- (1) The name, home address and local address, of the applicant;
- (2) A physical description of the applicant, setting forth the applicant's age, height, weight, color of hair and eyes;
- (3) The name, address, and phone number of the person for whom or through whom orders are to be solicited or cleared;
- (4) The nature of the goods, wares or merchandise for which orders are to be solicited;
- (5) A statement as to whether the applicant has been convicted of any crime or misdemeanor and, if so, what, when and where;
- (6) A statement as to the period during which the applicant intends to solicit orders.

(b) The applicant, at the time of executing such application blank shall also submit identification satisfactory to the police department which shall contain a specimen of the applicant's signature. Each application shall be signed by the applicant and sworn to before a justice of the peace or other person authorized by the laws of the state to administer oaths.

(c) The applicant, at the time of executing such application blank, will be photographed and fingerprinted.

(Code 1972, § 36-39; Ord. of 10-13-1952, art. II, § 2)

Sec. 46-93. - Credentials—Stamping; contents; investigation of applicant.

(a) Upon compliance by the applicant with the provisions of section 46-92, the police department shall thereupon stamp the credentials of the applicant, which credentials shall set forth the name and address of the applicant and his employer, if any, the nature of the goods, wares or merchandise for which orders are to be solicited, and the period during which the applicant may solicit orders shall not exceed the timeframe selected on the application.

(b) The police department shall not be required to grant such permission to any person who shall have been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this chapter; and further provided the chief of police or some member of the police department designated by him may defer approving and stamping the credentials of any applicant, pending investigation, for a period not to exceed seven days.

(Code 1972, § 36-40; Ord. of 10-13-1952, art. II, § 3)

Sec. 46-94. - Same—Nontransferable; scope of authorization; exhibiting.

Stamped credentials shall be nontransferable and shall entitle the holder thereof, for the period indicated therein, unless revoked, to solicit orders within the town for the purchase of the goods, wares or merchandise specified in his application; provided the holder shall have his stamped credentials in his possession at all times with the issued badge in a plainly visible location on the outermost garment while soliciting orders and shall exhibit the same at any time upon the request by any police officer of the town or any purchaser or prospective purchaser.

(Code 1972, § 36-41; Ord. of 10-13-1952, art. II, § 4)

Sec. 46-95. - Records.

It shall be the duty of the chief of police to keep a record of all solicitors' credentials approved and stamped under this article, and also the dates of any suspensions of permission to solicit and any cancelations of the police department's stamp.

(Code 1972, § 36-42; Ord. of 10-13-1952, art. II, § 8)

Secs. 46-96—46-125. - Reserved.

ARTICLE IV. - CHARITABLE SOLICITATIONS

DIVISION 1. - GENERALLY

Sec. 46-126. - Penalty; suspension or cancelation of permission.

Any person violating any of the provisions of this article or making any false statements or misrepresentations of fact for the purpose of obtaining permission to solicit funds shall, upon

conviction thereof and in addition to other penalties provided by law, be subject to punishment as provided in section 1-8, each solicitation being deemed a separate offense; and, pending trial therefor, the police department may suspend such permission to solicit. Upon any registered person being convicted of any crime or misdemeanor under this article or involving moral turpitude, the stamped credentials of such person shall be delivered to the police department and the department's stamped credentials thereon shall be canceled, and such person shall not thereafter solicit orders in the town.

(Code 1972, § 36-26; Ord. of 10-13-1952, art. III, § 5)

Secs. 46-127—46-140. - Reserved.

DIVISION 2. - REGISTRATION

Sec. 46-141. - Required; information; exemptions.

(a) Religious, charitable, or other organizations desiring to solicit funds from door to door in the town shall, through a representative, register with the police department and give the following information:

- (1) The name, home address and local address, of the applicant, together with a list of All solicitors;
- (2) A physical description of the applicant, setting forth the applicant's age, height, weight, color of hair and eyes;
- (4) The name, address, and phone number of the organization or institution for which funds are to be solicited;
- (5) A statement as to whether the applicant has been convicted of any crime or misdemeanor and, if so, what, when and where;
- (6) A statement as to the period during which the organization or institution intends to solicit funds.

(b) Any organization having a local chapter or headquarters in the town shall not be required to furnish the information listed in subsections (a)(1), (a)(2) and (a)(4) of this section.

(Code 1972, § 36-23; Ord. of 10-13-1952, art. III, §§ 1, 2)

Sec. 46-142. - Credentials—Issuance; investigation of applicant.

(a) Upon compliance by the applicant with the provisions of section 46-141, the police department shall thereupon stamp the credentials of the applicant, which credentials shall set forth the name and address of the applicant and of the organization or institution which he represents, and the period during which funds are to be solicited, which period shall not exceed one year.

(b) However, the police department shall not be required to stamp such credentials of any person who shall have been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this chapter, and further provided the chief of police or some member of the police department designated by him may defer approving and stamping the credentials of any applicant, pending investigation, for a period not to exceed seven days.

(Code 1972, § 36-24; Ord. of 10-13-1952, art. III, § 3)

Sec. 46-143. - Same—Nontransferability; scope; exhibiting.

Stamped credentials shall be nontransferable and shall entitle the holder thereof, for the period indicated therein, unless revoked, to solicit funds within the town; provided the holder shall have his stamped credentials in his possession at all times while soliciting funds and shall exhibit the same at any time upon request by any police officer of the town or any contributor or prospective contributor.

(Code 1972, § 36-25; Ord. of 10-13-1952, art. III, § 4)

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

Frank Kemp, District IV, Chairman of the TGS&A Committee, read the committee report (attached).

James Patrick, District V, Chairman of the Public Health & Safety Committee, read that committee's report (attached).

James Cameron, District IV, thanked TGS&A for all of their hard work. He asked if the Girl Scouts would be required to provide a Certificate of Insurance; the Moderator responded that they would not be required to do so. Mr. Cameron said that the football team sells tickets for a car wash; would they be exempt? Mr. Patrick said they would be lumped together with the Girl Scouts because they are under the age of 18. Mr. Cameron asked about people from organizations who are looking for donations for political candidates; the Moderator responded that those people were not peddling.

Jay Hardison, District IV, asked if it made more sense to make a finite end time, rather than sunset. Mr. Patrick said it really means "after dark".

**** JAY HARDISON, DISTRICT IV, MOVED TO AMEND THE RESOLUTION TO CHANGE "SUNSET" TO "5 P.M." (16-13A)**

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

Discussion now took place on the amendment.

Dennis Maroney, District III, said part of the reason for the word sunset is so that during summer, sales can take place later.

James Patrick, District V, said there is precedence for the term "sunset".

James Cameron, District IV, said that 5 p.m. in the winter is still dark.

Joseph Miceli, District IV, asked if having peddlers come later in the summertime would be a problem for mothers putting children to bed.

**** ITEM 16-13A FAILED ON A RISING TALLY VOTE OF 9 IN FAVOR, 56 OPPOSED, 2 ABSTENTIONS.**

**** ITEM 16-13 CARRIED ON A RISING TALLY VOTE OF 66 IN FAVOR, 0 OPPOSED, 1 ABSTENTION.**

16-14

CONSIDERATION AND ACTION ON APPROPRIATION OF \$749,058.46 TO COVER OVERRUN COSTS IN CONJUNCTION WITH BOARD OF EDUCATION CENTRAL OFFICE/MATHER CENTER PROJECT

**** JACK DAVIS, DISTRICT III, CHAIRMAN OF THE FINANCE & BUDGET COMMITTEE, MOVED:**

WHEREAS, there have been overruns and additional costs in conjunction with 35 Leroy Avenue/Mather Center project; and

WHEREAS, the overruns resulted from the fact that Dappreio Construction defaulted on their contract as did its Bonding Company; and

WHEREAS, there existed additional overruns for architect, administrative costs and unanticipated expenses related to the elevator; and

WHEREAS, the Mather Center had unanticipated expenses including but not limited to redesign of HVAC, hazardous materials that were uncovered, elevator repairs, replacement of walls and unanticipated fire alarm modifications; and

WHEREAS, a portion of the overrun has been funded by the General Fund Debt Service account.

NOW THEREFORE BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien does hereby approve the appropriation of seven hundred and forty-nine thousand, fifty-eight dollars and 46/100 (\$749,058.46) to fund the overruns and related expenses.

BE IT FURTHER RESOLVED that the stated sum will be paid through a grant from the State of Connecticut in the amount of one hundred eighty-one thousand, three hundred sixty three dollars and 46/100 (\$181,363.46) and the General Fund fund balance in the amount of five hundred sixty-seven thousand, six hundred ninety-five dollars and 00/100 (\$567,695.00).

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

Jack Davis read the report of the Finance & Budget Committee (attached).

**** JACK DAVIS, DISTRICT III, CHAIRMAN OF THE FINANCE & BUDGET COMMITTEE, MOVED THAT THE RTM POSTPONE THIS VOTE UNTIL THE OCTOBER 24, 2016 RTM MEETING. (ITEM 16-14A)**

Discussion took place on the motion to postpone.

Lois Schneider, District I, asked if there were any negative implications to postponing this vote. Finance Director Jennifer Charneski said there was no downside.

The Moderator pointed out that there was no guarantee that the litigation would be settled by October 24th. Mr. Davis said it was their understanding that the trial is scheduled for September 2016, according to Kate Buch. Town Counsel Fox said there is no guarantee, even though the trial is scheduled for that time.

Seth Morton, District III, said that the point is good accounting. They will not know the true costs until the litigation is done.

Walter Casey, 8 Webster Valley Road, said that the town should be satisfied that the building is up to code and that the Certificate of Occupancy is valid.

**** ITEM 16-14A CARRIED ON A RISING TALLY VOTE OF 66 IN FAVOR, 1 OPPOSED, 0 ABSTENTIONS.**

16-15

CONSIDERATION AND ACTION ON APPROPRIATION OF AND BONDING FOR \$230,000 TO FINANCE THE CONSTRUCTION DESIGN FOR THE DARIEN PUBLIC WORKS GARAGE COMPLEX

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

WHEREAS, the Public Works department recently completed the feasibility study and preliminary concept design project for the Town of Darien Department of Public Works garage complex; and

WHEREAS, the Town would like to move to next phase of the project which are the construction design for upgrades to the facilities; and

WHEREAS, the Board of Finance and the Board of Selectman are in support of the project and its funding.

NOW THEREFORE BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien do hereby approves the appropriation of two hundred and thirty thousand dollars 00/100 (\$230,000.00) for design costs related to the renovation.

BE IT FURTHER RESOLVED that the Representative Town Meeting of the Town of Darien hereby approves the issuance of bonds and notes in the amount of two hundred and thirty thousand dollars 00/100 (\$230,000.00) to meet said appropriation. This is more particularly set forth in the resolution attached hereto and made part hereof.

**RESOLUTION APPROPRIATING \$230,000
FOR THE DEPARTMENT OF PUBLIC WORKS' GARAGE RENOVATION PROJECT
AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE
AMOUNT OF \$230,000 TO MEET SAID APPROPRIATION**

RESOLVED:

Section 1. The sum of \$230,000 is appropriated for the Department of Public Works' Garage Renovation Project in the Town of Darien (the "Town") for design costs related to the renovation including the: i) development of construction plans, cost estimates and drawings; ii) professional assistance services for the bidding and award of the construction contract; iii) environmental design services; and iv) contingency, 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, \$230,000 bonds of the Town or so much thereof as shall be necessary for such purpose, may be issued, maturing not later than the twentieth 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 to be 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 Selectman and the Town 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 Town Treasurer, or any Town official designated by the Town 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 temporary 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 Selectman and the Town Treasurer, have the seal of the Town 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, be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut 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, shall be included as a cost of the Project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. 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 authorized hereby and for the Project defined herein with the proceeds of bonds, notes, or other obligations authorized to be issued by the Town. Such bonds, notes or other obligations 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 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 6. The First Selectman, Town Treasurer and Finance Officer or any one of them are hereby authorized, on behalf of the Town, to enter into any 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 which are necessary or appropriate to issue and deliver the bonds or notes. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the First Selectman, the Town 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. Should such bonds or notes issues in anticipation of such bonds be issued in such form and manner that the interest on such bonds or notes is includable in the gross income of the holders thereof under the Internal Revenue Code of 1986, as amended, then it is hereby determined that the issuance of such taxable bonds or notes is in the public interest.

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

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

Dennis Maroney, District III, Chairman of the Education Committee, said the committee met this evening because 32% of the garage has Board of Education equipment. With 10 of 16 committee members present, they voted 5 in favor, 5 opposed to the resolution. Those opposed were bothered by the Shuffle and were concerned that this was not included in the budget process. They also wondered why this was being pushed at the last minute.

Jack Davis, District III, Chairman of the Finance & Budget Committee, read the committee report (attached).

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

Jay Hardison, District IV, a member of the Education Committee, said they met tonight because no one on the committee knew any details. He asked if there were any alternatives to the \$230,000; this seems to be a Gold plan. This would be an ideal time to bring in a building committee.

Kate Buch, Town Administrator, said this does not lock them into the municipal project; the \$5,100,000.

Clara Sartori, District II, said that there was discussion from the Selectmen about closely looking at value engineering in the Mather Center Project. She asked if that and building committees were going to be implemented.

First Selectman Jayme Stevenson said they are in the process of beginning the development of a building committee. They might involve the RTM in the process; they will discuss it at their June 20th meeting. They will definitely be implementing value engineering in any projects going forward.

The Moderator asked if a building committee would be in place and working on this project. First Selectman Stevenson said she would engage in discussion with Mr. Gentile.

Werner Domittner, District IV, asked if they had bid this out. Mr. Gentile said the \$230,000 was not bid out. An RFP went out for a feasibility study. They interviewed three firms and agreed on this one. He obtained a proposal from them. He had thought that the price would be higher. \$50,000 was added for contingency.

Monica McNally, District II, asked why just 2/3rds of the floor needed repair. Mr. Gentile said the other 1/3rd doesn't need it.

Joseph Miceli, District IV, asked if there would be two kitchens; Mr. Gentile responded affirmatively. Mr. Miceli said the taxpayers are getting hit hard. They need to look at ways to get money back. It would be smarter to look at sharing things. There are 4 different mechanics in town; perhaps they should be combined. The Moderator pointed out that there are mechanics on the Board of Education, Public Works and the Police Department. Mr. Miceli said that services should be shared to reduce costs.

Tom Moore, District III, said that Mr. Miceli had a good point, but the facility is in bad shape; it has not been maintained. Bonding is at a low rate; now is the time to do the project.

Jack Davis, District III, said that at the Finance & Budget Committee meeting, they talked about how the two groups work together as one team.

Jay Hardison, District IV, said that at the Education Committee meeting, it came up that part of this space is due to the shuffle.

First Selectman Stevenson said there were 900 s.f. promised to the Board of Education as part of the shuffle. The space was provided but the workshop was never constructed; part of this project will be to construct the workshop.

Patti Bumgardner, District I, said she has seen 3 or 4 presentations, and she thanked everyone who facilitated these presentations. They are talking about a feasibility study. She highlighted what she felt were important parts of these tours: 1) wash basin; 2) 6,000 gallon gas tanks; 3) sleeping on couches during extremely long shifts; 4) putting in lifts; 5) need for meeting space.

Young-Sup Lee, District I, a member of the Education Committee, asked about the contingency plan during the construction phase. Mr. Gentile said the major component is the garage floor. He has to empty half of his facility to do the concrete. They are looking into creating swing space and then working on the floor, getting that done before November. He needs 60 to 75 days to do the floor.

**** ITEM 16-15 CARRIED ON A RISING TALLY VOTE OF 56 IN FAVOR, 8 OPPOSED, 1 ABSTENTION.**

**** UPON MOTION MADE AND SECONDED FROM THE FLOOR, IT WAS UNANIMOUSLY VOTED TO ADJOURN AT 9:45 P.M.**

Respectfully submitted,

Cheryl Telesco Blois
Telesco Secretarial Services

APPENDIX

<u>DISTRICT I</u>	Amendment <u>(16-13A)</u>	<u>(16-13)</u>	Amendment <u>(16-14A)</u>	<u>(16-15)</u>
Baldwin	abstain	abstain	yes	yes
Barsanti	no	yes	yes	yes
Buchesky	absent	absent	absent	absent
Bumgardner	no	yes	yes	yes
Butler	absent	absent	absent	absent
Conologue	yes	yes	yes	yes
Conze	absent	absent	absent	absent
Dweck	absent	absent	absent	absent
Ezbiansky	no	yes	yes	yes
Hayes, B.	absent	absent	absent	absent
Keane	absent	absent	absent	absent
Kelly, C.	no	yes	yes	yes
Lee	no	yes	yes	yes
Pattelli	no	yes	yes	yes
Schneider	no	yes	yes	yes
van der Kieft	no	yes	yes	yes
von Stuelpnagel	no	yes	yes	yes

DISTRICT II

Agnew	absent	absent	absent	absent
Bacon	no	yes	yes	yes
Boulier	absent	absent	absent	absent
Doherty	absent	absent	absent	absent
Finn	yes	yes	yes	abstain
Howe	absent	absent	absent	absent
McNally	no	yes	yes	yes
Miller	no	yes	yes	yes
Sartori	no	yes	yes	yes
Sawitsky	no	yes	yes	no
Seelye		DOES NOT VOTE		
Thorne, B.	no	yes	yes	yes
Wheeler	no	yes	yes	yes

DISTRICT III

Anderson	yes	yes	yes	yes
Cardone	no	yes	yes	yes
Conniff	no	yes	yes	yes
Coyle	absent	absent	absent	absent
Coyle Downs	absent	absent	absent	absent
Jack Davis	no	yes	yes	yes
Hageney	no	yes	yes	yes
Hegarty	absent	absent	absent	absent
Hite	absent	absent	absent	absent
Jordan	absent	absent	absent	absent
Maroney	no	yes	yes	no
Moore	no	yes	yes	yes
Morton	no	yes	yes	yes
Washecka	absent	absent	absent	absent
Yarnell	absent	absent	absent	absent

<u>DISTRICT IV</u>	Amendment (16-13A)	(16-13)	Amendment (16-14A)	(16-15)
Banks	no	yes	yes	yes
Cameron	no	yes	yes	yes
Joan Davis	no	yes	yes	yes
Domittner	no	yes	yes	no
Fiore	no	yes	yes	no
Haidinger	no	yes	yes	yes
Hardison	yes	yes	yes	no
P. Hawkins	yes	yes	yes	yes
Kemp	no	yes	yes	yes
Miceli	no	yes	yes	yes
Millar	abstain	yes	yes	no
Montanaro	absent	absent	absent	absent
Morrison	absent	absent	absent	absent
Peters	yes	yes	yes	yes
Rayhill	no	yes	yes	yes
Savage	no	yes	yes	yes

DISTRICT V

Adiletta	no	yes	yes	yes
Bates	no	yes	yes	absent
Bayne, C.	no	yes	yes	yes
Bayne, D.	no	yes	yes	yes
Boulton	absent	absent	absent	absent
Duffy	yes	yes	yes	yes
Fead	absent	absent	absent	absent
Fiveson	absent	absent	absent	absent
Haueisen	absent	absent	absent	absent
Hayes, M.	absent	absent	absent	absent
Hennessy	no	yes	yes	yes
Lublin	no	yes	yes	yes
McLachlin	no	yes	yes	yes
Mosher	no	yes	yes	yes
Patrick	no	yes	yes	yes
Russell	no	yes	yes	yes
Sparkman	no	yes	yes	yes

DISTRICT VI

Adelman	yes NO	yes	yes	yes
Baldwin	absent	absent	absent	absent
Cantavero	absent	yes	yes	yes
Cherico	no	yes	yes	yes
Grogan	no	yes	yes	yes
Ted Hawkins	no	yes	yes	yes
Kwun	yes	yes	yes	no
Lauritzen	yes	yes	yes	absent
Luz	no	yes	yes	no
McDermott	absent	absent	absent	absent
Natale	no	yes	yes	yes
Plehaty	no	yes	no	yes
Poli	absent	absent	absent	absent
Ritchie	no	yes	yes	yes
Swenson	no	yes	yes	yes
Van Loan	no	yes	yes	yes
Whitehead	no	yes	yes	yes

Street Light Acquisition

- August 2015 - Met with Esco
- Oct 2015 - Met with Tanko
- December 2015 – Accepted Final Proposals from both companies
- January 2016 – Selected Tanko
- **March 9, 2016 - Received Purchase price from Eversource**
- March 2016 – Tanko presentation to the Board of Finance
- May 16 & 17 – BOS & BOF for transfer of funds for the purchase
- May 29 2016 – Finalized the Contract with Tanko
- June 7 2016 – start street light audit

Currently per Eversource there are 843 fixtures & 11 poles that occupy Darien streets
Purchase price from Eversource = \$154,347 (good for 6 months or until Sept 9, 2016)

Tanko LED Retrofit Cost = \$269,935 (inc 10% contingency) (Fixture Purchase & Install)

Total Purchase and Retrofit = \$424,282

Maintenance cost approx.. = \$10,116 per year (1yr contract w/ (2) one year options)

Savings from:

- Ownership of the lights (93% reduction in cost)
- Retrofit to LED (75% reduction in cost)
- Rebate of approximately \$85,000 from Eversource as part of the LED retrofit.
- LED have 10yr Life Exp. vs 3 to 4 years for HPS

Financial Analysis (per Tanko) = Payback period of 3 years “Conservative”

Financial Analysis (per Town) = Payback period of less than 3 years

Energy Cost increases = 2% (with any increase Town saves more)

Overall yearly savings after the first year is approximately \$100,000

Remarks – Frank Kemp – re: Resolution 16-13 – Change to Chapter 46 of Darien's Code of Ordinances regarding Peddlers & Solicitors.

Good evening. My name is Frank Kemp, District 4, Chairman of the Town Government Structure and Administration Committee - TGS&A.

At this time I would like to move Item 16-13 – Consideration and action on change to Chapter 46 of Darien's Code of Ordinances regarding Peddlers & Solicitors.

Do I have a Second? Thank you.

Do I have a motion to waive the reading of the resolution? Thank you.

On Tuesday May 10, 2016, the TGS&A Committee reviewed the resolution you have received in your Warning Packet.

The committee voted unanimously, with six of the ten active members present, to recommend that the resolution be approved.

No modifications to the text were suggested.

As a matter of background, the existing code, in Chapter 46, dates from 1972 – some 44 years ago – and yes, some things have changed since then.

We all received a note from Caryn Diller last week, thank you Caryn, with documents relating to this resolution. Included in the package was a "red-lined" version of the old text that is being changed - indicating what was new. I won't read all the changes to you, but among the highlights are:

- requirements that the Police know the home address and phone numbers of the applicants, and that they will be photographed and fingerprinted as part of the application process.
- that permits may be applied for specific time periods ... a day (\$50), a week (\$100), a month (\$200), a year (\$250).
- that the new version of the permit includes the photograph of the applicant that is worn outside of the outside garment, and easily visible.

There are also some very specific new changes to the regulation – and they are that:

- The solicitor shall go only to the front door.
- The solicitor shall not conduct business before 9:00 A.M. nor after sunset.

- The solicitor must, at all times, wear their issued badge in a plainly visible location on the outermost garment and carry their permit with them.

- The solicitor shall immediately, without question, vacate the premises at the request of the resident, if the resident indicates that he or she does not wish to engage in business with the solicitor.

As for the intent of the resolution, may I draw your attention to the Executive Summary, which is also included in this evening's handout.

A few of the questions that were clarified at our TGS&A meeting were:

- yes, the Board of Selectmen voted unanimously to recommend the changes at their March 21, 2016 meeting

- yes, the actual fees for the different periods of the permits are set by the Board of Selectmen. These fees are not part of the actual ordinance that we have under consideration. The fees are listed on the application form, but are not part of the legislation.

- yes, the permits may be revoked

- and NO, this will not apply to the sale of Girl Scout Cookies, which may continue as it is such a fine tradition

Finally I would draw your attention to two other documents that Caryn provided for us in our information packet, along with that Executive Summary and the red-lined text of the code - and they are:

1) the actual form that the applicants must fill out, and

2) the checklist that the Department must fill out to document the stages of the approval process. I believe you will find that checklist interesting - as it shows how carefully the Department is following this matter. There are 16 discrete steps that they must take before issuing the new permit - quite an improvement over the current process.

Therefore I would like to report to you that the TGS&A committee, taking these factors into account, voted unanimously to approve the resolution,

Madame Moderator?

===

RTM F&B Report

June 6, 2016

(16-14) Consideration and action on appropriation of \$749,058.46 to cover overrun costs in conjunction with Board of Education Central Office/Mather Center Project 7.

I am Jack Davis, District 3, Chairman of the RTM F&B committee.

I move RTM Resolution 16-14 Consideration and action on appropriation of \$749,058.46 to cover overrun costs in conjunction with Board of Education Central Office/Mather Center Project 7.

Do I have a second?

If there are no objections, I waive the reading of the resolution.

The RTM F&B met on May 31st with 11 of 14 members present constituting a quorum. Kate Buch, Town Administrator was also present.

F&B appreciates the reports provided by the Town on the overages associated with this project at the RTM April meeting. During our May 31st F&B mtg discussing this resolution, F&B had a report from the F&B Shuffle subcommittee. Rob Cardone and Martha Banks met with Kate to review and discuss the appropriation, the supporting detail and other relevant project information as presented to the RTM and discussed on the floor of this body. The committee reviewed the potential outstanding items attributable to the project including the outstanding litigation that is scheduled to go to trial in September, 2016. F&B feels it is in the best interest of the Town to postpone the vote on this overage until the October 2016 RTM meeting after which the outcome of potential incremental costs, if any, will be known. In addition, F&B suggests that the cost of this litigation be added to the Shuffle expense and not the BOS legal expense. The committee voted 11 in favor none against to postpone the vote to the October 24, 2016 RTM meeting.

At this time, consistent with the RTM F&B vote on Resolution 16-14, I would like to make a motion that the RTM vote to postpone its vote on the approval of the Shuffle overage appropriation to the RTM October 24, 2016 meeting.

Do I have a second?

Respectfully submitted

Jack Davis

Chair, RTM Finance & Budget Committee

The RTM Public Health & Safety Committee met tonight at 7:00 pm with 8-11 members present to discuss and report to the Full RTM on Resolution 16-13: Changes to Chapter 46 of Darien's Code of Ordinances regarding Peddlers & Solicitors, relating to safety.

Discussion revolved around additional language such as:

"The solicitor shall go to the front door ONLY of a dwelling residence".

"The solicitor shall not conduct business before 9:00 am nor after hours of official sunset".

"The solicitor shall show permit to any such person so solicited or to any Police Officer on request".

"The solicitor must, at all times, wear their issued badge in a plainly visible location on the outermost garment and carry their permit with them".

"The solicitor shall immediately, without question, vacate any residence or premises of a person so solicited, if the person so solicited indicates that he or she does not wish to engage in business with said solicitor".

The Committee voted Unanimously 8 - 0 - 0 to support

Resolution 16-13 and we ask the Full RTM to do the same.

Respectfully submitted, James M. Patrick, Chairman

Good evening.

My name is *Mark Adiletta*, Chair of the Public Works Committee to the RTM.

At this time I would like to move Item 16-15 Appropriating the sum of \$230,000 to finance the construction design for the Darien Public Works Garage Complex and authorizing bonding and notes in the same amount.

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

Background:

As many of you may know the DPW complex on Ledge Road houses the bulk of the personnel and equipment utilized by the DPW. It is also a substantial base of operation for the Parks & Rec Department and the BOE facilities team in providing maintenance and related support services to Town assets under their respective control. The intense level of activity and treasure trove of equipment stored, maintained and operated out of this facility regularly is sometimes not be apparent given the small portion of the building complex visible from Ledge Road. Also not obvious is the fact that the three departments currently using this facility perform their respective tasks, utilizing dedicated workspaces, yet share certain common areas, tools, and skills as appropriate for the sake of efficiency, effectiveness and convenience in delivering services ~~with the Town residents as the beneficiaries of this often collaborative spirit and effort.~~ This is a message that resonated with our committee through various presentations, feasibility studies and site visits conducted recently and in the past. One of those recent site visits can be accessed on Vimeo via the Town website.

This particular resolution relates to just one phase of a comprehensive process related to the potential construction project. To get to this point a strategic effort started over a year ago with some components dating back much earlier. In May of 2015 the Town put out an RFP seeking proposals from architectural /engineering firms to complete a feasibility study for the DPW Garage Complex. The scope of this RFP was developed with coordination among the DPW Director, Park and Rec Supervisor of Park Maintenance and the BOE Facilities Manager. The result was a detailed 9 page document which identified key requirements such; a full size truck wash bay, rudimentary ~~and suitable~~ dormitory accommodation for overnight staff

At our regular meeting May 31st, with 9 of 11 members present, the PWC considered and voted unanimously to recommend approval of this item to the full RTM.

The Committee wishes to thank Mr. Gentile of the DPW, Mr. Flynn of Parks and Rec. and Mr. Lynch of the BOE, along with their respective staffs, for their assistance and transparency with this redesign effort. ~~Not all members~~ noted the effort appears consistent with recent successes of the DPW as it continues its effort to implement systems to improve and even expand the services delivered to Town residents while limiting costs increases at the same time.

Thank you.

RTM F&B Report

June 6, 2016

Resolution 16-15 – Consideration and action on appropriation of and bonding for \$230,000 to finance the construction design for the Darien Public Works Garage Complex.

I am Jack Davis, District 3, Chairman of the RTM F&B committee.

The F&B Committee met on May 31, 2016 with 11 of 14 members present constituting a quorum after a joint meeting with the RTM PW committee. Present at the meeting was also Town Administrator, Kate Buch, Director of Public Works, Ed Gentile and PW Supervisor, Pat D'Arinzo.

The committee wanted to note how this project has run. The PW group first established a needs analysis document created with input from Michael Lynch, BOE Facilities and Mike Flynn, Parks and Rec. The needs analysis document was reviewed with the BOS and BOF. As mentioned by Mark Adilleta, RTM PW, this next phase is the design specifications for the renovation of the PW Garage. F&B commends this approach as well as testing for hazardous materials during this phase and having funds in the budget to determine appropriate mitigation plans and action, if required, as well as the cost associated with said mitigation. We commend this approach.

The F&B committee voted unanimously in favor of the project and bonding and recommends this project to the full RTM.

Respectfully submitted

Jack Davis

Chair, RTM F&B Committee

The RTM Public Health & Safety Committee met tonight at 7:00 pm with 8 - 11 members present to discuss and report to the Full RTM on Resolution 16-15, Appropriation of and Bonding for \$230,000 to finance the construction design for the Darien Public Works Garage Complex.

Discussion pertained to the Safety aspects of the project which included:

The tour of the facility that took place on Saturday June 4, 2016.

Members who attended, and members who watched the recorded tour on Channel 79, commented on replacement of the concrete flooring which is cracking, crumbling and leaking water below. Plow trucks loaded with salt cannot currently be parked safely indoors in preparation of a snow storm.

There is currently no resting facility for workers who need sleep between snow plow shifts. A Ten person bunk room and bathroom is included in the renovation.

The gasoline and diesel storage tanks currently underground are due for replacement and the new tanks will be above ground and away from the facility.
as required by state mandate

The Committee voted unanimously to support

Resolution 16-15 and we ask the Full RTM to do the same.

Respectfully submitted, James M. Patrick, Chairman