

**MINUTES
REPRESENTATIVE TOWN MEETING
JUNE 12, 2017**

**RECEIVED
JUN 19 2017
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, 3 absent.
From District II, there were 11 members present, 5 absent.
From District III, there were 12 members present, 3 absent.
From District IV, there were 10 members present, 6 absent.
From District V, there were 11 members present, 6 absent.
From District VI, there were 12 members present, 4 absent.

The absentees from District I were: Baldwin, Butler, Lublin.

The absentees from District II were: Boulier, Goertel, Miller, Pommernelle,
Thorne.

The absentees from District III were: Anderson, Feldman, Riordan.

The absentees from District IV were: Fiore, McKay, Millar, Morrison, Peters,
Raben.

The absentees from District V were: Fiveson, Haueisen, Hayes,
Martin, McLachlin, Ven.

The absentees from District VI were: Cantavero, Lauritzen, Natale, Plehaty.

ACCEPTANCE OF THE AGENDA

The Moderator noted that Item 17-19 had been amended to 17-19A.

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

APPROVAL OF THE MINUTES OF THE MAY 8, 2017 BUDGET MEETING

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

ANNOUNCEMENTS

Clara Sartori, District II, said that the League of Women Voters had just published a revised "You and Your Town Government" guide, which she distributed this evening and is also available on line at the website lwv.darien.org through the link http://lwv.darien.org/wp-content/uploads/YouAndYourTownGovt_5-12-17.pdf

Town Clerk Donna Rajczewski said that she will be sending out letters dated July 25th for any members whose term is up this November. The term of anyone who was appointed after Election Day will expire in November.

The Moderator asked everyone to notify the League of Women Voters of their governmental e-mail.

The Moderator spoke about "Calling the Question", which when seconded, cuts off debate. There is a protocol, where the Moderator might ask the person calling the question if they would wait to see how many people still wish to speak.

17-17

CONSIDERATION AND ACTION ON APPROPRIATION OF \$1,355,482.55 TO COVER FINAL COSTS IN CONJUNCTION WITH BOARD OF EDUCATION CENTRAL OFFICE/MATHER CENTER PROJECT

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

WHEREAS, the original project for the renovations for the Board of Education Central Office/Mather Community Center had an appropriation of Six Million Nine Hundred Seventy-Nine Thousand Dollars and 00/100 (\$6,979,000.00); and

WHEREAS, a general fund transfer of Four Hundred One Thousand Nine Hundred Thirty-Two Dollars and 54/100 (\$401,932.54) has been approved in the 2016 fiscal year; and

WHEREAS, the overall costs and settlements have been completed with an increased expenditure totaling Eight Million, Seven Hundred Thirty-Six Thousand Four Hundred Fifteen dollars and 09/100 (8,736,415.09) resulting in a deficit of One Million Three Hundred Fifty-Five Thousand, Four Hundred Eighty-Two Dollars and 55/100 (\$1,355,482.55); and

WHEREAS, during the project a number of issues developed causing an increase of expenditures including the default of the general contractor and the bonding company; and

WHEREAS, there were additional scope changes to the project as well as additional fees to the architect and project manager; and

WHEREAS, there was unanticipated demolition and hazardous material abatement needed at the Mather Community site.

BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien hereby approves and authorizes a special appropriation of one million, three hundred fifty-five thousand, four hundred eighty-two dollars and 55/100 (\$1,355,482.55) which includes a previously received state grant and authorizes the use of fund balance to cover the remainder of the appropriation.

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

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

James Cameron, District IV, said that because of cost overruns, the Shuffle cost had increased from \$6,900,000 to \$8,600,000. He said that the end result of this project left them with a beautiful Senior Center, but they have to learn from the past in order to avoid mistakes.

Jay Hardison, District IV, said this is an unfulfilled promise to the Board of Education regarding the Shuffle.

Jack Davis, District III, said that one year ago, a presentation was made with a number of other costs associated with the Shuffle that had been approved by the Board of Finance and/or the RTM. There have been incremental costs, but that includes the Public Works garage. This is closing out this particular project.

David Bayne, District V, said that the Shuffle has easily cost \$10,000,000 to \$13,000,000.

**** ITEM 17-17 CARRIED ON A RISING TALLY VOTE OF 53 IN FAVOR, 9 OPPOSED, 2 ABSTENTIONS.**

17-18

CONSIDERATION AND ACTION ON APPROPRIATION OF AND BONDING FOR \$6,315,000.00 TO FINANCE THE CONSTRUCTION OF THE DARIEN PUBLIC WORKS GARAGE RENOVATION PROJECT

First Selectman Jayme Stevenson introduced and welcomed Attorney Dan Fox and said they were happy to bring this to the RTM. The garage is a wonderful example of how they are now going forward with a maximum bid price on projects.

First Selectman Stevenson introduced Jim Bosek, Co-Chairman of the Public Works Garage Building Committee, who introduced members of the committee, including Joe Pagliarulo, Co-Chairman, Martha Banks, Jennifer Hill and Kip Koons. Mr. Bosek and Kate Buch gave a Power Point presentation to the RTM.

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

WHEREAS, there have been various studies done which have concluded the need for renovation and expansion of the Public Works Garage located at 126 Ledge Road in the Town of Darien; and

WHEREAS, a determination has been made that conditions exist which require said work to be done in the immediate future; and

NOW THEREFORE BE IT RESOLVED THAT the Representative Town Meeting of the Town of Darien hereby authorizes and approves an appropriation of six million, three hundred

fifteen thousand dollars and 00/100 (\$6,315,000.00) for the renovation and expansion of the Department of Public Works' Garage and authorizes the issuance of bonds and notes to meet such appropriation, all as more particularly set out in the resolution attached hereto and made part hereof.

**RESOLUTION APPROPRIATING \$6,315,000 FOR THE CONSTRUCTION PHASE OF
THE DEPARTMENT OF PUBLIC WORKS' GARAGE RENOVATION
PROJECT AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN
THE AMOUNT OF \$6,315,000 TO MEET SAID APPROPRIATION**

RESOLVED:

Section 1. The sum of \$6,315,000 is appropriated for the Construction Phase of the Department of Public Works Garage Renovation Project in the Town of Darien (the "Town"), for costs related to construction including, but not limited to, the replacement of the concrete floor in five of the south side truck bays, installation of a new roof on the majority of the building, the addition of a mechanic's bay, the addition of a vehicle wash bay, the replacement of mechanical and electrical systems with energy efficient equipment, including conversion to natural gas, as well as engineering, architectural and 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, \$6,315,000 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, read the committee report (attached).

Adele Conniff, District III, Chairman of the Parks & Recreation Committee, read the committee report (attached).

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

Jay Hardison, District IV, asked how they had arrived at the \$1,035,000 building valuation. They should get an outside appraisal. The definition of a building does not mean a gas tank or a liquid storage tank, etc.

Edward Gentile, Director of Public Works, said that according to FEMA regulations and Darien regulations, the initial market value is their Tax Assessor's estimate, which does not include the cost of the land.

James Patrick, District V, Chairman of the Public Health & Safety Committee, said that he personally supports this project and resolution from a safety standpoint.

Dennis Maroney, District III, said this was one of the best presentations he had ever seen. This was very well done, and Town officials and Committee members should be commended.

Jennifer Montanaro, District IV, asked if they had thought about expanding the place to rest for Public Works employees so that first responders could use it as well. The Moderator said that was a discussion for another time.

David Bayne said that the Weed Beach Building Project and the Police Station Project came in under budget five years ago.

**** ITEM 17-18 CARRIED ON A RISING TALLY VOTE OF 58 IN FAVOR, 3 OPPOSED, 4 ABSTENTIONS.**

17-19A

CONSIDERATION AND ACTION ON APPROPRIATION OF \$360,000.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR THE OLD TOWN HALL HOMES REDEVELOPMENT

**** JOANNE HENNESSY, DISTRICT V, CHAIRMAN OF THE PLANNING, ZONING & HOUSING COMMITTEE, MOVED:**

WHEREAS, the Town of Darien Code of Ordinance provides for an Affordable Housing Trust Fund; and

WHEREAS, Section §55-3 of said Code sets out a procedure for the spending of said funds; and

WHEREAS, a request has been made for the funding of Three Hundred and Sixty Thousand Dollars and 00/100 (\$360,000.00) of said funds for the Old Town Hall Homes redevelopment project; and

WHEREAS, the Board of Finance and the Board of Selectmen of the Town of Darien have previously approved said expenditure; and

WHEREAS, the Affordable Housing Trust Fund Commission's recommendation is contingent upon the project closing its financing and commencing construction by October 6, 2017 or as the date may be amended by the Affordable Housing Trust Fund Commission.

BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien approves and authorizes the sum of Three Hundred and Sixty Thousand Dollars and 00/100 (\$360,000.00) to be transferred from the Affordable Housing Trust Fund for development of the Old Town Hall Homes.

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

Joanne Hennessy, District V, Chairman of the Planning, Zoning & Housing Committee, read the committee report (attached).

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

**** ITEM 17-19A CARRIED ON A RISING TALLY VOTE OF 64 IN FAVOR, 1 OPPOSED, 0 ABSTENTIONS.**

17-20

CONSIDERATION AND ACTION ON A TAX ABATEMENT FOR THE OLD TOWN HALL HOMES REDEVELOPMENT

**** JOANNE HENNESSY, DISTRICT V, CHAIRMAN OF PZ&H, MOVED:**

WHEREAS, the Darien Housing Authority (the “Authority”) is redeveloping the property known as Old Town Hall Homes (the “Project”), located at 719 Boston Post Road; and

WHEREAS, the Project will replace 30 existing affordable housing rental units and add 25 new units of affordable housing for senior citizens in the existing housing project which is currently owned and operated by the Authority; and

WHEREAS, the development of the Project is in the best interest of the Town and promotes the health, safety and welfare of its senior residents; and

WHEREAS, the Representative Town Meeting believes that the granting of a property tax abatement is vital to the redevelopment of the Project and that the granting of the property tax abatement will further the best interests of the Town and the health, safety and welfare of the Project’s senior residents, all in accordance with the public purpose and provisions of applicable federal, state and local laws and requirements under which the Authority operates and the Project has been undertaken; and

WHEREAS, the Town of Darien has adopted an affordable housing tax abatement ordinance which authorizes a tax abatement for eligible affordable housing developments such as this Project.

NOW, THEREFORE BE IT RESOLVED that the Representative Town Meeting of the Town of Darien hereby approves the abatement of real estate taxes for the Project, limiting the first year property tax payment to Nine Thousand Seventy Five and 00/100 (\$9,075.00) and increasing two percent (2%) annually from year two through year thirty-nine.

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

Joanne Hennessy, District V, Chairman of the PZ&H Committee, read the committee report (attached).

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

**** ITEM 17-20 CARRIED ON A RISING TALLY VOTE OF 63 IN FAVOR, 1 OPPOSED, 0 ABSTENTION.**

17-21

CONSIDERATION AND ACTION ON AUTHORIZING BONDING OF \$1,689,359.00 FOR THE PREVIOUSLY APPROVED DHS CAFETERIA PROJECT

17-22

CONSIDERATION AND ACTION ON AUTHORIZING BONDING OF \$250,000.00 FOR THE PREVIOUSLY APPROVED DHS STORAGE FACILITY PROJECT

**CONSIDERATION AND ACTION ON AUTHORIZING BONDING OF \$250,000.00
FOR THE PREVIOUSLY APPROVED TOWN HALL GENERATOR PROJECT**

**** JACK DAVIS, DISTRICT III, CHAIRMAN OF THE FINANCE & BUDGET COMMITTEE, MOVED TO COMBINE 17-21, 17-22 & 17-23 TO VOTE ON AS FOLLOWS:**

WHEREAS, there is a need to renovate the cafeteria located at Darien High School; and

WHEREAS, an appropriation has previously been approved for the costs of the expansion, repairs and improvements to the Darien High School; and

WHEREAS, it is now necessary to arrange for the funding to finalize planning and to permit the start of construction; and

NOW THEREFORE BE IT RESOLVED THAT the Representative Town Meeting of the Town of Darien hereby authorizes and approves the issuance of bonds and notes to meet such appropriation, all as more particularly set out in the resolution attached hereto and made part hereof.

**RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS AND NOTES
IN THE AMOUNT OF \$1,689,359 TO FINANCE THE COST OF THE DARIEN HIGH
SCHOOL CAFETERIA PROJECT**

WHEREAS, on May 8, 2017, the Representative Town Committee ("RTM") adopted an appropriation for the July 1, 2017 to June 30, 2018 budget for the Reserve Fund for Capital and Non-Recurring Expenditures in the amount of \$6,710,656 (the "Capital Appropriation"); and

WHEREAS, an appropriation for the costs of the expansion, accoustical treatment, and new furnishings at the Darien High School (the "Town") including all alterations, repairs and improvements in connection therewith as well as engineering, architectural and administrative, printing, legal and financing costs related thereto (the "Project") was included in the Capital Appropriation; and

WHEREAS, it has been determined that the cost of the Project be financed with the issuance of bonds by the Town.

NOW, THEREFORE, BE IT RESOLVED, that bonds are authorized to finance the cost of the Project as follows:

RESOLVED:

Section 1. To finance said Project, and in lieu of a tax therefor, bonds in the amount of \$1,689,359 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 2. 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 3. 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 4. 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 5. 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.

(17-22) RESOLUTION OF THE REPRESENTATIVE TOWN MEETING OF THE TOWN OF DARIEN AUTHORIZING THE ISSURANCE OF BONDS AND NOTES IN THE AMOUNT OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS AND 00/100 (\$250,000.00) TO FINANCE THE COSTS OF THE DARIEN HIGH SCHOOL STORAGE FACILITY PROJECT

WHEREAS, there is a desire and need to construct a storage facility located at Darien High School in the Town of Darien; and

WHEREAS, an appropriation has previously been approved for the costs of construction and expansion at the Darien High School in the Town of Darien; and

WHEREAS, it is estimated that the cost of construction of said storage facility will be approximately two hundred and fifty thousand dollars and 00/100 (\$250,000.00) to be funded; and

WHEREAS, it is now necessary to provide the funding to finalize planning, engineering, architectural and administrative printing, and legal and financing costs related thereto; and

NOW THEREFORE BE IT RESOLVED THAT the Representative Town Meeting of the Town of Darien hereby authorizes and approves the issuance of bonds and notes to meet such appropriation, all as more particularly set out in the resolution attached hereto and made part hereof.

**RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS AND NOTES
IN THE AMOUNT OF \$250,000 TO FINANCE THE COST OF THE DARIEN HIGH
SCHOOL STORAGE FACILITY PROJECT**

WHEREAS, on May 8, 2017, the Representative Town Committee (“RTM”) adopted an appropriation for the July 1, 2017 to June 30, 2018 budget for the Reserve Fund for Capital and Non-Recurring Expenditures in the amount of \$6,710,656 (the “Capital Appropriation”); and

WHEREAS, an appropriation for the cost of the construction of a storage facility at the Darien High School including all alterations, repairs and improvements in connection therewith as well as engineering, architectural and administrative, printing, legal and financing costs related thereto (the “Project”) was included in the Capital Appropriation; and

WHEREAS, it has been determined that the cost of the Project be financed with the issuance of bonds by the Town of Darien (the “Town”).

NOW, THEREFORE, BE IT RESOLVED, that bonds are authorized to finance the cost of the Project as follows:

RESOLVED:

Section 1. To finance said Project, and in lieu of a tax therefor, bonds of the Town in the amount of \$250,000 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 2. 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 3. 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 4. 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 5. 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.

**(17-23) RESOLUTION OF THE REPRESENTATIVE TOWN MEETING OF
THE TOWN OF DARIEN AUTHORIZING THE ISSURANCE OF BONDS
AND NOTES IN THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS
AND 00/100 (\$250,000.00) TO FINANCE THE COSTS OF THE TOWN HALL
GENERATOR PROJECT**

WHEREAS, there is a desire and need to purchase and install a generator in the Town Hall in the Town of Darien; and

WHEREAS, an appropriation has previously been approved for the costs of the purchase and installing of a generator at the Town Hall in the Town of Darien; and

WHEREAS, it is estimated that the cost of the renovations and expansion will be approximately Two Hundred Fifty Thousand Dollars and 00/100 (\$250,000.00) to be funded; and

WHEREAS, it is now necessary to provide the funding to finalize planning, engineering, architectural and administrative printing, and legal and financing costs related thereto; and

NOW THEREFORE BE IT RESOLVED THAT the Representative Town Meeting of the Town of Darien hereby authorizes and approves the issuance of bonds and notes to meet such appropriation, all as more particularly set out in the resolution attached hereto and made part hereof.

**RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS AND NOTES
IN THE AMOUNT OF \$250,000 TO FINANCE THE COST OF THE TOWN HALL
GENERATOR PROJECT**

WHEREAS, on May 8, 2017, the Representative Town Committee (“RTM”) adopted an appropriation for the July 1, 2017 to June 30, 2018 budget for the Reserve Fund for Capital and Non-Recurring Expenditures in the amount of \$6,710,656 (the “Capital Appropriation”); and

WHEREAS, an appropriation for the cost of purchasing and installing a generator at the Town Hall in the Town of Darien (the “Town”) including all alterations, repairs and improvements in connection therewith as well as engineering, architectural and administrative,

printing, legal and financing costs related thereto (the "Project"), was included in the Capital Appropriation; and

WHEREAS, it has been determined that the cost of the Project be financed with the issuance of bonds by the Town.

NOW, THEREFORE, BE IT RESOLVED, that bonds are authorized to finance the cost of the Project as follows:

RESOLVED:

Section 1. To finance said Project, and in lieu of a tax therefor, bonds of the Town in the amount of \$250,000 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 2. 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 3. 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 4. 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 5. 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.**

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

Caroline Luz, District VI, said that she objected to voting on the three items together. Jack Davis, District III, said that her objection should have been raised previously.

The Moderator said they would vote separately.

**** ITEM 17-21 CARRIED ON A RISING TALLY VOTE OF 50 IN FAVOR, 11 OPPOSED, 4 ABSTENTIONS.**

**** ITEM 17-22 CARRIED ON A RISING TALLY VOTE OF 55 IN FAVOR, 5 OPPOSED, 5 ABSTENTIONS.**

**** ITEM 17-23 CARRIED ON A RISING TALLY VOTE OF 56 IN FAVOR, 5 OPPOSED, 4 ABSTENTIONS.**

**** 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

<u>DISTRICT IV</u>	<u>(17-17)</u>	<u>(17-18)</u>	<u>(17-19A)</u>	<u>(17-20)</u>	<u>(17-21)</u>	<u>(17-22)</u>	<u>(17-23)</u>
Banks	yes	yes	yes	yes	yes	yes	yes
Cameron	yes	yes	yes	yes	yes	yes	yes
Joan Davis	yes	yes	yes	yes	yes	abstain	yes
Fiore	absent	absent	absent	absent	absent	absent	absent
Hardison	no	no	no	no	no	no	yes
P. Hawkins	yes	yes	yes	yes	yes	yes	yes
Kemp	yes	yes	yes	yes	yes	yes	yes
McKay	absent	absent	absent	absent	absent	absent	absent
Miceli	yes	yes	yes	yes	yes	yes	yes
Millar	absent	absent	absent	absent	absent	absent	absent
Montanaro	yes	yes	yes	yes	yes	yes	yes
Morrison	absent	absent	absent	absent	absent	absent	absent
Peters	absent	absent	absent	absent	absent	absent	absent
Raben	absent	absent	absent	absent	absent	absent	absent
Rayhill	yes	yes	yes	yes	yes	yes	yes
Savage	yes	yes	yes	yes	yes	yes	yes

DISTRICT V

Adiletta	yes	yes	yes	yes	no	yes	yes
Bayne, C.	no	yes	yes	yes	yes	yes	yes
Bayne, D.	no	yes	yes	yes	yes	yes	yes
Boulton	yes	yes	yes	yes	yes	yes	yes
Duffy	yes	abstain	yes	yes	no	abstain	abstain
Fiveson	absent	absent	absent	absent	absent	absent	absent
Haucisen	absent	absent	absent	absent	absent	absent	absent
Hayes, M.	absent	absent	absent	absent	absent	absent	absent
Hennessy	yes	yes	yes	yes	no	yes	yes
Martin	absent	absent	absent	absent	absent	absent	absent
McLachlin	absent	absent	absent	absent	absent	absent	absent
Mosher	no	yes	yes	yes	yes	yes	yes
Patrick	yes	yes	yes	yes	yes	yes	yes
Reed	no	yes	yes	yes	yes	yes	yes
Smith	yes	yes	yes	yes	yes	yes	yes
Sparkman	no	yes	yes	yes	yes	yes	yes
Ven	absent	absent	absent	absent	absent	absent	absent

DISTRICT VI

Adelman	no	yes	yes	yes	yes	yes	yes
Cantavero	absent	absent	absent	absent	absent	absent	absent
Chickles	yes	yes	yes	yes	yes	yes	yes
Grogan	yes	yes	yes	yes	yes	yes	yes
Handler, M.	yes	yes	yes	yes	yes	yes	yes
Ted Hawkins	yes	yes	yes	yes	yes	yes	yes
Lauritzen	absent	absent	absent	absent	absent	absent	absent
Luz	yes	yes	yes	yes	abstain	yes	yes
McDermott	yes	yes	yes	yes	yes	yes	yes
Muchhal	yes	yes	yes	yes	yes	yes	yes
Natale	absent	absent	absent	absent	absent	absent	absent
Plehaty	absent	absent	absent	absent	absent	absent	absent
Poli	yes	yes	yes	yes	no	yes	yes
Silby	yes	yes	yes	yes	no	yes	yes
Swenson	yes	yes	yes	yes	yes	yes	yes
Van Loan	yes	yes	yes	yes	yes	yes	yes

RTM F&B Report

June 12, 2017

(16-14 now 17-17) CONSIDERATION AND ACTION ON APPROPRIATION OF \$1,355,482.55 TO COVER FINAL COSTS IN CONJUNCTION WITH BOE CENTRAL OFFICE/MATHER CENTER PROJECT

I am Jack Davis, District 3, Chairman of the RTM Finance & Budget Committee.

I move RTM resolutions 17-27 consideration and action on appropriation of \$1,355,482.55 to cover final costs in conjunction with BOE Central Office/Mather Center Project.

Do I have a second? If there are no objections, I propose to waive the reading of the resolutions.

At the June 2016 RTM meeting, the RTM F&B committee recommended to the full RTM that the original resolution 16-14 be deferred until all litigation and resulting financial results be known. The RTM approved that recommendation. At this time, all litigation is resolved and all costs known.

The F&B committee met on Monday, June 5, 2017 with 10 of 14 members present. Also in attendance was Kate Buch, Town Administrator and Jayme Stevenson, First Selectman.

F&B members Martha Banks and Rob Cardone met with Kate Buch and discussed the prior resolution 16-14 with the amounts totaling \$8.137MM for the project and an overage of \$1,159MM less \$402M from the state grant transferred in 2016. F&B members Bert von Stuelpnagel and Stacey Tie, met with Jennifer Cherneski to discuss the subsequent legal and settlement fees amounting to \$598,000 comprised of approximately \$271M in legal fees and \$321M in settlements. It should be noted that these combined amounts are less than the original litigation suits.

As of today, the total project cost was \$8,736M resulting in a deficit of \$1.757M. The larger components of that amount are as follows:

- Legal Fees 517
- Construction 663
- Engineering 89
- Owner's agent 118
- Furniture 85
- Other 300+

Another cost analysis is:

- Dappreio Default – 276
- Mather extended services (engineer, architect and owners agent) 307
- Mather hazmat – 127
- Mather other overages – 391
- 35 Leroy other overages – 63
- Legal and settlements 592

The above total the \$1.7MM total project deficit. That deficit is reduced by the \$402M received in a state grant associated with the BOE central office. That leaves \$1.355 M as the net deficit. The total of all amounts now stand at \$1,355,482.55. It should be noted that all of these amounts have been spent

and no additional amounts will be added to the project. This appropriation closes this project and essentially is a transfer from the General Fund Balance to the Capital and Non Recurring Items Fund. The amount is partially reduced by \$79,000 attributable to the bonding of an amount previously approved for bonding but not bonded.

As we will hear on the next resolution Town Administration, the BOS, the BOF and the F&B committee has worked together to ensure future projects such as the Shuffle does not occur again.

The committee voted 10 in favor, 0 against and 0 abstentions to approve this appropriation and recommend the same to the full RTM.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Good evening.

My name is *Mark Adiletta* and I am Chair of the Public Works Sub-Committee to the RTM.

At this time I would like to move Item 17-18 for the special appropriation and bonding of \$6,315,000 to finance the construction of the Darien Public Works Garage project.

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

At a joint sessions of PW, Parks & Rec, Education and F&B sub-committees held June 5th, with 9 of 11 members present, the PWC considered and voted “**unanimously**” to recommend approval of this item to the full RTM.

At the meeting last Monday Director of Public Works Ed Gentile provided the committee with background on this opportunity.

Background:

This Public Works garage is the central facility servicing three Town departments – the Public Works Highway Department, the Parks & Recreation Maintenance Department and the Board of Education Maintenance Department. In June of 2013 after inspection and testing by TransSystems it was determined “the floor slab is in serious condition and in need of immediate rehabilitation based on the extent of concrete deterioration”. The report was referring to the main bays we all see when we drive by on ledge road.

The PWD immediately modified their procedures so as to reduce stress on the structure including no longer storing loaded trucks in the garage. This change we understand impedes their ability to respond to snow emergencies in as timely a manner.

In the intervening years a repair of the floor was contemplated as a one-off capital project only to not survive the budget process. It soon became apparent other impending capital items at this facility warranted a more comprehensive and long term look. Specifically 1) lack of a system to capture wastewater from vehicle washing and treat with an oil/water separator before sending to the sanitary sewer (as DEEP requires) and 2)

two, 2,000 gallon fuel tanks nearing the end of their life expectancy and in need of replacement.

In May of 2015 the Town issued an RFP for Feasibility Study & Preliminary Concept Design from qualified engineering firms.

In 2015 the DPW commissioned architects Silver/Petrucci to prepare a "Feasibility Study and Concept Design". This was a comprehensive review of the facility. The final report was completed in January 2016. It included a detailed list of suggestions to improve the structure as well as several likely required to bring it into ADA and current building code compliance. The results of that report were presented to this body last year.

The BOS subsequently formed the Public Works Garage Building Committee late last summer. It is made up of local construction professionals as well as representative of various town Boards or Committees including the BOF and BOS. This committee went to work right away picking up on the efforts of the DPW. This committee proceeded to meet fifteen or so times over the next eight months reviewing, learning, questioning, or challenging every aspect of the project put before them. Each member brought their own experience and perspective to the process. They discussed demolition, leveraging off existing power systems, a seismic joint, cost vs. benefit of skylights, EPZ meeting, ZBA meeting, ARB meeting, P&Z meetings, brick stain, propane contingency, the need for a canopy, the need for a second stair case, gravel vs. paving, and many, many other details. And then in December a 90-page set of detailed plans were complete and made available by the architect for review. And they reviewed that as well.

With the plans in hand the committee continued its review and recommended an Estimator be retained to provide an independent cost estimate as a reality check of those provided by the five Project Managers that had submitted proposals.

The PWC has been tracking this project a long time. There was a certain inevitableness to this once the magnitude of the deficiencies at that facility came to light. In our most recent meeting it was clear the members believe strongly the three primary drivers (Floor Replacement, fuel tank replacement, DEEP compliant wash water capture system) for the project must be completed. It was also commented that bringing the building into

ADA, flood zone and current building code compliance are standards to be embraced not sidestepped or avoided, when possible, as some have suggested. Other members were very supportive of other attributes in the plan. In particular it struck several of us as outrageous that we have employees sleeping in their cars or the rigs they operate to catch a break on an extended 8-10-12 hour shift during storm events. A swap-shop sofa in an active canteen area is not a viable option.

As an overarching comment w/r/t this project, the committee has been blown away and appreciative by the level of diligence, communication, transparency and collaboration among the independent Building Committee members, Town Staff, elected officials, and the RTM. Many of us are hopeful this is the new paradigm for how any significant capital projects are pursued in the future.

In summary, the PWC 9-0 in favor of this resolution and asks for your support as well.

I am Dennis Maroney, Chairman of the RTM Education committee.

Our committee met on Monday June 5 2017 with 11 of 16 members comprising a quorum. I will not go into particulars of the project as Mark, Jack and Adele have done a fine job. Our committee is happy that the Board of Education is getting back the square footage lost during the shuffle. However there were many that feel 6 million plus is too much money for a building which no town residents enter. We understand the need for the improvements, but many felt that the additional mandated charges being 3 times the cost of the assessed value do not make sense. There also was a belief that one would like to see how the town manages the cafeteria expansion before moving onto other projects. The committee agreed that there are many safety issues that need to be addressed such as moving the pumps and reinforcing the floors. The committee voted 5 in favor 6 opposed and recommends the RTM do the same.

6/12/2017

(17-18) Consideration and action on appropriation of \$6,315,000 to finance the construction of the Darien Public Works Garage Renovation project.

The RTM Parks & Recreation Committee met on 6/5/2017 with 10 of 15 members present, constituting a quorum.

The joint meeting of the RTM Parks & Recreation, Public Works, Finance & Budget and Board of Education Committees was led by Mark Adiletta, Chairman of Public Works.

Comments were made by several members of the DPW Garage Building Committee as well as First Selectman Jamie Stevenson.

A presentation on the DPW Garage Renovation Proposal was made by Ed Gentile, Director of Public Works, and Kate Burch, Town Administrator.

The primary drivers of the project are replacement of the floor in the five bays facing Ledge Rd., removal and replacement of underground storage tanks for gasoline and diesel fuel (DEEP requirement), construction of a wash bay that can capture waste water (separating oil from water) before emptying into the sewer (DEEP Requirement) and replacement of the flat roof and installation of secondary roof drains.

The estimated cost for the four drivers is \$1,300,000.

The building is currently valued at \$1,381,000.

Once the cost of building improvements exceeds 50% of the value of the building, FEMA regulations require changes.

The scope of the project requires ADA compliance.

The State Building Code requires mechanical systems be brought up to the current code when changes are made to them.

The incremental costs for these changes mandated by FEMA, ADA and Building Code is estimated at \$4,100,000.

The total construction cost is estimated at \$5,400,000.

The addition of the project contingency, insurance, fees, bonding, etc. brings the estimated Capital Cost (over all, fully bid, budget) of the project to approximately \$6,315,000.

The RTM Parks & Recreation Committee voted 9 in favor and 1 opposed for the appropriation of \$6,315,000 to finance the construction of the Darien Public Works Garage Renovation Project. The dissenting vote supported the improvements and the hiring of an external construction manager, but felt that the town should more vigorously resist the regulatory issues that resulted in a 300% cost increase.

Adele Conniff

RTM Parks & Recreation Committee Chairman

RTM F&B Report

June 12, 2017

(17-18) CONSIDERATION AND ACTION ON APPROPRIATION OF AND BONDING FOR \$6,315,000 TO FINANCE THE CONSTRUCTION OF THE DARIEN PUBLIC WORKS GARAGE RENOVATION PROJECT

Being the last committee to report, I will attempt not to cover the same material. The F&B committee met jointly with the RTM PW, Park & Rec and Education committees on Monday June 5th with 10 of 14 members present. The F&B committee subsequently adjourned and readjoined in room 119 with Kate Buch and Jayme Stevenson present.

The committee discussed the following items of note:

- The work relating to FEMA, ADA and construction code relates to repairs in excess of 50% of the building value. Can the repair work be done of successive years to avoid reaching the 50% level? Ans. No, FEMA has a three year cumulative total to avoid such actions.
- Can the work for FEMA, ADA and construction code be broken out rather than a \$4MM lump sum? Ans. Kate Buch committed to "do her best" as several bids were for the entire electrical, as an example, rather than specific components. KB committed to provide this information prior to the RTM meeting.
- Does it make sense to building a new building rather than fix the existing building? What is the cost differential? Ans. The cost of a new building is more expensive (during the mtg in rm 119, the estimated cost was over \$300 psf and probably \$400 psf with soft costs. As the renovation adds over 7000 sf, total cost of a new building would range from \$12MM to \$14MM versus the \$6MM currently proposed.) Building might not be able to be completed in the same spot. Operations of PW would be greatly affected during demolition on new construction.
- Is there another spot to move the PW garage in town? Ans. Not currently, location is well placed to access the community.
- What is the life expectancy of the new building after renovation? Ans. Current building has lasted more than 50 years. Bones of building are good. Better defined answer will be available at RTM June 12th meeting.
- That the bond used by the Town to ensure the contractor should not be the same bonding company used by said contractor for bonding work associated with the project.

The committee voted 8 in favor, 0 against, and 2 abstentions and to recommend the same to the full RTM. One abstention was due to the bonding aspect of this resolution as the members employer limits that member from voting on bonding although it should be noted that that member was in favor of the project. The other abstention was waiting to meet with Kate and Ed to discuss the \$4.3 differential and its underlying detail. That meeting occurred subsequent to the vote and the member was favorable to that analysis.

Respectfully Submitted
Jul

PZ & H Committee Report to the RTM

Funds transfer to Old Town Hall Homes from the Affordable Housing Trust Fund

June 12, 2017

The Planning, Zoning and Housing Committee met on June 6, with 9 of 12 members present, comprising a quorum. Representatives from Arthur Anderson builders as well as the Darien Housing Authority were also present. We discussed the proposed transfer of \$360,000 from the Affordable Housing Trust Fund to OTHH for the purpose of helping secure State financing for the project. After some discussion the committee voted unanimously to approve the transfer.

Respectfully submitted,

Joanne Hennessy, Chair Planning, Zoning and Housing Committee of the RTM

RTM F&B Report

June 12, 2017

(17-19) CONSIDERATION AND ACTION ON APPROPRIATION OF \$360M FROM THE AFFORDABLE HOUSING TRUST FUND FOR THE OLD TOWN HALL HOMES REDEVELOPMENT

The F&B committee met on Monday June 5th with 10 of 14 members present. Also present were John McClutchy CEO of JHM and Todd McClutchy, an employee as well as Kate Buch and Jayme Stevenson.

The committee discussed the following items:

- That the Darien Housing Authority is authorized by the state with the town's sole authority being the BOS appointing members of the Authority
- That the funds currently in the Affordable Housing Authority Trust Fund was paid by a developer for not providing sufficient affordable housing units on that developer's project. This mandatory payment is due to the Inclusionary Zoning regulation that requires all multifamily developments to include at least 12% of the units as affordable housing – 10% which 8-30g requires for a town and 2% to attain the next moratorium. Darien is one of 23 communities in CT to have such regulations.
- That this project will provide 25 additional affordable housing units yielding a credit of 12.5 towards the town's next moratorium.
- That based upon this redevelopment, existing units already and the three new developments it is anticipated that Darien will have between 55 to 70 units towards the next moratorium. The town needs about 141 units to achieve the next moratorium which expires in 2020.
- That besides the altruistic value of having affordable housing units for seniors in town, achieving the next moratorium is financially advisable as town legal fees typically increase during periods without such a moratorium due to 8-30g.
- The committee also reviewed the financials associated with said project.

The committee voted 10 in favor, 0 against, and 0 abstentions and to recommend the same to the full RTM.

Respectfully submitted

Jack Davis

Chair, RTM Finance & Budget Committee

PZ & H Committee Report to the RTM

Old Town Hall Homes Tax Abatement

June 12, 2017

The Planning, Zoning and Housing Committee met on June 6, with 9 of 12 members present, comprising a quorum. Representatives from Arthur Anderson builders as well as the Darien Housing Authority were also present. We discussed the proposed abatement, including the reasons for the 40 year time frame, and voted unanimously to approve.

Respectfully submitted,

Joanne Hennessy, Chair Planning, Zoning and Housing Committee of the RTM

RTM F&B Report

June 12, 2017

(17-20) RESOLUTION OF THE RTM OF DARIEN CT APPROVING A TAX ABATEMENT FOR PROPERTY KNOWN AS OTHH LOCATED AT 719 BOSTON POST ROAD, DARIEN, CT

The F&B committee met on Monday June 5th with 10 of 14 members present. Also present were John McClutchy CEO of JHM and Todd McClutchy, an employee as well as Kate Buch and Jayme Stevenson.

The committee discussed the following items:

- The committee reviewed the financials associated with said project
- That the current OTHH does not pay real estate taxes and the Town's operating budget currently pays the OTHH sewer assessment charges
- That the tax abatement is required to obtain the necessary investment and project rating to show Darien's commitment to affordable housing
- That since The Heights development, the affordable housing tax credit and investment markets have changed – one of those changes is investors looking for stability in the real estate taxes.
- That this abatement provides for the RE taxes to begin at --- and grow for 40 years at 2% regardless of the actual tax increase – higher or lower
- That the new OTHH will take full responsibility for paying for the sewer assessment currently in the budget for approximately \$8M per year and in their model anticipating to grow at 3% per year over the same time period.
- The length of the loans and tax credits which are why the proposed tax abatement is for a 40 year term
- That the taxes on a project this size would not allow these units to be affordable housing and that the rents being charge would make the project unprofitable – thereby killing the project
- That tax abatements for affordable housing and public policy is a tool often used by government for the general welfare of the people
- And again at those times when the town does not protected by a moratorium – legal and other related expenses increase – possibly at an amount greater than the differential in taxes being abated
- Besides altruistic reasons – it is in the best interest of the town to encourage viable affordable housing projects

The committee voted 10 in favor, 0 against, and 0 abstentions and to recommend the same to the full RTM.

Respectfully submitted

Jack Davis

Chair, RTM Finance & Budget Committee

RTM F&B Report

June 12, 2017

(17-21) CONSIDERATION AND ACTION ON AUTHORIZING BONDING OF \$1,689,359.00 FOR THE PREVIOUSLY APPROVED DHS CAFETERIA PROJECT

(17-22) CONSIDERATION AND ACTION ON AUTHORIZING BONDING OF \$250,000 FOR THE PREVIOUSLY APPROVED DHS STORAGE GARAGE

(17-23) CONSIDERATION AND ACTION ON AUTHORIZING BONDING OF \$250,000 FOR THE PREVIOUSLY APPROVED TOWN HALL GENERATOR PROJECT

I am Jack Davis, District 3, Chairman of the RTM Finance & Budget Committee.

I move RTM resolutions

- 17-21 consideration and action on authorizing bonding of DHS cafeteria - \$1,689,359
- 17-22 consideration and action on authorizing bonding of the DHS storage shed - \$250,000
- 17-23 consideration and action on authorizing bonding on the TH generator project - \$250,000

Do I have a second? If there are no objections, I propose to waive the reading of the resolutions.

The RTM Finance & Budget Committee met on Monday, June 5, 2017 with 10 of 14 members present constituting a quorum. In attendance was Kate Buch, Darien's Town Administrator and First Selectman, Jayme Stevenson.

These three projects were approved as part of the capital and non-recurring items in the 2017-18 budget by the RTM. As discussed at that time, the BOF had an option to request bonding authorization of said capital items to provide flexibility to the uncertainty associated with the State budget process. The BOF has decided to do that at this time. This is an authorization only and it allows the BOF to bond, if and when it so chooses. It does NOT, and I repeat, passing of this resolution does NOT obligate the BOF to issue said bonds.

Bert von Stuelpnagel, Stacey Tie and myself reviewed the Debt Analysis with Jennifer Charneski, Darien Finance Director and discussed it within the committee.

The RTM F&B committee voted 9 in favor, 0 opposed, 1 abstention for the DHS storage shed and TH generator and 8 in favor, 0 opposed and 2 abstentions for the DHS cafeteria to approve these resolutions and recommend the same to the full RTM. One abstention was due to a member's limitation to vote on any bonding due to employer requirement, the second abstention on the cafeteria was due to that individual abstention on the cafeteria project during the budget vote.

Respectfully submitted

Jack Davis

Chairman, RTM F&B committee