

**MINUTES
REPRESENTATIVE TOWN MEETING
JUNE 10, 2019
CALL TO ORDER**

**RECEIVED
JUN 17 2019
TOWN CLERK'S OFFICE
DARIEN CT.**

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

Upon Roll Call, the following members were present:

From District I, there were 14 members present, 3 absent.
From District II, there were 16 members present, 0 absent.
From District III, there were 15 members present, 1 absent.
From District IV, there were 15 members present, 1 absent.
From District V, there were 17 members present, 1 absent.
From District VI, there were 16 members present, 1 absent.

The absentees from District I were: Ezbiansky, Haverstick, McNicoll.
The absentee from District III was : Yarnell.
The absentee from District IV was: Millar.
The absentee from District V was : Mollar.
The absentee from District VI was : Cantavero.

The Moderator, Seth Morton, assumed the Chair.

ACCEPTANCE OF THE AGENDA

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

APPROVAL OF THE MINUTES OF THE MAY 13, 2019 BUDGET MEETING

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

ANNOUNCEMENTS

There were no announcements.

19-13

**CONSIDERATION AND ACTION ON CLOSING OUT THE SUPERSTORM SANDY
REVENUE FUND AND RESTORING FINAL BALANCE TO TOWN OF DARIEN
GENERAL FUND**

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

WHEREAS, the Town of Darien has a fund entitled “Superstorm Sandy Revenue Fund” (Sandy Fund) with a balance of \$215,746.

WHEREAS, the town auditors recommended that all related storm expenses be set aside in a separate fund; and

WHEREAS, the Board of Finance at their February 12, 2013 meeting approved a request that the RTM approve appropriations of \$250,000.00 from the General Fund balance to the Sandy Fund and \$357,000.00 in grants and insurance reimbursements to the Sandy Fund; and

WHEREAS, the amount of \$250,000.00 was comprised of the following:

1. Repair expenses eligible for FEMA reimbursement totaling \$436,000 less expected reimbursement of \$327,000 (75% of costs) or \$109,000 net
2. Other non-urgent beach repairs totaling \$163,738 less \$29,390 expected insurance or \$134,348 net
3. Totaling \$243,348 which was rounded to \$250,000 of net expenses and a total of both insurance and FEMA reimbursements of \$356,390 which was rounded to \$357,000

WHEREAS, the Darien RTM approved said appropriations resolution (13-6) for \$250,000 from the General Fund to be transferred to the Sandy Fund at their March 18, 2013 meeting; and

WHEREAS, the amounts of reimbursement were greater than anticipated; and

WHEREAS, all expenses, claims and reimbursements have been completed as of fiscal year 2015 and no further activity has been done or will be done related to the storm expenses; and

WHEREAS, the Sandy Fund has been inactive subsequent to the date noted above;

NOW THEREFORE BE IT RESOLVED that the Sandy Fund be closed and the Director of Finance is hereby directed to make the appropriate entries in the Town of Darien’s financial records to close said fund and restore the final balance of the Sandy Fund to the Town of Darien’s General Fund.

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

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

**** ITEM 19-13 CARRIED ON A RISING TALLY VOTE OF 91 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

19-14

CONSIDERATION AND ACTION ON CLOSING OUT THE ANIMAL CONTROL FUND, THE WASTE DISPOSAL FUND AND WASTE MANAGEMENT FUND AND RESTORING REMAINING BALANCES TO THE TOWN OF DARIEN GENERAL FUND

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

WHEREAS, the Town of Darien's General Fund includes the following Committed Funds ("funds") in the amounts below:

Animal Control Fund \$28,432 (last activity 2013)
Waste Disposal Fund \$89,851 (last activity 2000)
Waste Management Fund \$76,270 (last activity 2008)

WHEREAS, the original purpose of the Animal Control Fund was to set aside collected fines to help fund the administration of animal licenses; and

WHEREAS, the original purpose of the Waste Disposal Fund was to help fund certain refuse hauling surcharges charged to the Town under an arrangement with the Connecticut Resource Recovery Authority which ended in 2012; and

WHEREAS, the original purpose of the Waste Management Fund was to help fund certain activities within the purview of the Sewer Commission; and

WHEREAS, these funds are comprised of monies set aside initially from the Town of Darien's General Fund and include any investment income derived thereon; and

WHEREAS, the funds do not include any privately donated monies; and

WHEREAS, these funds have been inactive subsequent to the dates noted above.

NOW THEREFORE BE IT RESOLVED that each of the funds is hereby closed and the Director of Finance is hereby directed to make the appropriate entries in the Town of Darien's financial records to close out each fund and restore the final balance of each fund to the Town of Darien's General Fund.

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

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

**** ITEM 19-14 CARRIED ON A RISING TALLY VOTE OF 91 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

19-9

CONSIDERATION AND ACTION ON APPROPRIATION OF \$609,000 FOR THE HIGHLAND FARM IMPROVEMENTS PROJECT & AUTHORIZING THE ISSUANCE OF BONDS & NOTES IN THE AMOUNT OF \$609,000 TO MEET SAID APPROPRIATION

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

WHEREAS, it is the desire of the Town of Darien to provide for certain improvements including but not limited to two (2) parking areas including drainage as well as a walking path and Comfort Station at Highland Farm; and

WHEREAS, it is the intention of the Town of Darien to provide funding for this project through bonding.

NOW THEREFORE, BE IT RESOLVED THAT the Representative Town Meeting of the Town of Darien hereby approves the sum of Six Hundred Nine Thousand Dollars (\$609,000.00) for the Highland Farm Improvements Project and authorizes the issuance of bonds and notes to fund said appropriation, as more specifically described in the Resolution attached hereto and made a part hereof.

**RESOLUTION APPROPRIATING \$609,000
FOR THE HIGHLAND FARM IMPROVEMENTS PROJECT
AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES
IN THE AMOUNT OF \$609,000 TO MEET SAID APPROPRIATION**

RESOLVED:

Section 1. The sum of \$609,000 is appropriated for the Highland Farm Improvements Project located in the Town of Darien (the "Town"), which project includes, but is not limited to, the construction of two (2) parking areas, including drainage, as well as the construction of a walking path and a comfort station at Highland Farm, 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"), 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, \$609,000 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, or as legally allowed. 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, 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.**

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

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

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

Jay Hardison, District IV, said he had voted for this purchase because it was a good deal for the Town. There are now elaborate plans with none of the neighbors on that committee. There was a town survey with 2,500 people, and the majority were not in favor of what is being planned. He proposed that there be an appointed committee consisting of 50% neighbors and that parking be limited.

Laura Mosher, District V, said that a comfort station was part of the resolution, but Joanne Hennessy said it was not. Kate Buch said there are no plans at this point, but if there are funds left over, it could be added. She had no problem with taking this out of the resolution.

**** LAURA MOSHER, DISTRICT V, MOVED TO AMEND THE RESOLUTION BY REMOVING "COMFORT STATION" FROM THE RESOLUTION (19-9B).**

**** ITEM 19-9B CARRIED ON A RISING TALLY VOTE OF 75 IN FAVOR, 12 OPPOSED, 4 ABSTENTIONS.**

Theresa Vogt, District VI, asked whether 92 parking spaces were needed.

David Martin, District V, said that there were P&Z meetings on April 9, 2018 and July 24, 2018, and residents had plenty of opportunities to speak. This project has been fully vetted. It is important to purchase this property. He recommended moving forward.

Joanne Hennessy, District V, Chairman of PZ&H, said that she does not know if there are any future plans for this property. This is open space, which does not mean unused space. This is minimal passive use of this property.

Clara Sartori, District II, said people are concerned about piecemeal improvements to this property. She asked if any future improvements would come back to the RTM. Joanne Hennessy, District V, responded that anything over \$25,000 would have to come back to the RTM.

Arpita Muchhal, District I, said there needs to be conversation about 92 parking spaces. Maybe they need to ask more questions about what the Town wants.

The Moderator said that the Resolution on the table was the \$609,000 appropriation.

Jennie Schwartz, 8 Saddle Ridge Road, spoke about the two P&Z meetings previously mentioned. One of the meetings was by invitation only, and at the other, discussion was limited to a section of the code. She thanked the RTM for taking the time to review this. She and others put together a petition on Change.org, and this petition, in four days, received 100 signatures urging the RTM to vote no. She said much work remains to be done, and this should come back to the RTM when it is ready.

Heather Druggie, 11 Ox Ridge Lane, said the town needs a Tree Warden. The Moderator said this was not on topic.

**** ITEM 19-9, AS AMENDED, CARRIED ON A RISING TALLY VOTE OF 61 IN FAVOR, 21 OPPOSED, 10 ABSTENTIONS.**

19-15

CONSIDERATION AND ACTION ON AMENDING THE RESOLUTION (19-12) APPROPRIATING \$3,000,000 FOR THE PLANNING, DESIGN & CONSTRUCTION OF A NEW OX RIDGE ELEMENTARY SCHOOL AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF \$3,000,000 TO MEET SAID APPROPRIATION, TO INCREASE THE SCOPE OF THE PROJECT AND THE APPROPRIATION AND BOND AUTHORIZATION BY \$60,000,000 TO \$63,000,000

The Moderator noted that the RTM had to establish a building committee, authorize the preparation of schematic drawings and authorize the BOE to apply for the state grant.

**** JACK DAVIS, DISTRICT III, CHAIRMAN OF THE FINANCE & BUDGET COMMITTEE, MOVED TO ADD AUTHORIZATION OF THE OX RIDGE SCHOOL BUILDING COMMITTEE TO THE AGENDA AS ITEM 19-18.**

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

**** THE MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

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

RESOLVED, that there is hereby created a committee to be known as the Ox Ridge Elementary School Building Committee consisting of eight electors. For and on behalf of the Town of Darien, said Committee shall be authorized and charged to:

1. Select from its membership a Chairman, Vice Chairman and Secretary; and include in its membership, one Board of Education member designated jointly by the Board of Education and Superintendent of Schools, one member of the Board of Selectmen, one member of the Board of Finance;
2. Select an architect, a construction manager, and other professionals as required and negotiate satisfactory fees;
3. Prepare schematic drawings, design develop drawings, construction documents and outline specifications and final specifications;
4. File for a grant application with the State Department of Education in accordance with state regulations, if possible by June 30, 2019, to ensure occupancy by September 2022;
5. Report back to the RTM for approval of any and all of the stipulations in accepting state funding;

6. Make application to proper town authorities for appropriations to carry out the building program;
7. Supervise the construction process and the expenditure of such appropriations;
8. Carry out this charge in accordance with a schedule as expected by the Darien Board of Education that allows for occupancy at the earliest September of 2021 and at the latest, September of 2022;
9. Report on the progress of the project from time to time, upon request, or as needed by State Statutes, to the Board of Selectmen, the Board of Finance, the Board of Education and the RTM;
10. Ensure that the new Ox Ridge Elementary School has appropriate and as needed new furniture fixtures and equipment, including those related to technology;
11. Notify the Darien Board of Education of any matters that affect the use of school property and thus require the approval of said Board, given said Board's authority under Connecticut General Statutes Section 10-220 for the "care, maintenance and operation of buildings, lands, apparatus and other property used for school purposes" and its authority under Connecticut General Statutes Section 10-240 to "maintain the control of all the public schools" within the Town of Darien; and
12. In planning and construction, consider the implementation of industry best practices regarding security, sustainability and net zero building performance.

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

**** ITEM 19-18 CARRIED ON A RISING TALLY VOTE OF 92 IN FAVOR, 0 OPPOSED, 0 ANSTENTIONS.**

John Boulton, District V, said that this was a technicality.

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

WHEREAS, on April 23, 2019 and May 13, 2019, respectively, the Board of Selectmen and the Representative Town Committee ("RTM") adopted a resolution authorizing an appropriation and bond authorization in the amount of \$3,000,000 (the "Resolution") for planning, design and some construction costs of a new elementary school in the Town of Darien (the "Initial Appropriation"); and

WHEREAS, the Board of Finance adopted the Resolution on May 14, 2019;

WHEREAS, the total construction portion of the project is estimated to cost \$60,000,000; and

WHEREAS, due to the estimated cost of the total construction work, the estimated cost of the project increased by \$60,000,000; and

NOW, THEREFORE, BE IT RESOLVED, that the Resolution is hereby amended to increase the scope of the project and the appropriation and bond authorization by \$60,000,000 and to read as follows:

RESOLVED:

Section 1. Provided that the Board of Finance approves and recommends the following appropriation, the sum of \$63,000,000 is appropriated for the planning, design and construction of a new elementary school in the Town of Darien (the "Town") of approximately 90,000 square feet in size, including, but not limited to, demolition of the existing school, construction of the new school, asbestos removal, site development, paving, furnishings and RTM, June 10, 2019

equipment, construction of new playing fields, architects' and engineers' fees, testing and other fees, and for 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, \$63,000,000 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, or as legally allowed. 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, 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.**

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

Clara Sartori, District II, Chairman of the Education Committee, read the Committee report (attached).

Kip Koons, Co-Chair, made a Power Point presentation to the RTM, followed by Co-Chair Duke Dineen and Diane Boston.

**** ITEM 19-15 CARRIED ON A RISING TALLY VOTE OF 89 IN FAVOR, 1 OPPOSED, 2 ABSTENTIONS.**

19-16

CONSIDERATION AND ACTION ON A GIFT FROM THE DARIEN ATHLETIC FOUNDATION (DAF) OF UP TO \$300,000 FOR THE CONSTRUCTION OF A CROSS COUNTRY RUNNING PATH OVER DHS AND DILLER PROPERTIES

**** ADELE CONNIFF, DISTRICT III, CHAIRMAN OF THE PARKS & RECREATION COMMITTEE, MOVED:**

WHEREAS, pursuant to Section 2-33 of the Code of the Town of Darien, the Board of Selectmen is empowered on behalf of the Town of Darien to accept gifts provided that the gifts do not have a value in excess of Ten Thousand Dollars (\$10,000.00); and

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

WHEREAS, the Darien Athletic Foundation proposes to donate funds to cover the total expense for the construction of a cross-country running path; and

WHEREAS, said path will run along the outside of the perimeter of the Darien High School and along the perimeter of the Diller property; and

WHEREAS, the path will be used for the Darien Cross-Country Track and for one or two competitions per year; and

WHEREAS, it is anticipated that the path will also be used by Town residents;

NOW, THEREFORE BE IT RESOLVED that the Representative Town Meeting of the Town of Darien hereby authorizes and accepts with thanks a gift up to \$300,000.00 from the Darien Athletic Foundation for the construction of said cross-country path.

BE IT FURTHER RESOLVED that there is hereby appropriated the sum of \$300,000.00 to be used for the construction of said cross-country path

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

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

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

Clara Sartori, District II, Chairman of the Education Committee, read the Committee report (attached).

Jack Davis, District III, Chairman of the F&B, read the Committee report (attached).

Nina Miller, District II, asked if there had been a swap in town regarding the wetlands – has the EPC been consulted? Jack Davis responded affirmatively. Ms. Miller said that Pam Peters Fiorito, a Darien native and school nurse, was a great advocate of putting private money toward the Diller property. She would love to see her name given to the running path, if possible.

**** ITEM 19-16 CARRIED ON A RISING TALLY VOTE OF 91 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

19-17

CONSIDERATION AND ACTION ON AN AMENDMENT TO DARIEN'S CODE OF ORDINANCES REGARDING MANAGEMENT OF PLASTIC AND PAPER CHECKOUT BAGS IN DARIEN

**** MONICA MCNALLY, DISTRICT II, CHAIRMAN OF THE PUBLIC WORKS COMMITTEE, MOVED:**

WHEREAS, the Representative Town Meeting, Town of Darien has received for its consideration an ordinance to manage plastic and paper checkout bags; and

WHEREAS, there have been multiple meetings of various RTM Committees to consider this concept; and

WHEREAS, there have been two (2) public hearings giving our citizens the opportunity to present their opinions on the topic; and

WHEREAS, there has been presented testimony at said public hearings as to the need for control of plastic and paper bags;

NOW THEREFORE, BE IT RESOLVED THAT the Representative Town Meeting of the Town of Darien hereby approves an ordinance for management of plastic and paper checkout bags as more specifically set out in the proposed ordinance attached hereto and made a part hereof

Ordinance for the Management of Plastic and Paper Checkout Bags in Darien

WHEREAS, non-biodegradable disposable carryout bags are often discarded into the environment and end up polluting our waterways, clogging sewers, endangering marine life and causing unsightly litter; and

WHEREAS, the physical breakdown of non-biodegradable disposable carryout bags results in micro plastics that enter the food chain and ultimately accumulate in the human body leading to adverse health effects; and

WHEREAS, non-biodegradable plastic carryout bags are not considered recyclable; and

WHEREAS, it is beneficial to the land and aquatic environment and to human health to prohibit the use of non-biodegradable disposable carryout bags and encourage the use of reusable carryout bags.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF DARIEN THAT:

To protect the land and the aquatic environment and human health in the Town of Darien, an Ordinance for the Management of Plastic and Paper Checkout Bags in Darien is hereby adopted:

Management of Plastic and Paper Checkout Bags in Darien

Section 1. Purpose

This Ordinance is intended to reduce bag waste in order to protect and preserve the environment in Darien for the benefit and welfare of its residents, by encouraging the use of reusable checkout bags, through the phase-out of plastic checkout bags and non-recycled paper checkout bags and the introduction of a charge on recycled paper checkout bags to help businesses defray the incremental cost of providing recycled paper checkout bags instead of plastic checkout bags.

Section -2. Definitions

The following words, terms and phrases, when used in this Ordinance, have the meanings ascribed to them as follows:

2.1 *Business Establishment*: means any person, business or non-profit entity that sells merchandise, goods or materials, including without limitation, clothing, food or personal items of any kind, to a customer, and includes, by way of example and not limitation, any grocery store, grocery delivery service, department store, hardware store, pharmacy, liquor store, restaurant, catering truck, convenience store, hospital, library, school, including temporary vendors at farmers markets, street fairs and school or Town sponsored events and facilities. The term shall not include the sale of goods at yard sales, tag sales, or other sales by residents at their home, and/or sales by non-profit organizations.

2.2 *Checkout Bag*: means a carryout bag used by customers at checkout for the purpose of removing items purchased from or provided by a Business Establishment.

2.3 *Environmental Charge*: means the amount required to be collected under Section 5 by a Business Establishment at the point of checkout for a customer's use of a Recycled Paper Checkout Bag provided by that Business Establishment.

2.4 *Environmental Compliance Officer*: The Town official(s) designated by the Board of Selectmen to act as a person who shall be responsible for investigating complaints, issuing Warnings, and issuing Citations.

2.5 *Environmental Compliance Hearing Officer*: The Town official(s) designated by the Board of Selectmen in accordance with Connecticut General Statutes 7-152c.

2.6 *Mil*: means a measurement equal to one thousandth (1,000th) of an inch.

2.7 *Paper Checkout Bag*: means a paper Checkout Bag that does not meet or exceed the specifications set forth in the definition of Recycled Paper Checkout Bag. The term Paper Checkout Bag does not include a Product Bag.

2.8 *Plastic Checkout Bag*: means any plastic Checkout Bag which is less than twelve (12) Mil thick and which is derived from either fossil fuel or a biologically-based source, such as corn or other plant sources, which is provided to the customer at checkout by a Business Establishment and which does not meet or exceed the specifications set forth in the definition of Reusable Checkout Bag. The term Plastic Checkout Bag does not include a Product Bag.

2.9 *Product Bag*: means plastic or paper bags available for purchase or use by customers at Business Establishments that, except as enumerated below, are not intended to be Checkout Bags. These include but are not limited to: newspaper bags, door-hanger bags, laundry dry-cleaning bags, garment bags, bags sold in packages containing multiple bags intended for use as garbage, pet waste bags, yard waste bags and bags that are used by customers inside stores to: package bulk items such as fruit, vegetables, mushrooms, nuts, grains, candy; contain or wrap frozen foods, meat or fish, whether packaged or not; contain or wrap flowers, potted plants or other items where dampness may be a problem; contain unwrapped prepared foods or bakery goods; contain pharmacy prescriptions; or safeguard public health during the transportation of hospital waste.

2.10 *Recycled Paper Checkout Bag*: means a bag that contains no old growth fiber and a minimum of 40% post-consumer recycled content, and is 100% recyclable.

2.11 *Reusable Checkout Bag*: means a bag that is designed and manufactured for multiple reuses and meets or exceeds all of the following requirements:

- (a) Does not contain lead, cadmium or any other heavy metal in toxic amounts;
- (b) Has a minimum lifetime of 125 uses, which for purposes of this Ordinance means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet, or if it is made from plastic, has a minimum thickness of 12 Mil;
- (c) Is washable; and
- (d) Has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer and the location (country) where the bag was manufactured. Notwithstanding any other provision of this Ordinance, a reusable bag does not include any plastic bag which is less than 12 Mil thick.

2.12 Written Notices: Warnings or Citations issued pursuant to this Ordinance shall be delivered to the Business Establishment by hand delivery to a manager or other person in charge of the Business Establishment, or by certified mail, return receipt requested to said Business Establishment care of the owner, agent, manager or other person in control of said Business Establishment. Copies of all Warnings and Citations shall be sent to the Board of Selectmen.

Section 3. Prohibition on the Distribution of Plastic Checkout Bags and Paper Checkout Bags

Except as otherwise provided herein, no Business Establishment shall provide or sell a Plastic Checkout Bag or a Paper Checkout Bag to a customer in the Town of Darien.

Section 4. Acceptable Checkout Bags

- (a) A Business Establishment may provide customers with a Recycled Paper Checkout Bag in accordance with the requirements for a Charge under Section 5 below.
- (b) A Business Establishment may sell customers a Reusable Checkout Bag.
- (c) Nothing in this Ordinance shall prohibit customers from using bags or containers of any type, at the point of checkout, that they have brought to a Business Establishment for the purpose of carrying away goods.

Section 5. Environmental Charge

A Business Establishment must collect from a customer an Environmental Charge of 10 cents (\$0.10) for each Recycled Paper Checkout Bag provided to such customer by such Business Establishment. The Environmental Charge shall be retained solely by the Business Establishment to help defray the incremental cost to such Business Establishment of providing recycled paper checkout bags instead of plastic checkout bags.

- (a) A Business Establishment must notify the customer of the Environmental Charge prior to checkout by means of signage or verbal statement.
- (b) The customer transaction receipt shall indicate the total number of Recycled Paper Checkout Bags provided and the total amount of the environmental Charge payable.
- (c) No Business Establishment collecting an Environmental Charge pursuant to this Ordinance shall rebate or otherwise reimburse a customer for any portion of the Environmental Charge.
- (d) Nothing in this Ordinance shall prohibit a Business Establishment from encouraging or providing incentives for the use of Reusable Checkout Bags. A Business Establishment may use credits or rebates for customers who bring their own Checkout Bags for the purpose of carrying away goods.

Section 6. Violations

If the Environmental Compliance Officer determines that a violation of this Ordinance has occurred, the Environmental Compliance Officer shall issue a written Warning to the Business Establishment for the initial violation.

If the Environmental Compliance Officer determines that an additional violation of this Ordinance has occurred after the written Warning has been issued for an initial violation, the Environmental Compliance Officer shall then issue a Citation as a notice of infraction imposing the penalty against the Business Establishment as described in Section 7.

Section 7. Penalties and Enforcement

The penalty imposed by the Environmental Compliance Officer shall be provided as follows:

- (a) The fine for the first Citation shall be One Hundred Fifty and 00/100 Dollars (\$150.00); the fine for the second Citation shall be Two Hundred Fifty and 00/100 Dollars (\$250.00), payable to the Town.
- (b) No penalty shall be imposed within 60 days of the first Warning being issued, and no more than one penalty shall be imposed upon a Business Establishment within a 7-day period.
- (c) The Business Establishment to which a Citation has been issued shall be responsible for reporting, in writing, subsequent compliance to the Environmental Compliance Officer.
- (d) The Board of Selectman shall appoint one or more Environmental Compliance Hearing Officers to conduct the hearings resulting from Warnings or Citations issued pursuant to this Ordinance in accordance with Section 7-152c of the Connecticut General Statutes and subject to the provisions of said section.

Section 8. Challenging the Issuance of the Citation

- (a) No later than 30 days after the issuance of a Warning or a Citation, a Business Establishment may file a written appeal with the Environmental Compliance Officer to challenge the basis for the Environmental Compliance Officer's decision.
- (b) Upon receipt of a timely appeal, the Environmental Compliance Hearing Officer shall hold a hearing to consider facts and argument with respect to the appeal presented by the Business Establishment. The Environmental Compliance Officer shall also have an opportunity to be heard. Notice of the time and place of said hearing shall be sent to the Business Establishment and the Environmental Compliance Officer at least 15 days before the hearing. Reasonable adjournments of the hearing date may be accorded by the Environmental Compliance Hearing Officer. On the basis of information introduced at the hearing, the Environmental Compliance Hearing Officer may affirm the action or decision of the Environmental Compliance Officer if the officer finds that such action or decision was properly imposed. Said officer may reverse the action or decision if the officer finds the action or decision was not taken in accordance with this Ordinance or was otherwise without a reasonable basis.

Section 9. Exemptions

- (a) The charge reflected in Section 5 of this Chapter shall not apply to the extent it would violate the laws of the United States or the State of Connecticut.
- (b) The charge reflected in Section 5 of this Chapter shall not apply to any retail sale or use of disposable Checkout Bags that are used to carry items purchased pursuant to the Supplemental Nutritional Assistance Program or a similar governmental food-assistance program.
- (c) It shall be presumed that the Recycled Paper Checkout Bags sold or used by Business Establishments are subject to the charge imposed under Section 5 of this Chapter until the contrary is established. The burden of proving that such Recycled Paper Checkout Bags are not chargeable hereunder shall be upon the person so claiming.
- (d) Small Business Establishments comprising of a single location of less than ten thousand (10,000) square feet are permanently exempt from charging the Environmental Charge to their customers and may continue to use Paper and Plastic Checkout Bags through December 31, 2020. Commencing on January 1, 2021 small Business Establishments covered by this exemption shall be required to provide Recycled Paper Checkout Bags to all customers or be subject to the penalty and violation provisions of this Ordinance set forth in Sections 6 through 8 hereof.

Section 10. Funds received from penalty payments

Funds received from penalty payments will be deposited in the Town's General Fund.

Section 11. Appeal of Penalty Assessment to Superior Court

A person against whom a penalty has been entered arising out of a violation of this Ordinance is entitled to judicial review by way of appeal in accordance with the provisions of C.G.S. 7-152c. Penalties as provided in Section 7 may be abated if the court determines that the appeal was taken in good faith, with probable cause and not for purposes of delay.

Section 12. Annual Report

By January 31 of each year, the Environmental Compliance Officer shall submit an annual report to the Board of Selectmen as of January 1 of each year with respect to the preceding calendar year, including the number of: Complaints received, Warnings issued, Citations issued, fines assessed, and collected.

Section 13. Severability

In the event that any part or portion of this Ordinance is declared invalid for any reason, all the other provisions of this Ordinance shall remain in full force and effect.

Section 14. Other Enforcement

Nothing in this chapter shall be deemed to prohibit or limit in any manner any enforcement action with respect to any zoning, building, public health, fire, inland wetlands or other statutes, code, regulation or laws relating to the use of real property.

Section 15. Effective Date

This Ordinance is to become effective January 1, 2020.

Monica McNally, District II, Chairman, read the Public Works Committee report (attached).

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

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

**** ITEM 19-17 CARRIED ON A RISING TALLY VOTE OF 86 IN FAVOR, 2 OPPOSED, 2 ABSTENTIONS.**

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

Respectfully submitted,

Cheryl Telesco Blois

Telesco Secretarial Services

Appendix - June 10, 2019

	<u>19-13</u>	<u>19-14</u>	<u>19-9B</u>	<u>19-9 as amended</u>	<u>19-18</u>	<u>19-15</u>	<u>19-16</u>	<u>19-17</u>
DIST IV								
Banks	yes	yes	yes	yes	yes	yes	yes	yes
Cameron	yes	yes	yes	yes	yes	yes	yes	yes
Joan Davis	yes	yes	yes	abstain	yes	yes	yes	yes
Fiore	yes	yes	yes	no	yes	yes	yes	yes
Hardison	yes	yes	yes	no	yes	no	yes	no
Hauser	yes	yes	yes	no	yes	yes	yes	yes
Heitz	yes	yes	yes	yes	yes	yes	yes	yes
Kemp	yes	yes	yes	yes	yes	yes	yes	yes
Miceli	yes	yes	yes	no	yes	yes	yes	yes
Millar	absent	absent	absent	absent	absent	absent	absent	absent
Neumann	yes	yes	yes	abstain	yes	yes	yes	yes
Obin	yes	yes	yes	yes	yes	yes	yes	yes
Rayhill	yes	yes	yes	yes	yes	yes	yes	yes
Savage	yes	yes	yes	yes	yes	yes	yes	yes
Terhune	yes	yes	yes	yes	yes	yes	yes	no
Whittier	yes	yes	abstain	yes	yes	yes	absent	absent
DIST V								
Adiletta	yes	yes	yes	yes	yes	yes	yes	yes
Bayne, C.	yes	yes	yes	yes	yes	yes	yes	yes
Bayne, D.	yes	yes	yes	no	yes	yes	yes	yes
Boulton	yes	yes	no	yes	yes	yes	yes	no
Duffy	yes	yes	abstain	abstain	yes	abstain	yes	yes
Fiveson	yes	yes	yes	yes	yes	yes	yes	yes
Grogan	yes	yes	yes	no	yes	yes	yes	yes
Hennessy	yes	yes	yes	yes	yes	yes	yes	yes
Kelly, L.	yes	yes	yes	abstain	yes	yes	yes	yes
Martin	yes	yes	?	yes	yes	yes	yes	yes
McLachlin	yes	yes	yes	abstain	yes	yes	yes	yes
Moller	absent	absent	absent	absent	absent	absent	absent	absent
Mosher	yes	yes	yes	no	yes	yes	yes	yes
Parent	yes	yes	yes	no	yes	yes	yes	yes
Patrick	yes	yes	abstain	abstain	yes	abstain	yes	yes
Reed	yes	yes	yes	yes	yes	yes	yes	yes
Sherwood	yes	yes	yes	yes	yes	yes	yes	yes
Smith	yes	yes	no	yes	yes	yes	yes	yes
DIST VI								
Adelman	yes	yes	yes	no	yes	yes	yes	yes
Baldwin, B.	yes	yes	yes	yes	yes	yes	yes	yes
Cantavero	absent	absent	absent	absent	absent	absent	absent	absent
Chickles	yes	yes	yes	yes	yes	yes	yes	yes
Handler, M.	yes	yes	yes	no	yes	yes	yes	yes
Ted Hawkins	yes	yes	no	yes	yes	yes	yes	no
Lauritzen	yes	yes	yes	yes	yes	yes	yes	yes
Lucas	yes	yes	yes	yes	yes	yes	yes	yes
Luz	yes	yes	no	yes	yes	yes	yes	no
McDermott	yes	yes	yes	abstain	yes	yes	yes	yes
Orphanos	yes	yes	yes	yes	yes	yes	yes	yes
Poli	yes	yes	no	yes	yes	yes	yes	yes
Silsby	yes	yes	yes	no	yes	yes	yes	yes
Swenson	yes	yes	yes	yes	yes	yes	yes	yes
Van Loan	yes	yes	yes	yes	yes	yes	yes	yes
Vogt	yes	yes	yes	yes	yes	yes	yes	yes
Werner	yes	yes	yes	no	yes	yes	yes	yes

RTM F&B Report

June 19, 2019
May 15, 2019

(19-13) CONSIDERATION AND ACTION ON CLOSING OUT THE SUPERSTORM SANDY REVENUE FUND AND RESTORING FINAL BALANCE TO TOWN OF DARIEN GENERAL FUND

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

I move RTM Resolution (19-13) Consideration and action on closing out the Superstorm Sandy Revenue Fund and restoring final balance to Town of Darien General Fund *Is there a second?*

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

The RTM F&B committee established a working group and in conjunction with Jenn Charneski, Town Director of Finance, reviewed x fund accounts. The work required review of past Board and Commission minutes and resolutions; old documents; discussions with Town staff; accounting entries; and research of old newspaper articles and other work deemed necessary. A total of 22 funds were reviewed – 3 active operating; 9 special purpose and 10 gift/donation funds.

The F&B group and Director of Finance presented our findings to the BOF and recommended actions for BOF consideration. Several of the funds reviewed, mostly gifts, were reactivated used for their original intent as part of the FY20 budget. Special thanks to RTM member Cheryl Russel and Park & Rec Commission member, Susan Daley, for their assistance on three park related funds.

One account was closed by the BOF – as they were the only Board required to take action on that fund. Four accounts required additional approvals based upon how the initial account was established.

With respect to this resolution. Superstorm Sandy Revenue Fund: The fund was established with a transfer from the General Fund with approvals of the BOF and the RTM. It was established to account for all costs incurred by the Town associated with its namesake as well as the repository for all reimbursements from insurance, grants and FEMA. All activity is complete and all reimbursements have been received. Closing the fund will move \$215,747 to the General Fund and be categorized as Unassigned Fund Balance.

The F&B working group members – Bert von Stuelpnagel, Mike Heitz, David Martin, Tammy Sload and myself and to Jenn Charneski, Director of Finance for their work and dedication on this project. Thank you.

The BOF approved this transfer at its May 14th meeting. The RTM F&B committee met on April 8th with 12 of 15 members present and voted unanimously to approve this resolution and recommend the same to the full RTM.

Respectfully submitted;

Jack Davis, RTM Finance & Budget Committee, Chair

RTM F&B Report

June 10, 2019

(19-14) CONSIDERATION AND ACTION ON CLOSING OUT THE ANIMAL CONTROL FUND, THE WASTE DISPOSAL FUND AND THE WASTE MANAGEMENT FUND AND RESTORING REMAINING BALANCES TO TOWN OF DARIEN GENERAL FUND

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

I move RTM Resolution (19-14) Consideration and action on closing out the Animal Control Fund, the Waste Disposal Fund and the Waste Management Fund and restoring remaining balances to the Town of Darien General Fund *Do we have a second?*

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

The RTM F&B committee established a working group and in conjunction with Jenn Charneski, Town Director of Finance, reviewed 22 fund accounts. Recommendations were presented to the BOF for their consideration. Again, thank you to all F&B members that worked on this project and Jenn Charneski.

Animal Control, Waste Disposal and Waste Management Funds: These funds have been inactive for years. The funds purpose has changed and currently any related activity, revenues and/or expenses are now part of the BOS operating budget. Closing the funds will move \$194,552 from General Fund Assigned to Unassigned Fund Balance.

Closure for these three funds required BOS, BOF and now RTM approval. The BOS approved at their May 6th meeting, the BOF approved at their May 14th meeting. The RTM F&B committee met on April 8th and unanimously approved this resolution and recommends the same to the full RTM.

Respectfully submitted

Jack Davis, RTM Finance & Budget Committee Chair

RTM F&B Report

May 13, 2019

and June 10, 2019

(19-9) CONSIDERATION AND ACTION ON AN APPROPRIATION OF \$609,000 FOR THE HIGHLAND FARM IMPROVEMENTS PROJECT AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF \$609,000 TO MEET SAID APPROPRIATION

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

I move RTM Resolution (19-9) Consideration and Action on an Appropriation of \$609,000 for the Highland Farm Improvements Project and Authorizing the Issuance of Bonds and Notes in the Amount of \$609,000 to Meet Said Appropriation *Is there a second?*

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

The RTM Finance and Budget committee met on April 29, 2019 with 10 of 15 members present constituting a quorum.

The improvements to Highland Farm will include a walking path, two parking lots for 92 spaces, a shed for equipment and other minor improvements consistent with the P&Z approval.

Initially the improvements were to be completed over a two year period. The BOS decided during their budget deliberations to move all work to FY20 – saving money. Estimates for the work, which contrary to a Darien Times LTE, was in significant detail was prepared in the fall of 2018 and discussed with the BOS. F&B also reviewed the work estimate. The Town will save funds on the original estimate by having the PW and/or P&R employees do some of the work and by consolidating the remaining work into a single year.

The future costs of this bonding is based upon the following:

- Issued February 2020
- 20 year bond
- Level principal
- Interest rate at 3.17% or 50bp higher than the March 2019 Issue
- First coupon payment in 6 months and first principal payment in 12 months

Under the above factors, the estimated cost for this bonding would approximate \$43m per year or about ½ of 1bp annually using the current adjusted grand list over the life of this bond.

The F&B committee met on April 29th with 10 of 15 members present and voted unanimously to approve this resolution and recommend the same to the full RTM.

Respectfully submitted,

Jack Davis

RTM Finance & Budget Chair

June 10, 2019

Good Evening:

Adele Conniff
District 3
RTM Parks & Recreation Committee Chairman

On May 13, 2019 the RTM Parks & Recreation Committee met and voted to support the Parks & Recreation portion of the Town of Darien Budget including a \$50,000 Special Appropriation for Short Lane Improvements. The committee decided to table their vote on (19.9) the Highland Farm Improvement Project Appropriation of \$609,000 due to the numerous questions they had. At the RTM Meeting, that same evening, the vote on (19.9) was postponed until June 10, 2019.

The RTM Parks & Recreation Committee met on May 28, 2019 with 10 of 15 members present, constituting a quorum, to discuss and vote on (19.9) Consideration and action on an appropriation of \$609,000 for the Highland Farm Improvements Project and authorizing the issuance of bonds and notes to meet said appropriation.

June 10, 2019

Just as a reminder;

Planning & Zoning in January 2017 approved the subdivision application from The Ox Ridge Hunt & Racquet Club to divide its property into two parcels and sell to the Town of Darien 16.296+/- acres. The Town purchased Highland Farm for \$6,250,000.

At that time, as part of the purchase agreement, the Open Space Deed Restriction (tax settlement agreement of the town with the club that had put in place a 30 year open space deed restriction and a 40 year right of first refusal if any portion of the property was sold) on the property was modified.

Permitted use included the following as negotiated as part of the purchase of the property:

All current uses

Passive recreation, including but not limited to picnicking walking trails and hiking

Natural grass athletic fields

Irrigation, septic, sewer and drainage systems

Grading and filling reasonably necessary

Parking as required by Special Permit use

Temporary removable seating

One building limited to one story and 1,000 sq. ft. for use as public restrooms, storage, and a possible concession stand

Other uses agreeable to the Town and the Ox Ridge Riding and Racquet Club

The Ox Ridge Riding and Racquet Club may use the transferred property for one week each June for the annual Ox Ridge Charity Horse Show and at other times upon mutual agreement that do not interfere with the Town use.

In the Town's site plan application to P&Z :

The Town proposed to refurbish and expand two existing parking areas, construct a pedestrian stone chip walking/jogging pathway; and locate a single story shed, and a portable bathroom there; including construction of a stormwater management system, minor regrading of the property, and installation of ancillary signage and fencing and to perform related site development activities. Proposal to utilize the property for programmed/ active and passive recreational uses and activities as well as special events with restrictions on use.

P&Z made their Ruling with stipulations on July 24, 2018 which were amended on Jan.29, 2019.

As part of P&Z's process , in depth studies were done on traffic , parking lot construction, the walking path, possible placement of the shed (20'x12') and the portable bathroom(s) and screening (both natural and fencing). This information provides the basis for this appropriation request.

There were many P&R Committee questions concerning the parking areas in the improvements plan. The committee had been concerned about the number of spaces, the material used to pave the parking area, the use of Belgium block and the cost associated.

At our meeting on May 28, 2019 John Sini, Chairman of the Planning & Zoning Commission, spoke to this topic to address concerns. P&Z hired a consultant to assess how much parking was needed for the uses stipulated. A peer review was conducted and the P&Z Commission was satisfied with the conclusions. Recommendations that scheduled activities not overlap and the decision to have two parking areas were to aid in traffic flow, keeping the parking needs from being larger. The recommendation was that porous asphalt be used for the driveway and handicapped parking (including parking for a van) and that it be edged with Belgian block to protect the asphalt. Belgium block is durable and cost efficient in the long term. Porous asphalt has been used elsewhere in town successfully. Gravel alone compacts over time losing its porous nature thus it was not deemed as good a surface as the porous asphalt. The parking lot will have grass pavers instead of asphalt. Fencing around the parking area will be in keeping with the rest of the property so that it will look like one continuous field. In general the the tasteful parking and fencing will be in keeping with the neighborhood.

There is room between the stone wall at the edge of the property and the parking areas for natural screening. The plantings will be chosen with the neighbors's wishes in mind.

Screening will be provided around the comfort station(s) and shed. Currently planned is a 20x12 ft. shed which will house a large sit down lawn mower and a push mower. This type of storage will provide the flexibility of being relocated to another area of the property should the need arise. A portable comfort station(s) is planned to be located near the shed, will be screened and could be moved as well. Any permanent type of comfort station will require a septic system and be more costly.

The Darien Parks & Recreation Master Plan recommends expanding walking pathways and trail connectivity to and within parks. The stone and chip walking trail included in the improvements plan will be fully ADA compliant for use by wheelchairs and strollers. Jayme Stevenson, Darien First Selectman, walked the committee through the various uses for the field. The property will be used for yoga, walking, Parks & Recreation programming and town events, as well as for youth soccer. There will be no varsity athletics played on the field. The field will not be leveled. Some of the excavated soil from the parking construction will be used to fill in some of the depressions in the field.

Redness & Mead provided a cost estimate to the Planning & Zoning Commission for the Highland Farm Improvements of over \$700,000. This includes, but is not limited to regrading in the parking area, fill, topsoil, porous asphalt, Belgian block, fencing around the lot, wheel stops, signage, landscaping and the walking path. (Note: All construction will be put out to bid.) Kate Buch, Darien Town Administrator, told our committee that the Town believes they could reduce the total cost to \$600,000. The bonding costs bring the request to \$609,000.

The RTM Parks & Recreation Committee approved Resolution (19.9) with 8 in favor, 1 opposed with 1 abstention.

We hope that the full RTM will support this improvement project and we look forward to enjoying the beautiful Highland Farm.

Planning, Zoning, and Housing Committee of the RTM

Resolution 19-9 Appropriation of \$609,000 for the Highland Farm Improvements Project

The PZ & H Committee met on Monday, June 10, 2019, with 13 of 14 members present comprising a quorum. We discussed the various aspects of the proposed appropriation, which is for minimal infrastructure improvements to Highland Farm to include parking access for the community, a walking trail, and shed to house maintenance equipment. This request is consistent with the intent of the purchase of the property and the desire of the community for more accessible open space. The committee voted 12 in favor, 0 opposed, and 1 abstentions to approve this resolutions and asks the RTM to do the same.

Joanne Hennessy

Chair, PZ & H

RTM F&B Report

June 10, 2019

(19-15) Consideration and action on amending the resolution (19-12) appropriating \$3,000,000 for the planning, design and construction of a new Ox Ridge Elementary School and authorizing the issuance of bonds and notes in the amount of \$3,000,000 to meet said appropriation, to increase the scope of the project and the appropriation and bond authorization by \$60,000,000 to \$63,000,000

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

I move RTM Resolution (19-15) Consideration and action on amending the resolution (19-12) appropriating \$3,000,000 for the planning, design and construction of a new Ox Ridge Elementary School and authorizing the issuance of bonds and notes in the amount of \$3,000,000 to meet said appropriation, to increase the scope of the project and the appropriation and bond authorization by \$60,000,000 to \$63,000,000. Do we have a second?

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

Thank you for that informative presentation. The F&B Committee and the Education Committee participated in the June 3rd BOS meeting. Thank you, Jayme, for allowing our participation.

As you know, the Town has had to modify its building committee financial process to comply with the State requirements. Thus, we have an educated guess tonight with the building committee commitment to return to the RTM with a building budget consistent with the PW garage during the next legislative year. By authorizing this amount, the Town will:

- Meet the June 30th deadline to have the Ox Ridge Elementary School project reviewed by the State – and btw no school can be built without such a review regardless if a town is or is not looking for a grant
- Not miss this June 30th deadline where if it were missed would delay the construction of the school by one full year
- The Town will be eligible for an anticipated school construction reimbursement rate of 10.71% of state adjusted costs and possibly another 5% for related ELP state adjusted construction costs – generating a state grant possibly between \$4mm to \$5mm for our taxpayers – and by all indications, school construction grant monies will be lower for town's like Darien in the State's FY20 budget

At a high level, the project assumes 100,000 sf complying with state requirements for classroom size (example 900sf per classroom which is bigger than most classrooms in our existing facility) and state required open space. It allows for growth in the student population based upon the 2018 BOE consultant enrollment calculations for the next 8 years. It consolidates ELP into a single facility with 10 ELP classrooms and 150 total students. This will

allow for consistent or better services and potentially allows for future cost savings. It includes soft costs for furniture and technology as well as the demolition of the existing school. These costs are enumerated in the estimates provided to the building committee by the architect and construction manager – both well experienced in CT school construction.

With respect to the authorization of bonding. Bonds will not be issued until funds are used or needed. And if the project is less than \$63mm, bonds will not be issued for the difference.

To provide the cost of bonds has quite a few caveats. Here are the assumptions to quantify the estimated cost of bonding:

Potential Financing Schedule (assumes \$5 million state grant which is a pure estimate)

\$3,000,000 Feb 2020 for Design & Planning
\$24,000,000 Feb 2021 for building costs
\$24,000,000 Feb 2022 for building costs
\$7,000,000 Feb 2023 for remaining building costs and demolition of the older facility and reestablishing the grounds of the older facility

- Assumes debt structure defers principal for 3 years on each issue (max allowable).
- Assumes debt payments of interest only for first 3 years and then level debt service.
- BOF will evaluate debt structure at time of each issue
- Assumes total debt repayment term will be 23 years – with each issue being 20 years but total amount will be issued over time

With these assumptions, average annual debt service for Ox Ridge is \$3.4 million.

- Year 1 = \$84,352,
- Years 6-20 = \$4.25 million,
- then decreases for years 21-23 as initial bonds issued will have been already repaid

With this model, aggregate debt service remains less than the FY20 \$10.7mm for the entire life of the issues.

It is also worthwhile to discuss that debt service is managed using three models:

1. Total aggregate dollars - amount of annual debt repayment and interest, and, possibly more importantly,
2. Percentage of debt repayment to total expenditures – for FY20, total debt percentage approximates 7.2%
3. Percentage of debt repayment to total net budget – for FY20, this approximates 7.7%

With the current estimates for the Ox Ridge appropriation and bonding; the decline of current issued and outstanding repayments and the fact that we can expect annual increases in the Town's annual budgets over the next 5 years – the addition of this proposed bond authorization will result in aggregate debt service remaining less than the FY \$10.7mm and will have

aggregate debt service as a percentage of total expenditures and total net budget less than the current percentages of 7.2% and 7.7% respectively.

Lastly, a fourth way to look at debt is as a percentage to a town's adjusted grand list. Credit agencies like municipal debt to be less than 2% of its adjusted Grand List. The total outstanding debt for YE FY19 is about 70bp of the Town's adjusted grand list. Assuming no increase in the grand list over the next 5 years, the 2024 debt ratio to FY20's adjusted grand list is about 90bp and 85bp (2025) which is less than 1% and well below credit agency metrics. And again, that assumes no increase in the current grand list and, as you know, there are three major projects currently approved by the P&Z commission.

All of the above indexes indicate the Town is well positioned to financially absorb this appropriation and bonding with minimal impact to our taxpayers.

The committee discussed the Ox Ridge project in detail at its April 29th meeting and again at its' June 3rd meeting where 10 of 15 members were present. The committee reviewed all the factors, how the estimate would be/was derived, the building committee presentation and the amount requested for this appropriation and bonding for said appropriation and voted unanimously in favor of this resolutions and recommends the full RTM does the same.

Respectfully submitted
Jack Davis, RTM Finance & Budget Chair

Primary committee to introduce the resolution F and B

Ox Ridge Appropriation

Item 19 -15

Education Committee Report

Consideration and Action on amending Resolution 19 -12 appropriating \$3,000,000 for planning , design and construction of a new Ox Ridge Elementary School and authorizing the issuance of bonds and notes in the amount of \$3,000,000 to meet said appropriation to increase the scope of the project and appropriation and bond authorization by \$60,000,000 to \$63, 000,000

The Education Committee met on Monday June 3 with 12 of 15 members present and voted unanimously for the appropriation described above. Prior to the Committee meeting that evening, a majority of the members of the Education Committee attended the Board of Selectman meeting where Kip Koons and David Dineen, Co Chairmen of the Ox Ridge Building Committee led an informational presentation on the conceptual plans for a new Ox Ridge School. Several members of the Ox Ridge Building Committee, including Mr. Dineen later attended the Education Committee meeting to review the project and answer questions.

The reason the RTM is being asked to act on this resolution now is that in order to be considered for State funding, an appropriation authorization for the full project cost estimate must be filed by June 30. The application process for State grants requires that the approval of

the RTM come during the conceptual phase, before the project's final design is completed or exact costs from subcontractors are known.

(The other requirements for the grant application are a qualified building committee, updated enrollment projections and detailed Educational Specifications.)

The following points were made in response to Committee questions:

- The requested \$63,000,000 is an educated guess based on the input of experts in school construction
- The State requires that the application for a construction grant include an appropriation for the full amount of the project before it is designed or quantified by subcontractor bids.
- Applications for State grants are submitted to the Office of School Construction Grants and Review. Deadline is June 30 to be considered for the next fiscal year.
- Present reimbursement rates are estimated to be 10.71 % of "reimbursable costs"; possibly some extra for ELP will be provided. Funding rates could decrease in the future due to the State's debt diet.
- The Ed Specs were completed with the input of teachers, administrators and specialists in elementary education and the ELP who worked within the parameters of State guidelines for square footage, enrollment requirements, housing development
- Experts in school design, grant application, enrollment projections have been engaged in the planning so far
- The current Ox Ridge building is sited on the best location. The space on the site is tight

- New school will allow for consolidation of ELP into one space resulting in an improved program and efficiencies
- Construction should last 30 -37 months with a target opening date of August , 2022
- If a new school is not built, approximately \$5,000,000 per year would need to be spent on upkeep

Clara Sartori

Chairman, RTM Education Committee

6/10/2019
Adele Conniff
District 3
RTM Parks & Recreation Chairman

The gift from the Darien Athletic Foundation (DAF) will be construction of a cross-country running path primarily along the perimeter of Darien High School and the perimeter of the Diller property which is adjacent. (The Town of Darien purchased the Diller property in 1988 as open space and in 1997 the property became dedicated parkland.) The path will be used by the Darien High School Cross-Country Team for practice and for one to two competitions per year. The path will have a crushed stone surface (5 feet wide). The cross-country path on the two properties is 1.15+/- miles. On the Diller property there will also be constructed a plank boardwalk (2 feet wide and 420 ft. in length) over wetlands that will create a walking loop on that property for community use. Six parking spaces will be built along Nutmeg Lane for the community as well. Invasive plants will be removed from the Diller property and two culverts will be installed for the crossing of intermittent watercourses. No trees will be removed from the Diller property and only one will be removed from Darien High School. The Board of Education will be responsible for maintenance on the high school grounds. The path on high school property will be subject to Board of Education authority and will be closed to the general public during school hours including summer school. The whole of the path will be closed to the public when it is in use by the Cross-Country Team. The Parks & Recreation Department will be responsible for setting park rules on the Diller property and maintenance which will include replenishing the crushed stone, trimming vegetation, and keeping the culverts clear.

Combined maintenance is expected to average \$4,000- \$5,000 per year.

Over the years the town has explored multiple uses for the Diller property with none found to be feasible. Construction of the cross-country running path aligns with The Parks & Recreation Master Parks Plan recommendation of expanding walking pathways and trail connectivity to and within parks.

This generous gift from the DAF is expected to be between \$200,000 and \$300,000. DAF has received approval from the appropriate town boards except the Board of Education which will vote shortly.

The RTM Parks & Recreation Committee and Finance & Budget Committee met jointly on 6/3/2019. After a presentation by Jennifer Montanaro from DAF, the RTM Parks & Recreation Committee, with 9 of 15 members present, constituting a quorum, voted 8 in favor of acceptance of the gift and none opposed with 1 abstention.

The RTM acceptance of the DAF gift will enable the Cross-Country Team to have home meets and will give them a place to practice off of our roads!
We hope the RTM will support the acceptance of this generous gift from the Darien Athletics Foundation.

Planning, Zoning, and Housing Committee of the RTM

Resolution 19-16 Consideration and action on a gift from the DAF of up to \$300,000

The PZ & H Committee met on Monday, June 10, 2019, with 13 of 14 members present comprising a quorum. We discussed the various aspects of the proposed appropriation, which is to develop a cross country running path over DHS and Diller properties. The committee voted 13 in favor, 0 opposed, and 0 abstentions to approve this resolutions and asks the RTM to do the same.

Joanne Hennessy

Chair, PZ & H

DAF Gift

Item 19 – 16

Education Committee Report

The Education Committee met on Monday, June 3 to consider and act on the donation of up to \$300,000 from the Darien Athletic Foundation (DAF) for the construction of a Cross Country running path and the appropriation of said sum for the construction of said running path.

With 12 of 15 members present, the Committee voted unanimously to accept this gift with thanks to the Darien Athletic Foundation for its generosity.

During the discussion, Jennifer Montanaro a representative of DAF reviewed the memo prepared by the DAF and described the background, location and composition of the 1.15 mile running path which is proposed for construction outside the perimeter of Darien High School and along the perimeter of the Diller property.

Primary reasons for the Education Committee's decision to accept this gift are as follows:

- The running path, to be used for Darien Cross Country Track will ensure a safe environment for more than 100

Darien Cross Country student athletes who will no longer have to practice by running through Town streets where there are no sidewalks

- The project has been approved by relevant Town boards such as P and Z, Local Traffic Authority, DPW, and EPC.
- The gift will allow the community to use an otherwise unused area of the Diller property, while preserving an area of open space

It was noted that the DHS property is under the control of the Board of Education and the Diller property is controlled by Park and REC. Responsibility for oversight and maintenance of the properties will be handled by these entities, respectively. Cost is estimated to be \$4000 to \$5000 per year.

The Education Committee asked about the proximity of the running path to homes in the area and any impact on the neighbors. We understand that the Superintendent has reached out to neighbors in an effort to resolve any concerns. Only one or two competitions will be held each year. Cross country is a quiet sport, not generating large cheering crowds.

The Education Committee also noted that the Board of Education has not yet formally accepted the gift and is waiting to give final approval pending the approval of other Town Boards and the RTM.

In response to an email, the Board of Education provided the resolution of January 8, 2019 indicating the stipulations that that the Darien High School portion of the path is closed during regular school days and during summer school session and is closed to persons dog walking.

Clara Sartori

RTM Education Committee

RTM F&B Report

June 10, 2019

**(19-16) CONSIDERATION AND ACTION ON A GIFT FROM THE DARIEN ATHLETIC FOUNDATION
(DAF) OF UP TO \$300,000 FOR THE CONSTRUCTION OF A CROSS COUNTY RUNNING PATH
OVER DHS AND DILLER PROPERTIES**

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

The RTM F&B committee met jointly with the RTM Park & Rec committee on June 3rd. Jenn Montanaro, of the DAF presented the both committees.

The F&B committee confirmed with the BOE and the BOS that the ongoing costs to maintain this gift was within the \$4,000 to \$5,000 range. Amounts were confirmed by Kate Buch and Pam Gery, on the BOS side and Tara Ochman, Mike Feeney and Mike Lynch on the BOE side. In addition, during the discussion it was mentioned that two culverts were to be installed on the Diller property. Kate Buch investigated and was able to inform F&B that the incremental cost for properly maintaining those culverts with periodic cleaning was minimal, at best.

We would like to thank the DAF for this wonderful addition to the Town and BOE.

With 10 of 15 members present, the F&B committee approved this gift unanimously and recommends the same to the full RTM.

Respectfully submitted

Jack Davis, RTM Finance & Budget Chair

Good Evening.

I am Monica McNally District 2 Chairman of the Public Works Committee. I move 19-17 Resolution Of The Representative Town Meeting Of The Town of Darien Approving An Ordinance For The Management Of Plastic And Paper Checkout Bags. Do I have a second? Without objection I propose waiving the reading of the resolution.

On October 15, 2018 The Board of Selectmen moved the discussion and possible creation of an ordinance banning plastic bags to the RTM- and the Rules Committee assigned it to three committees. Public Works, Public Health and Safety and TGS&A

Research by these three committees began with a presentation by the Darien BYO group. Input was then collected from constituents, friends and various commissions and organizations in Darien. Businesses were interviewed in person by RTM committee members - and First Selectman Jayme Stevenson.

Approximately 150 letters have been sent in to a designated RTM email box from individuals, businesses and organizations regarding the ordinance.

Media coverage has been continuous since November with at least 21 articles published including one letter by the Editor.

Feedback and research materials were kept up to date on the Town website along with information from some of the 15 towns in Ct that have already implemented an Ordinance. The status of potential Ct State action on a Plastic Bag ban was also monitored.

On February 6th and on March 27th Public Hearings were held. Approximately 179 people in total attended and 51 people spoke. It was determined after the first hearing that there was a desire for an Ordinance. A Draft of the Ordinance was presented at the second Hearing. Feedback from that Hearing helped shape the final copy that was distributed with the Warning, and which you have in front of you now.

These actions were taken with the goal of creating an ordinance that is supported by our residents and our business community. The PW committee met on 4/24 with 10 of 12 members present and voted 6 in favor and 4 opposed to the final version of the Ordinance.

The purpose of the Ordinance is to encourage residents to bring their own bags when they go shopping, to end the use of single use plastic bags- and to switch to paper bags that are 100% recyclable and made from at least 40% post-consumer recycled material. You can read the longer version of this in section 1 of the Resolution.

- I will give an over view from a timeline perspective and after, I will explain the outcome when the Ct State legislation is combined with the proposed Darien Ordinance. I'll conclude with answers to some FAQ's. Please refer to the hand-out that you received this evening. If you don't have copy your district chair has a few extras.

The Town Ordinance would begin to go into effect of 1/1/20.

At that time any business as described in section 2.1, over 10,000 sq ft would be required to no longer provide single use plastic bags. Paper bags will be compliant- meaning 100 recyclable and made from at least 40% post-consumer recycled material.

Businesses will charge, and retain, a 10 cents Environmental Fee per bag. Re-useable bags that are sold will be compliant- meaning 12 mil or more in thickness.

On 1/1/21 All businesses, regardless of size, will no longer distribute single use plastic bags. All bags provided will be compliant paper and compliant re-useable bags.

All stores under 10,000 are permanently exempt from charging the 10 cents environmental fee.

Last Monday evening, the CT legislation passed a plastic bag ordinance.

Please refer to the 3 page handout you received this evening- it is the entire bill that was passed by the House and Senate, and is awaiting the Governor's signature.

The bill requires retailers to charge a 10 cent tax on any Single Use plastic bag under 4 mil distributed beginning 8/1/19. The tax is collected and retained by the state. All single use plastic bags will be banned beginning 7/1/21.

As you can see, in the final paragraph of the bill there is no prohibition on municipalities from enacting or enforcing a more restrictive regulation, and there is no prohibition on municipalities requiring a store to charge a fee for plastic bags

What does it look like for Darien residents and businesses when the two Acts are combined?

Beginning 8/1/19 state law will require a 10 cent State tax on all single use plastic bags.

Beginning 1/1/20 the Darien Ordinance will require Stores over 10000 sf to no longer provide single use plastic bags, and to charge 10 cents for compliant paper bags.

Beginning 1/1/21 no Darien store will provide single use plastic bags and all stores will offer only compliant re-useable and compliant paper bags. The stores over 10,000 will continue to charge 10cents.

I'll answer some FAQ now.

Is the 10 cent fee legal?

Yes

Section D addresses potential actions by municipalities.

It specifically enables towns to enact their own Ordinances provided they it is as or more restrictive than the State's. It also enables towns to enact an ordinance requiring a Paper Bag fee.

Who's going to enforce this?

The Ordinance requires the Board of Selectmen to appoint an Environmental Officer.

Why charge the fee at all?

The state ban on Plastic Bags will leave shoppers three choices. Buy a re-useable bag in the store, bring their own bag or take a free paper bag. The 10 charge on paper will help people remember to bring own. It will also help stores defray the increase in their costs. Plastic bags total cost averages approximately 1.5c vs 13c for paper. With the state Bill- and no Darien Ordinance- stores will see a significant increase in their checkout costs.

Why don't all stores have to charge the Env. Fee?

One of the main takeaways from the second Public Hearing was that the 38 stores under 10000- (86%) play a very small part in the distribution of single use plastic bags and they were not in favor of the mandatory fee.

The overall support from the business community and Chamber of Commerce for the Ordinance was achieved after removing this additional regulation.

Why did your committee vote the way they did?

One of the major concerns of the 4 members of the PW committee that voted against the ordinance was the question of the legality of requiring a ten cent environmental fee on providing a paper bag to a customer. It should be noted that this vote was taken well prior to the States' actions last week. Accordingly, we were not able to conclusively answer that question at the time we voted in April.

Why should we pass an Ordinance when the State has one?

The Darien ordinance bans single use plastic bags earlier, it will result in using more environmentally responsible paper bags, and it will help to accomplish the main goal— of encouraging people to bring their own bags for shopping.

Therefore a majority of the Public Works Committee strongly recommends passage of Resolution 19-17 this evening

Thank you.

Good evening

My name is Frank Kemp and I am Chair of the Town Government Structure and Administration Committee of the RTM.

During five Regular and Special meetings and two Public Hearings, the TGS&A Committee worked in conjunction with the Public Works Committee and the Public Health and Safety Committee in the research and drafting of this ordinance – with special thanks going to the members of the committee and, to Town Counsel Wayne Fox, for the detail work and words-manship that are a necessary part of any new ordinance. So a resounding “thank you” to the TGS&A Team that did this work.

At a final Special Meeting of the Committee, held June 6, 2019 with 7 of 12 members present, the Committee considered and voted unanimously for recommending the approval of this matter by the RTM.

It should be noted that this vote was taken three days after the Connecticut General Assembly amended and approved a resolution that initially charges for, and then bans plastic single-use bags. At the same time the Assembly indicated its approval of municipalities enacting ordinances that are as restrictive or more restrictive than the State regulations, and the State specifically stated that municipalities were not prohibited from enacting or enforcing ordinances concerning single use paper checkout bags – in effect sanctioning municipalities’ efforts to require stores to charge a fee for paper bags distributed to their customers.

With the State’s actions in mind, the Committee voted unanimously to recommend that the RTM approve item 19-17 on tonight’s agenda.

Thank you.

RTM Public Health & Safety Committee

June 10, 2019

Report to Full RTM

The RTM Public Health & Safety Committee met tonight with 15 of 16 members present to discuss and vote on Resolution 19-17: Consideration and action on an amendment to Darien's Code of Ordinances regarding Management of Plastic and Paper Bags in Darien.

Our committee was the first RTM committee to have a meeting with the Bring Your Own (BYO) Darien group on October 22, 2018. At that time, our committee offered constructive advice to the group as they began their journey through the maze of the various Darien Town Government bodies.

Fast forward to today, our committee has met 8 times, including 2 Public Hearings and 6 Committee meetings, as well as attendance at numerous TGSA and Public Works meetings.

At our February 25th 2019 meeting, our committee reviewed an early draft of the ordinance, agreeing that the ordinance should focus on banning the thin single use plastic bags (those offered by Stop & Shop, Walgreens and CVS). Discussion centered on the proposed mandatory 10 cent charge imposed by retailers for paper bags. At that meeting, PHS members voted 8 to 6 to drop the 10 cent fee.

At the March 18, 2019 Public Health & Safety Meeting, the committee discussed the revised ordinance, which in its current form exempts businesses under 10,000 square feet from the mandatory 10 cent charge for paper bags. At that meeting 6 voted for the ordinance, 1 voted against, and 2 abstained.

At tonight's meeting, we discussed the recent State of Connecticut Bag Amendment included in the budget bill. Of note, Plastic Bags are allowed to be offered with a 10 cent tax going to the state, ending July 1, 2021. After that, thin plastic bags are banned. The state has not banned, nor required a charge for, paper bags. But it doesn't prevent stores from charging for paper bags. It was noted the Darien ordinance is more restrictive, not less, which is clearly allowed by the State. ^{starts August 1st 2019}

The Public Health & Safety Committee voted 15 to 0 in support of the Darien Bag ordinance and ask that the Full RTM do the same.

Respectfully submitted, James M. Patrick, Chairman

