

**MINUTES
REPRESENTATIVE TOWN MEETING
JANUARY 25, 2016**

**RECEIVED
FEB - 1 2016
TOWN CLERK'S OFFICE
DARIEN CT.**

CALL TO ORDER

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

Upon Roll Call, the following members were present:

From District I, there were 13 members present, 3 absent.
From District II, there were 10 members present, 1 absent.
From District III, there were 11 members present, 4 absent.
From District IV, there were 15 members present, 1 absent.
From District V, there were 12 members present, 4 absent.
From District VI, there were 15 members present, 2 absent.

The absentees from District I were: Dweck, Hayes, Von Stuelpnagel.
The absentee from District II was :Finn.
The absentees from District III were: Coyle, Coyle Downs, Hageney, Hegarty.
The absentee from District IV was: Morrison.
The absentees from District V were: Adiletta, Boulton, Fead, McLachlin.
The absentees from District VI were: Lauritzen, Van Loan.

The Moderator, Sarah Seelye, assumed the Chair.

ACCEPTANCE OF THE AGENDA

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

**APPROVAL OF THE MINUTES OF THE DECEMBER 7, 2015 STATE OF THE TOWN
MEETING**

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

ANNOUNCEMENTS

The Moderator introduced and welcomed the following new RTM members - Amy Barsanti and Young-Sup Lee from District I, Michael C. Wheeler from District II and Charles M. Baldwin from District VI.

The Moderator read a letter from Mary Flynn, Chairman of the Parks & Recreation Commission, regarding the Weed Beach Committee, which is holding a Public Meeting tomorrow night at 6:30 in the Auditorium to review the four designs before the Committee.

The Moderator said that Mrs. Rajczewski had received a request from the League of Women Voters to release RTM members' e-mails for publication. The Moderator has refused to do so

without permission from each individual. The biggest concern is FOI-able e-mails. Gov e-mails will be discussed at the next Rules Committee meeting.

Martha Banks, District IV, said she sent this e-mail to the Moderator today so that she could e-mail members to ask permission to use their e-mails. She said she felt that elected people should be willing to share some sort of e-mail.

16-1

CONSIDERATION AND ACTION ON ACCEPTANCE OF GIFT OF \$65,000 OF ELECTRONIC EQUIPMENT FROM THE DARIEN FOUNDATION FOR TECHNOLOGY AND COMMUNITY FOR THE NEW POLICE BOAT

**** JAMES PATRICK, DISTRICT V, CHAIRMAN OF THE PUBLIC HEALTH & SAFETY 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 gifts do not have a value in excess of Ten Thousand and 00/100 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 Foundation for Technology and Community wishes to donate electronic equipment for the new Police boat; and

WHEREAS, the electronic equipment will assist the Police in patrolling and protecting Darien's harbors and Darien residents; and

WHEREAS, the value of the electric equipment has been determined to be Sixty-Five Thousand and 00/100 Dollars (\$65,000.00); and

WHEREAS, the Board of Selectmen has previously approved this gift to enhance the operations of the Police Department;

NOW THEREFORE BE IT RESOLVED that the Representative Town Meeting of the Town of Darien hereby accepts with thanks a gift for up to Sixty-Five Thousand and 00/100 Dollars (\$65,000.00) from the Darien Foundation for Technology and Community.

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

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

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

**** ITEM 16-1 CARRIED ON A RISING TALLY VOTE OF 71 IN FAVOR, 1 OPPOSED, 1 ABSTENTION.**

16-2

CONSIDERATION AND ACTION ON ACCEPTANCE OF GIFT OF \$25,000 FROM THE FRIENDS OF GORHAM'S POND, INC. AND APPROPRIATION OF SAID FUNDS TO THE GOODWIVES SEDIMENT DREDGING FUND

**** JAMES CAMERON, DISTRICT IV, ACTING CHAIRMAN OF THE PUBLIC WORKS 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 gifts do not have a value in excess of Ten Thousand and 00/100 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 Friends of Gorham's Pond, Inc. wishes to donate funds towards the environmental remediation project at the Upper Pond in Goodwives River; and

WHEREAS, this project will help restore the watershed of Gorham's Pond which includes approximately 65% of the land in Darien; and

WHEREAS, the gift is for Twenty-Five Thousand and 00/100 Dollars (\$25,000.00); and

WHEREAS, the Board of Selectmen has previously approved this gift to assist in this project; and

WHEREAS, a gift of money must be appropriated by the Board of Finance and Representative Town Meeting;

NOW THEREFORE BE IT RESOLVED that the Representative Town Meeting of the Town of Darien hereby accepts with thanks this gift of Twenty-Five Thousand and 00/100 Dollars (\$25,000) from the Friends of Gorham's Pond, Inc. to be used for the Gorham's Pond Upper Pond Project.

BE AND IT IS HEREBY FURTHER RESOLVED that said funds are hereby appropriated to the Goodwives Sediment Dredging Fund to be used for the environmental remediation project.

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

James Cameron, District IV, Acting Chairman of the Public Works Committee, said that this committee met this evening, with 7 members present. There were questions raised which they

hope to get answers to. He felt that meetings should not be held the night of the RTM meeting precisely for that reason. The Committee voted 6 in favor of the resolution, 1 abstention.

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

The Moderator asked Mr. Gentile, Director of Public Works, to answer the questions that had been raised: "Does the acceptance of this grant further obligate the town to spend money that hasn't already been budgeted?" Mr. Gentile said there are no required commitments. "Is there adequate access to the area to do the work?" Mr. Gentile said there is an accessway; they are setting it up to do additional dredging.

Spencer McIlmurray, District II, asked what work was actually being done. Mr. Gentile said this project is reconstruction of the dam that the DEEP requires. There are funds to do dredging. The big question is what will be found in the soil. They will test as they go through the dredging process.

Mr. McIlmurray said there was a gift of \$50,000 given to the town from the Friend of Gorham's Pond that was accepted by the First Selectman without approval from the RTM, which is a violation of the Code of Ordinances. He asked if the \$50,000 included the \$25,000. Mr. Gentile responded that the \$50,000 included the \$25,000. Kate Buch, Town Administrator, said she disagreed that the funds were accepted. The funds were deposited without knowing the protocol. The funds were given back and never deposited.

**** ITEM 16-2 CARRIED ON A RISING TALLY VOTE OF 74 IN FAVOR, 1 OPPOSED, 0 ABSTENTIONS.**

16-3

CONSIDERATION AND ACTION ON RETURNING SCHEDULING OF SPECIAL RTM MEETINGS TO THE CHARTER FROM APPENDIX B OF THE DARIEN CODE OF ORDINANCES

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

WHEREAS, Appendix B, Part III – Sec. 3 of the Darien Rules of Procedure describes the procedures available for calling a special town meeting, and

WHEREAS, this procedure was inadvertently transferred from Part I – Chapter XIII (the Charter) to Appendix B as part of the 2013 charter revisions, and

WHEREAS, the Representative Town Meeting wishes to move Appendix B, Part III-Sec. 3 out of Appendix B and back to the Charter, Part I – Chapter XIII, Sec. 53. No modification to text was made.

NOW THEREFORE BE IT RESOLVED that Appendix B, Part III – Sec. 3 of the Darien Rules of Procedure be revised in accordance with the amendment attached hereto and made part hereof.

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

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

**** ITEM 16-3 CARRIED ON A RISING TALLY VOTE OF 75 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

15-22

CONSIDERATION AND ACTION ON THE TRANSFER OF THE CARE, CUSTODY AND CONTROL OF 19,000 SQUARE FEET OF THE PROPERTY LOCATED AT 35 LEROY AVENUE TO THE DARIEN BOARD OF EDUCATION (POSTPONED FROM THE OCTOBER 26, 2015 MEETING)

**** DENNIS MARONEY, DISTRICT III, CHAIRMAN OF THE EDUCATION COMMITTEE, MOVED:**

WHEREAS, property located at 35 Leroy Avenue is owned by the Town of Darien; and

WHEREAS, Nineteen Thousand (19,000) square feet of said property is currently occupied by the Darien Board of Education; and

WHEREAS, this portion of the property is being and will continue to be dedicated by the Darien Board of Education for school purposes; and

WHEREAS, it is the desire of the Town of Darien to transfer the care, custody and control of a portion of the property at 35 Leroy Avenue to the Darien Board of Education;

NOW THEREFORE BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien hereby transfers the care, custody and control of the nineteen thousand (19,000) square feet of the building known as 35 Leroy Avenue, currently occupied by the Darien Board of Education, together with the adjacent land and parking area to said Board for school purposes.

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

Dennis Maroney, District III, Chairman of the Education read part of the committee report.

**** DENNIS MARONEY, DISTRICT III, CHAIRMAN OF THE EDUCATION COMMITTEE MOVED TO AMEND THE RESOLUTION BY CHANGING "CARE, CUSTODY AND CONTROL" TO "CARE, MAINTENANCE AND OPERATION" IN THE LAST PARAGRAPH OF THE RESOLUTION (15-22A).**

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

Joanne Hennessy, District V, said this amendment came from the First Selectman's Office. She spoke of another amendment, but the Moderator said there was an amendment on the floor already. If this amendment is approved, another amendment can then be added.

Clara Sartori, District II, asked if the change applied to all of the schools or only this building. The Moderator said it only applied to 35 Leroy Avenue.

Frank Adelman, District VI, said his understanding is that these words were mandated by State statute. Town Counsel Fox said that Section 10-240 talks about this, but this amendment is a clarification.

Fred Conze, District I, asked if the 19,000 s.f. includes the downstairs old children's reading room. The Moderator said it did not. Mr. Conze said that the P&Z Commission passed a resolution that this be a public meeting space under the care and control of the Board of Selectmen. Jeremy Ginsberg, P&Z Director, said that Mr. Conze was correct. Mr. Conze said the real issue was access. Mr. Ginsberg said it is public meeting space. Mr. Conze asked how they could codify this within the resolution. The Moderator said that Nadine Vasil schedules the use of this room.

Spencer McIlmurray, District II, asked if there were any lines of demarcation in terms of budgeting. Town Counsel Fox said the simple answer is no.

Joseph Hardison, District IV, asked the definition of "school", noting that 35 Leroy is an administrative building. Town Counsel Fox said CGS Section 10-220 refers to school purposes, not just schools.

**** ITEM 15-22A CARRIED ON A RISING TALLY VOTE OF 62 IN FAVOR, 7 OPPOSED, 5 ABSTENTIONS.**

Dennis Maroney, District III, Chairman of the Education Committee, continues and completed the Education Committee report (attached).

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

**** JACK DAVIS, DISTRICT III, MOVED TO AMEND THE RESOLUTION TO CHANGE 19,000 SQUARE FEET TO 19,003 SQUARE FEET (15-22B).**

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

**** ITEM 15-22B CARRIED ON A RISING TALLY VOTE OF 73 IN FAVOR, 0 OPPOSED, 2 ABSTENTIONS.**

Joanne Hennessy, District V, Chairman of PZ&H, read part of the committee report.

**** JOANNE HENNESSY, DISTRICT V, MOVED THE FOLLOWING AMENDMENT: REMOVE THE PERIOD AT THE END OF THE LAST SENTENCE IN THE RESOLUTION AND ADD ", WITH THE UNDERSTANDING THAT IN THE FUTURE, THE TOWN MAY RECLAIM FOR AN ALTERNATE USE."**

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

Lois Schneider, District I, said this amendment was not necessary. If they specify this for this property, what happens with other school properties? If it isn't broken, don't fix it.

Town Counsel Fox said if this is a concept they wish to pursue, the wording should be slightly modified to say "The town may require the space in question for an alternate use and will work with the Board of Education.....). This is the way it has always been done throughout the state.

Jack Davis, District III, said that history has dictated that the language is not necessary. The first line of the resolution states it quite clearly. The property is owned by the town.

James Cameron, District IV, said that the 3rd paragraph of the resolution says that the land is dedicated for school purposes. The amendment makes sense for clarity.

Clara Sartori, District II, asked if they would have to vote this amendment down in order to vote on Town Counsel Fox's suggestion. The Moderator said that only Joanne Hennessy's amendment was on the floor.

Joseph Hardison, District IV, said he agreed with Mr. Cameron's comments. The issue with Town Counsel Fox's recommendation is control on the part of the Board of Education.

Dennis Maroney, District III, said this verbiage would make this property different from other town properties. Town Counsel Fox said this would not have to be done in any other town property that is leased. However, this language as proposed says that there is the right to throw the Board of Education out anytime they wish. It can be watered down slightly. If it is left as is without this amendment, there is no problem.

Seth Morton, District III, said they don't want to go down this path. The ability to pass buildings back and forth between the Board of Education and the town works. We are fine with the way it is.

James Cameron, District IV, said he now suggests voting in favor of this amendment and then voting for additional wording as suggested by Town Counsel Fox rather than voting this amendment down.

Jack Davis, District III, said that Town Counsel Fox said that this amendment was potentially contrary to State law. He would suggest that PZ&H pull this amendment, and if they don't, the RTM should vote it down and then vote for the wording suggested by Town Counsel Fox.

Joseph Miceli, District IV, asked if the Board of Education could say they needed Town Hall and if the Board of Selectmen could say they could have it. Town Counsel Fox said that could not be done and spoke of the mutual cooperation that exists between the town and the Board of Education.

Joanne Hennessy, District V, said that their goal is to make it clear that the town can access this valuable property in the future. They are thinking about the future for this town. She will not withdraw this amendment because the committee voted on it.

**** ITEM 15-22C FAILED ON A RISING TALLY VOTE OF 29 IN FAVOR, 44 OPPOSED, 1 ABSTENTION.**

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

There were no reports from the Public Health & Safety Committee and the Parks & Recreation Committee.

James Cameron, District IV, Acting Chairman of the Public Works Committee, commended everyone, including the Moderator, on doing such a good job tonight. He said that this committee had voted 8 in favor with 1 abstention against taking a position on the resolution.

In response to various questions/issues raised by James Cameron, Jeremy Ginsberg, P&Z Director, said: regarding parking, there is a condition in the P&Z approval that P&Z will look at the 80 spaces and review whether it is adequate and ask that parking counts and analysis be done. Mr. Cameron said he was referring to the Public Meeting Room. Mr. Ginsberg said the Board of Education could not schedule other events if the meeting room is being used.

Mr. Cameron said they agree that such a resolution is unnecessary. Town Counsel Fox said that he and Attorney Mooney agree. The 3rd question raised was: Given that the building received a Certificate of Occupancy and does not yet have a heating system, what obligation is on the town? The Moderator said that, in May, the RTM approved \$236,000, and according to Dr. Brenner, this should be in place soon.

Joseph Hardison, District IV, said that the Board of Education fought for a long time not to accept the building because it was not complete. He asked why the urgency now when the building still wasn't complete.

Jack Davis, District III, said that the BOE has taken full control of Capital projects; they are not fighting it. The Shuffle is different from this.

Clara Sartori, District II, asked whether the BOE, if they take on the expense of the unfinished project, if that would cause other projects to be dropped. The Moderator said the heating has been approved and the roof is a priority #1 project. Mrs. Sartori asked if items needed for students would not be funded because of these Capital expenses. The Moderator said she could not speak for the BOE.

Fred Conze, District I, said he voted against the initial resolution because of the lack of specificity. There is no MOU. The second issue was accountability. Project management was from the Selectman's Office. The Moderator said they were discussing the resolution as amended. Mr. Conze said that the BOE took possession in April 2013; the C.O. was not issued until September of 2014. The P&Z resolution calls for an as-built survey to be signed by an engineer, and he asked if this document had been provided.

Frank Adelman, District VI, said this project has been managed well. He will be glad to vote for this project when it is done, but not until then.

Martha Banks, District IV, said that the BOE still has control of the building even if the motion fails. The town still owns the building. There is still a public meeting room. This is a totally unnecessary exercise. She said that she would vote against the resolution.

Walter Casey, 8 Webster Valley Road, said he doesn't ever recall anything like this. It is incredible that there is not a spreadsheet on costs. He asked who would do the accounting of costs. The Moderator said if the Finance & Budget Committee feels it is necessary to take that action, they can. Mr. Casey asked why the Selectmen don't have that information now, and he asked if Town Counsel was satisfied that the C.O. was in good standing.

Kate Buch, Town Administrator, said that the Finance & Budget Committee was going to do the accounting; they have laid out how they would like the numbers to be presented to them. Town Counsel Fox said he could not answer the question; he has not looked at it.

Joseph Miceli, District IV, said he was glad to hear that the numbers were going to come from the Selectmen because the Town Charter, Section 17, says they can do so. They have a lot of power. They can find out about the C.O. He said that a C.O. was given when there was no heat. Jayme Stevenson, First Selectman, said that was factually incorrect. Mr. Miceli said that people who work at 35 Leroy said that circuit breakers were popping. This is terrible; we ought to stand behind our employees.

**** ITEM 15-22, AS AMENDED, CARRIED ON A RISING TALLY VOTE OF 36 IN FAVOR, 30 OPPOSED, 4 ABSTENTIONS.**

**** UPON MOTION MADE AND SECONDED FROM THE FLOOR, IT WAS UNANIMOUSLY VOTED TO ADJOURN AT 10:25 P.M.**

Respectfully submitted,

Cheryl Telesco Blois
Telesco Secretarial Services

APPENDIX

							As amended
<u>DISTRICT I</u>	<u>(16-1)</u>	<u>(16-2)</u>	<u>(16-3)</u>	<u>(15-22A)</u>	<u>(15-22B)</u>	<u>(15-22C)</u>	<u>(15-22)</u>
Barsanti	yes	yes	yes	abstain	yes	abstain	abstain
Buchesky	yes	yes	yes	yes	yes	no	yes
Bumgardner	yes	yes	yes	yes	yes	yes	yes
Butler	yes	yes	yes	yes	yes	no	yes
Conologue	yes	yes	yes	yes	yes	yes	no
Conze	yes	yes	yes	yes	yes	yes	yes
Dweck	absent	absent	absent	absent	absent	absent	absent
Ezbiansky	yes	yes	yes	yes	yes	no	yes
Hayes, B.	absent	absent	absent	absent	absent	absent	absent
Keane	yes	yes	yes	no	yes	yes	no
Kelly, C.	yes	yes	yes	yes	yes	no	no
Lee	yes	yes	yes	yes	yes	no	yes
Pattelli	yes	yes	yes	yes	yes	yes	no
Schneider	yes	yes	yes	yes	yes	no	yes
van der Kieft	yes	yes	yes	yes	yes	yes	yes
von Stuelpnagel	absent	absent	absent	absent	absent	absent	absent
<u>DISTRICT II</u>							
Bacon	yes	yes	yes	yes	yes	?	yes
Finn	absent	absent	absent	absent	absent	absent	absent
Howe	yes	yes	yes	yes	yes	no	yes
McIlmurray	yes	no	yes	yes	yes	no	yes
McNally	yes	yes	yes	yes	yes	no	yes
Miller	yes	yes	yes	yes	yes	yes	yes
Sartori	yes	yes	yes	no	yes	no	abstain
Sawitsky	yes	yes	yes	no	yes	no	no
Seelye		DOES NOT VOTE					
Thorne, B.	yes	yes	yes	yes	yes	no	yes
Wheeler	yes	yes	yes	?	yes	no	?
<u>DISTRICT III</u>							
Anderson	no	yes	yes	no	yes	yes	no
Cardone	yes	yes	yes	yes	yes	yes	no
Conniff	yes	yes	yes	yes	yes	no	yes
Coyle	absent	absent	absent	absent	absent	absent	absent
Coyle Downs	absent	absent	absent	absent	absent	absent	absent
Jack Davis	yes	yes	yes	yes	yes	?	yes
Hageny	absent	absent	absent	absent	absent	absent	absent
Hegarty	absent	absent	absent	absent	absent	absent	absent
Hite	yes	yes	yes	yes	yes	no	yes
Jordan	yes	yes	yes	yes	yes	no	yes
Maroney	yes	yes	yes	yes	yes	no	no
Moore	yes	yes	yes	yes	yes	yes	no
Morton	yes	yes	yes	no	yes	no	yes
Washecka	yes	yes	yes	yes	yes	absent	absent
Yarnell	yes	yes	yes	yes	yes	no	yes

<u>DISTRICT IV</u>	<u>(16-1)</u>	<u>(16-2)</u>	<u>(16-3)</u>	<u>(15-22A)</u>	<u>(15-22B)</u>	<u>(15-22C)</u>	<u>(15-22)</u>
Banks	yes	yes	yes	no	abstain	no	no
Cameron	yes	yes	yes	yes	yes	yes	no
Joan Davis	yes	yes	yes	abstain	yes	yes	no
Domittner	yes	yes	yes	yes	yes	no	no
Fiore	yes	yes	yes	yes	yes	no	yes
Haidinger	yes	yes	yes	abstain	yes	yes	no
Hardison	yes	yes	yes	no	abstain	yes	no
P. Hawkins	yes	yes	yes	yes	yes	yes	no
Kemp	yes	yes	yes	yes	yes	no	yes
Miceli	yes	yes	yes	yes	yes	yes	yes
Millar	abstain	yes	yes	abstain	yes	yes	no
Montanaro	yes	yes	yes	yes	yes	no	yes
Morrison	absent	absent	absent	absent	absent	absent	absent
Peters	yes	yes	yes	yes	yes	yes	no
Rayhill	yes	yes	yes	yes	yes	no	no
Savage	yes	yes	yes	yes	yes	no	yes

DISTRICT V

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

DISTRICT VI

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

RTM Public Health & Safety Special Committee Meeting

Wednesday January 20 2016

7:30 pm

at office of Justice McCahey

The Committee met with 8 of 11 members present. We discussed and voted on Resolution 16-1 "Resolution of the RTM of the town of Darien authorizing acceptance to the town of Darien for up to \$65,000 from the Darien Foundation for Technology and Community."

The following aspects of the transfer were discussed:

- The Foundation wishes to donate electronic equipment for the new Police Boat
- The equipment includes a GPS plotter showing radar, sonar and weather.
- night vision sonar or side side sonar
would have greatly assisted in the search & rescue of local drowning victims.

The Committee voted 8-0 to approve the gift and recommend the full RTM do the same.

James M. Patrick, Chairman

**Darien Representative Town Meeting
Finance & Budget Committee
January 25, 2016
Report on Resolution 16- |
Gift from the Darien Foundation of Technology and Community**

The RTM Finance & Budget Committee met on January 14, 2016 with 8 of 13 members present. Also attending the meeting was Police Chief Lovello; Officer Mulcahy; RTM Moderator Sarah Seelye and BOE Chair Michael Harman.

I will make my comments brief as the RTM Public Health and Safety Committee has already reported. On May 15, 2015, the RTM approved Resolution 15-10 for the appropriation and bonding of a new Police boat for the net amount of \$285,000. The police boat appropriation approved was slated to cost the town \$335,500 and the town expected to receive \$50,000 from the sale of the existing boat. Included in that amount was \$35,000 slated for electronics. The Darien Foundation will provide a gift up to \$65,000 to cover all electronics including the \$35,000 in the original resolution 15-10. Thus the boat will cost \$355,236 but we will receive about \$63,705 from Darien Foundation bringing the cost of boat down to \$291,531. Additional funds might be provided by the Police Commission False Alarm fund. If we receive \$50,000 (brings cost of boat to town to \$241,531) or even less, the town ends up paying less than the \$285,500 initially approved. Thus the new financials are:

Cost of Boat and electronics	\$355,236
Less: Darien Foundation gift	\$ 63,705
Total cost to town prior to	\$291,531
Potential contribution from Darien	
Police Commission False Alarm Fund	\$ 6,031
Cost to Town	\$285,500

Another way to view the transaction with acceptance of the Darien Foundation gift, is that the boat with the change of manufactures including trailer, engines will cost \$292,000 or \$9,000 less than the prior estimated cost and the town will also receive almost \$64,000 in electronics - \$29,000 more than the original plan – and still have proceeds from the sale of the boat due the town. The sale of the existing boat will be recorded in the Capital account controlled by the BOF in the fiscal year 2016/17.

The RTM F&B committee voted unanimously in favor of accepting the gift from the Darien Foundation of Technology and Community; recommend the full RTM also accept the gift and wish to thank the Darien Foundation of Technology and Community for their generous gift to the town.

Respectfully submitted

Jack Davis

Finance & Budget Committee Chairman



**Darien Representative Town Meeting
Finance & Budget Committee
January 25, 2016
Report on Resolution 16-2
Gift from the Friends of Gorham Pond**

The RTM Finance & Budget Committee met on January 14, 2016 with 8 of 13 members present. Also attending the meeting was Police Chief Lovello; Officer Mulcahy; RTM Moderator Sarah Seelye and BOE Chair Michael Harman.

As previously mentioned by the RTM Public Works Committee, the Friends of Gorham Pond have offered a gift of \$25,000 for the Gorham Ponds Upper Pond's project which is part of the Goodwives River Sediment Dredging initiative. The Town has provided only \$77,000 of the funding for that project. The balance is from STEAP grants from the State.

The F&B committee voted unanimously in favor of accepting this gift and authorizing its use for the Goodwives River Sediment Dredging account and recommends the full RTM vote in favor. F&B would also like to thank the generosity of the Friends of Gorham Pond for this gift.

Respectfully submitted

Jack Davis



RTM Finance & Budget Committee Chairman

Remarks – Frank Kemp – re: Resolution 16-3

Good evening Town officials, RTM Members, Darien Residents and Guests. My name is Frank Kemp and I am Chairman of the Town Government Structure and Administration Committee - TGS&A.

At this time I would like to move Item 16-3 – Return of text from Appendix B, to the Charter portion of the Code of Ordinances. The text describes the procedures for calling a special meeting of the RTM. The text is not being changed, only its location within the Code of Ordinances is being changed.

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

As a point of interest, you will find the paragraph in question, printed on the second page of the copy of the Resolution 16-3 that is found in our Warning packet. IF you have that material at hand – you might take a moment, now, to glance at that text.

As background, and I am reading from the Executive Summary prepared for the January 11 meeting of the Rules Committee, let me note that:

Until 2012, the procedures for calling a special town meeting were defined in Part I – Chapter XIII of the Town Charter. These procedures were inadvertently moved to Appendix B of the Ordinances, as part of the 2012 charter maintenance effort. These efforts consolidated RTM Procedures in Appendix B and eliminated redundant information found in both the Charter and the Appendix.

The error was identified in 2014, and efforts were initiated in 2015 to remedy this condition, through replacing the text in its prior location. It was generally agreed that this procedure (i.e. the method by which a special town meeting may be called) belonged in the Town Charter section of the ordinances, rather than Appendix B, which describes RTM operations.

Any modification of the Charter (even though a “maintenance change” that does not have any modifications to the actual text) is subject to the general procedures that are defined for any changes to the Charter. These procedures require due notice to the public via a Legal Notice, a Public Hearing, followed by ratification by the RTM no sooner than 60 days after the Public Hearing.

Indeed, due notice to the public was given via a Legal Notice in the paper on September 21, 2015, and a Public Hearing on October 6, 2015. And now, as required by the Charter, 60 days have transpired since the Public Hearing, and the RTM is allowed to take this matter under consideration.

Therefore, in light of the fact that this is a maintenance change, and that the text of the matter is not being changed, the TGS&A committee of 2015 and 2016 recommends that the RTM vote in favor of making this maintenance change this evening.

Thank you. I would be pleased to answer any questions.

Good Evening, I am Dennis Maroney Chair of the RTM Education committee

On 17 October, 2015 the RTM education committee voted 8 in favor, one opposed and zero abstentions to move this forward to the RTM meeting of 26 October 2015. At that meeting the resolution was voted to be postponed, ~~by the amendment 15-22A~~, to this meeting. So we are back again to bring this resolution to the RTM.

During that meeting there were a number of questions raised about the resolution. One was regarding the 19,000 square feet. This is what the BOE currently uses for the offices today. In that space the BOE office space for 31 employees, 3 conference rooms used for meetings, professional development, home instruction as well as paperwork and mandated Planning and Placement Team (PPT) meetings. The building has 24,218 square feet, but some is in the basement which is not used by the BOE except for one closet to house computer network and the mechanical room which serves the entire building. The 19,000 square feet was approved by this body 1 November 2011.

Another point was the budgeting process and the concern that the town budget is more "transparent" than the BOE budget. That 35 Leroy is an administrative building and should be maintained in the Town budget. First, All capital projects are "transparent" and the BOF has the ability to cut whether in the towns budget or the BOE. Second, through the School construction grant fund the State of CT granted us a check in the amount of \$583,296 on 22 September 2015 to help pay for the cost of work to 35 Leroy. So we meet the requirements of a school by the State and any future improvements to the building will allow us to qualify for reimbursement from the State, for that alone it is a good idea to approve this resolution.

The third point was regarding the word control in the resolution. This is where we will propose an amendment to the resolution, changing 2 words from custody and control to maintenance and operation. I would like to move the amendment, may I have a second?

The change of the verbiage from care, custody and control to care, maintenance and operation brings this resolution in line with other State statutes. The attorney of the BOE and Town both agree that this is the proper course of action and have written a document that was shared with all members of the RTM.

On 19 January 2016 the RTM education committee held a meeting with 10 members present. We discussed the above points and felt that if the State will reimburse us as a school, the BOE currently is already in the space and both our Town attorney and BOE attorney believe the BOE already had jurisdiction over the property and that the transfer was approved in 2011 when the RTM approved the transfer and the questions raised at the meeting on 26 October 2015 are answered sufficiently to the committees satisfaction.

There were some questions from the committee regarding the completion of the transfer project. They felt the transfer should be complete before the BOE takes over the building. A majority of the committee felt that BOE already has operation of the building.

The committee voted on 19 January with 10 of 14 members present comprising a quorum. We voted 8 in favor and 2 opposed supporting the amendment and the same for the resolution and we urge the RTM to do the same.

Respectfully submitted,

Dennis Maroney

Chair RTM Education Committee

**Darien Representative Town Meeting
Finance & Budget Committee
January 25, 2016
Report on Resolution 15-22
Transfer of 35 Leroy**

The RTM Finance & Budget Committee met on December 14, 2015 and again on January 14, 2016. On January 14, 2016 8 of 13 members were present. Also attending the December 14th meeting were BOE Chair Michael Harman, BOE Vice Chair Betsy Hagerty-Ross, Town Administrator Kate Buch and RTM Moderator Sarah Seelye. At the January 14th meeting, guests were BOE Chair Michael Harman and RTM Moderator Sarah Seelye.

The following information was discussed:

- Passing of jurisdiction versus accounting for the Shuffle
- Land ownership versus “maintenance, operations and care”
- 35 Leroy as a “school facility” and BOE jurisdiction over school facilities
- The BOE meeting room
- The BOE use of the basement
- BOE already has jurisdiction over 35 Leroy
- The resolution
- The amended resolution proposed by RTM Education
- An additional amendment to the resolution 19000 versus 19003 square feet

Regarding the difference between jurisdiction and the full accounting of the shuffle

F&B addressed the difference between the transfer of jurisdiction and the full accounting for the Shuffle. This resolution addresses solely the transfer of jurisdiction and is separate and distinct from the full accounting for the Shuffle. F&B has initiated a full accounting of the Shuffle and presented a “straw” document to the Rules Committee. No further discussion will be made in this report.

Regarding ownership of land/buildings versus jurisdiction

Ownership of all town properties resides with the town. The BOE did not request the move from Town Hall. There are numerous examples including Baker’s field and Town Hall where school properties have reverted back to town usage.

Regarding 35 Leroy as a “school facility.” 35 Leroy is deemed a “school facility”

- By definition of CT state law
- Superintendent Dr. Brenner’s memorandum noted that students are taught and PPT’s held at 35 Leroy

- 35 Leroy was deemed a “school facility” by the State of CT by virtue of the reimbursement grant for approximately \$583000+

BOE’s have certain authority given by State law. Sole responsibility for operations of school facilities is one such designation. Legislative bodies may vote down capital projects or reduce the aggregate BOE budget, but do not have line item veto. As such, legislative bodies do not have the authority to determine custodial services or other operation implementations.

Regarding the BOE meeting room:

- The Shuffle Committee determined early in the process to keep the BOE whole in their space and adhere to educational spec requirements
- During the Summer of 2011, it was determined that the original room allocated to address the need for the BOE Meeting room did not meet those needs as it held less than 20 people. The Shuffle Committee determined to allocate the “community room” to meet the educational spec and requirements of the BOE.
- The BOE voted in their August 2011 meeting to accept the Shuffle Committee plan for 19,003 square feet within 35 Leroy that included the BOE meeting room. This was a public meeting and the vote and discussion is included in the minutes of that meeting.
- The RTM voted to approve the Resolution 11- on the appropriation of funds that allocated 19,003 sq. ft. to the BOE within 35 Leroy and included the meeting room. That specific information included in the detail provided the RTM.
- The BOE Meeting room has been used during the day by town groups. It has been a polling location for the town and the RTM Education and F&B committees have used the room.

Regarding the BOE use of the basement

- The BOE does currently have several boxes stored in an unused room in the basement
- Conversely, the BOS and Town has 100+ cots; many pet crates and other disaster supplies stored at DHS as that facility is one of our Town’s disaster facilities. The BOE does not assess the BOS/Town a fee for such storage.
- It made no sense to the committee to request the Town remove its disaster supplies to the basement of 35 Leroy at a cost to the taxpayers so the BOE could have space to store those boxes nor did it make sense for the BOE to assess a storage charge to the Town

Regarding BOE already having jurisdiction over 35 Leroy:

- By law, the BOE assumed “maintenance, operations and care” of 35 Leroy in April 2013 upon moving into the new offices. The building committee retained control of the capital expenditures outstanding.
- Shortly after moving in, the BOE, out of their operating expense, trimmed trees at the request of neighbors

- Since April 2013, the BOE has maintained maintenance and care over the grounds and the parking lot. Some shared services between the Town and the BOE continue as part of the ongoing mutual benefit to taxpayers – the sump pump is an example.
- The BOE has made improvements since April 2013 from their operating budget
- Last year, the BOS and BOE agreed based upon the BOE request to take over the remaining capital items. It was agreed that the BOE would manage and oversee the capital appropriation to complete the final fix to the BOE Meeting room heating that was approved by the RTM last May and would do the same for the roof currently listed in the proposed superintendent's budget for 2016/17. Again, the jurisdiction over these last capital items associated with the Shuffle is different from accounting for these expenditures as part of the overall cost of the shuffle and should not preclude the passage of jurisdiction.

The committee voted 7 in favor and one opposed to the original resolution. The one no vote was based upon the previously mentioned items that the BOE already has jurisdiction of 35 Leroy; similar resolutions were not passed by the RTM for school facility building projects; that the legal expense mitigation was not absolute and may be limited and therefore this resolution is unnecessary. Although not voting no, others on the committee hold a similar view.

The committee took a sense of the meeting for the proposed new verbiage. That passed 7 in favor one opposed. The minority opinion for the no vote has been explained. And recommends the full RTM adopts. Guess we already addressed this point.

The committee also voted on proposing an amendment to this resolution to correct the square footage from 19000 to 19003 to ensure all RTM resolutions tie up. The vote was 7 in favor and one abstention. And recommends the full RTM adopts.

Respectfully submitted

Jack Davis

RTM Finance & Budget Chairman

PZ & H Committee Report to the RTM

January 25, 2016

The Planning, Zoning and Housing Committee met on January 4, with 11 of 13 members present, comprising a quorum. First Selectman Stevenson was also present. Our purpose was to discuss the resolution on 35 Leroy that was postponed from the October meeting. The PZ & H Committee had initiated to postponement out of concern for the word "control" in the resolution, and also the vagaries of how the building was to be used and managed. The First Selectman informed us that she was having the wording changed, to eliminate the word "control". She also agreed to prepare a Memorandum of Understanding between the Town and the Board of Education as to the rights and responsibilities of both parties. We therefore did not vote as we did not have a current resolution.

The Committee met again on January 19 with 11 of 15 members present, comprising a quorum. While the new resolution addresses our concerns about control, it did not address future use, nor was the promised Memorandum of Understanding forthcoming. After some discussion, an amendment to the resolution was proposed which changed the last period to a comma, and added the wording "with the understanding that some time in the future the Town may reclaim the space for an alternate use." The motion passed 10-1.

The one in opposition, while not opposed to the wording, wanted to go farther. He proposed an amendment specifying that the First Selectman will provide the RTM with a full accounting of the cost of 35 Leroy and will provide a memorandum of understanding to the RTM, both within the next 60 days, the passage of the resolution contingent on these things happening. This amendment passed with 6 in favor, 1 opposed, and 4 abstentions.

As to the Meeting Room, the June 5, 2012 Planning and Zoning Commission approved Special Permit for 35 Leroy stipulates that "the first floor meeting room (the former children's room of the Darien Library) is being approved as a public meeting space under the scheduling control of the Board of Selectmen or their designee."

Respectfully submitted,

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