

Representative Town Meeting
Town of Darien

Rules Committee Agenda

Monday, January 11, 2016
8:00 PM, Town Hall, Room 119

- Call To Order
- Approve Minutes of November 16, & November 23, 2015
- Announcements
- Presentation from F&B Chair Jack Davis
- Discussion and possible action on postponed Resolution 15-22
“Authorizing the Care, Custody and Control of 35 Leroy to the Board of Education”
- Assign Committees for the following resolutions:
 - 1) Acceptance of a gift of \$65,000 worth of equipment associated with the purchase of a new Police boat from the Darien Foundation for Technology and Community
 - 2) Acceptance of a gift of \$25,000 to assist with the costs associated with the Goodwives River Waterway - Upper Pond Project from the Friends of Gorham’s Pond
 - 3) Maintenance change to Town Charter regarding “special meeting” call
- Create agenda for January 25, 2016 RTM Meeting
- Assign Committees for following new members:
 - District IV Jennifer Montanaro
 - District V David Bayne
 - District VI Carlos Cantavero
Susan Kwun
Nanci Natale
- Other Business
- Adjourn

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TOWN CLERK'S OFFICE
DARIEN CT.

Town of Darien
Representative Town Meeting
Rules Committee
Regular Meeting –11-16-15
Minutes

Present: Sarah Seelye (M), Jim Patrick, Seth Morton, Joanne Hennessy, Lois Schneider, Barbara Thorne, Ted Hawkins, Martha Banks, Dennis Maroney, Pat Bumgardner, Frank Kemp, Gary Swenson

Absent: Liz Bacon

Call to Order: Ms. Seelye called the meeting to order at 8:12PM

Mr. Swenson moved to add Nominations to the Rules Agenda. The motion was seconded and passed unanimously.

Ms. Hennessy moved to nominate Lois Schneider as Vice Chairman of Rules Committee. The motion was seconded and passed unanimously.

Ms. Schneider moved to nominate Seth Morton as Clerk of the Rules Committee. The motion was seconded and passed unanimously.

Approval of Minutes: October 5, 2015: Mr. Maroney moved to approve the Minutes of the October 5, 2015 meeting and the Motion was seconded. Ms. Hennessy proposed the following corrections: Ms. Seelye would check with Town Counsel that "control does not mean Ownership". Also, that PH&S was not assigned to the 35 Leroy Item. The motion with corrections was passed with Mr. Swenson and Mr. Kemp Abstaining.

Assignment of Committees: Each District presented their selections for RTM Committees. Mr. Kemp moved the assignments on the attached Schedule and the Motion was seconded. The motion passed unanimously.

Mr. Maroney recommended that a member from each RTM Committee be on the Rules Committee.

Ms. Seelye introduced discussion of the RTM and Rules Committee Calendars for 2016.

RTM Dates

- January 25
- February 22
- March 21
- April 18
- May 9
- June 6
- September 26

- October 24
- November 14
- November 28
- December 12

Rules Committee Dates

- January 11
- February 8
- March 7
- April 4
- April 25
- May 23
- September 12
- October 3
- November 21

Mr. Maroney moved the dates as noted above and the Motion was seconded. The motion passed unanimously.

Ms. Seelye introduced the following **Agenda for State of The Town Meeting**

1. Call to Order
2. Acceptance of the Agenda
3. Approval of the Minutes of the Annual Meeting
4. Announcements
5. State of the Town Reports
 - a. Chair, Planning and Zoning Commission
 - b. Chair, Board of Education
 - c. Chair, Board of Finance
 - d. First Selectman

Ms. Hennessy moved approval of the Agenda and the Motion was seconded. The motion passed unanimously.

Mr. Morton Moved to adjourn the Meeting

The Meeting Adjourned at 9:45PM

Respectfully Submitted,



Seth Morton

Clerk

Town of Darien
Representative Town Meeting Rules Committee
Special Meeting – 11-23-15
Minutes

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TOWN CLERK'S OFFICE
DARIEN CT.

Present: Sarah Seelye (M), Jim Patrick, Patti Bumgardner , Lois Schneider, Barbara Thorne, Ted Hawkins, Dennis Maroney, Frank Kemp, Gary Swenson, Liz Bacon, Martha Banks

Absent: Joanne Hennessy, Seth Morton

Call to Order: Ms. Seelye called the meeting to order at 7:50 PM

Ms. Seelye opened up the item for the Special Meeting: the request for a change of committee for Mrs. Russell from Public Works to Parks & Rec.

Mr. Patrick explained that there was a misunderstanding from his and Mrs. Russell's conversation about her committee preferences and he asked the Rules committee to change her assignment to Parks & Rec where she has been a long-time member.

The members then discussed the item.

The points in favor of the change:

- Supporting Mr. Patrick's request due to his error
- The district had the same number of people on each committee

Concerns about the change:

- Every year several people are unhappy and we don't change them. In another district, a long-serving member of the Education Committee has been placed on another committee so if we make the change for one, there may be others that will request a change.
- Several years ago, a request to change the assignment during the same rules committee meeting was turned down as the assignment had been voted on.
- Setting a precedent for changing assignments opens up potential future issues.
- The Public Works Committee has a lot of work to do this year, would then have only 9 current members and Mrs. Russell can make a good contribution to that committee with her years of RTM experience.

The question was called by Mr. Swenson. The motion to call the question was passed with only 3 members opposed so the discussion was ended.

The motion to change Mrs. Russell's committee assignment was voted on with 4 in favor (Swenson, Patrick, Kemp, Thorne), 6 opposed (Bumgardner, Maroney, Bacon, Schneider, Banks, Hawkins), and 1 abstention (Seelye). Thus the change was not approved.

With the motion to adjourn the meeting made by Ms. Thorne and agreed to by all, the meeting was adjourned at 8:00PM.

Lois Schneider
Vice Chairman

INTEROFFICE MEMORANDUM

TO: JAYME STEVENSON, SARAH SEELYE
FROM: DAN BRENNER, PH.D.
SUBJECT: 35 LEROY
DATE: OCTOBER 26, 2015
CC: BETSY HAGERTY-ROSS

Knowing there is a RTM meeting on Monday, October 23, 2015 I wanted to share some information regarding 35 Leroy assuming that it will be a topic of conversation.

1. The building as used today, and as was designed to be utilized prior to it being renovated, has met all of our requirements. For that I want to thank you.
2. We currently house 31 employees in the building. They include staff in the business office, food service department, human resources department, technology department, facilities department, curriculum and instruction office, superintendent's office and a receptionist.
3. In addition to office space we also occupy three conference rooms that are continuously utilized for PPT meetings, parent meetings, space for new employees to fill out paperwork, and most importantly for professional development for our staff.
4. We utilize small conference space to house a home instruction program on a daily basis. On any given day we can have one to four students being tutored in that space for up to 3 hours at a time.
5. As you know we also use the Board Room for our Board meetings as well as for large group presentations. Professional development that can't be accommodated in the much smaller conference rooms is also housed in the Board Room.
 - a. It is always our intention to work collaboratively with the Town. In that spirit please know we will accommodate requests by the Town to use the room providing it does not interfere with previously scheduled BOE activities.
6. As we have spoken about in the past we have no defined need for the basement at this time. We do currently run our computer network in one of the closets and we obviously make use of the mechanical room which serves the rest of the building. If the Town wanted the BOE to take Care, Custody and Control of the basement in addition to the rest of the building we would certainly be willing to, but as stated previously we are in no need of the space at this time.
7. We have been in contact with our attorney regarding the practical implications for the discussion around Care, Custody and Control of 35 Leroy. Please find his opinion attached along with the RTM minutes he references in the opinion.

I trust this information will be helpful to you when you meet on Monday evening.



SHIPMAN & GOODWIN LLP
COUNSELORS AT LAW

TO: Mrs. Elizabeth Hagerty-Ross, Chairperson, Darien Board of Education
Dr. Daniel Brenner, Superintendent

FROM: Thomas B. Mooney

RE: Town Action Dedicating 35 Leroy Avenue to Board of Education Use

DATE: October 25, 2015

Recently, you requested advice concerning the status of 35 Leroy Avenue, given that a resolution (copy attached) is pending before the RTM that will transfer “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.” Specifically, you asked whether this vote concerning the property currently occupied by the Board of Education at 35 Leroy Avenue is necessary to confer jurisdiction on the Board of Education over such property.

Such a vote is not to confer jurisdiction over such property on the Board of Education. This vote is a formality that appropriately marks the end of the Town’s direct involvement in the property following renovations that were overseen by the school building committee. However, given that the property is already dedicated to use for school purposes, an affirmative vote on the proposed resolution is not required for the Board’s continued use of that property. The basis for this conclusion follows.

A. The Board of Education Has Control Over Property Used for School Purposes.

The statutes do not prescribe a formula or specific method for dedicating property to use for school purposes. Rather, the applicable statutory provisions simply provide that property used for school purposes is under the jurisdiction of the board of education. Specifically, Conn. Gen. Stat. Section 10-240 provides in relevant part:

Sec. 10-240. Control of schools. Each town shall *through its board of education* maintain the control of all the public schools within its limits . . .

(Emphasis added). Similarly, Conn. Gen. Stat. Section 10-220(a) provides in relevant part:

Sec. 10-220. Duties of boards of education. (a) Each local or regional board of education shall . . . have charge of the schools of its respective school district; *shall have the care, maintenance and operation of buildings, lands, apparatus and other property used for school purposes*

(Emphasis added). Finally, the jurisdiction of school boards over property dedicated to use for school purposes is evident in Conn. Gen. Stat. Section 10-239(a), which provides:

Sec. 10-239. Use of school facilities for other purposes. (a) Any local or regional board of education may provide for the use of any *room, hall, schoolhouse, school grounds or other school facility within its jurisdiction* for nonprofit educational or community purposes whether or not school is in session.

(Emphasis added). From the foregoing, we see that property used for school purposes is by operation of law under the jurisdiction of the board of education.

B. 35 Leroy is Under Board of Education Control.

Given that the statutory test for board of education control of municipal property is factual, it is clear that the designated space at 35 Leroy Avenue is already under Board of Education care, custody and control. On November 1, 2011, the Representative Town Meeting formally voted to approve bonding in the amount of \$6,979,000 “for the renovation of 35 Leroy Avenue . . . including but not limited to, the renovation and adaptive reuse of 19,000 square feet at 35 Leroy Avenue to “as new” standards to primarily house the Darien Board of Education Central Office and other public use.”

Those renovations were undertaken, and given the use for school purposes, the Board of Education sought and received a grant from the State Department of Education for reimbursement of a portion of the related expenses. In making that application, the school district included the entire value of the building at 35 Leroy Avenue in the site acquisition grant application (including the basement), but sought reimbursement for a portion of the renovation expenses only for space that was planned for Board of Education use.¹ Then, when the renovations were substantially complete about two years ago, the Board of Education moved its Central Office to the designated space at 35 Leroy Avenue. The Board of Education has actively used this property for school purposes ever since.

Various difficulties caused delays for the Town in completing the renovations, and only recently have the renovations been deemed sufficiently complete to conclude

¹ In reviewing this matter, school officials have identified a need to clarify whether return of any portion of the site acquisition grant is required. In its application for site acquisition reimbursement, the school district included the value of the entire building. However, from the beginning the plan has been that the Board would occupy 19,000 square feet, which is still the case. Since the Board occupies most of the building, we are not whether the difference between the 19,000 square feet and the entire building makes a difference in the reimbursement the school district should receive. However, given that difference, we recommend that the Board of Education seek clarification from the State Department of Education whether the amount of the grant awarded should be adjusted based on that difference.

the Town's responsibility for these renovations. A motion is pending before the RTM to grant care, custody and control of the designated 19,000 square feet to the Board of Education, which will end the Town's responsibility for maintenance of that property. Significantly, however, the motion itself provides that the subject property is "currently occupied by the Darien Board of Education." Thus, there is no question that this property is currently being used for school purposes. As such, the subject property is already under the jurisdiction of the Board of Education.

The proposed motion appropriately signals the end of the Town's responsibility for the "care, custody and control" of the property. Upon the approval of this motion, the Board of Education will have sole control of the subject property (along with the concomitant responsibility for maintenance of the property), and clarity on this point will be helpful to both the Town and the Board of Education. However, a vote on the proposed motion does not put into question the jurisdiction and control by the Board of Education over this property. Such jurisdiction and control vested with the Board of Education when it moved its Central Offices and began using the subject property for that school purpose upon the substantial completion of the renovations, as authorized by the RTM vote on November 1, 2011.

I hope that this information is helpful to you and the entire Board of Education. Please let me know if we can be of any other assistance in this matter. Thank you.

DARIEN BOARD OF EDUCATION - Option "A"
35 Leroy Ave, Darien, Ct

DESIGN DEVELOPMENT BUDGET SUMMARY

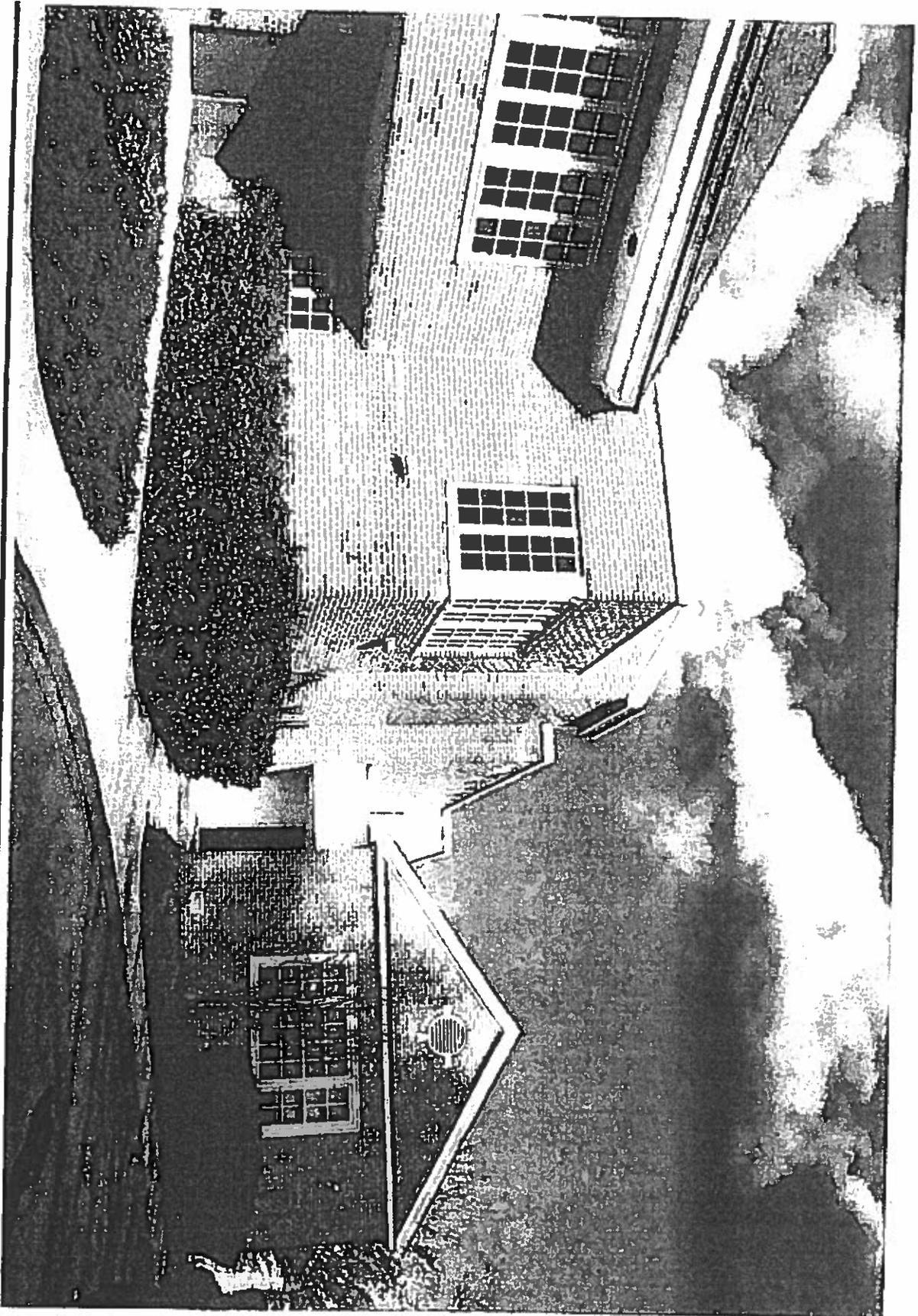
Summary Date: September 15, 2011
Client: Town of Darien
Prepared by: AP Construction
Drawings by: Beinfeld, dated August 31, 2011

Basement / lower level 1,640 GSF (limited to basement storage & lower level 2 bathrooms & corridor)
1st Floor 13,313 GSF (includes Public Meeting Room)
Mezz 4,050 GSF

Total 19,003 GSF

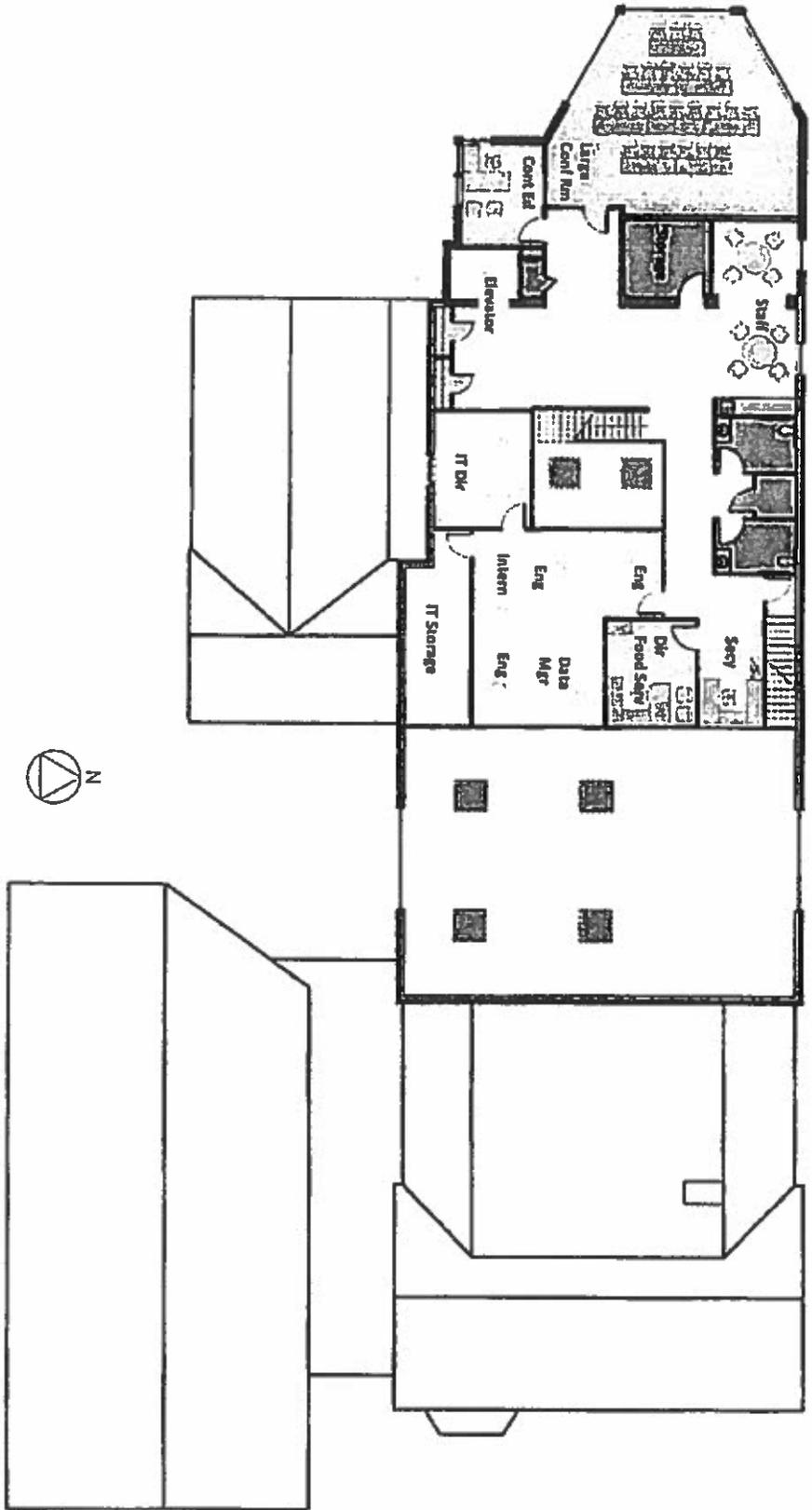
A Capital Improvement B Fit Out A+B

Construction Specification Institute Description	CSI #	9/15/2011 DD Budget	Cost/SF	9/15/2011 DD Budget	Cost/SF	Total	Cost/SF
General Trades	Div 1	\$34,000	\$1 79	\$34,000	\$1 79	\$68,000	\$3 58
Sitework	Div 2A	\$36,480	\$1 92	\$0	\$0 00	\$36,480	\$1 92
Selective Demolition	Div 2B	\$15,000	\$0 79	\$62,250	\$3 28	\$77,250	\$4 07
Hazmat	Div 2C	\$50,000	\$2 63	\$0	\$0 00	\$50,000	\$2 63
Concrete	Div 3	\$3,000	\$0 16	\$3,225	\$0 17	\$6,225	\$0 33
Masonry	Div 4	\$25,000	\$1 32	\$5,000	\$0 26	\$30,000	\$1 58
Structural Steel / Misc Metals	Div 5	\$3,000	\$0 16	\$53,100	\$2 79	\$56,100	\$2 95
Millwork	Div 6	\$0	\$0 00	\$68,600	\$3 61	\$68,600	\$3 61
Thermal & Moisture Protection	Div 7	\$10,000	\$0 53	\$30,000	\$1 05	\$30,000	\$1 58
Doors & Windows	Div 8	\$0	\$0 00	\$113,270	\$5 96	\$113,270	\$5 96
Drywall / ACT	Div 9	\$0	\$0 00	\$241,500	\$12 71	\$241,500	\$12 71
Flooring / Painting	Div 9A	\$0	\$0 00	\$130,161	\$6 85	\$130,161	\$6 85
Specialties / Furnishings	Div 10	\$0	\$0 00	\$9,390	\$0 49	\$9,390	\$0 49
Sub-Total Base Building General Construction		\$176,480	\$9 29	\$740,496	\$38 97	\$916,976	\$48 25
Fire Protection	Div 15	\$109,008	\$5 74	\$0	\$0 00	\$109,008	\$5 74
HVAC	Div 15A	\$275,625	\$14 50	\$118,796	\$6 25	\$394,421	\$20 76
Plumbing	Div 15B	\$0	\$0 00	\$75,500	\$3 97	\$75,500	\$3 97
Electrical / Fire Alarm / Communications	Div 16	\$10,000	\$0 53	\$323,000	\$17 00	\$333,000	\$17 52
Sub-Total Base Building MEPs		\$394,633	\$20 77	\$517,296	\$27 22	\$911,929	\$47 99
Estimated Base Building Construction Trade Cost:		\$571,113	\$30 05	\$1,257,792	\$66 19	\$1,828,905	\$96 24
Design / Estimating Contingency	4.00%	\$22,845	\$1 20	\$50,312	\$2 65	73,156	\$3 85
CM Construction Contingency	3.00%	\$17,819	\$0 94	\$39,243	\$2 07	\$57,062	\$3 00
CM General Conditions (4 months)		\$0	\$0 00	\$168,000	\$8 84	168,000	\$8 84
Building Permit Fee	0.026%	\$659	\$0 03	\$894	\$0 05	1,553	\$0 08
CM Liability Insurance	1.30%	\$8,462	\$0 45	\$20,211	\$1 06	28,673	\$1 51
CM Precon Fee		\$7,500	\$0 39	\$7,500	\$0 39	15,000	\$0 79
CM Construction Fee	3.50%	\$21,731	\$1 14	\$53,776	\$2 83	75,507	\$3 97
Grand Total Estimated Base Building Construction Cost		\$650,128	\$34 21	\$1,597,728	\$84 08	\$2,247,856	\$118 29
Add Alternate for new EDPM and skylights						\$109,386	
Add Alternate for 100kw Emergency Generator						\$130,000	



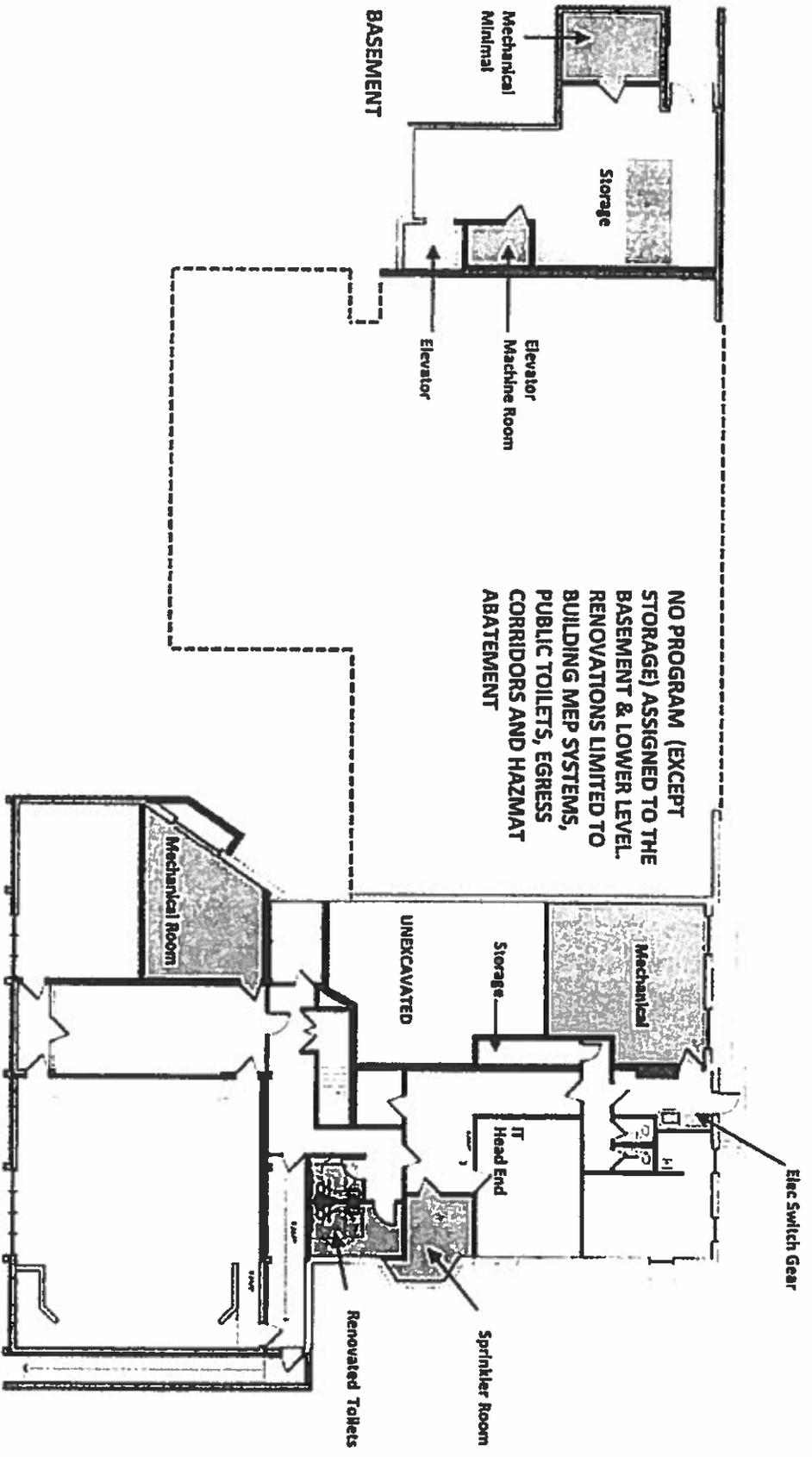
DARIEN BOARD OF EDUCATION OFFICES - VE DESIGN
BEINFELD ARCHITECTURE & QA ARCHITECTS

September 19, 2011



MEZZANINE LEVEL PLAN

DARIEN BOARD OF EDUCATION OFFICES
BEINFELD ARCHITECTURE & QA ARCHITECTS



BASEMENT / LOWER LEVEL PLAN

DARIEN BOARD OF EDUCATION OFFICES – VE DESIGN
BEINFELD ARCHITECTURE & QA ARCHITECTS

**RESOLUTION AUTHORIZING ACCEPTANCE OF A GIFT
TO THE TOWN OF DARIEN FOR UP TO \$65,000 FROM THE DARIEN FOUNDATION FOR
TECHNOLOGY AND COMMUNITY**

WHEREAS, pursuant to Section 2-33 of the Codified Ordinances 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 Foundation for Technology and Community wishes to donate a 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 \$65,000; and

WHEREAS, the Board of Selectmen wishes to accept this gift to enhance the operations of the Police Department;

NOW, THEREFORE BE IT RESOLVED that the Board of Selectmen of the Town of Darien hereby authorizes the acceptance of this gift and directs that this resolution be forwarded to the Representative Town Meeting for its consideration and approval.

Police
Boat

Executive Summary

Date: January 7, 2016
To: Sarah Seelye, Moderator
From: Kate Clarke Buch, Town Administrator
RE: Gift from Darien Foundation for Technology and Community

At the regular meeting of the Board of Selectmen held on December 14, 2015, the Board discussed a proposed gift from the Darien Foundation for Technology and Community for equipment not to exceed a value of \$65,000. This gift is to assist the Town with the costs associated with the purchase and equipping of a new police boat. This gift is in addition to the \$285,000 appropriated by the Town in May, 2015. The estimated total cost of the boat is \$354,980. The sources of funding are as follows: \$285,000 Town Funds appropriated May, 2015, \$65,000 grant funds, balance (\$4,980) to be paid from the Police False Alarm Fund. The Police Department will be selling the current boat after the new one is put into service. The current estimate of sale value is approximately \$50,000. As the plan stands now, those funds would follow the normal process and would be considered revenue to the Town. At this time, I do not anticipate the Police Department requesting those funds be put toward the cost of the new boat. Some further details are provided in the attachments. After discussion, the Board voted unanimously to approve the attached resolution, recommending the acceptance of this gift to the Representative Town Meeting.

RECEIVED

NOV 30 2015

OFFICE OF THE SELECTMEN
DARIEN, CT

25 HECKER AVENUE
DARIEN, CT 06820-5308
203-662 5300



DUANE J. LOVELLO
CHIEF OF POLICE

Department of Police



DARIEN, CONNECTICUT

November 30, 2015

Kathleen Buch, Town Administrator
Town of Darien
Darien Town Hall
2 Renshaw Road
Darien, CT 06820

Dear Mrs. Buch:

The Town FY 2015-2016 capital budget has allocated \$285,500 toward the purchase of a new police patrol boat to replace the current patrol boat, soon to be entering its tenth year of service and showing evidence of issues requiring extensive repairs.

This capital line item also allows that any funds receive from the "as is" sale of the current boat and trailer will also be added to the acquisition of the new boat. While we assumed a conservative stance in the potential value of the current boat and trailer in arriving at a necessary funding level, the actual amount to be received remains unknown. Given that the electronic components of the new boat represent a significant portion of cost associated with the new boat, and to ensure that we remain on target to place the new boat into service in 2016, a grant request was placed before the Darien Foundation for Technology and Community. That grant request, totaling \$61,467.23, would fund all of the electronics for the new boat should funding received from the Town and the sale of the existing boat prove inadequate. A detail of the requested electronic equipment is detailed below.

Raymarine ES128 GPS Chartplotter, External GPS Sensor, Receiver, and Charts	\$ 5,512.90
Raymarine SideVision Sonar and Transom Mount Transducer	\$ 1,256.44
Raymarine Digital Radome Scanner (Radar)	\$ 2,667.01
Sirius XM Weather Receiver	\$ 908.22
(2) Commercial Grade VHF Receivers (Standard Horizon GX5500S)	\$ 2,250.02
MDT GETAC B3000 (Mobile Data Terminal), Modem, Mount	\$ 7,439.66
Raymarine E03021 Rear Deck Camera	\$ 760.84
Raymarine FLIR (Forward Looking Infrared)	\$40,672.14
Total	\$61,467.23

November 30, 2015

Page 2

I am pleased to report that the Police Department has been notified that the Foundation has authorized a grant, not to exceed \$65,000, for the purchase of the aforementioned equipment and related auxiliary equipment. This very generous action by the Foundation ensures that the new boat can be purchased and delivered, fully equipped, provided the Town of Darien accept the grant award offered by the Foundation. Again, the amount of the grant to be used would be dependent on any deficit remaining toward a fully-outfitted purchase price.

I am therefore respectfully requesting that the Town of Darien accept this grant, not to exceed \$65,000, for the specific purpose detailed herein.

Respectfully submitted,



Duane J. Lovello
Chief of Police

DL/jl

**RESOLUTION AUTHORIZING ACCEPTANCE OF A GIFT
TO THE TOWN OF DARIEN OF \$25,000
FROM THE FRIENDS OF GORHAM'S POND, INC.**

WHEREAS, pursuant to Section 2-33 of the Codified Ordinances 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 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 \$25,000; and

WHEREAS, the Board of Selectmen wishes to accept this gift to assist in this project; and

WHEREAS, gifts of money must be appropriated by the Board of Finance and Representative Town Meeting

NOW, THEREFORE BE IT RESOLVED that the Board of Selectmen of the Town of Darien hereby authorizes the acceptance of this gift and directs that this resolution be forwarded to the Board of Finance and the Representative Town Meeting for their respective consideration and approval.

Executive Summary

Date: January 7, 2016
To: Sarah Seelye, Moderator
From: Kate Clarke Buch, Town Administrator
RE: Gift from Friends of Gorham's Pond

At the regular meeting of the Board of Selectmen held on December 14, 2015, the Board discussed a proposed gift from the Friends of Gorham's Pond in the amount of \$25,000. This gift is to assist the Town with the costs associated with the Upper Pond Project. This is an environmental remediation project of a portion of the Goodwives River waterway. The project involves dredging of sediment, reconstruction of the dam, installation of a fish ladder. It will improve the flow of the Goodwives River, which drains approximately one-third of the Town's land. This project is being funded with a combination of Town funds, state grant funds and the participation of the Friends of Gorham's Pond. Acceptance of this gift allows the Town to complete the intended level of work in the Upper Pond project. Some further details are provided in the attachments. After discussion, the Board voted unanimously to approve the attached resolution, recommending the acceptance and appropriation of this gift to the Board of Finance and the Representative Town Meeting.



FRIENDS OF GORHAM'S POND, INC.

The Board of Selectmen
The Board of Finance
The Representative Town Meeting
Town of Darien
2 Renshaw Road
Darien, CT 06820

November 18, 2015

Ladies and Gentlemen:

On behalf of the Friends of Gorham's Pond, it is my pleasure to make a contribution of \$25,000 to the Upper Pond project, now being spearheaded by the Town of Darien.

As you may know, our organization, the Friends of Gorhams Pond, has been working closely with the First Selectman and the Town Administrator to bring to fruition a very long-delayed environmental remediation project at the site of the Upper Pond in Goodwives River (which is located directly east of #36 Goodwives River Road). Because our membership has long been committed to restoring the watershed of Gorham's Pond, which includes approximately 65% of the land area of the Town of Darien, we have elected about two years ago to direct our resources at this point to the Upper Pond dam repair, to include dam restoration and a fish ladder.

While we worked through the process of applications for Small Town Economic Assistance Program (STEAP) and other grants, our private sector contributions have been included in the planning stages, helping to lend credibility to the Town's applications, and to indicate the substantial resource commitment from our private organization, something that all applications for State funding seem to benefit from. These applications were twice successful in obtaining STEAP grants for the Town, with State assistance totaling \$550,000 Thus the contribution to the Project that we make formal today is quite project specific, equating to our partnership participation in the Project. Since the technical interpretation of this participation is as a gift to the Town, we are happy to make that gift to the Town formal, and do so, hereby with this letter.

We continue to look forward to working with the Town on this and related environmental projects in the months and years ahead. We hope that these efforts will be efficient and successful.

Sincerely, John Lundeen,

President, Friends of Gorham's Pond

P.O. Box 3336, Darien, CT 06820

9/14/15
DRAFT: RTM RESOLUTION MOVING
PART-III- SEC. 3 OF APPENDIX B,
TO PART I - CHAPTER XIII – SECTION 53
OF DARIEN CODE (THE CHARTER)

WHEREAS, Appendix B, Part III – Section 3 of the Darien Code of Ordinances (as excerpted below) 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 the Appendix B as part of the 2012 charter revisions, and

WHEREAS, the Representative Town Meeting wishes to move Appendix B, Part III-Section 3 out of Appendix B and back to the Code of Ordinances, Part I – Chapter XIII, Sec.53. This language was previously in Chapter XIII, Sec. 55 (b) and had been moved to Appendix B, Part III-Sec. 3, without making any modifications to text.

BE AND IT IS HEREBY RESOLVED THAT Appendix B, Part III – Sec. 3 of the Darien Code of Ordinances be revised in accordance with the amendment attached hereto and made part hereof.

* * * * *

Current text of Part III-Sec. 3 of Appendix B – Town of Darien

Rules of Procedure of the Representative Town Meeting

To be moved to Part 1 – Chapter XIII – Section 53 (The Town Charter) – without change.

Special town meetings may be convened by the moderator on his own initiative, and shall be convened by him within ten (10) days after he receives a written request from the first selectman, or after he received a petition, signed by no fewer than fifty (50) electors of the town. Such petition shall conform to the requirements for petitions set forth in section 7-9 of the General Statutes of Connecticut [G.S. § 7-9]. In addition, such request or petition shall state clearly the item or items of business to be considered at such special town meeting. In the absence or disability of the moderator, such special town meeting shall be convened by the town clerk within ten (10) days of his receiving such a request or petition or a duplicate copy thereof.

**REVISION TO APPENDIX B, PART III BY MOVING SEC. 3
OUT OF APPENDIX B AND BACK INTO
CODE OF ORDINANCES PART I – CHAPTER XIII -SEC. 53.**

Appendix B, Part III – Sec. 3 is moved to the Code of Ordinances Part I – Chapter XIII -Sec. 53.

*Charter
change*

For the RULES COMMITTEE of the RTM:

Enclosed is the text of a maintenance change to the Town Charter, available for inclusion on the RTM agenda.

EXECUTIVE SUMMARY

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.

These requirements have been fulfilled for this “maintenance change,” and the matter is now available for consideration and approval by the RTM.

Attached you will find:

- a copy of the resolution, moving text now found in Appendix B, to the Town Charter section of the Ordinances
- the Legal Notice of 9/21/15 announcing a Public Hearing concerning this matter
- the Minutes of the Public Hearing of 10/6/15 concerning this matter.

I would be pleased to answer any questions you may have concerning this matter.

Frank B. Kemp

Chairman, Town Government Structure and Administration Committee of the RTM

REPRESENTATIVE TOWN MEETING

DARIEN, CONNECTICUT

TOWN GOVERNMENT, STRUCTURE & ADMINISTRATION COMMITTEE

Legal Notice

Notice is hereby given that the Town Government Structure & Administration (TGS&A) Committee of the Representative Town Meeting will hold a Public Hearing on Tuesday, October 6 at 7:30 pm in Room 213 of the Darien Town Hall to elicit comments from the public with regard to maintenance changes to the Town Charter concerning procedures for calling a special town meeting. The change does not alter the actual procedure for calling a meeting, but only involves the location of the text within the document. For those interested in reviewing the proposed changes, the documents are available in the Town Clerk's Office in Town Hall.

The TGS&A Committee will consider the information gathered at the public hearing in making its recommendations to the full RTM.

Frank B. Kemp, Chairman

September 21, 2015

**MINUTES
TOWN OF DARIEN
REPRESENTATIVE TOWN MEETING
TOWN GOVERNMENT STRUCTURE AND
ADMINISTRATION COMMITTEE
PUBLIC HEARING
7:30 pm, October 6, 2015
ROOM 213, TOWN HALL**

Attendees: Frank Kemp (Chairman). There were no members of the public in attendance.

Mr. Kemp called the hearing to order at 7:30 pm and remained available for public questions until 8:00 pm.

Mr. Kemp noted several items for inclusion in the minutes of the hearing:

- that the maintenance changes to the Charter and Code of Ordinances of 2012 had inadvertently transferred language from Part I – Chapter XIII (the Charter) to the Appendix B of the Code of Ordinance (operations of the RTM)**
- that the RTM wishes to restore this material, having to do with the procedures for calling a special town meeting, back to the Charter section of the Code of Ordinances, without making any modifications to text.**
- that the topic had been discussed at the September 14, 2015 meeting of the RTM's Rules Committee.**
- that an announcement of the public hearing was published in the Darien News-Review on Friday September 25, 2015 (attached).**
- that the draft resolution to be presented to the RTM for making this change (attached) has been reviewed by the Town's legal counsel.**

Mr. Kemp noted this matter could be taken up by the RTM in January 2016, as that would be more than 60 days after the date of this public hearing, thereby fulfilling the requirements of the procedure required to modify the Town Charter.

The hearing was concluded at 8:00 pm.

Respectfully submitted: Frank Kemp, Chairman, TGS&A Committee