

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
MONDAY, AUGUST 22, 2011**

ATENDANCE: 1st Selectman David Campbell; David Bayne;
Jayme Stevenson

STAFF: Karl Kilduff, Administrative Officer

OTHERS: Frank Adelman, RTM District 6; Greg Palmer,
Palmer Supermarkets; Paul Jannidge, Stop & Shop;
Stan Sorkin, CT Food Association; Sunil Sakseena; Sandy Filmer;
Martin Nader, Sierra Club; Louis Birch, CCE; Germaine Hecq;
Neil Hauck, Neil Hauck Architects

CALL TO ORDER

1st Selectman Campbell called the meeting to order at 7:50 p.m.

FIRST SELECTMAN'S REPORT

1st Selectman Campbell said the architect of the Community Center presented the plan to the Seniors last Thursday and it went well. In response to the many questions that he received, 1st Selectman Campbell said that all the paving is complete, with the exception of Goodwives River Road, which will be done Tuesday, August 23. Chestnut Street will be paved later in the month by the Water Company. He said the restroom facilities at Weed Beach will be unaccessible as of August 29, 2011. He said there has been adequate signage put up all around town, and he thanked the Weed Beach Building Committee for getting the word out.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff said he had a meeting with representatives of Yankee Gas to discuss the gas line route. He said they believe they will be able to have the gas line installed before they stop work for the season, which would have the Town operating with natural gas instead of #2 heating oil for the majority of the heating season. He said they are working with SWRPA to address some of the parking maps as they update their GIS system.

PUBLIC COMMENT

Mr. Frank Adelman, of Harriet Lane East, an RTM member from District 6, read the following prepared letter into the record:

I am here this evening at David Campbell's invitation. I attended the public meeting that your Building Committee called last Wednesday to review your Shuffle plan. I was there to learn more about your plans for the Shuffle and have my questions answered.

Questions were asked on many topics, including financial questions from Walter Casey and Vickie Riccardo, and all were addressed by the Shuffle architect, Tom Arcuri, in the course of the meeting. However, after nearly an hour's discussion, when I spoke, you stated that the meeting was for seniors only, interrupted my questions, and insisted I come to tonight's meeting to have my concerns addressed. So at your request and invitation, I am here to ask about the Shuffle plan.

My questions about the Shuffle revolve around the high cost of the project, and I came prepared tonight to review them in detail. Fortunately, that will not be necessary. I approached the architect, Mr. Arcuri, after the meeting, and he was generous with his time and walked me through the process.

Mr. Arcuri first clarified for me that the high cost estimates - over \$7 million dollars as of August, 11, compared to an original budget of \$3.5 million - are only the "hard costs" of construction: materials, labor, site preparation, and so forth. This is the number he is trying to "value engineer" down. After that's completed, we will then go through a similar process for an additional budget for all the "soft costs" which are presently excluded - that's furniture, fixtures, kitchen equipment, and so on, PLUS hazardous materials abatement, PLUS the costs of moving the Board of Ed to 35 Leroy, relocating the BOE shop to the DPW, all the legal and architectural fees and permits, and so forth, PLUS the costs to demolish the existing senior center. Mr. Arcuri did not give me an estimate for these soft costs. But any reasonable assessment of that list would clearly run to the high 6 figures, at least.

So it's important to recognize that the current construction cost estimates - already over \$7 million - are incomplete, because they lack the soft costs that make the buildings actually useful.

I also asked the architect how he decided to design such a large center, over 24,000 square feet, considering the modest usage of the current Senior Center. He indicated that he had designed to meet the maximum needs - for example, a dining hall that can seat 170 for meals, because on certain rare occasions, such as Thanksgiving Dinner, the Senior Center is indeed filled to capacity. He further indicated that he was designing a state-of-the-art, top-of-the-line Center, and he used the words "Taj Mahal" with me to describe it, understanding that it could be cut back later. He was trying to assure me that there are many opportunities to reduce cost from the current design - which is very impressive and beautiful.

The problem, of course, is that the drawings and descriptions that he used to walk the seniors - and the community, through the Center were the Taj Mahal version, not any scaled back plans that reflect the feasibility estimates that were used to promote the

Shuffle. The Center that Tom Arcuri presented to the seniors – and that they, in their minds are moving into – will never exist at all. The double-sided fireplace between the “lounge” and activity room? High-tech dust-suppression equipment for stonecutting and woodworking? All the extensive and expensive equipment for games, for lessons, for exercise? Terraces, patios, and “walls of windows”? I can’t imagine that the Darien taxpayer will have any appetite for those items when the true price tag of the entire Shuffle becomes apparent.

So I pose the questions to you: were the seniors misled last Wednesday, by the presentation for a top-of-the-line Center that can never be built for the original budget? Are you seriously hoping that the total project – hard costs plus soft costs – will really be engineered down by well over 50%? And once you do that, what will be left of the project?

The sad part is that we all agree that Darien needs to do better by its seniors, by providing a better facility for them. The Shuffle project has been sold as a simple and economical re-use of existing municipal buildings – but clearly now this is not the case. The plans on display make the construction of a new senior center – a smaller facility, focused on the real needs of seniors – look like a much more conservative option. But running a weak and secretive process, failing to acknowledge or address public concerns about project aims, size and scope, and ending up with an unworkable and incomplete plan that is nevertheless grossly oversized and overpriced – that’s not doing the seniors any favors. That’s using them for your own political ends. And that’s shameful.

I request that my remarks be appended to the minutes of this meeting.

NEW BUSINESS

a) Discuss Possible Ordinance Banning Plastic Retail Checkout Bags

Mr. Greg Palmer spoke about the efforts made by Palmer Supermarkets, his family business, to educate the residents about the ban on plastic shopping bags. He said for several years now they have offered a 5 cent reusable bag at the checkout. Signs are posted throughout the store, and recycling the plastic bags, at a small cost to the store, has helped reduce the use of paper and plastic bags by 40% from 6 years ago. He cited the potential increase in insurance and health care costs, and paid sick leave, as a cost that the supermarket is responsible for, therefore making the Choose to Reuse ban not unaffordable. He felt that the ban won’t solve the worldwide issue. He felt that the ordinance should protect, maintain, and enhance the general public.

Mr. Paul Jannidge, Stop & Shop District Director for Fairfield County, spoke about the ban currently in place in Westport, CT. He said prior to 2008, three kinds of bags were offered – standard paper, 1/8th paper bag, which was slightly smaller, and plastic. In March 2009, plastic bags were banished and one type of paper was

offered, and it costs about 10 cents, which is 5 cents more than the standard paper bag. Plastic bags cost 2 ½ cents. He said they have seen a 20% lift on pure bag expenses in Westport. The bag expenses went from \$65,000 a year to approximately \$78,000 a year. The additional costs of programs they offer for bags costs them approximately \$49,000. He said it is not true that Stop & Shop makes money on the bags. He said that Stop & Shop is strongly committed to reducing the use of paper and plastic bags, but at the same time want to promote the use of the reusable bags. He said that Stop & Shop wants to partner with Darien in this effort. He said he doesn't feel a ban on plastic bags would be good.

Mr. Stan Sorkin, President of the Connecticut Food Association, read the following from his prepared letter:

The Connecticut Food Association represents the interests of the grocery industry in the state. We understand the leadership role that local grocers play in creating public awareness and adopting programs that promote sustainability and generate environmental benefits while taking into account the economic consequences of such program. **The goal of Connecticut's grocery industry is to substantially reduce the use of both non-reusable plastic and paper bags and increase the use of reusable checkout bags by consumers.** To this end we have created a "Bring your Own Bag CT" campaign which encourages consumers to use reusable bags, offered 5 cent per bag rewards for reusing checkout bags, made plastic bags recycling bin available at store entranceways, and supported statewide legislation that would have imposed a nickel fee on both plastic and paper checkout bags.

EPA has conducted studies that show that both types of non-reusable checkout bags have negative environmental impacts. This is a broader sustainability issue affecting many environmental factors, not a simple "ban plastic bags" solution to a specific issue.

These facts that would give some greater understanding of recyclable plastic bags vs. paper bags and their overall effect on the environment:

1. Connecticut does not have active landfills. Plastic bags are burned as part of the trash to energy programs and thus not a landfill issue.
2. Plastic bags require 40% less energy to produce.
3. It takes 91% less energy to recycle a pound of plastic vs. a pound of paper.
4. 2,000 plastic bags weigh 30 lbs, vs. 2,000 paper bags weigh 280 lbs. Paper bags are far more costly to transport and require more trucks to be on the road to deliver similar quantities.
5. Plastic grocery bags make up a tiny fraction (less than 0.5 percent) of the U.S. Municipal Solid waste stream.

6. Plastic bags generate only 40% of greenhouse gas (GHG) emissions of non-composted paper bags and only 21% of the GHG emissions of composted paper bags.
7. Plastic bags are 100% recyclable and unlike paper do not require more virgin feedstock when recycled. Paper still has to cut down new trees to get recycled materials.
8. There is a high demand for recycled plastic bags. A new industry and jobs have been created to produce sustainable friendly products such as decking, fencing, and park benches which are made from recycled plastic bags. The demand for material to recycle exceeds availability because many consumers are not aware of the collection programs available.
9. 65% of Americans reuse their grocery bags for trash disposal, lunch bags, pet droppings, etc, which means they are not buying more plastic garbage bags.

Consumers are using more reusable bags without legislation. In the past four years, Connecticut supermarkets sold over 4 million reusable bags. If you look at all retailers now, all classes of trade have reusable bags available. Based on results experienced in San Francisco and Westport, banning of plastic bags does not solve the broader sustainability issue but adds to a retailer's cost of doing business. Consumers just substitute higher cost paper for plastic bags when they fail to use reusable bags. Based on experience, a local independent grocer's bag expense will increase by \$25,000-30,000 annually. This increase coupled with the recent Connecticut tax structure changes and the expenses associated with new legislation such as mandatory paid sick leave will have a profound negative effect on the ability of a grocer to operate a store profitably. Driving up the cost structure of a Darien merchant, will make them less competitive with grocery stores located in nearby towns. Do you want to increase a merchant's costs in these tough economic times?

For these reasons, when you look at the big picture, we believe that the proactive educational programs such as the BYOB CT program, which promotes the use of reusable checkout bags and is in place in Darien's supermarkets combined with a mandatory plastic bag recycling program (recycling bins in retail locations) is a better balanced approach to this sustainability issue. Darien's supermarkets would welcome the opportunity to partner with you to formalize these educational outreach programs.

Mr. Sunil Sakseena read from his prepared letter:

I have listened to Mr. Sorkin with great interest, and I would like to thank him for taking the time to put forward the point of view of the supermarket industry vis-à-vis the proposed ban on plastic bags. He basically makes two arguments against the ban:

1. First, he says that plastic bags not only have a miniscule impact on the environment, but in fact banning them would actually affect the environment adversely ... an assertion that I think has been fully refuted in the presentations

Choose to Reuse already has made to this Board and will be further addressed by Sandy Filmer this evening.

2. Second, he says that the financial implications of the bag ban are so severe as to threaten the very viability of the supermarkets in Darien. I wish to focus on the second point – namely the financial consequences. Mr. Sorkin states that the Supermarket business is a low margin business; that CT's lack of population growth, reduced disposable income, rising costs, increasing taxes and burdensome regulations already combine to make a perfect storm that poses an existential threat to the supermarket industry. We would only make matters worse if on top of all this we add costs which a ban on plastic bags would hypothetically impose.

Well, I would like to shed a new perspective on this rather bleak picture. I don't know whether or not CT is closed for business, but our area certainly isn't. In fact, business is flocking here; witness the opening of Whole Foods in Darien in 2010 at the height of the recession, and Fairway in Stamford just a few months ago in the face of a sputtering economic recovery. While it is true that Shaw's closed its store here, this would have been indicative of a bad business climate had not Stop and Shop bought it out expanding its footprint in Darien to 2 stores – which suggest to me that the problem was not with the business environment but with Shaw's management deficiencies.

Why are these supermarkets opening and expanding in this region? Because CT is the wealthiest state in the country. Fairfield County is the richest county in the country, its per capita income more than double the national average, and towns like Darien, New Canaan, Greenwich, Wilton, Westport, Weston, all rank in the top 50 towns in the country in terms of household income (New Canaan is 3rd and Darien is 5th). In short, the demographics here are best in the country and perhaps the world. Such demographics are any retailer's dream.

Let's look now at the profitability of supermarkets. It is true that supermarkets are a low margin business. At the same time they are a high volume business, with inventory turning over more than 10 times a year according to Wall Street analysts (in fact Whole Foods turns over its inventory an incredible 18 times). By comparison, the inventory turnover in other industries is a whole lot less (for example GE turns over inventory only 4.5 times). As a consequence of the volume created by this rapid turnover of inventory, the return on equity for supermarkets is 18%, which is not too shabby (GE's return on equity for example is just 15%).

One must also remember that the supermarket industry is a good deal less risky than other industries, in as much as its customers still need to purchase groceries whether there is a recession or not, whereas they can postpone the purchase of other products, say, of cars. This shows in the growth of sales experienced by stores in our region whose financials are publicly available. Whole Foods stores

experienced top line growth of 12%, and Stop and Shop 5.7% last year. This is the kind of growth retailers would welcome in good years, let alone in a recession.

After reading the July 2011 S&P's research report on the supermarket industry as well as the latest annual reports of Whole Foods, Ahold USA (the parent of Stop & Shop), I am convinced that supermarket profitability is, as is true in any other industry, dependent on nimble management and providing a superior product, a superior customer experience while at the same time controlling costs through the use of superior technology. It is hardly dependent on whether the supermarket uses paper or plastic bags or reusable bags. Whole Foods uses only paper bags, Trader Joe's uses mostly paper bags, Fairway uses both paper and plastic as does Stew Leonard's – and they all seem to be thriving. What all of these local supermarkets have in common is that they created a niche for themselves. Whole Foods and Fairway have cashed in on the fact that wealthier communities (such as ours) want natural, local and organic food and are prepared to pay for it. Trader Joe's niche is just concentrating on a few SKU's and offering them with a certain pizzaz, which customers seem to like – and Stew Leonard's differentiates itself by providing its customers with a unique theme park-type family shopping experience and practices what the industry calls "category management" to the fullest, i.e. offering a merchandise mix that maximizes volume and hence profits. As a consequence, they reportedly have the heist sales per square foot of any supermarket in the world, and anecdotally, sell more coffee than any other single location in the world.

Mr. Sorkin claims that an independent grocer's bag expense will increase by \$25 – 30,000 if a ban on plastic bags was imposed. But, contrary to Mr. Sorkin's assertion, the experience of Westport shows that there is such an acceptance of reusable bags in the community that in fact total bag costs have actually declined. The merchant community there has become an enthusiastic supporter of the ban on plastic bags even though some of them were skeptical before its introduction.

As an aside, I should add here that as a result of the recent financial regulatory reform – the Frank-Dodd bill – merchant debit card fees will decline by an average of 22 cents per swipe. I estimate that this will save a supermarket the size of Stop and Shop in Noroton Heights approximately \$20-25,000 per year. Now here's an example of how regulation actually reduces a merchant's cost – something you hardly ever hear about from industry lobbyists nor do I hear of merchants who are passing on this savings to the consumer.

And finally, it is claimed that driving up the bag costs of a Darien store will make it less competitive and drive the business to neighboring towns. This assertion defies credulity and is certainly not the experience of Westport. The implication here is that in the richest census tract in the country a consumer would willingly spend extra time and money on transportation costs to save a fraction of those

costs in bag expenses. I think not. In fact, the experience of Whole Foods, Stew Leonards and Fairway is just the opposite, that consumers in our area will willingly drive extra miles to get the products they want and the shopping experience they desire.

To sum up, I reach this inescapable conclusion: that a strategic approach to business is a lot more important than any hypothetical increase in bag costs in determining how competitive a merchant is.

Ms. Sandy Filmer read from her prepared letter:

I represent Choose to Reuse, a local group of concerned citizens, to make the case for the disappearance of a SINGLE USE CHECKOUT PLASTIC BAG. And in its place, embrace the use of a much cheaper, more attractive, practical and far more commodious environmental alternative – THE REUSABLE BAG. You know, towns everywhere in Connecticut and all over the US are waking up to the devastating consequences of a system that has gone on far too long.

Each week, Darien alone adds another fifty thousand plastic bags to the disaster. Another 50,000 each week to clog drains, rivers and machinery, litter roads & highways, and pollute Long Island Sound. In the process they kill more marine life as they gravitate to swirling plastic “Texas size” gyres, ten stories deep in the Atlantic Ocean.

There are a number of myths surrounding their use, but hopefully (like cigarette smoking) enough damage has already been done, for these myths to be shown up for what they are. Here are just a few of these myths (with summarized counterpoints):

Myth #1: Connecticut does not have active landfills. Plastic bags are incinerated and thus not a landfill issue.

Connecticut does not have active landfills, but that does not mean that landfills are not an issue.

Myth #2: Plastic bags require less energy and generate lesser quantities of greenhouse gases to manufacture/recycle and transport.

This statement is inaccurate because the energy calculation considers the lifecycle of a plastic bag only until it is disposed.

Myth #3: Plastic bags require 91% less energy to recycle.

This is a moot point because less than 1% of plastic bags are recycled.

Myth #4: Plastic bags make up less than .5% of the U.S. Municipal Solid Waste stream.

This statistic may be true, but it is very misleading. There are 100 billion plastic shopping bags thrown out in the U.S.

Myth #5: Plastic bags are 100% recyclable. There is a high demand for recycled plastic bags.

This statement is untrue. According to a report put out by the American Chemistry Council there is minimal capacity and demand to recycle plastic bags.

Myth #6: 65% of Americans reuse their grocery bags for trash disposal, lunch bags, pet droppings, etc.

We have been unable to verify this statistic and would like to know the source.

Myth #7: Based on results experienced in Westport, a local independent grocer's bag expense will increase by \$25,000-30,000 annually.

Ms. Filmer confirmed that their contacts in Westport are not aware of any data from Westport that could ever be used to make such a statement.

In conclusion, all of the points made by Mr. Sorkin make no mention of the health and environmental impact of plastic shopping bags. This would lead one to believe that there are none. However, based on our previous presentations to the board, and the content of the documentary film "Bag It!", we hope that the board has sufficient evidence that there are serious health and environmental issues related to the use and disposal of plastic bags.

We already know that the supermarket chains will not partner with us in a voluntary effort, but will comply with an ordinance. Based on the examples set by hundreds of communities around the world, we know that the ban of plastic shopping bags effectively rids the environment of this hazardous waste encourages the use of reusable bags. We believe that education campaigns alone do not work and that a law is needed to get people to change their behavior.

Mr. Martin Nader of the Sierra Club, Connecticut Chapter, said that plastic bags are a pollutant for the environment in many ways. Litter degrades the quality of life, and marine life. Pollution has to be reduced at the source. Society has to remediate it eventually. He said that the Sierra Club is fully in support of the ban on plastic bags.

Mr. Louis Birch of the Citizens Campaign for the Environment said the large consumer stores started using plastic bags in 1974 and added paper bags in 1977. He said that in 202, Ireland was the first country to put a consumer paid fee for bags at the checkout. The average family uses 60 bags per month. There is an impact on the infrastructure as well as clogged drains and a danger to animals. There are fines of \$150.00 for retailers in Westport. Enforcement is not an issue. He mentioned the ocean jires, with the biggest ones being located in the Pacific Ocean. Southampton, NY and Easthampton, NY are new to the plastic bag ban, and he asked if Darien will be the 2nd town, after Westport, CT, to adopt the ban.

Ms. Germaine Hecq agrees with the reduce, reuse, and recycle theory. She said it is her choice at the grocery store. She said the points made are valid. She asked if other plastics are going to be banned as well.

1st Selectman Campbell said that there will be another meeting to review the ordinance and continue the discussion.

- b) Discuss and Take Action on Request from Weed Beach Building Committee to Approve the Addition of Alternate Project Elements

Mr. Neil Hauck, of Neil Hauck Architects, presented information as a followup to the presentation he had given to the Board of Selectman at their August 8, 2011 meeting.

1. Masonry Skirt (Bath House/Concession building only): The current design calls for an eight (8") inch thick split-face concrete block masonry skirt, extending from the surface of the deck to a height forty-two inches (42") above the deck. We are proposing to go back to the original design, where the masonry skirt is constructed of a six inch (6") backer block with a four inch (4") field stone face.

Several questions arose at the last BOS meeting. First, I was asked whether the single layer of eight inch (8") concrete block that is shown in the current plans is structurally sound. My answer was that "yes", it is indeed structurally sound. Next, I was asked whether the original design, composed of a six inch (6") backer block with four inch (4") field stone face, is more durable than the single eight inch (8") concrete block. The answer to this question is also "yes". In order to confirm this, I spoke with David Seymour, PE, the Structural Engineer for the project. He agrees that the original design will provide a more durable buttress to surging floodwaters.

2. Siding (both buildings): The current design calls for 1q/2" x 9" red cedar clapboard siding (with five inches exposed to the weather) on both buildings. We are proposing to go back to the original design, and use White Cedar sidewall shingles, which are more durable and easier to maintain.

At the last BOS meeting, it was pointed out that a discrepancy existed between the specs for siding material that I described in my letter to the Weed Beach Building Committee, dated 7/26/11, and the siding specs contained in the pricing letter from the contractor, also dated 7/26/11. I proposed using "Resawn and Rebutted White Cedar Shingles with Bleaching Oil". The contractor (Wernert Construction Management LLC) referred to the siding material as "Cedar Shake Perfections", which are actually made from Red Cedar and are typically used as a roofing material. In order to clarify things, I brought this up to Miek Lampel, the Project Manager for Wernert, at a pre-construction meeting on August 9. Mike indicated that his price was based on the "R&R White Cedar Shingles with Bleaching Oil". He mentioned that it was recommended to use the "Hardie Shingles". After researching the product, he found out that it only carries a 15-year warranty on the painted finish. It is a more expensive product than the

“R&R White Cedar Shingles with Bleaching Oil”, and they have to be painted. He recommended using the White Cedar Shingles.

3. Roofing (both buildings): The current design calls for asphalt roofing shingles. We are proposing the use of a standing seam metal roofing product.

At the BOS meeting on August 8, I was asked specific questions about the type of material, the finish, and the manufacturer of the roofing material that Wernert based their price on. I did not have specific info about the manufacturer and the painted finish warranty at the meeting. I have since clarified that pricing was based on the material used on the roof of the Bath House at Calf Pasture Beach, in Norwalk (which Wernert built). That material is “Everlast II”, as manufactured by Everlast Roofing, Inc. We have spoken with representatives from Everlast, and discovered that this material may not be suitable for use near the Long Island Sound. Specifically, we learned that their limited warranty “shall be void and not apply to products stored or used within 1100 years of a salt water environment”. We then called another manufacturer of painted steel, standing seam roofing products that we have used on past projects located in non-coastal settings (Galvalume) and learned that their warranty is also voided by proximity to salt water. Therefore, I cannot recommend using painted steel, standing seam metal roofing at Weed Beach. They then spoke with representatives from Rheinzink (a coated zinc product), and Revere copper. The Rheinzink rep said she thought the uncoated red copper was the best material to use in a coastal environment. The Revere rep was in agreement, ad Revere offers a 25-year warranty on their red copper material, though they claim it typically lasts 75-100 years. The price is \$176,088 for both buildings. He said he can’t recommend the copper product.

**** MR. CAMPBELL MOVED TO APPROVE THE USE OF WHITE CEDAR SIDEWALL SHINGLES FOR BOTH BUILDINGS.**

**** MR. BAYNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. CAMPBELL MOVED TO APPROVE THE USE OF FIELDSTONE VENEER IN PLACE OF SPLIT FACE CONCRETE BLOCK, PRICE OF \$105,000, FOR BATH HOUSE ONLY.**

**** MR. BAYNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- c) Discuss and Take Action on Approval of Assessment Appeal

**** MR. NIELSEN MOVED THE BOARD OF SELECTMEN RESOLUTION APPROVING SETTLEMNT RE: 599 BOST POST ROAD LLC**

THE DARIEN BOARD OF SELECTMEN HEREBY APPROVES SETTLEMENT OF THE CASE OF 599 BOSTON POST ROAD, LLC V. TOWN OF DARIEN, FST-CV-09-4016240-S TO AMEND THE FAIR MARKET VALUE FOR THE PROPERTY TO \$6,800,000.00 FROM \$10,761,100.00. THE AMENDED FAIR MARKET VALUE OF \$6,800,000.00 WILL APPLY TO THE GRAND LIST OF OCTOBER 1, 2008, THE GRAND LIST OF OCTOBER 1, 2009, THE GRAND LIST OF OCTOBER 1, 2010, THE GRAND LIST OF OCTOBER 1, 2011, AND THE GRAND LIST OF OCTOBER 1, 2012. THE REVISED \$6,800,000.00 FAIR MARKET WILL ALSO APPLY TO GRAND LISTS SUBSEQUENT TO THE GRAND LIST OF OCTOBER 1, 2012 UNTIL SUCH TIME AS THERE IS A TOWN WIDE REVALUATION, OR FURTHER REVISION AS IS OTHERWISE WARRANTED BY LAW.

- ** MR. BAYNE SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

d) Transfers

Legal Counsel

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10105091-82122	Reg Counsel-ZBA	\$ 3,417
10704000-86600	Contingency	\$160,229
10701001-82101	Dental Insurance	\$ 28,000
10701001-82100	Medical Insurance	\$ 19,000
10701001-82106	Social Security	\$ 6,731
	TOTAL	\$217,377

To:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10105091-82007	Town Counsel	\$116,091
10105091-82105	Reg Counsel - P&Z	\$ 76,976
10105091-82120	Reg Counsel - EPC	\$ 8,358
10105091-82124	Reg Counsel - Other	\$ 15,952
	TOTAL	\$217,377

- ** MS. STEVENSON MOVED TO APPROVE THE TRANSFER OF \$217,377 FROM THE REG COUNSEL-ZBA ACCT, CONTINGENCY ACCT, DENTAL INS ACCT, MEDICAL INS ACCT, AND SOCIAL SECURITY ACCT TO THE**

TOWN COUNSEL ACCT, REG COUNSEL-P&Z ACCT, REG COUNSEL-EPC ACCT, AND REG COUNSEL-OTHER ACCT.

**** MR. BAYNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Various Departments

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10104081-81003	Tax - Seasonal	\$ 151
10501011-82054	Soc Serv – Sewer	\$ 504
10602001-81003	Beach – Seasonal	\$ 534
10701001-82109	Unemployment	\$ 2,430
	TOTAL	\$ 3,619

To:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10104081-81002	Tax – Part Time	\$ 151
10502501-81002	Sr Trans Part Time	\$ 504
10603001-81003	Rec Facilities – Part Time	\$ 534
10701001-82109	Accrued Leave Comp	\$ 2,430
	TOTAL	\$ 3,619

**** MR. NIELSEN MOVED TO APPROVE THE TRANSFER OF \$3,619 FROM THE TAX, SEASONAL ACCT, SOC SERV-SEWER ACCT, BEACH-SEASONAL ACCT, AND UNEMPLOYMENT ACCT TO THE TAX-PART TIME ACCT, SR TRANS PART-TIME ACCT, THE REC FACILITIES-PART-TIME ACCT, AND ACCRUED LEAVE COMP ACCT.**

**** MR. BAYNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Public Works Department

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10405154-81001	SW-Full Time	\$ 2,132
10405154-81004	SW-Overtime	\$ 757
10405154-82021	Haz Waste Disp	\$ 953
10405154-83007	SW-Op Supplies	\$ 266

10405154-83012	SW- Public Info	\$ 2,647
10402144-82023	Paving Services	\$ 803
10701001-82101	Dental Insurance	\$25,359
	TOTAL	\$32,917

To:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10405154-82013	Solid Waste Disposal	\$32,917
	TOTAL	\$32,917

**** MS. STEVENSON MOVED TO APPROVE THE TRANSFER OF \$32,917 FROM THE SW-FULL TIME ACCT, SW-OVERTIME ACCT, HAZ WASTE DISP ACCT, SW-OP SUPPLIES ACCT, SW-PUBLIC INFO ACCT, PAVING SERVICES ACCT, AND DENTAL INS ACCT TO THE SOLID WASTE DISPOSAL ACCT.**

**** MR. BAYNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

AGENDA REVIEW

1st Selectman Campbell said the Choose to Reuse representatives will be on an upcoming agenda.

APPOINTMENTS/RE-APPOINTMENTS

Consider and take action on the following **re-appointment**:

a) Peter Van Winkle to the Sewer Commission for a 3-year term beginning on January 1, 2011 and expiring on December 31, 2013.

**** MR. BAYNE MOVED TO APPROVE THE RE-APPOINTMENT OF PETER VAN WINKLE TO THE SEWER COMMISSION FOR A 3-YEAR TERM BEGINNING ON JANUARY 1, 2011 AND EXPIRING ON DECEMBER 31, 2013.**

**** MS. STEVENSON SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Regular Meeting of August 8, 2011

The corrections to the regular meeting of August 8, 2011:

On page 2, under NEW BUSINESS, 2nd paragraph, the last sentence should read: "The lowest bidder came in under budget, therefore making the requested funds available."

On page 2, under NEW BUSINESS, 5th paragraph, the 3rd sentence should read: "The concrete block base with stone veneer will stand up to floods and will wear better."

- ** MS. STEVENSON MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF AUGUST 8, 2011 AS AMENDED.**
- ** MR. BAYNE SECONDED.**
- ** MOTION PASSED WITH THREE (3) VOTES IN FAVOR (BAYNE, CAMPBELL, STEVENSON) AND ONE (1) VOTE ABSTAINED (NIELSEN).**

FORTHCOMING MEETINGS

August 25, 2011	Board of Finance Regular Meeting at 7:30 p.m.
August 30, 2011	Board of Education Meeting at 7:30 p.m.
September 6, 2011	Planning & Zoning Commission Planning Meeting at 8:00 p.m.
September 6, 2011	Board of Selectmen Regular Meetings at 7:45 p.m.

OTHER BUSINESS

(Any items added to the agenda require a two-thirds vote)

ADJOURNMENT

- ** MR. BAYNE MOVED TO ADJOURN.**
- ** MR. NIELSEN SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services

8/22

Good evening David [Campbell]:

I am Frank Adelman of Harriett Lane East, an RTM member from District 6.

I am here this evening at your invitation. I attended the public meeting that your Building Committee called last Wednesday to review your Shuffle plan. I was there to learn more about your plans for the Shuffle and have my questions answered. Questions were asked on many topics, including financial questions from Walter Casey and Vickie Riccardo, and all were addressed by the Shuffle architect, Tom Arcuri, in the course of the meeting. However, after nearly an hour's discussion, when I spoke, you stated that the meeting was for seniors only, interrupted my questions, and insisted I come to tonight's meeting to have my concerns addressed. So at your request and invitation, I am here to ask about the Shuffle plan.

My questions about the Shuffle revolve around the high cost of the project, and I came prepared tonight to review them in detail. Fortunately, that will not be necessary. I approached the architect, Mr. Arcuri, after the meeting, and he was generous with his time and walked me through his process.

Mr. Arcuri first clarified for me that the high cost estimates – over \$7 million dollars as of August 11, as compared to an original budget of \$3.5 million – are only for the “hard costs” of construction: materials, labor, site preparation, and so forth. This is the number he is trying to “value engineer” down. After that's completed, we will then go through a similar process for an additional budget for all the “soft costs” which are presently excluded – that's furniture, fixtures, kitchen equipment, and so on, PLUS hazardous materials abatement, PLUS the costs of moving the Board of Ed to 35 Leroy, relocating the BOE shop to the DPW, all the legal and architectural fees and permits, and so forth, PLUS the costs to demolish the existing senior center. Mr. Arcuri did not give me an estimate for these soft costs. But any reasonable assessment of that list would clearly run to the high 6 figures, at least.

So it's important to recognize that the current construction cost estimates – already over \$7 million – are incomplete, because they lack the soft costs that make the buildings actually useful.

I also asked the architect how he decided to design such a large center, over 24,000 square feet, considering the modest usage of the current Senior Center. He indicated that he had designed to meet the maximum needs – for example, a dining hall that can seat 170 for meals, because on certain rare occasions, such as Thanksgiving Dinner, the Senior Center is indeed filled to capacity. He further indicated that he was designing a state-of-the-art, top-of-the-line Center, and he used the words “Taj Mahal” with me to describe it, understanding that it could be cut back later. He was trying to assure me that there are many opportunities to reduce cost from the current design – which is very impressive and beautiful.

The problem, of course, is that the drawings and descriptions that he used to walk the seniors – and the community – through the Center were the Taj Mahal version, not any scaled back plans that reflect the feasibility estimates that were used to promote the Shuffle. The Center that Tom Arcuri presented to the seniors - and that they, in their minds are moving into – will never exist at all. The double-sided fireplace between the “lounge” and activity room? High-tech dust-suppression equipment for stonecutting and woodworking? All the extensive and expensive equipment for games, for lessons, for

exercise? Terraces, patios, and “walls of windows”? I can’t imagine that the Darien taxpayer will have any appetite for those items when the true price tag of the entire Shuffle becomes apparent.

So I pose the questions to you: were the seniors misled last Wednesday, by the presentation of a top-of-the-line Center that can never be built for the original budget? Are you seriously hoping that the total project - hard costs plus soft costs - will really be engineered down by well over 50%? And once you do that, what will be left of the project?

The sad part is that we all agree that Darien needs to do better by its seniors, by providing a better facility for them. The Shuffle project has been sold as a simple and economical re-use of existing municipal buildings - but clearly now this is not the case. The plans on display make the construction of a new senior center - a smaller facility, focused on the real needs of seniors - look like a much more conservative option. But running a weak and secretive process, failing to acknowledge or address public concerns about project aims, size and scope, and ending up with an unworkable and incomplete plan that is nevertheless grossly oversized and overpriced – that’s not doing the seniors any favors. That’s using them for your own political ends. And that’s shameful.

I request that my remarks be appended to the minutes of this meeting.

Monday, August 22, 2011

To: The Darien Board of Selectmen

Good evening. My name is Sandy Filmer. I have been a resident of this lovely town for 33 years and have been involved in several community organizations spanning much of this time. I am currently a member of Darien's Beautification Commission and a board member of A Better Chance in Darien – better known as ABC. I'm here tonight to speak about something I feel is really important to us all.

I represent Choose to Reuse, a local group of concerned citizens, to make the case for the disappearance of a SINGLE USE CHECKOUT PLASTIC BAG. And in its place, embrace the use of a much cheaper, more attractive, practical and far more commodious environmental alternative – THE REUSABLE BAG. You know, towns everywhere in Connecticut and all over the US are waking up to the devastating consequences of a system that has gone on far too long.

Each week Darien alone adds another Fifty thousand plastic bags to the disaster. Another 50,000 each week to clog drains, rivers and machinery, litter roads & highways, and pollute Long Island Sound. In the process they kill more marine life as they gravitate to swirling plastic "Texas size" gyres, ten stories deep in the Atlantic Ocean.

There are a number of MYTHS surrounding their use, but hopefully (like cigarette smoking) enough damage has already been done, for these myths to be shown up for what they are. Here are just a few of these myths:

- **MYTH #1: Connecticut does not have active landfills. Plastic bags are incinerated and thus not a landfill issue:**

CT does not have active landfills, but that does not mean that landfills are not an issue. When plastic bags are incinerated they release toxic gasses and greenhouse gases. The residue from incineration stations is sent to landfills, and, **regardless** of where those landfills are located, this foul stew of sludge leaches into the water table and poisons our soil. Many plastic bags end up in the Long Island Sound. Here they photo degrade, but last forever. Marine animals often mistake them for food.

- **MYTH #2: Plastic bags require less energy and generate lesser quantities of greenhouse gases to manufacture/recycle and transport:**

Plastic bags may use less energy to produce, but they are made from nonrenewable fossil fuels. In any case, this statement is inaccurate because the energy calculation considers the lifecycle of a plastic bag only till it is disposed. The costs in energy and dollars **after** the bags are disposed, are not being weighed. What about the cost to taxpayers for roadside and other clean up? Or the cost to the environment when these bags make their way into the ocean? What about the human cost where plastic bags are being consumed by marine life and thus becoming part of the food chain? How is the medical cost accounted for when our health, and especially the health of our children, is affected?

- **MYTH #3: Plastic bags require 91% less energy to recycle:**

This is a moot point because less than 1% of plastic bags are recycled.

- **MYTH #4: Plastic bags make up less than .5% of the U.S. Municipal Solid Waste stream:**

This statistic may be true, but it is very misleading. There are 100 billion plastic shopping bags thrown out in the US. Most of these bags end up in the US Municipal Solid Waste stream to make up that .5%. The .5% refers to 100 billion plastic shopping bags! Those that don't end up in the Waste stream end up in the environment; breaking down in our water systems into bits so tiny they now frequently outnumber natural creatures like Plankton.

- **MYTH #5: Plastic bags are 100% recyclable... There is a high demand for recycled plastic bags:**

This statement is untrue. According to a report put out by the American Chemistry Council there is minimal capacity and demand to recycle plastic bags. Because of contamination levels, post-consumer plastic bags are considered 'dirty film', and cannot be economically recycled in the United States. Plastic bags are baled and exported to countries like China, where the demand for this 'dirty' film is declining due to high cost of preprocessing. Information provided by the Mr. Sorkin pertains to post production Industrial plastic film waste, which is considered 'clean', and is down-cycled for use in construction material for decking, fencing and park benches. And FYI, Westport just introduced **single-stream recycling** and now takes all types of plastic. However, it specifically states that it **DOES NOT TAKE PLASTIC BAGS**. The reason is that plastic bags get caught in the recycling equipment.

- **MYTH #6: 65% of Americans reuse their grocery bags for trash disposal, lunch bags, pet droppings etc.:**

We have been unable to verify this statistic and would like to know the source. But even if the statistic is true, the numbers are clear, an average American uses close to 500 shopping bags per person per year. Only a small fraction is used for trash, litter etc. They are all, however, going into the waste stream.

- **MYTH #7: Based on results experienced in Westport...a local independent grocer's bag expense will increase by \$25,000-30,000 annually:**

Sunil Saksena mentioned this in his statement a few minutes ago, and we can confirm that our contacts in Westport are not aware of any data from Westport that could ever be used to make such a statement. Can Mr. Sorkin let us know which store has provided this statistic? With over a 50% reusable bag rate at the Westport Stop & Shop, the store is close to a break-even on its bag costs. Moreover, with oil around \$100 per barrel now, the cost of plastic bags probably has increased dramatically and that changes any analysis.

IN CONCLUSION

All of the points made by Mr. Sorkin make no mention of the health and environmental impact of plastic shopping bags. This would lead one to believe that there are none. However, based on our previous presentations to the board, and the content of the documentary film 'Bag It!' we hope that the board has sufficient evidence that there are serious health and environmental issues related to the use and disposal of plastic bags.

We already know that the supermarket chains will not partner with us in a voluntary effort, but will comply with an ordinance. Based on the examples set by hundreds of communities around the world, we know that the ban of plastic shopping bags effectively rids the environment of this hazardous waste and

encourages the use of reusable bags. We believe that education campaigns alone do not work, and that a law is needed to get people to change their behavior.

Thank you,

Sandy Filmer

Member of Choose To Reuse in Darien Team – 700+ Citizens Strong

Voluntary Leadership: Sandy Filmer, Linda Goodyear, Tory Holdt, Nina Miller, Deepika Saksena, Rhonda Sherwood and Leila Wetmore

www.choosetoreuseindarien.org

Information for this rebuttal was obtained from and can be viewed at:

1. U.S. Municipal Solid Waste Report for 2009 published by the EPA in December 2010:
<http://www.epa.gov/osw/nonhaz/municipal/pubs/msw2009rpt.pdf>
2. 2009 National Postconsumer Recycled Plastic Bag & Film Report – Published in February 2011 by the American Chemistry Council:
http://www.americanchemistry.com/s_plastics/sec_content.asp?CID=1593&DID=11723

Board of Selectmen, Darien

Monday, Aug 22, 2011

Good evening. My name is Sunil Saksena and I live on Hoyt St in Darien.

I have listened to Mr. Sorkin with great interest and I would like to thank him for taking the time to put forward the point of view of the supermarket industry vis-a-vis the proposed ban on plastic bags. He basically makes two arguments against the ban:

1. First, he says that plastic bags not only have a miniscule impact on the environment, but in fact banning them would actually affect the environment adversely... an assertion that I think has been fully refuted in the presentations Choose to Reuse already has made to this Board and will be further addressed by Sandy Filmer this evening..

2. Second, he says that the financial implications of the bag ban are so severe as to threaten the very viability of the supermarkets in Darien!

I wish to focus on this second point--namely the financial consequences.

Mr. Sorkin states that the Supermarket business is a low margin business; that CT's lack of population growth, reduced disposable income, rising costs, increasing taxes and burdensome regulations already combine to make a perfect storm that poses an existential threat to the super market industry. We would only make matters worse if on top of all this we add costs which a ban on plastic bags would hypothetically impose.

Well, I would like to shed a new perspective on this rather bleak picture. I don't know whether or not Ct is closed for business, but our area is certainly isn't. In fact, business is flocking here; witness the opening of Whole Foods in Darien in 2010 at the height of the recession, and Fairway in Stamford just a few months ago in the face of a sputtering economic recovery. While it is true that Shaw's closed its store here, this would have been indicative of a bad business climate had not Stop and Stop bought it out expanding its footprint in Darien to 2 stores --which suggests to me that the problem was not with the business environment but with Shaw's management deficiencies.

Why are these supermarkets opening and expanding in this region?

Because CT is the wealthiest state in the country. Fairfield county is the richest county in the country, its per capita income more than double the national average, and towns like Darien, New Canaan, Greenwich, Wilton, Westport, Weston, all rank in the top 50 towns in the country in terms of household income (New Canaan is 3rd and Darien is 5th). In short, the demographics here are best in the country and perhaps the world. Such demographics are any retailer's dream.

Let's look now at the profitability of supermarkets. It is true that supermarkets are a low margin business. At the same time they are a high volume business, with inventory turning over more than 10 times a year according to Wall Street analysts(in fact Whole Foods turns over its inventory an incredible 18 times). By comparison the inventory turnover in other industries is a whole lot less (for example GE turns over inventory only 4.5 times). As a consequence of the volume created by this rapid turnover of inventory, the return on equity for supermarkets is 18% which is not too shabby (GE's return on equity for example is just 15%).

One must also remember that the supermarket industry is a good deal less risky than other industries, in as much as its customers still need to purchase groceries whether there is a recession or not, whereas they can postpone the purchase of other products, say, of cars. This shows in the growth of sales experienced by stores in our region whose financials are publicly available: Whole Foods stores experienced top line growth of 12 %, and Stop and Shop 5.7% last year. This is the kind of growth retailers in other industries would welcome in good years, let alone in a recession.

After reading the July 2011 S&P's research report on the supermarket industry as well as the latest annual reports of Whole Foods, Ahold USA (the parent of Stop & Shop) I am convinced that supermarket profitability is, as is true in any other industry, dependent on nimble management and providing a superior product, a superior customer experience while at the same time controlling costs through the use of superior technology. It is hardly dependent on whether the super market uses paper or plastic bags or reusable bags. Whole Foods uses only paper bags, Trader Joe's uses mostly paper bags, Fairway uses both paper and plastic as does Stew Leonards -- and they all seem to be thriving. What all of these local supermarkets have in common is that they have created a niche for themselves. Whole Foods and Fairway have cashed in on the fact that wealthier communities (such as ours) want natural, local and organic food and are prepared to pay for it. Trader Joe's niche is just concentrating on a few SKUs and offering them with a certain pizzaz, which customers seem to like- and Stew Leonards differentiates itself by providing its customers with a unique theme park -type family shopping experience and practises what the industry calls "category management" to the fullest, i.e. offering a merchandise mix that maximizes volume and hence profits. As a consequence they reportedly have the highest sales per square foot of any supermarket in the world, and, anecdotally, sell more coffee than any other single location in the world.

Mr. Sorkin claims that an independent grocer's bag expense will increase by \$25 – 30,000 if a ban on plastic bags was imposed. But, contrary to Mr Sorkin's assertion, the experience of Westport shows that there is such an acceptance of reusable bags in the community that in fact total bag costs have actually declined. The merchant community there has become an enthusiastic supporter of the ban on plastic bags even though some of them were skeptical before its introduction.

As an aside, I should add here that as a result of the recent financial regulatory reform--the Frank-Dodd bill--merchant debit card fees will decline by an average of 22 cents per swipe. I estimate that this will save a supermarket the size of Stop and Shop in Noroton Heights approximately \$20-25000 per year. Now here's an example of how regulation actually reduces a merchant's cost--something you hardly ever hear about from industry lobbyists nor do I hear of merchants who are passing on this savings to the consumer.

And finally, it is claimed that driving up the bag costs of a Darien store will make it less competitive and drive the business to neighboring towns. This assertion defies credulity and is certainly not the experience of Westport. The implication here is that in the richest census tract in the country a consumer would willingly spend extra time and money on transportation costs to save a fraction of those costs in bag expenses. I think not. In fact, the experience of Whole Foods, Stew Leonards and Fairway is just the opposite, that consumers in our area will willingly drive extra miles to get the products they want and the shopping experience they desire.

To sum up, I reach this inescapable conclusion: that a strategic approach to business is a lot more important than any hypothetical increase in bag costs in determining how competitive a merchant is.

Thank you.

I would now ask Sandy Filmer to address the environmental issues raised by Mr Sorkin.