

**MINUTES
TOWN OF DARIEN
BOARD OF SELECTMEN
SPECIAL MEETING**

November 21, 2011

A special meeting of the Board of Selectmen was held on Monday, November 21, 2011. In attendance were First Selectman Stevenson, Selectmen Campbell, Lundeen, and Nielsen. Also in attendance were Administrative Officer Karl Kilduff, Town Counsel Wayne Fox and Town Clerk Donna Rajczewski.

First Selectman Stevenson called the meeting to order at 8:00 p.m.

NEW BUSINESS

First Selectman Stevenson noted that she would recognize members of the audience for comment following the action items for the Board of Selectmen.

- a) Discuss and Take Action on Motion to Set the Date for a Referendum Vote Pursuant to Section 58(a) of the Charter

First Selectman Stevenson noted that the date of December 13 was reached in consultation with the Registrars of Voters, Town Clerk and Board of Education after considering the school events schedule. Mr. Lundeen asked if in those discussions if the date would leave adequate time for absentee ballots. First Selectman Stevenson stated that the date allows for the required 19 days of availability.

Mr. Campbell moved, seconded by Mr. Nielsen, that pursuant to Section 58 of the Charter of the Town of Darien, in response to a valid petition, the Darien Board of Selectmen hereby call for a special electors' meeting to take place on December 13, 2011 for voting the approval or disapproval of the action of the Darien Representative Town Meeting. The motion passed on a 4-0 vote.

- b) Discuss and Take Action on Motion Setting the Hours for Voting Pursuant to Section 58(b) of the Charter

Mr. Campbell moved, seconded by Mr. Nielsen, that pursuant to Section 58(b) of the Charter of the Town of Darien, the Darien Board of Selectmen hereby sets the hours of voting for the for the special electors' meeting from 6:00 a.m. until 8:00 p.m. The motion passed on a 4-0 vote.

- c) Discuss and Take Action on Motion Determining Form of Voting Pursuant to Section 58(b) of the Charter

Mr. Lundeen questioned the alternatives to a paper ballot. First Selectman Stevenson noted that a machine vote is the other available option, but a paper ballot is less expensive than a machine vote. Mr. Lundeen questioned if there would be an issue with getting a timely tabulation of the vote. Town Clerk Rajczewski stated that the paper ballot would be easy to count.

Mr. Lundeen moved, seconded by Mr. Campbell, that pursuant to Section 58(b) of the Charter of the Town of Darien, the Darien Board of Selectmen hereby sets the form of voting in the special electors' meeting as a paper ballot vote. The motion passed on a 4-0 vote.

d) Discuss and Take Action on Approval of the Referendum Ballot Question and Explanatory Text

First Selectman Stevenson read the ballot question into the record. "Shall the following action of a Representative Town Meeting held on November 1, 2011 be approved: Resolution approving an appropriation of \$6,979,000 for the renovation of 35 Leroy Avenue and the renovation of a portion of and the construction of an addition to the Town Hall Annex located at 2 Renshaw Road and authorizing the issue of \$6,979,000 bonds and notes of the Town to meet said appropriation?"

First Selectman Stevenson added that the question was developed with the Town Attorney to make it simple with a "yes" vote being in favor of the expenditure and a "no" vote being against. Mr. Lundeen asked about an explanation for votes to understand the question. Attorney Fox spoke about an explanatory text which would be made available at each polling station and with the absentee ballots and what State Statute allows for. Mr. Lundeen asked if State Statute allowed for the explanatory text to be on the ballot. Attorney Fox noted that this was not feasible. Mr. Lundeen asked if the ballot question could make a specific reference to "the shuffle." Attorney Fox noted that the Charter requires the question language to be substantially the same as in the records of the Town

Mr. Nielsen moved, seconded by Mr. Campbell, that the Darien Board of Selectmen hereby approves of the attached ballot question and explanatory text for the special electors' meeting. The motion passed on a 4-0 vote.

First Selectman Stevenson read into the record a statement from Selectman Bayne which read as follows:

"I would like to apologize to my fellow Board members and to the Darien public for being unable to attend tonight's meeting. Unfortunately, work commitments prevent me from participating in this important discussion.

Whether each of us is personally "for" or "against" the Shuffle, I think that the focus of the Board of Selectmen in this discussion needs to be to ensure that every Darien resident, who is eligible to vote in the referendum, has an opportunity to do so and that the procedure for voting be straightforward, easily understood and fair to all voters.

I agree that Referendum should be held promptly, and that the week of December 12 is satisfactory. I suggest that Tuesday, December 13 should be the first preference for "Referendum Day," if possible, to avoid voter confusion. I also have no objection to the use of paper ballots or the proposed form of the ballot question.

With respect to polling hours, I believe that the use of normal polling hours between 6 am to 8 pm is appropriate for this referendum. In the last election, there were 1,795 ballots cast by noon, and to ask a similar number of people to either vote later in the day or by absentee ballot would place an unnecessary burden on many voters who do not return to Darien from work before 8 pm on weeknights. Moreover, the outpouring of emails from citizens which we received yesterday and today on this topic shows that many Darien voters believe that it is important that everyone have the opportunity to cast their ballot on Referendum Day itself. I agree.

A full day of voting creates an even playing field for all voters who wish to have their voices heard on the Shuffle. It also ensures that whatever the results of the referendum, the voters' decision on the Shuffle will be final and fair -- after which the Town can move forward and look towards its future."

First Selectman Stevenson wished to advise the Board and the public of the Board of Education's considerations with the pending referendum. It was noted that school would be in session so additional security was sought from the Town to keeping the parking lots safe and to keep education spaces secure from the general public while voting was taking place. Additionally, the vote would impact school programs as well as outside programs, namely gym space used by the YMCA.

First Selectman Stevenson asked if anyone in the audience wished to address the Board of Selectmen. No one came forward.

ADJOURNMENT

Selectman Campbell moved, seconded by Selectman Lundeen, to adjourn the meeting, which passed in a unanimous vote. The meeting was adjourned at 8:17 p.m.

Respectfully submitted

Karl F. Kilduff
Administrative Officer