

**TOWN OF DARIEN  
BOARD OF SELECTMEN  
REGULAR MEETING  
MONDAY, MAY 4, 2009**

ATTENDANCE: Evonne Klein, First Selectwoman; David Bayne; Seth Morton;  
Callie Sullivan; Linda Santarella

STAFF: Karl Kilduff, Administrative Officer

OTHERS: Kate Buch, Director of Finance  
Cheryl Russell, Darien resident

7:30 PM – Executive Session: Land Negotiation

**CALL TO ORDER**

Mrs. Klein called the meeting to order at 8:02 p.m.

**PUBLIC COMMENT**

There were no public comments.

**PRESENTATION On Other Employment Benefits Accounting by Kate Buch**

Ms. Buch provided a handout on GASB 45 – Other Post Employment Benefits (OPEB) for review and discussion. She said that this includes everything made to retirees except the pension that the Town provides to retirees. For the Town of Darien this means medical and dental coverage. There is a change in the Town's Accounting procedures. She said that the old method reported expenses as they were incurred. Only actual expenses were reported. Future obligations now will be reported.

The Town incurs the tax liability and not the employee. She explained that right now employees are earning future retirement benefits. Proper accounting requires that we match the expense with the period in which it is incurred. The true impact of future obligations to employees needs to be reported. The OPEB liability and funding progress reporting begins this fiscal year (FY 2009) Ms. Buch said.

She said that the Town allows non-police employees to remain in the group medical plan, with a small actual subsidy and potentially larger implicit subsidy. The Board of Education provides some OPEB benefits which vary based on Union contracts and state law. She talked about "Implicit Subsidy" that GASB assumes and that the true premium cost for a retiree is higher than that for an active employee. Active and retirees pay the same premium. She said that the Town is required to report the liability for the implicit subsidy.

Ms. Buch noted that Town employees retire later. She said that very few retire early. They then automatically qualify for Medicare so it is not a big deal. She said the annual contribution will be about \$500,000.

The Town is now required to report the OPEB liability and funding progress including implicit liability. She said that if we don't fund it, it will not look good for the Town. It could affect Darien's credit rating. Ms. Buch said that the Board of Finance voted to establish Trusts.

She pointed out that the Police Retiree Medical Plan has been funded on an actuarial basis since its inception and that is good. She added that the OPEB benefits for the Town's non-police employees results in a small liability due to the implicit subsidy. Even though it was not actuarially funded to date, the overall picture will not be bad.

Ms. Santarella asked if Counsel reviewed it.

Ms. Buch said no. She added that they could not add much value.

She said the Police Commissioner is aware.

Ms. Santarella asked if the Unions have a role.

Ms. Buch said no. Assets belong to the Town.

She said that State law requires that teachers be allowed to stay in the group plan after retirement. This results in an implicit subsidy for teachers that the Town must report, which is substantial. Teachers retire at an earlier age.

She said that so far an actuarial valuation was done to determine the liability and recommended contributions for the non-Police plans.

The Board of Finance voted to fund the Actuarial Recommended Contribution (ARC) for FY 09 and to pre-fund the FY 10 ARC. This resolution has been passed to the RTM for action.

She said that the Board of Finance voted to establish Trusts to hold the assets of the Police and non-Police OPEB funds.

She said the Board of Finance passed a resolution recommending to the RTM amendments to the Town code to establish Trusts. She said there are advantages by accounting for OPEB assets in a trust.

Mr. Morton asked if a Trust can hold real property. Ms. Buch said yes. She said that someone could gift real property to the Trust.

Mr. Morton asked if there are managing expenses. Ms. Buch said no. If there was an outside investment manager, then yes. She said they would require \$1,000,000.

Mr. Bayne said that the Trustees are fully indemnified by the Town.

### **NEW BUSINESS**

#### **a) Discuss and Take Action on Resolution Recommending the Creation of Trusts to Fund Other Post Employment Benefits**

Mrs. Klein read the resolution as follows:

**WHEREAS**, in keeping with current governmental accounting standards, the Town of Darien and its Board of Education are required to report their liability for Other Post Employment Benefits as well as the funding level of the liability; and

**WHEREAS**, during the course of its deliberations, the Board of Finance believes it prudent for the Town to fund this liability as good fiscal policy in addition to benefiting the Town's current bond rating; and

**WHEREAS**, the creation of trusts for Other Post Employment Benefits provide a number of benefits to the Town in the actuarial assumptions used to account for the accrued liability; and

**WHEREAS**, such trusts also provide an opportunity to maximize the investment possibilities for these funds; and

**WHEREAS**, the creation of such trusts requires an ordinance to implement the policy recommendation of the Board of Finance; and

**WHEREAS**, the Board of Selectmen concur with the findings of the Board of Finance.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Selectmen recommends to the Representative Town Meeting of the Town of Darien that the attached amendment to the Darien Code of Ordinances be adopted, allowing for the establishment of a Retiree Health Care Trust for Police Department Employees and a Retiree Health Care Trust for Town Employees.

**\*\* MR. BAYNE MOVED TO APPROVE THE ABOVE: WHEREAS ...**  
**\*\* MRS. SULLIVAN SECONDED.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

**b) Discuss and Take Action on Possible Ordinance Amending Chapter 78 –  
Waterways of the Code of ordinances**

Eleanor C. Mariani, State Boating Law Administrator of the Connecticut Department of Environmental Protection sent a letter to John McDonald, Chairman, of the Advisory Commission on Coastal Waters. He then forwarded it to town counsel, John Wayne Fox on April 3, 2009.

She acknowledged receipt of the letter addressing proposed revisions to the Town of Darien's Boating and Harbor Ordinances and offered comments.

- She said that §5-4 (new) the "Slow No Wake" incorporates a 6 m.p.h. limit, and is used to define speed zones throughout the State.
- §5-7 the Department recommends adding the phrase "within the territorial limits of Darien" to the end of the first sentence.
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Mrs. Sullivan asked about §5-8 Penalties and if Five Mile River is regulated by the Commission. Mr. Bayne said by a separate State body.

Mr. Bayne asked if town counsel had reviewed. Mr. Kilduff said no.

This should go to the RTM before First Selectmen vote. It will then become part of Darien's Code of Ordinances.

There was no vote.

First Selectmen will vote on this at the next meeting.

**c) Transfers**

This transfer was for the extensive clerical support to meet the statutory deadline of March 31, 2009 of the duties of the Darien Board of Assessment Appeals who listened to over 500 appeals against the 10-1-2008 revaluation Grand List.

**From:**

**To:**

| <b>Acct. No</b> | <b>Account</b>      | <b>Amount</b>     |  | <b>Acct. No.</b> | <b>Account</b>   | <b>Amount</b>     |
|-----------------|---------------------|-------------------|--|------------------|------------------|-------------------|
| 10104071-82002  | Conferences & Mtgs, | \$2,902.00        |  | 10104075-81004   | Bd of Appeals OT | \$2,902.00        |
|                 |                     |                   |  |                  |                  |                   |
|                 |                     |                   |  |                  |                  |                   |
|                 | <b>TOTAL</b>        | <b>\$2,902.00</b> |  |                  | <b>TOTAL</b>     | <b>\$2,902.00</b> |

**\*\* MOTION WAS MADE BY MRS. SANTARELLA TO APPROVE THE ABOVE TRANSFER.**

**\*\* MR. MORTON SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**\*\* FIRST SELECTWOMEN KLEIN MOVED TO ADD AN AGENDA ITEM TO DISCUSS THE WETLANDS MITIGATION SITE AT DARIEN HIGH SCHOOL**

**\*\* MR. MORTON SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

Discussion followed on the Flood Mitigation project at Baker Field. The property is located on Noroton Avenue next to the High School. The DEP likes the site and approved it along with the Army Corps of Engineers. The Stoneybrook Water Shed is being considered. The Board of Education approves of this site.

The Site in the Application is the better site, Mrs. Klein believes. Tree Commission is in contact with the DEP. There could be a 45-90 days delay if the Application is not acted on. This issue will gain momentum said Mrs. Klein, and that it is taking too long. Mrs. Klein said that we should use our own land. She mentioned that the Application was submitted to the DEP on March 9, 2009 and there is a Plan B.

Mr. Bayne concerned about questions coming up now. He believes the flooding mitigation project should move forward.

Mrs. Klein said that no one wants to remove trees at the high school. There will be noise and privacy issues as a result. If people oppose, then they should come and address their concerns, she said.

Mrs. Sullivan asked if the other properties under consideration have trees. Mrs. Klein said yes.

Mr. Morton said that the Baker Field project is in a main business area in Darien. It is important how it functions.

Cheryl Russell said a letter was sent by the Tree Commission to the DEP. Mrs. Russell said the Tree Commission is necessary, but there is no ordinance yet. Mrs. Russell pointed out that the Tree Commission is an advisory committee that must come to the First Selectmen first. Mrs. Russell said that flood mitigation creates space for water to be held by cutting down trees. Swamp maples do absorb water. Tree cutting eliminates shade, privacy and can create environmental issues.

The DEP Forestry Division has not communicated with Town of Darien. Mrs. Klein will follow up with the State DEP on Tuesday, May 5.

### **FIRST SELECTWOMAN'S REPORT**

Mrs. Klein talked about the Swine Flu H1-N1. Many conference calls took place last week she reported. There are 13 cases in Connecticut. She said the testing is done at the CDC in Atlanta, GA. The Health Department is working with the school systems.

There is a Connecticut Public Transportation Committee meeting at Norwalk City Hall on May 19 at 7:30 p.m.

Pear Tree Point Beach is having a clean up day on Saturday, May 16 between 9:00 a.m. and 11:30 a.m. There has been much trash accumulation, she reported.

A Financial Review and Strategy Meeting for 2010-2011 budget is being worked on.

FAA met last week in New Canaan to address noise and safety issues.

Darien is on the Circuit Court Docket in Washington, DC on May 11.

On May 18 is a 'neighbors concerns' meeting regarding the September Road Race, Opus and other matters.

Mrs. Klein said that Jim Flynn of Parks and Recreations has done a great job. Many compliments have been received about him the fine work he is doing. The Parks & Recreation department has taken on many additional responsibilities.

### **ADMINISTRATIVE OFFICER'S REPORT**

Mr. Kilduff said that a memo was directed to the three Fire Departments seeking financial reporting to facilitate a final discussion on changing their flat grant to directed funding through specific line items. He will follow up.

Darien has the potential to receive \$83,000 in stimulus dollars for energy efficiency/reduction projects. The Town will have to apply. The application for funding will not be anticipated until August of this year. The Office of Policy and Management will develop the grant application form. An award will then follow. The Town has two years to complete the project. He has reached out to CL&P. One consideration is LED re-lamping at the Darien train station. Pump stations is another area for consideration.

Farmers Market opens on May 13 at the Mechanic Street lot.

Town website was launched today. It got very favorable reviews. He said that Jim Flynn in IT did a great job in helping with the launch.

This is the last year for the STEEP Grant. It is closed out.

Since the Senior Center Director announced retirement, a job description is being worked on and Mr. Kilduff is also assessing the Town's needs. Mrs. Klein said the First Selectmen do not need to approve the new hire.

Mr. Kilduff sent a memo to Jeremy Ginsberg, the Planning & Zoning Director, asking for the date when the Brook Street matter will appear on the Planning and Zoning agenda. This project is located in the State right-of-way and the Connecticut Department of Transportation needs to review and approve. Mr. Kilduff will then advise the First Selectmen.

### **AGENDA REVIEW**

Mrs. Klein said that more people are needed for the EMS Committee.

Mr. Kilduff is working of the senior center director position.

She reported that all projects are current.  
In June, they will close the loop on affordable housing.

Mrs. Sullivan asked about the "Option to Lease".  
Mrs. Klein said that the town counsel is working on it.

Executive Session matters are up-to-date, she reported.

## APPOINTMENTS AND REAPPOINTMENTS

### 1. Consider and take action on the following appointments:

Sewer Commission – Anne Shaw (D) for the term beginning on 1/1/09 and expiring on 12/31/11.

Commission on Aging – Joseph Pankowski, Jr. (D) and Robin Woods (D) for terms beginning on 4/1/09 and expiring on 3/31/12.

Parks and Recreation Commission – Merrie Hawley (D) for the term beginning on 4/1/09 and expiring on 3/31/12.

Architectural Review Board – Judith Groppa (D) and Tim McDonald (D) for terms beginning on 7/1/09 and expiring on 6/30/13.

Zoning Board of Appeals – Charles Deluca (D) for the term beginning on 7/1/09 and expiring on 6/30/12.

Beautification Commission – Marcia Meinert (D) for the term beginning on 12/1/08 and expiring on 11/31/11.

Town Pension Board – Kathryn Hammell (D) for the term beginning on 7/1/09 and expiring on 6/30/12.

- \*\* **MRS. SANTARELLA MOVED TO APPROVE THE ABOVE APPOINTMENTS.**
- \*\* **MR. BAYNE SECONDED.**
- \*\* **MOTION PASSED UNANIMOUSLY.**

## APPROVAL OF MINUTES OF PREVIOUS MEETING

The following corrections were made to the Minutes of the Regular Meeting of April 20, 2009 as follows:

Page 1 -Penny Glassmeyer, citizen; Wayne Fox, Darien Town Counsel; Ed Schmidt, Darien Town Counsel; David Knauf, Director of Board of Health

Page 1 – second from last paragraph change Darien to Tree Commission will develop...

Page 1 – next sentence Mr. Bayne asked ... Ordinance for review.

Page 3, (d), 3<sup>rd</sup> sentence – Add -Mr. Morton suggested a mechanism be put in the regulation that encourages food establishments with a ‘fair’ rating to change to a ‘good’ rating.

Page 3, (e), As of January 1, 2009 all children to be tested for lead. Properties inspected and evaluated for lead need to hire an outside business to perform the tests.

Page 4, The transfer request was not approved for \$21,050.00 for electricity.

Page 6, 1<sup>st</sup> sentence add .... to attend the RTM Committee Meeting.

Page 6 1<sup>st</sup> Selectwoman’s Report – Add – Any stimulus money for DEP project gets expedited review. No Application in DEP funded by Stimulus dollars jumps to the head of the line.

Page 6, the word SWERPA change to SWRPA.

Page 7, ‘Other Business’ Section, move to Page 6 before 1<sup>st</sup> sentence.

Page 8, Delete the first four lines under Resolution from Mr. Kilduff... to ‘pay as you go’.

**\*\* MRS. SULLIVAN MOVED TO APPROVE THE ABOVE CORRECTIONS TO THE APRIL 20, 2009 MINUTES.**

**\*\* MR. BAYNE SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

### **FORTHCOMING MEETINGS**

|              |  |
|--------------|--|
| May 5, 2009  | Planning & Zoning Planning Meeting at 8:00 p.m.  |
| May 11, 2009 | RTM Budget Meeting at 8:00 p.m.                  |
| May 12, 2009 | Board of Education Regular Meeting at 7:30 p.m.  |
| May 12, 2009 | Planning and Zoning General Meeting at 8:00 p.m. |
| May 18, 2009 | Board of Selectmen Regular Meeting at 8:00 p.m.  |
| May 19, 2009 | Board of Finance Regular Meeting at 7:30 p.m.    |
| May 20, 2009 | Parks & Recreation Regular Meeting at 7:30 p.m.  |

### **OTHER BUSINESS**

There was no other business.

**ADJOURNMENT**

- \*\* FIRST SELECTWOMAN KLEIN MADE A MOTION TO ADJOURN THE MEETING.**
- \*\* MR. MORTON SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

There was no further business and the meeting was adjourned at 9:47 p.m.

Respectfully submitted,

Anne Hohlweck  
Telesco Secretarial Services