

**MINUTES  
REPRESENTATIVE TOWN MEETING  
FEBRUARY 23, 2015**

**RECEIVED  
MAR - 2 2015  
TOWN CLERK'S OFFICE  
DARIEN CT.**

**CALL TO ORDER**

The Regular Meeting of the Representative Town Meeting was called to order at 8:05 p.m. by Donna Rajczewski, Town Clerk.

The following members were present:

From District I, there were 10 members present, 3 absent.  
From District II, there were 9 members present, 7 absent.  
From District III, there were 10 members present, 5 absent.  
From District IV, there were 12 members present, 3 absent.  
From District V, there were 13 members present, 4 absent.  
From District VI, there were 11 members present, 3 absent.

The absentees from District I were: Buchesky, Dupont, Hayes.

The absentees from District II were: Bacon, Finn, Hoffman, Howe, Marston,  
Matton, Mundt.

The absentees from District III were: Camuti, Conniff, Coyle, Coyle Downs,  
Davis.

The absentees from District IV were: Davis, Fiore, Hardison.

The absentees from District V were: Bates, Fead, Hayes, LeHan.

The absentees from District VI were: Luz, Plehaty, Whitehead.

The Moderator, Sarah Seelye, assumed the Chair.

**ACCEPTANCE OF THE AGENDA**

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

**APPROVAL OF THE MINUTES OF THE DECEMBER 8, 2014 STATE OF THE TOWN  
MEETING**

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

**ANNOUNCEMENTS**

The Moderator said that Mr. Ginsberg was at the Board of Selectmen meeting, and he would address the RTM when he arrived at this meeting.

Mrs. Rajczewski said anyone who wants a hard copy of the budget book should let her know by April 1st.

The Moderator welcomed Patrick Keane, a new member of District I and said that this District needs four more members. Anyone who has a name to put forward should contact Diane Conologue at 655-3855. District VI has three vacancies and District IV has one vacancy.

Jim Cameron, District IV, said that all of the town meetings are now available ON DEMAND on the web on Channel 79.

**15-1**

**CONSIDERATION AND ACTION ON AMENDING POLICE DEPARTMENT NON-EMERGENCY INTERAGENCY AGREEMENT**

**\*\* JAMES PATRICK, DISTRICT V, CHAIRMEN OF PUBLIC HEALTH & SAFETY, MOVED:**

**WHEREAS**, Connecticut General Statutes §7-148cc allows for the creation of agreements that empower the joint delivery of a municipal service by two or more municipalities so long as such an agreement is approved by the municipalities in the same process as an ordinance is approved; and

**WHEREAS**, the Darien Board of Selectmen wishes to participate in a Non-Emergency Interagency Agreement which requires the approval of a Mutual Police Assistance Compact; and

**WHEREAS**, the Darien Board of Selectmen at its meeting of December 15, 2014 approved the Mutual Police Assistance Compact.

**NOW THEREFORE, BE IT RESOLVED** that the Representative Town Meeting of the Town of Darien hereby approves the Non-emergency Interagency Agreement between the Police Departments of Darien, Stamford, Norwalk, New Canaan, Westport, Weston and Wilton attached hereto and made part hereof. It further authorizes the First Selectman to execute said agreement.

## NON-EMERGENCY INTERAGENCY AGREEMENT

Darien, New Canaan, Norwalk, Weston, Westport, Wilton

WHEREAS, Connecticut General Statute §7-148cc authorizes two or more municipalities to jointly perform any function that each municipality may perform separately under any provisions of the general statutes or of any special act, charter or home rule ordinance.

WHEREAS, each of the participating municipalities recognizes the benefits of joining together for the performance of joint police functions;

WHEREAS, each of the participating municipalities find that entering into a joint participation agreement is necessary for the delivery of more effective services to the citizens of their respective municipalities;

WHEREAS, the undersigned municipalities wish to cooperate in the joint performance of General Law Enforcement Services;

NOW, THEREFORE, it is agreed by and between the municipalities signing this compact by their respective chief executive officers, duly authorized upon approval as set forth in said Connecticut General Statute, the following:

1. The undersigned municipalities hereby delegate to the Chief of Police of their respective municipality the authority to determine when the provision of police personnel resources best serves the purpose of this compact and benefits their respective community.
2. The Police Chiefs of the municipalities participating in this compact shall constitute an oversight board for the group created herein. This board is authorized to administer the procedures attached to this compact and may modify these procedures as necessary to insure efficient and effective operation.
3. The services performed under this compact shall be deemed to be for public and governmental purposes.
4. That at all times when joint police functions are being conducted, police officers assigned to the function shall be deemed to be members of an authorized group and shall have the same powers, duties, privileges, and immunities as are conferred on the police officers of the municipality in whose jurisdiction the group is operating.
5. Each participating municipality agrees that it shall be responsible for all costs, whether monetary or in the form of goods or services, it incurs as a result of participation in this compact. Such costs may include, but are not limited to:
  - a. The actual payroll, including overtime, for the agency's personnel participating in compact activities.
  - b. The replacement or repair cost for any equipment lost, destroyed, damaged or made unavailable as a result of participation in this compact.
  - c. Fuel and maintenance costs for any vehicles and equipment.
  - d. Training cost arising from participation in this compact.
  - e. Worker's compensation claims pursuant to Connecticut General Statutes §31-275 through 31-355a.
  - f. Awards for death, disability or injury to employees participating in compact-related activities to the extent that such awards exceed Worker's Compensation coverage.
  - g. Survivor's benefits pursuant to Connecticut General Statute §7-323e.
  - h. Heart and hypertension claims pursuant to Connecticut General Statute §7-433c.
  - i. Cost arising from agreement, contracts or obligations the municipality entered into prior to entering this compact.

6. To the fullest extent permitted by law, any participating municipality negligently causing injury or damage shall indemnify and hold harmless the other parties to this compact (and their employees and agents) from any and all claims caused by such party's negligence. In instances where the identity of the negligent actor cannot be determined and/or where liability is predicted upon joint venture, vicarious liability or upon other similar grounds, it is the intent of this Agreement that each participating municipality shall be liable only for its proportionate share of responsibility. All disputes concerning apportionment of liability hereunder shall be resolved by a single arbitrator chosen by the parties. If the parties are unable to agree upon a single arbitrator, then the court shall appoint the arbitrator.
7. For grant and funding initiative purposes, the Chief of Police for the lead agency within the participating group, or his designee, shall act as the representative and fiduciary for the group. Lead agency responsibility may be transferred to another participating agency upon the unanimous written consent of all the Chiefs of Police for the departments participating in this compact.
8. Not later than five (5) years from the effective date of this agreement, the effectiveness of this agreement shall be reviewed by the body that approved the agreement for each participating municipality.
9. Any participating municipality may withdraw from this compact by giving thirty (30) days written notice to all the other participating municipalities. Withdrawal of one or more participants shall not void the compact so long as two or more participants remain active in this compact.

IN WITNESS WHEREOF, the parties hereto have executed this compact on the \_\_\_\_\_ day of \_\_\_\_\_ 2014.

Harry W. Rilling \_\_\_\_\_  
 Harry W. Rilling, Mayor Date  
 City of Norwalk

\_\_\_\_\_  
 Jayme Stevenson, First Selectwoman Date  
 Town of Darien

R. E. Mallozzi III \_\_\_\_\_  
 Robert E. Mallozzi III, First Selectman 3/4/14 Date  
 Town of New Canaan

Gayle Weinstein \_\_\_\_\_  
 Gayle Weinstein, First Selectwoman 5/19/14 Date  
 Town of Weston

\_\_\_\_\_  
 James Marpc, First Selectman Date  
 Town of Westport

William Brennan \_\_\_\_\_  
 William Brennan, First Selectman 4-7-2014 Date  
 Town of Wilton

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

James Patrick, District V, Chairman of Public Health & Safety, read that committee's report (attached).

**\*\* ITEM 15-1 CARRIED ON A RISING TALLY VOTE OF 63 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

**15-2**

**REPORTS FROM FINANCE & BUDGET AND EDUCATION COMMITTEES REGARDING NEWLY NEGOTIATED CONTRACT BETWEEN DARIEN BOARD OF EDUCATION AND THE DARIEN EDUCATION ASSOCIATION, EFFECTIVE JULY 1, 2015 AND EXPIRING JUNE 30, 2017 (NO ACTION REQUIRED BY RTM)**

Dennis Maroney, District III, Chairman of the Education Committee, read the Education Committee report (attached).

James Palen, District VI, Chairman of Finance & Budget, read that committee's report (attached).

**ANNOUNCEMENTS (CONT'D)**

**UPDATE OF TOWN PLAN OF CONSERVATION AND DEVELOPMENT - JEREMY GINSBERG, DIRECTOR OF PLANNING & ZONING**

Mr. Ginsberg said that the State requires that this plan be updated every 10 years. Darien's last update was in 2006. The Planning & Zoning Commission hired Planometrics of Avon, CT. They had their first meeting on October 22nd, and since then, P&Z has met monthly to discuss the Plan update.

Re the role of the RTM, Mr. Ginsberg said adoption is through the Board of Selectmen, but there is a role for the RTM. RTM members should come to the P&Z meetings, and the P&Z Commission can also take input through e-mail. The P&Z Commission puts the information on [Darienct.gov/townplanupdate](http://Darienct.gov/townplanupdate). Another role of the RTM is to encourage their constituents to get involved in the process. Mr. Ginsberg said he will update the PZ&H Committee. It is expected that the Plan will be adopted in April, May or June 2016. When the Plan is completed, it goes to the Selectmen to decide whether or not to endorse it in part or in full, or reject it in part or in full. P&Z will then hold a public hearing and then vote on the Plan.

**CONSIDERATION AND ACTION ON APPROPRIATION OF \$200,000 FROM THE SEWER OPERATING FUND FUND BALANCE FOR SANITARY SEWER PUMP REPLACEMENTS AT NEARWATER AND STONY BROOK PUMP STATIONS**

**\*\* MARK ADILETTA, DISTRICT V, CHAIRMAN OF THE PUBLIC WORKS COMMITTEE, MOVED:**

WHEREAS, an evaluation study has been done regarding the need to replace the sanitary sewer pumps at Nearwater and Stony Brook pump stations; and

WHEREAS, the sewer pumps at said stations are said to be in excess of 25 years old; and

WHEREAS, there has been a need to fund repairs to these older units in excess of \$30,000 per year; and

WHEREAS, the Sewer Commission has obtained acceptable bids for said pumps; and

WHEREAS, the appropriation has been previously approved by the Board of Finance of the Town of Darien and the Board of Selectman of the Town of Darien; and

WHEREAS, upon review of the Sewer Operations Fund Balance, it is found to have a balance necessary to cover the requested transfer.

**BE AND IT IS HEREBY RESOLVED** that the Representative Town Meeting of the Town of Darien hereby approves a transfer of two hundred thousand dollars 00/100 (\$200,000.00) from the Reserved Fund Balance account to a new capital account designated as "Pump Station Upgrades" and appropriates said sum for this upgrade.

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

Mark Adiletta, District V, read the report of the Public Works Committee (attached).

James Palen, District VI, Chairman of the Finance & Budget Committee, read the committee report (attached).

Spencer McIlmurray, District II, asked why they were not doing all six pumps rather than two. Ed Gentile, Director of Public Works, said he is making sure he does not deplete the Capital Fund for equipment. Other generators may or may not need replacement. He is requesting another \$200,000 for next year to replace two more pumps. He presented his Capital Plan to the Sewer Commission.

**\*\* ITEM 15-3 CARRIED ON A RISING TALLY VOTE OF 63 IN FAVOR, 0 OPPOSED, 1 ABSTENTION.**

**CONSIDERATION AND ACTION ON APPROPRIATION OF \$98,498 FROM THE SEWER OPERATING FUND BALANCE FOR TRANSFER OF RESPONSIBILITY TO TOWN OF DARIEN OF SANITARY SEWERS ON STEPHANIE LANE AND STEPHANIE LANE SOUTH**

**\*\* MARK ADILETTA, DISTRICT V, CHAIRMAN OF THE PUBLIC WORKS COMMITTEE, MOVED:**

**WHEREAS**, the Town of Darien was approached by the Stephanie Lane Sewer Association LLC (Association) with the intent to transfer responsibility to the Town of Darien for; maintenance, ownership, and collection of future connection fees, relative to the sanitary sewer system in Stephanie Lane and Stephanie Lane South.

**WHEREAS**, the expenses incurred to make payouts to residents is the culmination of a long and complicated process to achieve the needed authority and manage new connections to said sewer system.

**WHEREAS**, the Sewer Commission approved the acquisition of sewer line at Stephanie Lane, Stephanie Lane South at meeting held December 2, 2014;

**WHEREAS**, the Board of Finance of the Town of Darien has previously approved this recommendation; and

**WHEREAS**, upon review of the Sewer Fund Balance, it was found to have a balance necessary to cover the requested transfer.

**BE AND IT IS HEREBY RESOLVED** that the Representative Town Meeting of the Town of Darien hereby approves an appropriation of Ninety-eight thousand, four hundred ninety-eight 00/100 (\$98,498.00) and that said funds be transferred from the Sewer Fund Balance to an account designated by the Finance Department for the purpose of acquisition of said sewer line.

**BE AND IT IS HEREBY FURTHER RESOLVED** that the Representative Town Meeting of the Town of Darien hereby approves the acquisition of said sewer system.

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

Mark Adiletta read the report of the Public Works Committee (attached).

James Palen, District VI, Chairman of the Finance & Budget Committee, read the committee report (attached).

Peter Kelly, District I, asked if these resolutions were based on Mr. Gentile's assessment of the sewer systems in Darien or those of individual residents. Mr. Gentile said Stephanie Lane fit the ownership, which was still in an LLC. He has been evaluating the sewer systems in Darien. The biggest trouble spot is the sewer stations.

**\*\* ITEM 15-4 CARRIED ON A RISING TALLY VOTE OF 63 IN FAVOR, 1 OPPOSED, 0 ABSTENTIONS.**

### **ANNOUNCEMENTS (CONT'D)**

#### **UPDATE OF TOWN PLAN OF CONSERVATION AND DEVELOPMENT (CONT'D)**

Mr. Ginsberg clarified that State statute 8-23 identifies the ratification process for the Town Plan. The role of the RTM in the Town Plan has changed through the years. P&Z will have a public hearing, but the Board of Selectmen may have a hearing.

Diane Conologue, District I, said that the last Plan did come to the RTM. Mr. Ginsberg said that the last change was in 2006 and that the Plan would not come to the RTM for a vote.

Frederick Conze, District I, said it is important for the RTM to realize that it is up to the Selectmen to decide whether or not to have a public hearing. The Selectmen can enact the Plan of Development without the input of the RTM. It is important that all of the committees of the RTM stay updated. The Plan is the roadmap for the next 10 years. If the RTM is not allowed to participate in the approval, it is primarily up to the Selectmen, and he is not sure that is a risk that should be taken.

### **15-5**

#### **CONSIDERATION AND ACTION ON APPROPRIATION OF \$30,843 FROM THE SEWER OPERATING FUND FUND BALANCE FOR SEWER DAMAGE REIMBURSEMENT AT 27 LAKESIDE AVENUE**

**\*\* MARK ADILETTA, DISTRICT V, CHAIRMAN OF THE PUBLIC WORKS COMMITTEE, MOVED:**

**WHEREAS**, on June 27, 2014 damage was done to property at 27 Lakeside Avenue as a result of a sewage backup.

**WHEREAS**, this claim has been the subject of many months of questions and inquiry regarding cleanup costs, property damage and equitable compensation.

**WHEREAS**, this proposal evidences what the Sewer Commission believes is a fair and equitable settlement.



**WHEREAS**, the Sewer Commission on November 18, 2014 approved this payment and a general release from the property owner was executed and returned to the Town as of December 11, 2014;

**WHEREAS**, the Board of Finance of the Town of Darien and the Board of Selectman have previously approved the recommendation; and

**WHEREAS**, upon review of the Sewer Fund Balance, it is found to have a balance necessary to cover the proposed settlement.

**BE AND IT IS HEREBY RESOLVED** that the Representative Town Meeting of the Town of Darien hereby approves the appropriation from the Sewer Fund Balance of thirty thousand, eight hundred forty-three 00/100 (\$30,843.00) for the purpose of payment and settlement of said claim.

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

Mark Adiletta, District V, read the report of the Public Works Committee (attached).

James Palen, District VI, Chairman of the Finance & Budget Committee, read the committee report (attached).

Clara Sartori, District II, asked if the settlement included legal costs. Mr. Gentile said there were no legal costs. They had the home owner sign a general liability release form.

Spencer McIlmurray, District II, asked Mr. Gentile for detail on the process of how residents who are below grade would have to take action. Mr. Gentile said that will be addressed next week. This information will go out in the bills. He cannot force people below grade to take action; all he can do is inform them.

Holly Schulz-Amatruda asked why they cannot require people to have a back flow preventer to hook up to sewers.

Robert Young, District V, asked if this was the lowest house on the system. Mr. Gentile said it is the closest lateral.

James Cameron, District IV, raised the question of the cost of a back flow preventer; Mr. Gentile said it is \$4,000 to \$5,000 per house.

**\*\* ITEM 15-5 CARRIED ON A RISING TALLY VOTE OF 62 IN FAVOR, 0 OPPOSED, 2 ABSTENTIONS.**

**CONSIDERATION AND ACTION ON ACCEPTANCE OF 1,089+/-SQ. FT. OF RIGHT OF WAY ADJACENT TO LOCUST HILL ROAD**

**\*\* JOANNE HENNESSY, DISTRICT V, CHAIRMAN OF PZ&H, MOVED:**

**WHEREAS**, the Connecticut General Statute §13-48 authorizes the Town of Darien to accept public highway rights of way located within the Town; and

**WHEREAS**, an entity known as Knobel Hill, LLC has approved the dedication to the Town of Darien of 1,089 +/- sq. ft. of roadway which runs generally parallel to and is adjacent to the Locust Hill Road right of way; and

**WHEREAS**, the area now contains a stonewall which appears to impede sight lines when looking from Settlers Trail west along Locust Hill Road; and

**WHEREAS**, the right of way in this vicinity is now less than 50 feet wide; and

**WHEREAS**, the property in question had previously been reserved for future widening for road purposes;

**WHEREAS**, the acquisition of this land will allow the Town to have a 50 foot right of way in this vicinity; and

**WHEREAS**, Knobel Hill, LLC has agreed, as part of the dedication, that the stone wall along Locust Hill Road will be removed and land re-graded to improve sight line.

**WHEREAS**, the area in question is more specifically shown as parcel Y on a Right-of-Way survey prepared by William W. Seymour & Associates, P.C. dated September 26, 2014 attached hereto and made a part hereof; and

**WHEREAS**, this benefit to the Town will be for a more regular sized right of way along Locust Hill Road and safety improvements at the intersection of Settlers Trail and Locust Hill Road; and

**WHEREAS**, the dedication of this area is at no cost to the Town of Darien.

**NOW THEREFORE AND BE IT RESOLVED** that the Representative Town Meeting of the Town of Darien hereby approves the acceptance of 1,089 +/- sq. ft. of land as more particularly shown as parcel Y on said Right of Way Survey attached hereto and made a part hereof.

**BE AND IT IS HEREBY FURTHER RESOLVED** that the Representative Town Meeting of the Town of Darien hereby authorizes the First Selectman to execute any and all documents necessary to effect the right of way adjustment on behalf of the Town.



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

Joanne Hennessy, District V, read the report of the PZ&H Committee (attached).

**\*\* ITEM 15-6 CARRIED ON A RISING TALLY VOTE OF 64 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

15-7

**CONSIDERATION AND ACTION ON DISCONTINUANCE OF 417 SQ. FT+/-RIGHT OF WAY ON LOCUST HILL ROAD**

**\*\* JOANNE HENNESSY, DISTRICT V, CHAIRMAN OF PZ&H, MOVED:**

**WHEREAS**, the Connecticut General Statute §13a-49 authorizes the Selectman subject to the approval by a majority vote at any regular or special town meeting to discontinue any highway or private way or land dedicated as such; and

**WHEREAS**, the Town is interested in adjusting the boundary of the Locust Hill Road right of way and discontinue a portion thereof as more particularly shown as parcel X on the survey attached hereto and made a part hereof; and

**WHEREAS**, the Selectmen have approved the discontinuance as a portion of the Locust Hill Road right of way, the said parcel X; and

**WHEREAS**, the Representative Town Meeting has before it this evening a related resolution dealing with the acquisition of 1,089 +/- sq. ft. of right of way along Locust Hill Road; and

**WHEREAS**, discontinuance will result in reversion of the 417 +/- sq. ft. to the abutting property.

**WHEREAS**, the adjustment will result in a more regularly sized right of way and safety improvements at the intersection of Settlers Trail and Locust Hill Road;

**NOW THEREFORE AND BE IT RESOLVED** that the Representative Town Meeting of the Town of Darien hereby approves the discontinuance of part of Locust Hill Road right of way as shown as Parcel X and more specifically described in the right of way map attached hereto and made a part hereof.

**BE AND IT IS HEREBY FURTHER RESOLVED** that the Representative Town Meeting of the Town of Darien hereby authorizes the First Selectman to execute any and all documents necessary to effect the right of way adjustment on behalf of the Town.



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

Joanne Hennessy, District V, read the report of the PZ&H Committee (attached).

**\*\* ITEM 15-7 CARRIED ON A RISING TALLY VOTE OF 63 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

**\*\* UPON MOTION MADE AND SECONDED FROM THE FLOOR, IT WAS UNANIMOUSLY VOTED TO ADJOURN AT 9:30 P.M.**

Respectfully submitted,

Cheryl Telesco Blois  
Telesco Secretarial Services

APPENDIX

<u>DISTRICT I</u>	<u>(15-1)</u>	<u>(15-3)</u>	<u>(15-4)</u>	<u>(15-5)</u>	<u>(15-6)</u>	<u>(15-7)</u>
Buchesky	absent	absent	absent	absent	absent	absent
Bumgardner	yes	yes	yes	yes	yes	yes
Butler	yes	yes	yes	yes	yes	yes
Conologue	yes	yes	yes	yes	yes	yes
Conze	yes	yes	yes	yes	yes	yes
Dupont	absent	absent	absent	absent	absent	absent
Dweck	yes	yes	yes	yes	yes	yes
Hayes	absent	absent	absent	absent	absent	absent
Keane	yes	yes	yes	yes	yes	yes
Kelly	yes	yes	yes	yes	yes	yes
Pattelli	yes	yes	yes	yes	yes	yes
Schneider	yes	yes	yes	yes	yes	yes
van der Kieft	yes	yes	yes	yes	yes	yes
 <u>DISTRICT II</u>						
Bacon	absent	absent	absent	absent	absent	absent
Finn	absent	absent	absent	absent	absent	absent
Hoffman	absent	absent	absent	absent	absent	absent
Howe	absent	absent	absent	absent	absent	absent
Keith	yes	yes	yes	yes	yes	yes
Marston	absent	absent	absent	absent	absent	absent
Matton	absent	absent	absent	absent	absent	absent
McIlmurray	yes	abstain	yes	yes	yes	yes
McNally	yes	yes	yes	yes	yes	yes
Miller	yes	yes	yes	yes	yes	yes
Mundt	absent	absent	absent	absent	absent	absent
Sartori	yes	yes	yes	yes	yes	yes
Sawitsky	?	yes	yes	yes	yes	?
Seelye		DID NOT VOTE				
Thorne, B.	yes	yes	yes	yes	yes	yes
Thorne, M	yes	yes	yes	yes	yes	yes
 <u>DISTRICT III</u>						
Anderson	yes	yes	yes	yes	yes	yes
Camuti	absent	absent	absent	absent	absent	absent
Cardone	yes	yes	yes	abstain	yes	yes
Conniff	absent	absent	absent	absent	absent	absent
Coyle	absent	absent	absent	absent	absent	absent
Coyle Downs	absent	absent	absent	absent	absent	absent
Davis	absent	absent	absent	absent	absent	absent
Hageny	yes	yes	yes	yes	yes	yes
Hegarty	yes	yes	yes	yes	yes	yes
Hite	yes	yes	yes	yes	yes	yes
Jordan	yes	yes	yes	yes	yes	yes
Maroney	?	yes	yes	yes	yes	yes
Moore	yes	yes	yes	yes	yes	yes
Morton	yes	yes	yes	yes	yes	yes
Schulz-Amatruda	yes	yes	no	abstain	yes	yes

**DISTRICT IV**

	<u>(15-1)</u>	<u>(15-3)</u>	<u>(15-4)</u>	<u>(15-5)</u>	<u>(15-6)</u>	<u>(15-7)</u>
Banks	yes	yes	yes	yes	yes	yes
Cameron	yes	yes	yes	yes	yes	yes
Davis, Joan	absent	absent	absent	absent	absent	absent
Domittner	yes	yes	yes	yes	yes	yes
Fiore	absent	absent	absent	absent	absent	absent
Haidinger	yes	yes	yes	yes	yes	yes
Hardison	absent	absent	absent	absent	absent	absent
Hawkins	yes	yes	yes	yes	yes	yes
Kemp	yes	yes	yes	yes	yes	yes
Miceli	yes	yes	yes	yes	yes	yes
Millar	yes	yes	yes	yes	yes	yes
Morrison	yes	yes	yes	yes	yes	yes
Peters	yes	yes	yes	yes	yes	yes
Rayhill	yes	yes	yes	yes	yes	yes
Savage	yes	yes	yes	yes	yes	yes

**DISTRICT V**

Adiletta	yes	yes	yes	yes	yes	yes
Bates	absent	absent	absent	absent	absent	absent
Bayne	yes	yes	yes	yes	yes	yes
Boulton	yes	yes	yes	yes	yes	yes
Duffy	yes	yes	yes	yes	yes	yes
Fead	absent	absent	absent	absent	absent	absent
Fiveson	yes	yes	yes	yes	yes	yes
Hayes	absent	absent	absent	absent	absent	absent
Hennessy	yes	yes	yes	yes	yes	yes
LeHan	absent	absent	absent	absent	absent	absent
Lublin	yes	yes	yes	yes	yes	yes
McLachlin	yes	yes	yes	yes	yes	yes
Mosher	yes	yes	yes	yes	yes	yes
Patrick	yes	yes	yes	yes	yes	yes
Russell	yes	yes	yes	yes	yes	yes
Stolar	yes	yes	yes	yes	yes	yes
Young, Rob	yes	yes	yes	yes	yes	yes

**DISTRICT VI**

Adelman	yes	yes	yes	yes	yes	yes
Cherico	yes	yes	yes	yes	yes	yes
Grogan	yes	yes	yes	yes	yes	yes
Hawkins	yes	yes	yes	yes	yes	yes
Luz	absent	absent	absent	absent	absent	absent
McDermott	yes	yes	yes	yes	yes	yes
Palen	yes	yes	yes	yes	yes	yes
Plehaty	absent	absent	absent	absent	absent	absent
Poli	yes	yes	yes	yes	yes	yes
Ritchie	yes	yes	yes	yes	yes	yes
Swenson	yes	yes	yes	yes	yes	yes
Van Loan	yes	yes	yes	yes	yes	yes
Whitehead	absent	absent	absent	absent	absent	absent
Young, David	yes	yes	yes	yes	yes	yes



**RTM Public Health & Safety Committee Meeting**

**February 23, 2015**

**7:15 pm**

**Darien Town Hall Room 213**

The RTM Public Health and Safety Committee met with 8 of 11 members present to discuss and vote on Resolution 15-1 Consideration an Action on Police Department Non-Emergency Interagency Agreement.

With Chief of Police <sup>Prasanna</sup> Lovello attending to answer questions from committee members, the following points were discussed.

Agreement with Stamford + New Canaan has been positive  
This agreement will primarily be between Darien and Norwalk

The Resolution was passed by a vote of Unanimous.

Respectfully submitted,

James M. Patrick, Chairman PH&S

Good evening, I am Dennis Maroney, Chairman of the RTM education committee. I am here to debrief the committees finding on the agreement between the Board of Education and the Darien Education Association otherwise known as teachers.

The Darien Board of Education negotiating committee comprised of 3 members of the BOE- Mrs. Elizabeth Hagerty-Ross, Mrs. Heather Shea, and Mr. Michael Harmon. 3 members of the administration –Dr. Lynne Pierson, Dr. Michael Cicchetti, and Mr. Michael Feeney, and 2 members of the BOF – Chairwoman Mrs. Liz Mao and Mr. Frank Huck.

A tentative agreement was reached on 11 September 2014 in mediation with the Negotiations committee of the DEA. The Darien Education Association ratified the agreement on 2 October 2014. The Board of Education approved 5 days later on 7 October 2014. The contract was filed with the Darien Town Clerk on 7 January 2015. Darien then has 30 days to vote, if no vote taken the contract is approved. Options were to accept the contract or vote down in which case the contract goes to arbitration where the arbiter weighs each sides final offer and chooses one last best offer, no middle ground.

The new contract begins 1 July 2015 and expires 30 June 2017. This contract is already included in the BOE 2015-2016 approved budget This is only a 2 year agreement where traditionally they are 3 year agreements. This is in anticipation of the 2018 Obamacare Cadillac tax.

I will leave Jim Palen to delve into the financial numbers, but I will give a high level overview. Teachers not yet at maximum shall receive a full step in each of the 2 years of the contract. The maximum step shall be increased by 1.2% the first year and to 0.52% and the penultimate step on the schedule will increase by 0.5% in the second year. The total projected cost of salary increases are 3.27 for the first year and 3.13 for the second. Also stipends for certain positions such as athletics, leadership positions and co-curricular activities will increase 1.5% each year of the contract.

The open access health plan will be eliminated. Teachers will maintain the HD-HSA plan with a 2/4 K deductible with 50% Board funding. Prescription co pays after deductible is reached. Employee premium cost sharing will increase to 20% in 16-17.

The plan is to achieve savings over current in healthcare which will bring the overall increase down to 3.12 the first year and 2.95 the second. These figures are not 100% accurate as this assumes no change in the current faculty and no increase in health care premiums. Historically retirements, departures, and new hires with less seniority have softened the impact of the wage settlement.

Overall the committee believed as does the Board of Education that this agreement balances fiscal responsibility with the ability to provide outstanding education to the students. The step increases are comparable to other agreements reached in the State, allowing Darien to remain competitive to recruit and retain excellent teachers.

The committee met 19 January 2015 with the RTM Finance and Budget committee and in attendance members of the BOE and BOF along with Town Attorney Tom Mooney. The committee voted 8 in favor 1 abstention in support of the contract.

Respectfully submitted,

Dennis Maroney

**Finance & Budget Committee  
Report to RTM, February 23, 2015**

**(15-2) Resolution to Approve a Newly Negotiated Contract Between the Darien Board of Education and The Darien Education Association, Effective July 1, 2015 and Expiring June 30, 2017.**

The F&B committee met on Thursday, January 22<sup>nd</sup> with 9 of 13 members present to discuss what was originally slated to be Resolution 15-2.

I will assume that most members here tonight have read through the materials that were distributed and posted on the town's website, but by way of background and for those watching on TV79, I will give a brief background.

In September 2014, the Darien Board of Education agreed to a new 2-year contract with the Darien Education Association – the union that represents the teachers in our seven schools and in October 2014, both parties ratified the agreement. This contract represents the largest single organized labor group in our town, and along with the administrator's contract approved last year, covers 750 teachers and administrative staff.

On January 6, 2015, the BOE filed the contract with the Town Clerk which started a 30 day period by which the RTM could take three actions:

- 1) Take no action, which would cause the agreement to become effective and binding at the end of the 30 day period;
- 2) Approve the agreement, which would cause the agreement to become effectively and binding immediately; or
- 3) Reject the agreement, which would effectively cause the agreement to be sent to an arbitration panel which would rule on the agreement based on facts and circumstances which do not necessarily favor the Town of Darien in determining a settlement.

As a result of the inclement weather and the ensuing cancellation of two RTM meetings, this body "took no action" which caused the agreement to become binding two weeks ago.

The negotiating committee from the town's side included three members of the BOE (Hagerty-Ross, Shea and Harman), two members of the BOF (Mao and Huck) and three members of district administration including the superintendent.

There are a number of important aspects of the agreement that are worth highlighting:

- 1) 2-Year Term – Due to the impending "Cadillac Tax" to be imposed under the new "Obamacare Initiative", the BOE only wanted to agree to a 2-year term so as to not run the risk of the town (or employees) being hit with additional expenses once the new law

takes effect in 2018.

- 2) Insurance – The OAP (Open Access Plan) has been eliminated and all teachers are now on an HSA (Health Savings Account) or HRA (Health Retirement Account) which are generally lower-cost programs due to the immediate employee contributions and incentives that are built into the program.
- 3) Steps – All teachers not on the highest step of a given category (i.e., BA, MA, MA+15, MA+30, MA+60, PhD) will advance a full step in each of the 2016 and 2017 fiscal years. The “steps” changes from -1% to positive 3% in the first year of the contract, with the highest step increasing by only 1.2%. In the second year, all of the steps remained the same except for the highest step which will receive 0.52% and the second highest step that will increase 0.50%. If you view the entire spectrum of salaries, the largest %age increase are given to teachers in the BA step ladder and those in the higher steps of the MA and PHD step ladders.
- 4) Stipends - for Co-Curricular Activities, Leadership Positions, and Athletics will increase 1.5% each year of the contract with step movement over the life of the contract.

What does all this mean? Salaries will increase by 3.27% during the first year of this contract and by 3.13% in the second year, holding all staff constant. In reality, some of the most senior staff leave through attrition and retirement and new staff are hired at lower wages generally results in lower all-in salary increases.

The proposed BOE budget for next year includes \$60.3mm for personnel (inclusive of salaries and benefits for teachers and administrators) which is 3.07% higher than last year’s adjusted budget and 3.9% higher than what the district currently expects the 2014-15 years expense to be based on half year measurements (as you may recall, this increase includes the effect of a 0% increase for the administrators in the first year). This contract is important as personnel expenses represent approximately 2/3<sup>rd</sup>s of the entire BOE budget.

With 9 of 13 members present, the F&B committee voted unanimously to recommend that the full RTM approve the contract.

Thank you.

James Palen  
Chair, Finance & Budget Committee  
February 23, 2015

Good evening Town officials, RTM Members, Darien Residents and Guests.

My name is **Mark Adiletta** and I am **Chairman** of the Public Works Committee.

At this time I would like to move Item **15-3** Appropriating \$200,000 for the replacement of sanitary sewer pumps at the Nearwater and Stony Brook pump stations and ask for a second.

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

On behalf of the PWC I present to the RTM for their consideration and ratification Item **15-3**.

At our regular meeting January 20<sup>th</sup>, with 10 of 12 members present, PWC considered and voted unanimously to recommend this item to the RTM.

At the meeting January 20<sup>th</sup> Director of Public Works Ed Gentile provided the committee with background and an overview of the role of these pump station within the broader sewer system

Background:

These two pump station are the two largest in Town and play an integral part in the moving of sewage through the ~~sew~~ Town system ~~on~~ onto the interconnect leading to the treatment plant in Stamford where it is ultimately processed. Each station contains three pumps, which work in tandem. That is, when volume is low, one pump may be in operation. With higher volume two will run. And during peak flow periods, especially during heavy rain events when storm water can infiltrate the system all three pumps are called upon to try to handle the flow.

As noted, these pumps are over 25 years old and operating beyond there expected useful life. As such, they require frequent, labor intensive and expensive maintenance. Mr. Gentile explained, frankly, a nasty process his team undertakes, donning a hazmat suit and dropping two stories underground to manually repair and frequently unclog the old pumps.

This request is to fund replacement of two pumps of the planned six replacements at these stations stations with more advanced Flygt submersible units warranted for 10 years. The advantages of these submersible units are 1) by being submersible (versus driven by a shaft from the above) are therefore much easier to maintain and 2) have an advanced impeller design which substantially reduces clogging and the related maintenance cost by shredding some of the items that clog the current units. It is worth noting a large portion of clogging is caused by supposedly “disposable” wipes like “Swiffer” pads. The PWC and DPW agreed to explore a possible awareness campaign on this in the hope of further mitigating this operating cost to the town going forward.

It was explained that a portion of the Sewer Fees collected by the sewer commission annually are set aside to fund this type of anticipated replacement of capital items and as such should not impact the Sewer Fees to the residents. I defer to F&B to explain the cost in more detail.

The Committee wishes to thank Mr. Gentile for his assistance.

The Public Works Committee asks that you vote "Yes" and ratify Item 15-3 for the transfer of funding for ~~the~~ maintenance of this important piece of town infrastructure.

Thank you.

**Finance & Budget Committee**  
**Report to RTM, February 23, 2015**

**(15-3) Resolution to Appropriate the Sum of \$200,000 from the Sewer Operations Fund for the Replacement of Sanitary Sewer Pumps at the Nearwater and Stony Brook Pump Stations.**

The F&B committee met on Thursday, January 22<sup>nd</sup> with 9 of 13 members present to discuss Resolution 15-3.

My colleagues on the RTM's Public Works Committee spoke in detail about the plumbing of this situation, so I will focus more on the financial aspects of the expense.

There are 3 pumps at each of the Stony Brook and Nearwater stations which all move sewage to the Stamford Sewage Treatment plants. Each of the pumps are approaching 25 years of age which is the end of their expected useful life and the pumps are currently requiring the commission to expend considerable amounts to fix and maintain the pumps and the pumps are less efficient, using more power than newer state-of-art pumps.

The Sewer Commission has previously approved a 6-year capital program that would replace all of these pumps, however given the cost of the pumps (in excess of \$85,000 each), they chose to spread the cost of the next few years. That said, if the existing pumps fail sooner, there could be a need to accelerate the replacements.

From a financial perspective, we looked at what effect this expenditure would have on the Sewer Commissions budget. By way of background, the annual budget for the Sewer Commission is \$3.3 million that is funded by user fees and investment income. The Commission also currently has approximately \$3.3mm in cash reserves to deal with capital improvements and unexpected expenses (\$0.7mm for capital only and \$2.6mm for general purposes).

Looking at this \$200,000 appropriation, and considering the other tow resolutions for the Lakeside Avenue settlement of \$30,843 and the Stephanie Lane acquisition for \$98,498, there will be plenty of money left in the Sewer Fund (90% of the current balance) to deal with any other contingencies that could be expected to arise in the coming year without affecting user fees.

Our committee did suggest that the Sewer Commission look into whether there were any other bids for the pumps to insure that the Town is getting the best price possible

With 9 of 13 members present, the F&B committee voted unanimously to recommend that the full RTM approve the resolution.

Thank you.

James Palen  
Chair, Finance & Budget Committee  
February 23, 2015



Good evening Town officials, RTM Members, Darien Residents and Guests.

My name is **Mark Adiletta** and I am **Chairman** of the Public Works Committee.

At this time I would like to move Item **15-4** Appropriating \$98,498 for expenses related to acquisition of sewer line at Stephanie Lane, Stephanie Lane South.

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

On behalf of the PWC I present to the RTM for their consideration and ratification Item **15-4**.

At our regular meeting January 20<sup>th</sup>, with 10 of 12 members present, PWC considered and voted unanimously to recommend this item to the RTM.

At the meeting January 20<sup>th</sup> Director of Public Works Ed Gentile provided the committee with background on this acquisition.

Background:

Recall from past discussions regarding sewer line expansions it was explained that in general, projects are initiated when a group of property owners contact the Sewer Commission i.e. they appear at a Commission meeting and request the Commission to consider extending the sanitary sewer to serve their neighborhood. It is therefore somewhat unusual, though not unheard of, that a private association installed such an expansion 20 years ago and, with approval, connected to the Town system.

Mr. Gentile noted this portion of the system, by all accounts has been functioning fine. It was noted no "pump stations" exist on this portion of the system.

As noted in the material provided, of the 22 residents eligible to connect and pay a pro rata share of the system cost;

- 6 chose not to connect and did not contribute to the cost of the system
- 4 chose not to connect yet contributed to the cost of the system
- 12 did connect and contributed respectively more than their pro rate share of the cost of the system

It was explained that per State Statute the CT Department of Energy & Environmental Protection requires that the Town assume responsibility for such sewer systems as soon as they are installed. As such this portion of the Town system is maintained, and usage fees collected no different than other parts of Town.

As the DPW already is responsible for this system, it supports formal acquisition for this reason AND it will alleviate an administrative burden on the DPW that arises each time one of the 10 non-connected residents seeks to connect and pay the appropriate interconnection fee and to whom.

The proceeds will be used to 1) reimburse the 4 residents that contributed to the cost of the system and have not connected AND 2) reimburse the 12 that connected for the cost they paid in excess of their pro rata share of the system cost.

In doing this it will allow the Town to process future requests to connect to this portion of the Sewer System consistent with other requests town wide. As the 12 residents which have not connected do join the system and pay the interconnect fee, the Town will recover these funds.

The Committee wishes to thank Mr. Gentile for his assistance.

The Public Works Committee asks that you vote "Yes" and ratify Item 15-4 for the transfer of ~~funding for the maintenance of this important piece of town infrastructure.~~

Thank you.

**Finance & Budget Committee  
Report to RTM, February 23, 2015**

**(15-4) Resolution to Appropriate the Sum of \$98,498 from the Sewer Fund balance for transfer of responsibility to Town of Darien of Sanitary Sewers on Stephanie Lane and Stephanie Lane South.**

The F&B committee met on Thursday, January 22<sup>nd</sup> with 9 of 13 members present to discuss Resolution 15-4.

My colleagues on the RTM's Public Works Committee spoke in detail about the plumbing of this situation, so I will focus more on the financial aspects of the expense.

The acquisition of this asset, that being the sewer system that serves Stephanie Lane and Stephanie Lane south, will have the town taking on the responsibility of maintaining the system, along with the rest of the Town's system. The Town will also now be responsible for collecting user fees directly from the homeowners rather than from an association that has become complicated to manage.

There were also two required public hearings in December held on this matter - one to deal with the acquisition and one to deal with the assessment.

Looking at this \$98,498 appropriation, and considering the other tow resolutions for the Lakeside Avenue settlement of \$30,843 and the new sewer pump replacements of \$200,000 there will be plenty of money left in the Sewer Fund (90% of the current balance) to deal with any other contingencies that could be expected to arise in the coming year without affecting user fees.

The committee noted that although the Sewer Fund is spending \$98,498 on this acquisition, it is likely, over the long run, that 10 of the 26 residents of Stephanie Lane and Stephanie Lane South that are not part of the sewer system will eventually connect to the Town Sewer system and pay the associated \$9,849 hook-up charge, thereby reimbursing the town for the investment.

With 9 of 13 members present, the F&B committee voted unanimously to recommend that the full RTM approve the resolution.

Thank you.

James Palen  
Chair, Finance & Budget Committee  
February 23, 2015

Good evening Town officials, RTM Members, Darien Residents and Guests.

My name is **Mark Adiletta** and I am **Chairman** of the Public Works Committee.

At this time I would like to move Item **15-5** Appropriating \$30,843 for expenses related to sewage backup into the basement of 27 Lakeside Av.

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

On behalf of the PWC I present to the RTM for their consideration and ratification Item **15-5**.

At our regular meeting January 20<sup>th</sup>, with 10 of 12 members present, PWC considered and voted unanimously to recommend this item to the RTM.

At the meeting January 20<sup>th</sup> Director of Public Works Ed Gentile provided the committee with background on this unfortunate event.

Background:

As described in the material provided a blockage was discovered in the sewer main two doors down from the affected residence. As the Town is responsible for maintenance of the system including the mains, this re-imbusement obligation arose.

Upon exploring and repairing the blockage DPW determined that at some point in the past the existing main in this area had been replaced or altered to a smaller diameter line. Mr. Gentile explained it is believed that over time a build-up accumulated at the point where the diameter was reduced. Eventually debris got trapped and clogged the system. DPW has no record on file of the alteration being requested or approved and could not ascertain who had done it or when. While unusual, this type of undisclosed modification to the Town system is not without precedent. Over the years there have been instances where a portion of the Town sewer system have been inadvertently damaged during construction and the contractor makes the "repair" on their own initiative with varying degrees of success.

The repair made <sup>by DPW</sup> was temporary in nature. The DPW recommends replacing the full section of altered pipe and it will be a separate capital request brought forward at some point in the future.

It was noted that while rare, there have been three such sewer back-up in recent memory as best DPW can recall. These have ranged from a reimbursement several thousand dollars to one of seven figures.

As residences with "facilities" below street grade are most susceptible to damage whenever a blockage in the sewer system occurs, the DPW recommends all residences with such facilities install a backflow preventer to avoid this type of damage from occurring.

The Committee wishes to thank Mr. Gentile for his assistance.

The Public Works Committee asks that you vote "Yes" and ratify Item **15-5**.

**Finance & Budget Committee  
Report to RTM, February 23, 2015**

**(15-5) Resolution to Appropriate the Sum of \$30,843 from the Sewer Operating Fund Fund Balance for Sewer Damage Reimbursement at 27 Lakeside Avenue.**

The F&B committee met on Thursday, January 22<sup>nd</sup> with 9 of 13 members present to discuss Resolution 15-5.

My colleagues on the RTM's Public Works Committee spoke in detail about the plumbing of this situation, so I will focus more on the financial aspects of the expense.

This transfer is related to a settlement reached between the Sewer Commission and the residents of 27 Lakeside Avenue. The funds will pay for what is now an obligation of the Town to reimburse the property owner for clean up and repair expenses related to a problem that was caused by a failure in the Town's sewer system on Lakeside Avenue. This resolution is not a settlement agreement but instead the only the appropriation of funds to pay for a settlement that has already been reached by the town and the property owner. The property owner has agreed to sign a general release so as to prevent any future liabilities related to this settlement.

Looking at this \$30,843 appropriation, and considering the other two resolutions for the acquisition of the Stephanie Lane sewer system for \$98,498 and the new sewer pump replacements of \$200,000 there will be plenty of money left in the Sewer Operating Fund (90% of the current balance) to deal with any other contingencies that could be expected to arise in the coming year without affecting user fees.

I would like to add to that it is unfortunate that the approval of funds to pay for this settlement took so long. Ideally this would have been paid a few months ago when the settlement was reached, however due to prior unexpected expenses of the sewer commission, there were no longer extra funds available in the budget to be shifted to pay for the settlement. Mother Nature also did not cooperate as the past two RTM meeting where this appropriation was to be approved were cancelled due to snow storms.

We have learned that next year's budget will include an additional contingency line that will permit the commission to fund an insurance settlement such as this from its healthy cash reserves.

With 9 of 13 members present, the F&B committee voted 8 in favor, 0 opposed and one abstention to recommend that the full RTM approve the resolution.

Thank you.

James Palen  
Chair, Finance & Budget Committee  
February 23, 2015

## Planning, Zoning and Housing Committee Report

### Resolution 15-6 and 15-7 Locust Hill Road Right of Way

The Planning, Zoning and Housing Committee met on Tuesday, February 10, with 9 of 14 members present, comprising a quorum. We discussed the resolutions to both discontinue land and accept land on the right of way adjacent to Locust Hill Road. By the approval of both resolutions the right of way on Locust Hill Road will conform to town standards. Right now there is too little land in some areas and too much in others. The committee voted unanimously with one abstention to support the resolution and recommends that the RTM do the same.