

**MINUTES
REPRESENTATIVE TOWN MEETING
JUNE 24, 2013**

DRAFT

CALL TO ORDER

A Special Meeting of the Representative Town Meeting was called to order at 8:10 p.m. by Caryn Diller, Assistant Town Clerk.

Upon Roll Call, the following members were present:

From District I, there were 8 members present, 7 absent.
From District II, there were 8 members present, 8 absent.
From District III, there were 10 members present, 6 absent.
From District IV, there were 13 members present, 3 absent.
From District V, there were 14 members present, 3 absent.
From District VI, there were 12 members present, 3 absent.

The absentees from District I were:	DuPont, Haas, Henderson, Kelly, Schneider, Tierney, Valentino.
The absentees from District II were:	Ebrahimi, Finn, Hoffman, Howe, Matton, McIlMurray, B. Thorne, M. Thorne.
The absentees from District III were:	Camuti, Ferretti, George, Hegarty, Morton, Schulz-Amatruda.
The absentees from District IV were:	Peters, Rycenga, Savage.
The absentees from District V were:	Adiletta, Coyne, Hennessy.
The absentees from District VI were:	Broecking, Cherico, Ritchie.

The Moderator, Sarah C. Seelye, assumed the Chair.

ACCEPTANCE OF THE AGENDA

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

ANNOUNCEMENTS

The Moderator said there would be new voting locations for Districts I and V. District I residents will vote at 35 Leroy Avenue and District V residents will vote at 221 Noroton Avenue. Eventually, there will be no voting in any of the schools.

The Moderator said that any RTM members running in November would soon be receiving paperwork from the Town Clerk.

APPROVAL OF THE MINUTES OF THE MAY 13, 2013 BUDGET MEETING

** THE MINUTES WERE ACCEPTED BY UNIVERSAL CONSENT.

13-12

CONSIDERATION AND ACTION ON 7TH AMENDMENT TO THE LEASE
BETWEEN TOWN OF DARIEN AND CROWN ATLANTIC COMPANY, LLC

** STEVEN ANDERSON, DISTRICT III, VICE-CHAIRMAN OF THE PUBLIC
WORKS COMMITTEE, MOVED:

THIS SEVENTH AMENDMENT TO CELLULAR PROPERTY LEASE made as of this _____ day of June, 2013, by and between **Town of Darien, Connecticut** a municipal corporation with a mailing address of 2 Renshaw Drive, Darien, Connecticut 06820 (hereinafter referred to as "**Lessor**" which term shall include its successors and assigns where the context so admits) and **Crown Atlantic Company LLC**, a Delaware limited liability company as successor by assignment to Cellco Partnership d/b/a Bell Atlantic Mobile with a mailing address of 2000 Corporate Drive, Canonsburg, Pennsylvania 15317 (hereinafter referred to as "**Lessee**" which term shall include its successors and assigns where the context so admits).

WITNESSETH:

WHEREAS, the Lessor and Metro Mobile CTS of Fairfield County, Inc. predecessor-in-interest to Cellco Partnership d/b/a Bell Atlantic Mobile entered into a Cellular Property Lease dated June 16, 1992 as amended by an Amendment No. #1 to Cellular Property Lease dated May 1, 1997, a Second Amendment to Cellular Property Lease dated May 18, 1998, a Third Amendment to Cellular Property Lease dated March 3, 1999 and a Fourth Amendment to Cellular Property Lease dated July 21, 2006 and a Fifth Amendment to Cellular Property Lease dated September 22, 2008; and a Sixth Amendment to Cellular Property Lease dated March 15, 2010 (herein referred to as "**Lease**") for the leasing of certain premises consisting of approximately 1,800 s.f. ("**Premises**") located off of Ledge Road, Darien, Connecticut ("**Property**");

WHEREAS, by a certain Assignment and Assumption Agreement dated March 31, 1999, as described in a certain Memorandum of Assignment recorded at Volume 906, Page 178, Cellco Partnership d/b/a Bell Atlantic Mobile transferred, assigned and conveyed its interest in the Lease to the Lessee and the Lessee succeeded to all rights and obligations of the Lessee under the Lease;

WHEREAS, the Lessee desires to amend the Lease to provide for further subleasing of the Premises and the expansion of the Premises;

WHEREAS, the Lessor is willing to grant the right to further sublease and for the expansion of the Premises on the terms and conditions hereinafter set forth;

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged the Lessor and Lessee execute this Seventh Amendment to Cellular Property Lease, which amends the Lease as follows:

1. To expand the fenced in ground area by 15 x 15.05 feet to allow a generator to provide power to the equipment and/or additional cell tower equipment. This 15 x 15.05 are is more particularly described in Attachment "A" as attached hereto and made a part hereof. The additional monthly rent for the expanded area is \$166.67 per month. The rent shall be subject to revision should additional equipment be placed in the leased area.
2. Lessor and Lessee ratify, confirm and adopt the Lease as of the date hereof (as amended) and acknowledge that there are no defaults under the Lease or events or circumstances which, with the giving of notice or passage of time or both, would ripen into events of default.

All Capitalized terms used herein, unless otherwise defined herein, shall be defined in conformity with the terms and conditions of the Lease.

All other terms and conditions of the Lease except as amended by this Seventh Amendment to Cellular Property Lease remain unchanged and the parties confirm and ratify the conditions of the Lease.

This Seventh Amendment to Cellular Property Lease is executed in any number of counterparts, each copy of which shall be deemed an original document.

SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, the parties have executed this instrument as a sealed instrument as of the day and year first written above.

WITNESSESS:

LESSOR:

**Town of Darien, Connecticut,
a municipal corporation**

By: _____

Name: Jayme Stevenson
Title: First Selectman
Hereunto Duly Authorized

STATE OF CONNECTICUT

_____, ss

On this ____ day of June, 2013, before me, the undersigned notary public, personally appeared Jayme Stevenson, First Selectman and proved to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose on behalf of the Town of Darien, Connecticut.

Notary Public
My Commission Expires:

IN WITNESS WHEREOF, the parties have executed this instrument as a sealed instrument as of the day and year first written above.

WITNESSES:

LESSOR:

**Crown Atlantic Company LLC,
a Delaware limited liability company**

By: _____
Name: Robert Ackerman
Title: Area President – East Area
Hereunto Duly Authorized

STATE OF NORTH CAROLINA

Mecklenburg, ss

On this ____ day of _____, 2013, before me, the undersigned notary public, personally appeared the above-named Robert Ackerman, Area President – East Area and proved to me to be the person whose name is signed on the preceding or attached document, and

acknowledged to me that he signed it voluntarily for its stated purpose on behalf of Crown Atlantic Company LLC.

Notary Public
My Commission Expires:

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

Steven Anderson, District III, Vice-Chairman of the Public Works Committee, said that the committee met this evening, and with 10 of 14 members present, voted unanimously to approve the resolution.

Bruce Orr, District III, Chairman of the Finance & Budget Committee, read that committee's report (attached).

**** ITEM 13-12 CARRIED ON A RISING TALLY VOTE OF 64 IN FAVOR, 0 OPPOSED, 1 ABSTENTION.**

13-13

CONSIDERATION AND ACTION ON ACCEPTANCE OF A GIFT OF \$200,000 FOR A NEW SCOREBOARD FOR DARIEN HIGH SCHOOL FROM THE DARIEN ATHLETIC FOUNDATION

**** DENNIS MARONEY, DISTRICT III, CHAIRMAN OF THE EDUCATION COMMITTEE, MOVED:**

WHEREAS, the Darien Athletic Foundation desires to make a gift of a scoreboard at Darien High School with an estimated value worth Two Hundred Thousand and 00/100 Dollars (\$200,000.00); and

WHEREAS, the Board of Selectmen has previously approved the acceptance of this gift;

BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien accepts with thanks the gift from the Darien Athletic Foundation. In particular, the Representative Town Meeting authorizes the acceptance of a gift with an estimated value worth Two Hundred Thousand and 00/100 Dollars (\$200,000.00) from the Darien Athletic Foundation for a scoreboard to be installed at Darien High School.

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

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

Bruce Orr, District III, Chairman of the Finance & Budget Committee, read the report of this committee (attached).

Elisabeth Bacon, District II, asked if she had heard that there would be advertising; the response from many was that there would not be advertising.

**** ITEM 13-13 CARRIED ON A RISING TALLY VOTE OF 63 IN FAVOR, 0 OPPOSED, 2 ABSTENTIONS.**

Jim Cameron, District IV, reminded everyone that if they were planning to drive into the fireworks on Friday night, they need a parking permit, which must be purchased in Town Hall during business hours at a cost of \$30. It cannot be bought Friday night at the fireworks.

**** UPON MOTION MADE AND SECONDED, IT WAS UNANIMOUSLY VOTED TO ADJOURN AT 8:30 P.M.**

Respectfully submitted,

Cheryl Telesco Blois
Telesco Secretarial Services

APPENDIX

<u>DISTRICT I</u>	<u>(13-12)</u>	<u>(13-13)</u>	<u>DISTRICT IV</u>	<u>(13-12)</u>	<u>(13-13)</u>
Bumgardner	yes	yes	Cameron	yes	yes
Conologue	yes	yes	Cleary	yes	yes
DuPont	absent	absent	Davis, Joan	yes	yes
Glassmeyer	yes	yes	Domittner	yes	yes
Haas	absent	absent	Fiore	yes	yes
Hall	yes	yes	Haidinger	yes	yes
Hayes	yes	yes	Hardison	yes	yes
Henderson	absent	absent	Hawkins	yes	yes
Huck	yes	yes	Kemp	yes	yes
Kelly	absent	absent	Millar	yes	yes
McNamara	yes	yes	Morrison	absent	absent
Schneider	absent	absent	Peters	yes	yes
Tierney	absent	absent	Rayhill	yes	yes
Valentino	absent	absent	Rycenga	absent	absent
Van der Kieft	yes	yes	Savage	absent	absent
			Schoonmaker	yes	yes
<u>DISTRICT II</u>			<u>DISTRICT V</u>		
Bacon	yes	yes	Adiletta	absent	absent
Ebrahimi	absent	absent	Bayne	yes	yes
Finn	absent	absent	Boulton	yes	yes
Hoffman	absent	absent	Burke	yes	yes
Howe	absent	absent	Coyne	absent	absent
Keith	yes	yes	Duffy	yes	yes
Marston	yes	yes	Fead	yes	yes
Matton	absent	absent	Hennessy	absent	absent
McIlmurray	absent	absent	LeHan	yes	yes
McNally	yes	yes	Lublin	yes	yes
Miller	yes	yes	Martens	yes	yes
Mundt	yes	yes	McLachlin	yes	yes
Seelye	Did Not Vote		Mosher	yes	yes
Synnott	yes	yes	Patrick	yes	yes
Thorne, B	absent	absent	Russell	yes	abstain
Thorne, M	absent	absent	Stolar	yes	yes
			Young	yes	yes
<u>DISTRICT III</u>			<u>DISTRICT VI</u>		
Anderson	yes	yes	Adelman	yes	yes
Camuti	absent	absent	Ball	yes	yes
Cardone	yes	yes	Broecking	absent	absent
Conniff	yes	yes	Cherico	absent	absent
Coyle	yes	yes	Grogan	yes	yes
Davis, Jack	yes	yes	Hawkins	yes	yes
Ferretti	absent	absent	Luz	yes	yes
George	absent	absent	McDermott	yes	yes
Hegarty	absent	absent	McLean	yes	yes
Kiernen	yes	yes	Palen	yes	yes
Maroney	yes	yes	Plehaty	yes	yes
Moore	yes	yes	Poli	yes	yes
Morton	absent	absent	Ritchie	absent	absent
Orr	yes	yes	Swenson	yes	yes
Saksena	yes	yes	van Loan	yes	yes
Schulz-Amatruda	absent	absent			

**Finance & Budget Committee
Report to RTM, June 24, 2013**

**(13-12) RTM RESOLUTION AMENDING THE LEASE BETWEEN THE
TOWN AND CROWN ATLANTIC COMPANY**

I am Bruce Orr, District ³~~8~~ and Chair of Finance and Budget.

The F&B committee met on June 20, 2013, with 8 of 16 members present comprising a quorum.

As you have heard earlier, this seventh amendment to this lease – please note that lease dates back to 1992 and just in the last 7 years the RTM has approved three amendments to this lease – is for the modest expansion of the “foot print” of the lease area to allow for installation of a back-up generator & related equipment and to allow for further sub-leasing.

This amendment will provide for an additional revenue stream to Town of about \$2k a year. In aggregate, total lease revenue for this cell tower is now in the range of about \$130k per year.

The Committee voted unanimously to approve this Resolution and recommends that RTM approve this lease amendment.

Bruce G. Orr, Sr.
Chairman
June 24, 2013

Hello I am Dennis Maroney of district 3 and Chairman of the Education committee of the RTM

I would like to move 13-13 and ask for a second. Without objection I would like to waive the reading. Seeing none

The RTM Education committee held a special meeting on 17 June 2013 with 11 of ~~14~~¹² members present. Also present were members of the BOE and Peter Graham, Darien Athletic Foundation President. We discussed the gift of a new Scoreboard from the DAF. We understood that the gift was voted and accepted by the Board of Education on 23 April, Planning and Zoning approved on 7 May and the Board of Selectmen approved on 21 May.

We questioned the life expectancy of the scoreboard – 15-20 years. The gift includes a warranty and the ongoing maintenance will be funded with endowment funds.

We questioned about the neighbors, some of whom were contacted by the administration but not all nor was a public hearing required. However, moving the scoreboard to the North end of the stadium reduces if not eliminates the neighbors impact as the scoreboard will be angled back towards the school. Only sound from the scoreboard will be a buzzer signaling the end of quarters. Existing speakers in the stadium will remain the same.

The scoreboard will be multi functional allowing for sports such as lacrosse, field hockey, track and field, football along with other events such as graduation to display photos of each graduate as they walk up to receive diploma for example.

The scoreboard measures 8 ft high x 25 ft long x 8 ft deep. Current scoreboard measures 10.5 ft by 24. The scoreboard will be placed with the lowest point 10 ft above the ground.

There is also the addition of a school sign at the top which puts the total height of the board at 29.5 ft above the ground. The scoreboard in conjunction with BOE policy will not allow advertisements.

The gift from the Darien Athletic Foundation is worth \$200,000 and the committee thanks the foundation for its generosity.

The RTM education committee voted on 17 June with 11 of 14 members present 11 in favor 0 opposed and 0 abstentions in favor of accepting the gift and ~~urge~~ *recommend* the RTM to do the same

Thank you.

**Finance & Budget Committee
Report to RTM, June 24, 2013**

**(13-13) RTM RESOLUTION ACCEPTING A GIFT FROM THE DARIEN
ATHLETIC FOUNDATION FOR A NEW SCOREBOARD AT DHS**

I am Bruce Orr, District 3 and Chair of Finance and Budget.

The F&B committee met on June 20, 2013, with 8 of 15 members present comprising a quorum. We were joined by representatives from the BOE and the Darien Athletic Foundation to discuss and take action on this resolution

As has been outlined earlier, this \$200k gift of a new, state of the art ^{multi-sport} scoreboard for the DHS stadium is from the Darien Athletic Foundation. We had an active discussion on the costs related relocation & installation, insurance and warranty period, etc. for the scoreboard, as well as "softer issues", such as impact on the neighbors.

Seeing no short or long-term unfavorable financial impact to the Town or BOE, the Committee voted unanimously to accept this gift and we recommend to the RTM to vote in favor of this Resolution and we thank the DAF for its generosity and hard work on current and future projects on behalf of the citizens of Darien.

Bruce G. Orr, Sr.
Chairman June 24, 2013