

**MINUTES
REPRESENTATIVE TOWN MEETING
SEPTEMBER 27, 2010**

**RECEIVED
SEP 30 2010
TOWN CLERK'S OFFICE
DARIEN CT.**

CALL TO ORDER

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

Upon Roll Call, the following members were present:

From District I, there were 7 members present, 7 absent.
From District II, there were 11 members present, 6 absent.
From District III, there were 13 members present, 5 absent.
From District IV, there were 15 members present, 1 absent.
From District V, there were 12 members present, 4 absent.
From District VI, there were 12 members present, 4 absent.

The absentees from District I were: Bishko, Harrington, Imbimbo, Ness, Piccaro, Price, Puzyk,.

The absentees from District II were: Bacon, Carder, Cummings, Hoffman, Howe, Maguire.

The absentees from District III were: Brode, D'Urso, Fead, Lehan, Pullen.

The absentee from District IV was: Pratt.

The absentees from District V were: Dailey, Nizolek, Russell, Wolcott.

The absentees from District VI were: Baldwin, McDermott, McLean, Poli.

The Moderator, Karen A. Armour, assumed the Chair.

ACCEPTANCE OF THE AGENDA

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

ANNOUNCEMENTS

RTM SPECIAL MEETING DATE – OCTOBER 25, 2010

The Moderator announced that Item 9, Presentation on proposed moves of Senior Center and Board of Education, had been postponed to October 25th.

STATUS OF RTM PORTION OF THE NOVEMBER 2, 2010 BALLOT

Mrs. Rajczewski cited the following for the November election:

Districts I and II still have 17 seats.

District III has 17 seats instead of 18 and District VI picked up that extra seat.

There are 3 petitioning candidates from District I, making 9 candidates for 10 vacancies

District II has 13 vacancies, 11 candidates.

District III has 7 vacancies, 7 candidates.
District IV has 8 vacancies, 6 candidates.
District V has 9 vacancies, 8 candidates.
District VI has 11 vacancies, 10 candidates.

If anyone is interested, they can put themselves in as a write-in candidate by registering with the Town Clerk's Office and obtaining 25 votes on the ballot.

James Cameron, District IV, said on October 4th, there will be a hearing by the Board of Selectmen on the change in the rates at the train station.

APPROVAL OF MINUTES FOR THE MAY 10, 2010 BUDGET MEETING

**** THE MINUTES WERE APPROVED BY UNIVERSAL CONSENT.**

10-14

CONSIDERATION AND ACTION ON NOMINATION OF WILLIAM JESSUP TO THE FIVE MILE RIVER COMMISSION, FOR SUBMISSION TO THE GOVERNOR FOR REAPPOINTMENT

**** SARAH SEELYE, DISTRICT II, CHAIRMAN OF TGS&A, MOVED:**

WHEREAS, pursuant to § 15-26a of the Connecticut General Statutes, the Governor may appoint two electors from each of the towns of Norwalk and Darien to the Five Mile River Commission; and

WHEREAS, each such member shall be appointed by the Governor from a list of nominees to be submitted by the legislative body of each such town; and

WHEREAS, the Board of Selectmen at its meeting of September 7, 2010, voted unanimously to recommend the re-appointment of William E. Jessup to the Governor for membership on the Five Mile River Commission.

BE AND IT IS HEREBY RESOVED that the Representative Town Meeting of the Town of Darien recommends the re-nomination of William E. Jessup to the Governor for membership on the Five Mile River Commission.

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

Town Attorney Fox said that the Five Mile River Commission has regulatory review status over the Five Mile River. There are two electors from Norwalk and Darien to be appointed by the Governor. This resolution urges the Governor to reappoint Mr. Jessup.

James Cameron, District IV, asked if TGS&A had looked into how Mr. Jessup was chosen and how he had served in this office. He asked what the process was for re-nominating him. The Moderator responded that the Board of Selectmen had re-nominated Mr. Jessup; she did not know how many candidates there had been. Town Counsel Fox said that the Board of Selectmen had agreed with this re-nomination. It is a four-year term.

David Kahn, District I, said he received this packet on Friday and there were no explanations for many of the resolutions in the packet. It is not appropriate that they are voting on things that they don't understand. He asked that they be given a one-page summary of each item in their packets.

**** ITEM 10-14 CARRIED ON A RISING TALLY VOTE OF 62 IN FAVOR, 0 OPPOSED, 5 ABSTENTIONS.**

10-15

CONSIDERATION AND ACTION ON CODE OF ORDINANCE AMENDMENT REGARDING PURCHASING ADMINISTRATION

**** SARAH SEELYE, DISTRICT II, CHAIRMAN OF TGS&A, MOVED:**

The Code of Ordinances, Town of Darien, Connecticut is hereby amended to read as follows (New Language in caps and deleted language in brackets).

Chapter 2, Administration, Article I, Section 2-2, Invitations for [sealed] bids or proposals.

Sec. 2-2. Invitations for [sealed] bids or proposals.

(a) Unless otherwise provided in the town Charter under Chapter XII, invitations for [sealed] bids or proposals are required for any acquisition or contract (as defined by section 46(b) of the Charter) that involves the expenditure of \$10,000.00, or more, regardless of whether such amount is to be paid as a single payment or as a series of payments with one fiscal year.

(b) [Sealed] bids or proposals are not required, but may be invited, for any acquisition or contract that involves the expenditure of any amount from \$1,000.00 to \$10,000.00 regardless of whether such amount is to be paid as a single payment or as a series of payments over a period of time.

(c) A [sealed] bid or proposal shall not be required when the acquisition or contract is:

- (1) For professional services;
- (2) From or with one or more regulated public utilities;

(3) Facilitated by or involves the state or its subsidiaries, one or more governmental bodies or municipalities within the state, or cooperatives created by such governmental bodies or municipalities; **MULTI-STATE PURCHASING COOPERATIVES OF WHICH LOCAL GOVERNMENTS ARE ELIGIBLE TO PARTICIPATE**; or

(4) Considered and acted upon by the board of selectmen on the record at a publicly held meeting, and such board determines by the affirmative vote of at least four of its members that seeking a [sealed] bid or proposal is unnecessary, is not a requirement of a federal or state law or grant and is not in the best interests of the town.

(d) Purchasing documents shall be a public record and shall be retained and available to the public as provided under federal and state law.

EFFECTIVE DATE JANUARY 1, 2011.

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

Sarah Seelye, District II, Chairman of TGS&A, read that Committee's report (attached).

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

Robert Young, District III, asked the reason for removing the term "sealed bids". Town Counsel Fox said he had spoken with Mr. Kilduff, who told him that this term has become inadequate. It is no longer mandated or necessary, although some bids may still be sealed.

Jack Davis, District V and a member of Finance & Budget, said that bids over \$10,000 will not be sealed. Secondly, they will be looking at two additional resolutions, one of which is that they no longer need to take the lowest price. In that case, the reason for sealing the bid becomes less important.

Peter Kelly, District I, asked if one of the committees or Town Counsel could respond to the issue of expenditures over \$10,000, which seems very small. In addition, professional services are usually more than \$10,000 but there does not seem to be any checks or balances. Maybe some committee should really look at this ordinance.

Bruce Orr, District V, Chairman of Finance & Budget, said this ordinance and the next two are all wrapped around charter revision and streamlining the ordinance and the charter. These are updates and are quite simple. Regarding the question about the \$10,000, he said that the RTM, in passing the budget, is giving the authorization to spend and to tax.

The Moderator said they are trying to begin working on the charter by repairing snags in the way they work. These changes were requested by the people who work in Town Hall to do their work more effectively.

**** ITEM 10-15 CARRIED ON A RISING TALLY VOTE OF 65 IN FAVOR, 0 OPPOSED, 2 ABSTENTIONS.**

10-16

CONSIDERATION AND ACTION ON CHANGES TO CHAPTER X11 OF DARIEN'S CHARTER REGARDING PURCHASING PROCEDURES

**** SARAH SEELYE, DISTRICT II, CHAIRMAN OF TGS&A, MOVED:**

Chapter XII. Purchasing, Contracting and Expenditures, Section 46 of the Charter, Town of Darien, Connecticut is hereby amended to read as follows (New language in caps and deleted language in brackets).

Sec. 46. Purchasing, contracting and expenditures.

(a) The board of selectmen is authorized to adopt rules, regulations and procedures regarding purchasing, contracting and expenditures by the town consistent with the provisions of the laws of the State of Connecticut, any applicable ordinances of the Town of Darien (the "Ordinances"), and this Section.

(b) With the exception of the board of education, all town boards, commissions, departments, offices and agencies are to submit requisitions to purchase, lease, contract for or otherwise acquire goods, work or services (an "acquisition or contract") in writing and in such form as the board of selectmen may prescribe. A requisition is not valid until it is endorsed by the town finance director or his or her designee.

(c) Requirements for when sealed bids or proposals are to be invited for an acquisition or contract shall be set forth in the Ordinances.

(d) At a minimum, public notice of an invitation for a sealed bid or proposal shall be given in accordance with the laws of the State of Connecticut in all respects, including as to the manner and timing of such public notice.

(e) All submitted sealed bids or proposals shall be opened publicly.

(f) The bid or proposal submitted by the lowest responsive and responsible bidder shall be accepted, ~~[or all the submitted bids or proposals shall be rejected.]~~ IN DETERMINING THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ADDITION TO PRICE, THE FOLLOWING SHALL BE CONSIDERED:

- (1.) THE ABILITY, CAPACITY AND SKILL OF THE BIDDER TO PERFORM THE CONTRACT OR PROVIDE THE SERVICES REQUIRED IN RELATION TO THE STANDARDS AND SPECIFICATIONS AS REQUIRED.
- (2.) THE ABILITY OF THE BIDDER TO PERFORM THE CONTRACT OR PROVIDE THE SERVICE WITHIN THE TIME SPECIFIED, WITHOUT DELAY OR INTERFERENCE.
- (3.) THE CHARACTER, INTEGRITY, REPUTATION, JUDGMENT, EXPERIENCE AND EFFICIENCY OF THE BIDDER.
- (4.) THE QUALITY OF PERFORMANCE OF PREVIOUS CONTRACTS OR SERVICES.
- (5.) THE SUFFICIENCY OF THE FINANCIAL RESOURCES AND ABILITY OF THE BIDDER TO PERFORM THE CONTRACT OR PROVIDE THE SERVICE.

(g) WHEN THE AWARD IS NOT GIVEN TO THE LOWEST BIDDER, A FULL AND COMPLETE STATEMENT OF THE REASON FOR PLACING THE ORDER

ELSEWHERE SHALL BE REPORTED BY THE FIRST SELECTMAN AT THE NEXT MEETING OF THE BOARD OF SELECTMEN.

(h)(g) [Records of all bids or proposals for an acquisition or contract shall be kept in the office of the first selectman for one year from the date of each such bid or proposal, and such records shall be available for public inspection] PURCHASING DOCUMENTS SHALL BE A PUBLIC RECORD AND SHALL BE RETAINED AND AVAILABLE TO THE PUBLIC AS PROVIDED UNDER FEDERAL AND STATE LAW.

(i)(h) An invitation for bids or proposals is not required when the first selectman has declared that the need for an acquisition or contract constitutes an emergency. As used here, an emergency is a condition which threatens damage or injury to property or health or the curtailment of town services. Any emergency declaration and action taken hereunder by the first selectman shall be reported at the next meeting of the board of selectmen.

EFFECTIVE DATE JANUARY 1, 2011.

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

Sarah Seelye, District II, Chairman of TGS&A, read the Committee report (attached).

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

Robert Young, District III, asked questions about paragraphs C & D relating to sealed bids.

James Cameron, District IV, said Paragraph F refers to reasons for possible exclusions of the bidder. He asked at the public hearing if this was not speculative and if it wasn't actionable.

Frank Kemp, District IV, said that the reply to Mr. Cameron's question at the public hearing was that Town Counsel and Mr. Kilduff advised them that this phrase was very common and did not expose the town to further challenge. TGS&A felt confident that this should stay in.

Lois Schneider, District I, asked where they would find documents since they are no longer in the Selectman's Office. Town Counsel Fox said that the State issues guidelines as to how long documents have to be kept. The Purchasing Agent and/or the First Selectman would have these documents.

**** ITEM 10-16 CARRIED ON A RISING TALLY VOTE OF 66 IN FAVOR, 0 OPPOSED, 2 ABSTENTIONS.**

10-17

CONSIDERATION AND ACTION ON CHANGES TO CHAPTER XI OF DARIEN'S CHARTER REGARDING THE PUBLICATION TIMEFRAME FOR THE TOWN BUDGET

**** SARAH SEELYE, DISTRICT II, CHAIRMAN OF TGS&A, MOVED:**

Chapter XI. Finance and Taxation, Section 39(a) (2) and 39(c) of the Charter, Town of Darien, Connecticut is hereby amended to read as follows (New language in caps and deleted language in brackets):

Sec. 39. Budget estimates; appropriations and tax rate.

(a) (2) The board of selectmen shall submit itemized estimates of the moneys necessary to be appropriated for all other expenses of said town for the next ensuing year, beginning the first day of July annually, and at the same time shall submit to said board of finance for each such item the amount expended in the preceding fiscal year, the amount appropriated for the current fiscal year, and the amount expended in the first six months of the current fiscal year. Such estimates shall be published in a LEGAL NOTICE THAT COMPLIES WITH STATE LAW [newspaper published in the town, if there be any, otherwise in a newspaper published in Stamford or Norwalk, at least three days before the second Tuesday] DURING THE SECOND WEEK in March annually.

(c) Such appropriations and the rate of taxation fixed by the board shall be filed in the town clerk's office on or before the third Tuesday in April annually and LEGAL NOTICE shall be PROVIDED IN ACCORDANCE WITH STATE LAW [published in a newspaper published in the town, if there be any, otherwise in a newspaper published in Stamford or Norwalk, on or before the last Tuesday] DURING THE FOURTH WEEK in April annually.

EFFECTIVE DATE JANUARY 1, 2011.

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

Sarah Seelye, District II, Chairman of TGS&A, read the Committee report (attached).

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

Christa McNamara, District VI, asked why all of the ordinance and charter changes were effective as of January 1st. The Moderator responded that it seemed to be a date that worked.

Jeffrey Marston, District II, asked if there is anything that the RTM can do to push the powers that be towards a more intelligent format for the budget. The Moderator said that the Finance & Budget Committee is very concerned about this and is working on it.

Bruce Orr, District V, Chairman of Finance & Budget, said that they will continue discussing this issue.

Lloyd Plehaty, District VI, said there are legal rules on how quickly any law can become effective. Every action by the RTM is subject to public recourse. There has to be time allowed for people to arrange a referendum. The Moderator noted that it is ten days to call for a referendum, not three months.

**** ITEM 10-17 CARRIED ON A RISING TALLY VOTE OF 67 IN FAVOR, 0 OPPOSED, 1 ABSTENTION.**

**** UPON MOTION MADE AND SECONDED FROM THE FLOOR, IT WAS
UNANIMOUSLY VOTED BY ROLL CALL VOTE TO ADJOURN AT 9:15 P.M.**

Respectfully submitted,

Cheryl Telesco
Telesco Secretarial Services

APPENDIX

<u>DISTRICT I</u>	<u>(10-14)</u>	<u>(10-15)</u>	<u>(10-16)</u>	<u>(10-17)</u>
Bishko	absent	absent	absent	absent
Harrington	absent	absent	absent	absent
Imbimbo	absent	absent	absent	absent
Kahn	abstain	abstain	abstain	abstain
Kelly, P.	yes	yes	yes	yes
Nelson	yes	yes	yes	yes
Ness	absent	absent	absent	absent
Piccaro	absent	absent	absent	absent
Price	absent	absent	absent	absent
Puzyk	absent	absent	absent	absent
Schneider	yes	yes	yes	yes
Schwarz	yes	yes	yes	yes
Sini	yes	yes	yes	yes
Sommer	abstain	yes	yes	yes
Tierney	absent	absent	absent	absent

DISTRICT II

Bacon	absent	absent	absent	absent
Carder	absent	absent	absent	absent
Cummings	absent	absent	absent	absent
Gallo	yes	yes	yes	yes
Harman	yes	yes	yes	yes
Hoffman	absent	absent	absent	absent
Howe	absent	absent	absent	absent
Magida	yes	yes	yes	yes
Maguire	absent	absent	absent	absent
Marston	abstain	yes	yes	yes
McIlmurray	yes	yes	yes	yes
Mundt	yes	yes	yes	yes
Noe	yes	yes	yes	yes
Ridley	yes	yes	yes	yes
Seelye	yes	yes	yes	yes
Thorne, B.	yes	yes	yes	yes
Thorne, M	yes	yes	yes	yes

DISTRICT III

Bayne	yes	yes	yes	yes
Brode	absent	absent	absent	absent
Burke	yes	yes	yes	yes
Cardone	yes	yes	yes	yes
Coyle	yes	yes	yes	yes
Duffy	yes	yes	yes	yes
D'Urso	absent	absent	absent	absent
Fead	absent	absent	absent	absent
Ferretti	yes	yes	yes	yes
LeHan	absent	absent	absent	absent
Maroney	yes	yes	yes	yes
Martens	yes	yes	yes	yes
Moore	yes	yes	yes	yes
Morton	yes	yes	yes	yes
Olvany	absent	absent	yes	yes
Pullen	absent	absent	absent	absent
Smith	yes	yes	yes	yes
Young	yes	yes	yes	yes

<u>DISTRICT IV</u>	<u>(10-14)</u>	<u>(10-15)</u>	<u>(10-16)</u>	<u>(10-17)</u>	
Cameron	abstain	yes	yes	yes	
Cleary	yes	yes	yes	yes	
Davis	yes	yes	yes	yes	
Eng	yes	yes	yes	yes	
Kemp	yes	yes	yes	yes	
McIlree	yes	yes	yes	yes	
Millar	absent	absent	absent	absent	(arrived after all votes taken)
Miller	yes	yes	yes	yes	
Morrison	yes	yes	yes	yes	
Peters	yes	yes	yes	yes	
Pratt	absent	absent	absent	absent	
Rayhill	yes	yes	yes	yes	
Rycenga	yes	abstain	yes	yes	
Savage	yes	yes	yes	yes	
C.Schoonmaker	yes	yes	yes	yes	
S.Schoonmaker	yes	yes	yes	yes	

DISTRICT V

Adiletta	yes	yes	yes	yes
Camuti	yes	yes	yes	yes
Conniff	yes	yes	yes	yes
Dailey	absent	absent	absent	absent
Davis	yes	yes	yes	yes
George	yes	yes	yes	yes
Hennessy	yes	yes	yes	yes
Nizolek	absent	absent	absent	absent
Orr	yes	yes	yes	yes
Patrick	yes	yes	yes	yes
Ritchie	yes	yes	yes	yes
Russell	absent	absent	absent	absent
Sharp	yes	yes	yes	yes
Stolar	yes	yes	yes	yes
vanderkieft	yes	yes	yes	yes
Wolcott	absent	absent	absent	absent

DISTRICT VI

Adelman	yes	yes	abstain	yes
Armour	Did not vote			
Baldwin	absent	absent	absent	absent
Bealle	yes	yes	yes	yes
Conologue	yes	yes	yes	yes
Grogan	yes	yes	yes	yes
Guimond, M.	yes	yes	yes	yes
Guimond, N.	yes	yes	yes	yes
Hawkins	yes	yes	yes	yes
Kelly, H.	yes	yes	yes	yes
McDermott	absent	absent	absent	absent
McLean	absent	absent	absent	absent
McNamara	abstain	yes	yes	yes
Plehaty	yes	yes	yes	yes
Poli	absent	absent	absent	absent
Swenson	yes	yes	yes	yes

TGS&A Committee Report
September 27, 2010
RTM

Good Evening. I am Sarah Seelye, chairman of the TGS&A committee of the RTM. TGS&A was asked by the Rules Committee two years ago to examine the Code of Ordinances and The Charter for items that may need to be brought up to date. Last year we brought you changes regarding the fees and fines in the Code of Ordinances. This year we created a sub-committee chaired by Mr. Frank Kemp for the following proposed changes. What we are presenting tonight are a result of conversations with Karl Kilduff, Administrator of the Town of Darien, Mr, Ed Schmidt, legal counsel and Ms. Kate Buch, Town Finance Administrator. You are being presented with two charter changes and one ordinance issue which is tied directly to the Purchasing Issues. The second charter change resulted from a conversation with Ms. Kate Buch regarding publication of the town budget. Last year the budget had to be published in the Stamford Advocate due to restraints of publication dates in the Charter. Not only is it several times the cost of local publishing, it was published in Stamford! It is just a common sense change which will ultimately save money for the town and actually be more convenient for the Town residents. We felt this charter revision was not a stand alone item and combined it during our Public Hearing which was held on July 26th, 2010.

Agenda 10-15

- 1) RTM Resolution Proposing Amendment to Section 202 of the Darien Code of Ordinances

Without objection, I waive the reading of the Resolution proposing Amending Section 202 of the Darien Code of Ordinances.

I move the resolution, may I have a second?

Thank you.

This amendment states that the town of Darien can participate in "Multi-state purchasing cooperatives of which local governments are eligible to participate". This is considered to the "Best Practice" by purchasing professionals in the surrounding municipalities. In the past, Darien has missed opportunities to save money in purchasing contracts.

On June 7th, 2010 TGS&A committee of the RTM met with 7 out of 10 members present. The committee unanimously approved the Resolution.

In summary, the TGS&A committee recommends that the RTM vote in favor of this resolution.

65
2 absentees

**Finance & Budget Committee
Report to RTM, Sept.27, 2010**

**(10-15) RTM RESOLUTION AMENDING SECTION 2-2 OF THE CODE OF
ORDINANCES**

I am Bruce Orr, District 5 and Chair of Finance and Budget.

The F&B committee met on Sept. 20, 2010, with 13 of 16 members present comprising a quorum.

As ~~Mr. Kemp~~ (or Ms. Seelye) has described, this ordinance amendment removes the term "sealed" from invitations to bid or make proposals for contracts issued by the Town in excess of \$10,000, effectively allowing the Town to participate in Multi-State Purchasing Cooperatives.

As in the typical with the Finance & Budget Committee, we engaged in productive discussion on this amendment to the Town Ordinances. While many debated the rationale and legal minutia of the Amendment, most Committee members felt that these minor changes would allow the Town more flexibility and potentially promote increased competition. Furthermore, the Committee continues to be supportive of streamlining and updating Town Ordinances and sensible changes to the Town Charter.

The Committee voted 11 in favor, 1 against and 2 abstentions to approve this resolution. Those who voted against or abstained cited the need for more background on this ordinance amendment. The Committee recommends the RTM to vote in favor of this resolution.

Bruce G. Orr, Sr.
Chairman
Sept 27, 2010

Agenda 10-16 RTM Resolution proposing amendment to Section 46 of the Darien Town Charter. TGS&A Primary, Finance – Secondary.

Without objection, I waive the reading of the resolution 10-16 RTM resolution proposing changes to Section 46 of the Darien Town Charter.

I move the resolution, may I have a second?

Thank you.

On June 7th, 2010 TGS&A committee met with 7 out of 10 members present and the committee voted unanimously to approve the Resolution.

TGS&A held a Public Hearing on June 26th, 2010 here at the Town Hall of Darien as directed by the Town Charter.

This amendment will address not only the purchase price in the contract, but could also include service and repairs. This is in response to the fact bids are sometimes non-responsive to what was requested and can not be considered. Representations made in bid documents can be found to be faulty. This amendment allows Darien to participate in modern purchasing procedures and consider factors other than the lowest bid. Again, this is considered to the “Best Practices” by purchasing professionals in our surrounding municipalities and of course by our own legal counsel. We are confident this brings Darien into the modern age!

In summary, the TGS&A committee recommends that the RTM vote in favor of this amendment. Thank you.

AGENDA 10-17 RTM Resolution Proposing Changes to Section 39a2 and 39C of the Darien Town Charter.

Without objection, I waive the reading of the Resolution proposing Changes to the Darien Town Charter.

I move the resolution, may I have a second? Thank you. *Qm*

On June 7th, 2010 TGS&A committee met with 7 out of 10 members present and the committee voted unanimously to approve the Resolution.

TGS&A held a Public Hearing on June 26th, 2010 here at the Town Hall of Darien as directed by the Town Charter.

As I said before, this proposed charter change is ^{AT THE REQUEST OF} ~~a result of a conversation~~ with Ms. Kate Buch, Town Finance Administrator. Also, from Ms. Donna Rajesski. Mr. Kemp and Ms. Buch appeared before the Board of Finance on June 15th, 2010. This change in the

Charter will allow the legal notice of the budget to be published on a timely basis in the local papers. The current charter states that the budget be published locally, in Stamford or Norwalk on or before the last Tuesday. This past year the town clerk's office had to publish in Stamford to abide by the charter since the local papers publish only weekly. We are deleting this clause and adding "During the Fourth Week". This also complies with state law. This is just a common sense change which has not been addressed in the past. This ultimately serves the town of Darien in two ways. The citizens of Darien can see the town budget in their local paper rather than in Stamford or Norwalk. Second, it will save us money. We are always looking to get more for our tax dollars.

On June 7th, 2010 TGS&A committee met with 7 out of 10 members present . The committee unanimously approved the change.

Thank you.

**Finance & Budget Committee
Report to RTM, Sept.27, 2010**

**(10-16) RTM RESOLUTION PROPOSED AMENDMENT TO SECTION 46 OF
THE DARIEN TOWN CHARTER**

I am Bruce Orr, District 5 and Chair of Finance and Budget.

The F&B committee met on Sept. 20, 2010, with 13 of 16 members present comprising a quorum.

Again, ~~as Mr. Kemp~~ (or Ms. Seeyle)h as clearly described, this Amendment to the Town Charter is an effort to update the Town Charter and bring the language up to current and sound business & governmental practices. As you can read in the new language, the criteria for accepting a successful bidder is expanded considerably beyond just the "lowest bidder" and includes the abilities, capabilities, integrity, reputation, quality, sufficiency, etc. of a bidder. Furthermore, to avoid any potential conflicts, when the lowest bidder is not accepted for any given contract, a "full and complete statement of the reason for placing the order elsewhere shall be reported by the First Selectman..." All in the public record.

This amendment is a sound business practice and protects the Town from being forced to select the "lowest bidder" and possibly ending up paying more for poor quality or "change orders" that may occur in the contract or acquisition process.

The Committee voted unanimously to approve this Amendment and recommends that the RTM approve this Resolution.

Bruce G. Orr, Sr.
Chairman
Sept 27, 2010

**Finance & Budget Committee
Report to RTM, Sept.27, 2010**

**(10-17) RTM RESOLUTION PROPOSED AMENDMENT TO SECTION 39
(a) (2) and 39 (c) OF THE DARIEN TOWN CHARTER**

I am Bruce Orr, District 5 and Chair of Finance and Budget.

The F&B committee met on Sept. 20, 2010, with 13 of 16 members present comprising a quorum.

The Finance and Budget Committee could not be more pleased with this Amendment; for the past five years or so, our Committee has been quite vocal on how Budget estimates and approved Budgets are presented to the electorate. This Amendment simply allows the Town the flexibility to legally publish the Budget in media, as allowed by State law, other than the local newspapers.

While clearly an effort to update the Town Charter to reflect that we now have a host of media outlets other than newspapers to communicate with the electorate, the biggest complaint that this Committee has expressed in the past is the "format" in which the Budgets are presented. The historical formats presented in the newspapers seldom included departmental totals – forecast or actual - and almost never included variances from prior years actual or budget. Therefore, for anyone not actively engaged in the budget process, it made analysis and understanding of the Budget a challenging exercise.

It is the hope and desire of this Committee that this Amendment to publishing the Budget – whether published in the local newspapers or in other legal media – will allow the Town to present the Budget to the electorate in a format that makes sense to the typical taxpayer. This Committee is committed to work with the Town Administrator, Finance Director and the Board of Finance to ensure that future Budget publications are clear and transparent to the public at large.

The Committee voted unanimously to approve this Amendment and recommends that the RTM approve this Resolution.

Bruce G. Orr, Sr.
Chairman
Sept 27, 2010