

**REPRESENTATIVE TOWN MEETING  
STATE OF THE TOWN MEETING  
DECEMBER 7, 2009**

**RECEIVED  
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TOWN CLERK'S OFFICE  
DARIEN CT.**

**CALL TO ORDER**

The Regular State of the Town Meeting of the Representative Town Meeting was called to order at 8:05 p.m. by Donna Rajczewski, Town Clerk, who swore in the following newly elected members:

District I:	Tim Schwarz
District II:	Spencer McIlmurray Cecelia Mundt Shelley Carder Michael Harman Kirk Hoffman

Upon Roll Call, the following members were present:

From District I, there were 17 members present, 0 absent.  
From District II, there were 17 members present, 0 absent.  
From District III, there were 12 members present, 6 absent.  
From District IV, there were 15 members present, 1 absent.  
From District V, there were 13 members present, 3 absent.  
From District VI, there were 15 members present, 1 absent.

The absentees from District III were: Brode, Cardone, D'Urso, Lehan, Martens, Pullen.  
The absentee from District IV was : Savage.  
The absentees from District V were: Dailey, Nizolek, Sharp.  
The absentee from District VI was : Baldwin.

The Moderator, Karen Armour, Assumed the Chair.

**ACCEPTANCE OF THE AGENDA**

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

**APPROVAL OF THE MINUTES OF THE NOVEMBER 9, 2009 ANNUAL MEETING**

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

**ANNOUNCEMENTS**

The Moderator announced that, thanks to the efforts of the RTM Public Works Committee, the dump has opened an additional bay on Saturdays and the day after holidays. Also, the warming hut for the attendant has been moved from the parking area to the median, which improves access for the public.

**09-7B1**

**CONSIDERATION AND ACTION ON ACQUISITION OF 33 CHERRY STREET**

**\*\* BRUCE ORR, DISTRICT V, CHAIRMAN OF FINANCE AND BUDGET,  
MOVED:**

**WHEREAS**, the Town of Darien has the opportunity to purchase and is desirous of purchasing a single family dwelling known as 33 Cherry Street, Darien, Connecticut, a description of which property is attached hereto as Schedule A; and

**WHEREAS**, the record owner of the property is one, Ann C. Boyle; and

**WHEREAS**, the property has been subject to serious and repeated flooding; and

**WHEREAS**, the Town of Darien has applied for and has been awarded a FEMA grant for the acquisition of said property; and

**WHEREAS**, the agreed upon purchase price for the acquisition of the property is Three Hundred Thirty Thousand and 00/100 Dollars (\$330,000.00); and

**WHEREAS**, the Board of Selectmen at its August 18, 2008 meeting approved a resolution supporting the allocation of funds for local match requirements of a FEMA pre-mitigation grant; and

**WHEREAS**, the Board of Finance of the Town of Darien at its meeting of August 28, 2008 approved the appropriation of Town funds from the capital contingency account to match the FEMA grant; and

**WHEREAS**, the Representative Town Meeting of the Town of Darien at its April 27, 2009 meeting approved the acceptance of the FEMA grant and further authorized the funding for the Town match of the 33 Cherry Street acquisition; and

**WHEREAS**, a request was submitted to the Planning and Zoning Commission as required by §8-24 of the Connecticut General Statutes for a report from said Commission; and

**WHEREAS**, a favorable report has been received dated May 12, 2009.

**BE AND IT IS HEREBY RESOLVED** that the Representative Town Meeting of the Town of Darien authorizes the First Selectman to execute a contract of sale for the purchase of property located at 33 Cherry Street, Darien, Connecticut and owned by one, Ann C. Boyle. It further authorizes the purchase of said property and for the First Selectman to enter into all agreements necessary, appropriate and desirable to effectuate said purchase.

**SCHEDULE A  
DESCRIPTION**

All that certain piece, parcel or tract of land, with the buildings and improvements thereon, situated in the town of Darien in the county of Fairfield and state of Connecticut, bounded and described as follows:

**NORTHERLY:** 50 feet by Cherry Street;

**EASTERLY:** 138.77 feet by land now or formerly of Spring Grove Cemetery;

SOUTHERLY: 50.007 feet by land now or formerly of the Town of Darien;

WESTERLY: 137.91 feet by land now or formerly of Harold V. Reilly et al.

Said premises being known and designated as Lot Number 38 on a certain map entitled "Map of Linden Park Noroton Heights, Darien Conn. Owned by Parsons Realty, Inc.", now on file in the office of the town clerk of said Darien as Map numbered 331, reference thereto being had.

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

Mr. Orr read the report of the Finance & Budget Committee (attached).

John van der Kieft, District V, chairman of PZ&H, read that committee's report (attached).

Brian Rayhill, District IV, vice-chairman of the Public Works Committee, read that committee's report (attached).

Flora Smith, District I, asked when this property would be released. Andrea Aldrich said that the time frame is ninety days to close.

Mary Ness, District I, said that there was a \$5,000 discrepancy in some background information that had been provided to committees. Mr. Kilduff said the higher number was correct.

**\*\* ITEM 09-7B1 CARRIED ON A RISING TALLY VOTE OF 79 IN FAVOR, 4 OPPOSED, 3 ABSTENTIONS.**

### **STATE OF THE TOWN REPORTS**

#### **CHAIR, PLANNING AND ZONING COMMISSION**

Joseph Spain read the written report of Fred Conze, Chairman of the Planning & Zoning Commission (attached).

#### **CHAIR, BOARD OF EDUCATION**

Kim Westcott, Chair of the Board of Education, read her report (attached).

#### **CHAIR, BOARD OF FINANCE**

Murry Stegelmann, Chair of the Board of Finance, read his report (attached).

#### **FIRST SELECTMAN**

David Campbell, First Selectman, read his report (attached).

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

Respectfully submitted,  
Cheryl Telesco Telesco Secretarial Services

APPENDIX

DISTRICT I (09-7b1)

Bishko	no
Harrington	yes
Imbimbo	yes
Kahn	no
Kelly, P.	yes
Melz	yes
Nelson	yes
Ness	no
Piccario	yes
Price	yes
Puzyk	yes
Schneider	yes
Schwarz	yes
Sini	yes
Smith	yes
Sommer	yes
Tierney	absent

DISTRICT II (09-7b1)

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

DISTRICT III (09-7b1)

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

DISTRICT IV (09-7b1)

Cameron	yes
Cleary	yes
Davis	yes
Eng	yes
Kemp	yes
McIlree	yes
Millar	yes
Miller	abstain
Morrison	yes
Peters	yes
Pratt	yes
Rayhill	yes
Rycenga	yes
Savage	absent
C.Schoonmaker	yes
S.Schoonmaker	yes

DISTRICT V (09-7b1)

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

DISTRICT VI (09-7b1)

Adelman	yes
Armour	Did not vote
Baldwin	absent
Bealle	yes
Conologue	no
Grogan	yes
Guimond	yes
Guimond	yes
Hawkins	yes
Kelly, H.	yes
McDermott	yes
McLean	yes
McNamara	yes
Poli	yes
Swenson	yes
Whitehead	yes

**Finance & Budget Committee  
Report to RTM, Dec 7, 2009**

**(09-7a) RTM RESOLUTION AUTHORIZING THE BOARD OF SELECTMAN  
TO ENTER INTO A CONTRACT TO PURCHASE THE PROPERTY KNOWN  
AS 33 CHERRY STREET, DARIEN, CT**

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

I move Resolution (09-7a) and ask for a second.

If there are no objections, I propose to waive the reading of the Resolution.

The F&B committee met on Dec 7, 2009, with 9 of 14 members present comprising a quorum. The Committee also discussed & debated this pending resolution at the Nov.23, 2009 organizational meeting. Additionally, two representatives of the Committee, along with representatives of the PZ&H and Public Works standing committees, met with the Town Administrator and the Manager of Community Development Services on Nov. 20, 2009 to review latest elements of this property purchase.

As many of you will recall, this is actually the third and likely last resolution relating to the devastating floods of April 2007 when sections of Connecticut and New York were declared disaster areas and therefore eligible for Federal disaster funds. The first resolution that came before the RTM was on January 28, 2008 where we authorized the transfer up to \$250,000 from the Town's Capital Contingency Reserve Fund to a newly created account "FEMA Buyout Fund". This transfer allowed the Town to proceed with the application process to secure federal disaster funds for what was then envisioned as up to three projects that might require the Town to provide 25% of the funding for select projects with FEMA providing 75%. This resolution was approved by the RTM with 73 in favor, none opposed and 2 abstentions.

On August 18, 2008 the BOS approved the allocation of funds and on August 28, the BOF approved the transfer of \$245,675.00 from the Capital Contingency Account to the FEMA Buyout Fund.

When it became clear that the Town's application to FEMA was agreed to in principle, on April 27, 2009 a resolution came in front of the RTM to formally accept FEMA funds – a requirement in the application process that formally demonstrates the Town's commitment to the program. It also was now known that one of the 3 homeowners had dropped out of the process, one (25 Cherry St.) had agreed to an elevation project where no Town funds are required and

one (33 Cherry St.) had agreed on the purchase and demolition option. Considerable debate took place at the meeting; the resolution was divided into two parts... one addressing 25 Cherry and one addressing 33 Cherry St. The resolution regarding 33 Cherry, which would allocate up \$100,500 for the purchase of property was approved; 57 in favor, 13 opposed and 2 abstentions.

Subsequent to April 2009, the following activities has occurred:

- Appraisals on the property have been completed: \$330,000 vs. the \$376,000 original estimate. Homeowners have verbally agreed on \$330,000 purchase price.
- Hazardous materials inspection on the property has been completed and a "clean" report has been issued.
- Final FEMA grants allocated to the project are up to \$398,215.
- Demolition costs are estimated at \$15,000 and site clean up & contingencies at estimated at \$10,000.
- Total cost for purchase, inspection and demolition are now estimated at \$361,000 (versus an original estimate of \$402,000) and the Town's 25% matching share would come to approximately \$91,000.

The Committee voted Unanimously to approve this resolution

Given the previous approvals that this body and other Town Boards have acted on, the negligible impact on Town finances, we recommend to the RTM to approve this resolution. Furthermore, we believe that because this process and awarding of the grant has been totally event driven, i.e. the Federal declaration of disaster, that the purchase of the property in no way sets a precedent for the Town.

Bruce G. Orr, Sr.  
Chairman  
Dec. 7, 2009

PZ&H Report on RTM Resolution 09-7a

Dec. 7, 2009 RTM Meeting

PZ&H met on Wednesday, December 2 with 14 of 17 members present. Also attending were Andrea Aldrich of the Planning and Zoning Department and Karl Kilduff Town Administrator.

After considerable discussion regarding whether 33 Cherry Street would be an appropriate parcel for the Town to purchase and concern that this purchase would be perceived as a precedent for relief of flood victims the Committee voted in favor of RTM Resolution 09-7a to purchase the Cherry Street property.

The vote was 9 In Favor and 5 Not In Favor.

Respectfully,  
John W. van der Kieft  
Chairman

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

My name is Brian Rayhill and I am the Vice-Chair of the Public Works Committee.

On behalf of the Public Works Committee, I also present to the RTM for their consideration and ratification, Item 09-7~~8~~<sup>BI</sup> Acquisition of 33 Cherry Street.

At our meeting on December 7, 2009 with a quorum present of 11 out of 13 members, our Public Works Committee voted 10 <sup>in</sup> to 1 <sup>and</sup> with abstention to recommend this item to the RTM for approval. <sub>favor</sub> <sub>opposed</sub>

Our committee discussed at length the history of the property and documented instances of serious and repeat flooding. We reviewed the procedural history of this resolution and the awarding of the FEMA grant in support of the acquisition of the property. We also heard from members who have viewed this flood prone area and the severity of the situation including the potential danger our police and fire departments may face should this structure encounter another flood.

Lastly, we were pleased to learn of the price reduction following a market rate review on the value of the property.

We understand this purchase does not eliminate our Town wide flooding issues, but it is a step in the right direction to address a finite localized issue and moreover, it is the right thing to do.

The Public Works Committee asks that you vote "Yes" and ratify Item 09-7~~8~~<sup>BI</sup> authorizing the Board of Selectmen to enter into a contract to purchase the property known as 33 Cherry Street.

Thank you.

**STATE OF THE TOWN ADDRESS**  
**FRED CONZE**  
**CHAIR DARIEN PLANNING AND ZONING COMMISSION**  
**DECEMBER 7, 2009**

Good evening Madame Moderator, Members of the RTM, other elected and appointed officials, and the people of Darien. This annual “State of the Town” meeting gives us at the Planning & Zoning Commission the opportunity to look back and report upon our accomplishments over the past year, and what we can look forward to in 2010 and beyond.

Normally, during these presentations we save our acknowledgements to the end. This year, however, we would like to recognize two recent members of the Planning & Zoning Commission who left within the past few months - Robert Finke and Peter Bigelow. We want to take thank them for their service and wish them well knowing that they might be tuning into our “eye in the sky” – Channel 79-- to see what they are missing on Tuesday nights. We also welcome our two newest members of the Commission, Vickie Riccardo and Eric Voigt. We would also like to recognize the contributions of our P&Z staff and Town Counsel in assisting the Commission in fulfilling its responsibilities. There are many moving parts in the P&Z business, and we rely heavily on their support. We should also recognize other new land use board members including Wynne Shapiro of the Environmental Protection Commission and Anthony Simari of the Zoning Board of Appeals.

***A look back to 2009:***

As always, the key for our four local land use boards is maintaining the small-town residential character of Darien, while balancing it with the necessary and desired growth and the needs of the community. Because Darien is nearly fully developed, it makes this balancing act even more difficult.

Last January, the new Darien Library opened. You may recall that this property used to be occupied by a gas station and a car wash. The current building is an improvement over those former uses. Moreover, the fact that it is adjacent to an office park owned by now-Selectmen Jerry Nielsen provided a marvelous example of community cooperation. These neighbors saw an opportunity to meet overflow parking needs for the Library’s larger events—which most frequently occur during non-office hours.

In one of the most significant actions taken in 2009, the Commission reviewed and approved--with some conditions and modifications--the application for redevelopment of the Allen O'Neill housing. This application was the subject of over nine hours of public hearings held on three nights, and received close scrutiny by our Planning and Zoning Commission. It was approved in March. While the project is currently in litigation, it is important to note the Commission's desire to have this redevelopment blend in with the existing neighborhood, and not impact traffic flows in the area. It provides additional housing in an area used for affordable housing for many years. One needs to emphasize that this project is solely owned and operated by the Darien Housing Authority. Construction of this project will occur over multiple years.

While an application was submitted to rezone the Noroton Heights commercial district this past summer, that application was eventually withdrawn. We do not know if a similar application will be resubmitted, but it did bring to light the fact that the Commission is open to redevelopment of the block of Heights Road between Edgerton Street and Noroton Avenue. What now contains Stop and Shop and Walgreens and other buildings is prime for change. A more pedestrian-friendly layout and design is called for in the Town Plan, and we believe that a redevelopment will bring with it improved land use, cohesive architecture, and an increase in our commercial tax base. In fact, the Commission expressed its interest in taking a holistic review of that entire zoning district—which is bordered by West Avenue, Heights Road, Noroton Avenue and Hollow Tree Ridge Road.

In the spring, the Commission held multiple public hearings on a rezoning and related application for the property at 333 West Avenue, just near Patton Drive. This was essentially an 8 unit cluster development--keeping basically the same density that now exists in the neighborhood while creating additional common area and protected open space. While this particular development concept is unique to this area, and, indeed, the first one in our town as a whole, the new regulations which it implemented offers the benefit of preserving the scale and density of a number of existing neighborhoods.

Of course, some of the most notable decisions made by the Commission this past year were those regarding temporary portable lights at the Darien High School, for use by both four of the high school teams and Daren Junior Football; and at Holahan Field behind Town Hall for sole use by Darien Junior Football. While the Commission approved ten hours of usage here behind Town Hall, and about 15-20 evenings of lights by certain high school teams for 3 years, this does not resolve the issue on a permanent basis. This involves a delicate balance between a perceived need

for these types of facilities and the potential impacts upon neighbors. The Commission is counting on the Board of Education and DJFL, working as good neighbors, to minimize the impact of these improvements while preserving the character of surrounding residential neighborhoods. It is clear that all parties to this issue are working toward that end.

**The downturn gave the Planning and Zoning Commission time for long-range planning:**  
In 2009, the Commission used the downturn of the economy as an opportunity for some long-range planning.

After spending significant time on flooding and drainage issues, the Commission adopted stringent stormwater management regulations. These have been made part of the Zoning Regulations, and they also are referred to in the Subdivision Regulations. Staff and the land use boards have begun working with these new provisions, which puts the onus on property owners and developers to properly address stormwater quality and quantity issues, and to clearly account for drainage as part of their development.

In the spring, the Commission also modified the zoning regulations to become more flexible on signage. As recommended in the 2006 Town Plan, the Commission now allows blade signs (which are hanging signs perpendicular to the building façade) within certain zoning districts. This allows property owners and tenants to have signage which is more noticeable for pedestrians, and coordinates nicely with some of the newer buildings recently constructed downtown. We have already seen the benefits of these new, more commercial-friendly regulations.

In June 2009, a Commercial Design Guidelines document was prepared. This document gives assistance to those wishing to redevelop or enhance their commercial properties. We have put forth a proposal to specifically refer to this document within our Town Plan. We believe that this new document is a great resource.

Inclusionary Zoning Regulations, which were studied in 2008, were adopted in January 2009 and took effect in May. This regulation requires those constructing more than five units at a time to either construct some affordable housing, or put equivalent funds into an Affordable Housing Trust Fund. Although this provision of the Regulations has not yet been used, it somewhat prevents the Town from sliding back in terms of the percentage of our Town's housing units which are affordable.

**What we see ahead in 2010:**

Overall, we are optimistic that as the economy recovers, the successful redevelopment of our downtown will continue. Whole Foods Market and the related improvements at exit 11 and Ledge Road will be completed in April. Completion of the improvements at the end of exit 11 is required before Whole Foods can open. Traffic signaling at these intersections should help traffic flow. While we do expect additional traffic, there is no doubt that this new building will provide an attractive entrance to Town—the previous Howard Johnson’s set up there had “served its time”.

We expect to see a number of new retail and restaurant tenants in downtown. A replacement building will be constructed on Grove Street across from the Melting Pot, and a new replacement office building will also be constructed on Old King’s Highway South, at the end of Center Street. A new coffee shop has opened on Grove Street in the space formerly occupied by JD Cosmetics. New tenants also will be coming soon to the first floor of the theater building to replace Ann Taylor Loft. Planet Pizza is scheduled to occupy the former Curves site in downtown, near Mechanic Street. A new restaurant building is now in the process of being completed where IHOP was. The tenant will be Chipotle Mexican restaurant. A new veterinary office has opened on Noroton Avenue in the former Burr Roofing site.

Sometime in January, the Commission expects to rule on the existing pending application to convert an office building at 397 Boston Post Road into apartments, some of which will be affordable. We will also be considering potential changes to the 2006 Town Plan relative to open space. You will hear more about this in the months ahead.

Also, over the next few months, we also expect to see some of the existing vacant space in Town become occupied, as the expectations of property owners and potential commercial tenants change.

The Department staff continues to use the Town web site as a tool to get information out to the general public. That site is: [www.darienct.gov](http://www.darienct.gov). This work will continue on. We are also pleased that Channel 79 is able to get many of the local land use board meetings on TV. We know that there are many of you who follow along at home, just as we hope that many may be at home now watching these proceedings this evening. Channel 79 is an important link to our community and we wish to thank the people who make that happen.

Summary

While the workload of the Architectural Review Board, Environmental Protection Commission and Zoning Board of Appeals may have decreased slightly, they still face some complex and contentious applications. As always, the dedication of those volunteers is unmatched, as they, like the Planning and Zoning Commission, must balance responsible development against legitimate concerns of neighbors. Each of their decisions is important, and has its impact on the community, and upon the type of growth we may see now and in the future. I give my fellow Commission members and the other local land use board members credit for their public service and commitment to maintaining the residential character of our Town.

Overall, we are committed to the maintenance of Darien's residential character, to targeted value-added commercial redevelopment, to preserving the delicate balance between competing residential and non-residential land uses such as the YMCA and the Board of Education facilities and their surrounding neighborhoods, and to the effective management of storm water related issues. As we pursue these objectives, we will continue to be guided by the current Town Plan of Conservation and Development, which was approved and adopted by this body in 2006.

The Planning and Zoning Commission, as well as the other land use boards will continue to maintain this delicate balance between private property rights on the one hand, and the best interests of the Town, as a whole, on the other hand. Our boards look forward to working with the RTM and the new administration throughout this coming year.

Thank you.

*Winword\misc\state of town2009final*

## **State of the Town Address**

Madame Moderator, RTM members, fellow elected Officials and Darien citizens:

On behalf of my colleagues on the Board of Education, good evening and thank you for the opportunity to update you about the Darien Public School System. It is my pleasure to report to you that the Darien School system is in excellent shape and remains one of the top in the State.

**Enrollment-** As of October 1, 2009 the total enrollment including the Pre-K program is 4778 students, up 51 over the prior year and continuing the upward trend since 1990.

- Elementary enrollment peaked in 2004-05 and declined slightly again this year to 2338 students. However, we experienced a jump in Kindergarten enrollment to 423 - 44 more than expected. Whether this is a new trend or a temporary blip due to economic factors or the shift we made to a full day Kindergarten program remains to be seen. We will be watching the upcoming elementary enrollment closely in planning for next year.
- Middle school enrollment appears to be peaking in 2009-10 as projected. Total enrollment was up 23 students to 1,156. Through careful scheduling and room utilization the administration has been able to accommodate the growth.
- High school enrollment continued to grow with an increase of 31 students for a total of 1284. This was above expectations and we believe is explained in part by children returning to the district from other schools. High school enrollment should continue to rise until 2012-13 and peak at 1367.

We are projecting that the peak total enrollment for the district will occur next year 2010-11 at 4,840, a 1% increase of 62 more students and we expect most of that increase to occur at the elementary and high school levels.

**Accomplishments-** With 4700 kids trying to do their best you are bound to have many accomplishments. I am proud to report that much has been achieved by our students and Administration in 2009.

- Standardized testing- At all grade levels and in all tests , with some exceptions, our students favorably compare with our Educational Reference Group. The particularly noteworthy performances turned in by seniors in the critical reading, critical math and Critical Writing portions of the SAT I as well as in AP testing, are evidence of the caliber of achievement for Darien’s students. Also notable is the progress students made as cohorts. The performance on the CAPT was very strong with our students outperforming the Educational Reference group in Reading, Writing and Math. The SAT results were extremely strong relative to the Educational Reference Group and rank us in the top two districts in Connecticut.
- 291 students graduated from Darien High School last year. 89% planned to attend 4- year colleges. 60% were accepted to colleges ranked “most competitive” and “highly competitive” by Barron’s selectivity index. Acceptances for students in the lower deciles continue to be very positive, an indication that Darien High School is viewed well by college admissions offices.
- 28 members of the class of 2009 won national recognition in the National Merit Scholarship program, 25 as Commended Scholars and 3 as National Merit Finalists.
- The US China Exchange program continued in its seventh year and our Mandarin Chinese course offerings at DHS continue to be a strong draw.
- The Authentic Science Research Program completed its eighth year at Darien High School with 29 students engaged in scientific research.
- Student run Blue Wave News produced 10 video production programs as well as three election specials which are aired during homeroom.
- Theatre 308 presented *Dead Man Walking* in the Fall and *Les Miserables* in the Spring involving over 100 students in the production.
- Middlesex Middles School was designated by the US Department of Education a Blue Ribbon School for achieving superior standards of academic excellence.
- In athletics our students continued to perform at the highest levels. In the school year ending June 2009, Darien High School fielded 63 athletic teams in 21 sports. 84% of the student body participated in at least one sport. Of the 32 Varsity teams, the Blue Wave brought home 10 state titles, 4 FCIAC titles and 10 FCIAC Divisional

Championships. Four coaches were named "Coach of the Year". For the fourth year in a row, the FCIAC Athletics' Cup was awarded to DHS as the top athletic program in the conference for 2008/2009.

#### Other areas of Accomplishment for the District

- Technology- We continued to install projection systems at Middlesex and Smart boards at the elementary schools in accordance with the technology plan. Teachers continued their work on integrating technology to advance student learning.
- Major curriculum revisions were completed and approved by the Board of Education for Advanced Placement English Language, Language Arts I and II at the 6th Grade, Mandarin Chinese II, K-12 Art, and Forensics. Curriculum revision projects are ongoing in the K-5 social studies, high school foreign languages (Spanish and French), and K-5 music.
- Facilities- Our facilities remain in very good shape thanks to the forward planning and hard work of Mr. Paul Engemann, Director of Facilities and Construction and his maintenance /custodial crew. We continue to be proactive but prudent in planning capital projects, making preventive maintenance a high priority within the school system. A major capital project was the replacement of the boiler at Royle school.
- Energy conservation- Last March the RTM approved the expenditure to retro fit lighting in all the schools. The work was completed in April and the reduction in energy usage and the cost avoidance is better than expected, reducing the payback by a year.
- Last Spring we bid farewell to Dr. Tony Timpanelli when he retired and welcomed Ms. Rita Ferri as the next Principal of Hindley School.

All in all, 2008-09, was another excellent year for the Darien School system .

#### **Current Financial Considerations**

Mr. Stegelmann will give an overall picture of the town's financial position; I would like to comment specifically on the Board of Education. Given difficult times, the goal of the 2009-

10 budget was to maintain the core educational program. Noteworthy reductions included deferring technology and equipment purchases, and accepting a freeze on administrative salaries. We accelerated the move to full day Kindergarten by a year which carried savings. All these actions were taken in an effort to preserve core instruction across the district.

We are currently projecting a deficit of \$490,000 for 2009-2010 which is due to an anticipated decrease in the Special Education Excess Cost reimbursement grant from the State of Connecticut. The state projects that it will only be able to fund this grant at 70-80%. This decreased funding represents a \$600,000 -\$900,000 reduction in "revenue" in our budget, for expenses that are state and federally mandated. We have included reimbursement at 70% in our current projection so any increases to the funding will improve the current projected deficit.

The Board of Education generally encumbers the majority of its costs by the time schools open, since they are driven by enrollment, the numbers of teachers required, the various labor contracts in place and fixed costs. That being said spending throughout the district has been restricted to what is necessary for instruction- all purchase orders are approved by the Director of Finance, Richard Huot.

A word on the Federal Stimulus package and its impact on Darien Public Schools: Through the American Recovery and Reinvestment Act (ARRA) the district is due to receive \$890,000. The funds are to be used to support special education and a portion can be used for regular education. There are strict reporting requirements to insure compliance. These funds allowed us to close a small deficit of \$80,000 in fiscal year 2008. Given what we have heard from the state about flat funding into 2011 it is currently the Board's intent to use the funds over the 2009-10 and 2010-11 budget years. We are working hard at reducing the current projected deficit while continuing to provide the solid, high quality educational services the Town has come to expect in the most efficient way possible.

As we look ahead to 2010-11 again, our focus will be on preserving the core educational program and looking for more efficient ways to do our business. Already the Superintendent is bringing forth resourceful solutions that change the way we do things

but do not undercut the quality and delivery of instruction. We look forward to working with the Board of Finance, the Board of Selectmen and the RTM in the upcoming budget process.

**We don't do all this by ourselves...Many thanks are in order:**

On behalf of the Board, I would like to extend our thanks and appreciation to the many volunteers and nonprofit groups for their incredible generosity of time and treasure on behalf of the school children of Darien. This spirit which we sometimes refer to as Blue Wave Pride greatly enriches the educational experience for all.

As you can see by *my* presence tonight, John Boulton recently completed nine years of service on the Board of Education with four as Chairman. We would like to thank him for his dedication and commitment to excellence and we wish him the best in his future endeavors.

The Board extends its deep appreciation to Superintendent Don Fital and all the employees of the Darien School system, for their outstanding work during this challenging year. Their professionalism and dedication are the secrets to our success as a district.

I would like to thank my fellow Board members. It is an honor and a pleasure to work with such an intelligent and dedicated group of volunteers.

Lastly, I would like to recognize all of you on the RTM, our elected officials and all the citizens of Darien for your long standing commitment to education and generous support, which is what *sets* this community apart. A wholehearted thank you!

On behalf of the Darien Board of Education, I wish you and your families a joyous holiday season and a healthy and prosperous New Year.

Kimberly P. Westcott  
Chairman, Darien Board of Education  
RTM State of the Town Meeting  
December 7, 2009

**STATE OF THE TOWN ADDRESS  
MURRY STGELMANN, CHAIRMAN  
BOARD OF FINANCE  
DECEMBER 7, 2009**

**Madam Moderator – Members of the RTM – Town Officials – Fellow Citizens and Taxpayers –**

Tonight is the third year that I have had the opportunity to address the RTM about the State of the Town's Finances. I welcome Dave and Kim to their new roles.

Despite the fact that financial crises have surfaced in every possible manner, I am pleased to report that the current financial condition of the Town of Darien is strong by comparison.

The town of Darien continues to have AAA credit rating. Many of you have read of the difficulties that many towns and states that don't have a AAA rating have had in borrowing money. Fiscal prudence and maintaining our top-notch rating are always important, but they are critical in today's environment.

In what could have been a very divisive last 12 months, I was gratified by the extent to which the Board of Selectmen, the Board of Education, and the Board of Finance worked together to reach common ground on Town Finances. Looking forward, we will need that same spirit of cooperation in our next 12 months.

**Fiscal 2008**

But before we look ahead, let's spend a minute looking at the year just completed. We ended the June 30, 2009 fiscal year with a deficit of \$1.5 million in our general fund.

Property taxes represent 90% of our total revenue, and they are fairly predictable. However, other revenue items are more volatile. Real estate conveyance tax revenues were down 61% from the prior year. Building permit revenues were down 39% during the fiscal year. Reimbursements from the State of Connecticut to the Town were up a slight amount of \$60,000 and special education reimbursements were a pleasant surprise for the Board of Education. Interest income on our cash balances were 38% lower.

Expenditures for last year were under plan, through careful budgeting and control of expenditures by all Town Departments and the Board of Education. I commend and thank everyone for their efforts. The only expenditures that exceeded plan were our capital items, where we made intention decisions to fund an energy saving project at the schools and address the retiree health care liabilities through special appropriations approved with the consent of the RTM.

The resulting expenditures in excess of revenues of \$1.5 million was a reversal of the \$600,000 surplus of the prior year. This reduced our general fund balance and brought it to 14% of expenditures. This General Fund balance acts as a "rainy day fund" for our town. However, I think that the meteorological term which would most closely describes our current situation is not "rainy day" but "Monsoon." Several years ago this Board wisely adopted guidelines to keep this general fund balance between 8% and 12% of expenditures to prevent our town from having the wild swings that landed other towns into trouble. At this point, we still are above our guidelines. And as we look to the future, we are lucky to have that cash available.

### **CURRENT BUDGET YEAR**

Next – a few words about the current budget year which began on July 1, 2009:

Real estate conveyance taxes appear to have stabilized at a low level, however building permit revenues continue to decline. However our biggest revenue shortfall is interest income on our cash balances, and is likely to be substantially below plan and last year if the current interest rate environment continues.

Special Education expenditures are again rising at a substantial rate this year, even above projections. Also, the preliminary estimate is that the State of Connecticut is only going to reimburse 70% of our Special Education Excess Costs instead of 100% the past year. And the State also decided to divert over \$200,000 from their announced ECS grant to the Town of Darien to the Darien School Board.

Knowing that our budget is tight, representatives from the Board of Finance, Board of Selectmen, and Board of Education, will be working closely together to address any shortfalls this year.

### **FIVE YEAR FORECAST**

Now – let's get onto the handout which you have been given tonight – the Board of Finance 5 Year Financial Forecast. I would like to refer to it for a few minutes.

The cover page describes many of the overall assumptions.

- First of all – it is a forecast – not a budget.
- Secondly – most of the information in this forecast was provided to us by the Board of Selectmen and the Board of Education. We have made some modifications to the numbers, but the numbers are primarily from those two Boards.
- Third – For those who like the details – there are several more pages which support the handout. I will give copies later to your Finance and Budget Committee – and anyone else who wants to explore the details.

Most of the basic numbers come from the -

- Six Year Capital Forecasts made by the Boards
- debt payment schedules.
- Enrollment projections
- labor union contracts now in effect
- benefit costs as projected by the vendors based on our latest experience ratings.

The Board of Finance does project such factors as

- the rate of inflation
- the interest rates which we will pay and earn
- the pension, workers comp, and casualty insurance increases.

**HOWEVER, BEFORE WE GO INTO ANY DETAILS, LET ME FIRST SAY THAT THE BOARD OF FINANCE HAS VOTED TO FORWARD THESE PROJECTIONS TO YOU, BUT THAT WE FIND THEM TO BE UNACCEPTABLE IN THEIR RESULTS.**

**THEY REPRESENT A "BUSINESS AS USUAL" EXTRAPOLATION OF CURRENT TRENDS. AS YOU WILL SEE, THE RESULTS ARE STARTLING.**

**My first comments are on Exhibit B:**

As you can see, the Board of Education operating budget represents 64% of total expenditures. On the positive side: total enrollment over the next five years is projected to be relatively flat. This is substantially different from the 13% increase in enrollment that we experienced over the past five years. In fact, the number of children in Kindergarten to Fifth grade appears already to have peaked in the 2006-2007 school year. However, also incorporated are the terms of labor contracts that were negotiated and approved in better economic times, and an extrapolation of the rapid growth in Special Education expenditures. Our existing insurance carrier has proposed a health care premium increase of more than 20% for next year.

On the Selectmen side of the Budget, we have included the effect of their cost saving initiatives. Headcount is assumed flat. We have assumed that the \$38 million of spending on Weed Beach, the Police Station, and various flooding projects that have been deferred will be resumed on July 1, and the debt service for them starts next year and builds over time. We have made this assumption although there has not yet been a discussion on exactly when to resume individual capital projects. We have also incorporated some level of deferral in the capital and non-recurring line for the effect of the freezing capital projects that are above \$100,000, but not bondable.

The Other Post Employment Benefits is incorporated in this budget. That liability was estimated to be \$4.4 million for Darien as of June 30, 2008, and we made an initial step at funding amounts for fiscal 2009 and fiscal 2010 last May. This is mostly the current service impact of retiree health care liabilities.

The overall expenditure increase projected for next year is 7.2%, a large increase in good times, let alone during uncertain economic times.

### **On Exhibit C:**

In the revenue section, we are projecting that real estate conveyance tax revenue will increase next year and building permits will be weak. We are also assuming that the State will vote to continue the municipal portion of that real estate conveyance tax, even though it is officially scheduled to disappear. Interest income will start to recover, despite running substantially behind budget for the current year.

On a positive note, you can see that the deferral of capital projects has allowed us to reduce that outstanding bonded debt of the Town of Darien to approximately \$90 million at June 2009, after peaking at more than \$100 million in January of 2008.

### **Grand List and Mill Rate**

Last year we did our required revaluation and the Grand List jumped from \$6.5 billion to \$8.5 billion. In between revaluation years we typically see increases of 1% per annum as people undertake improvement projects for their homes and new commercial buildings are built. This year, we are forecasting a relatively flat Grand List change as the town still has a number of appeals outstanding (some for large amounts), contesting their assessment. Although the Town may have a strong legal case in those actions, any judicial proceedings are uncertain, and may result in reduced assessments. As a matter of conservatism, we have said that Grand List additions and the appeal process may balance each other off this year.

The result of the projected spending increases, weak non-tax revenues, and a flat grand list yield a projected mill rate increase of 8.79%. We believe that the taxpayers of Darien do not find that increase to be acceptable. Also, with increases of 9%, 5%, and 4% in future years, we cannot describe such an increase as "one-time."

Twelve months ago as we approached our budgetary deliberations, we had some degree of flexibility in deferring major projects, seeing where we could economize on short term operating expenses, and putting off technology and small capital items. Now we face some tougher decisions on whether the scope of our major capital projects are still appropriate or whether they should be reduced in scope. Additionally, is a further delay required. Secondly, do we need to address our core expense base, headcount, expected salary increases, and health care costs. In a time of zero inflation, automatic 3% and 4% compensation increases may be a luxury that our taxpayers cannot afford to pay. Also, the dynamics and degree of budget pain associated with healthcare costs for next year is unpredictable at this point. Most of our neighboring towns have attempted to deal with these issues by re-opening existing labor contracts.

On a different note, we are hopeful that the future of the 35 Leroy property will be settled this year, as the deadline for issuing tax exempt bonding for that purchase will expire this September.

## **OVERALL**

In summary, almost every one of us is being hit very hard personally by the current turmoil in the financial markets. For the sake of those who have lost their jobs this past year, or have seen their net worth plummet, or can't sell their house, each of us in elected office needs to be diligent in trying to deliver the services of government in the most cost effective way in the upcoming year

However, I am also reminded daily what a privilege it is to live in the town of Darien. We have excellent schools and athletic programs. We have a vibrant downtown. We have an untold number of volunteers and non-profit organizations. We are a caring community. And we have an inheritance, passed on to us by prior town governments, of living within our means, being fiscally prudent, striving to keep a reasonable mill rate, and not employing financial gimmicks to hide problems.

I would like to thank all the members of the Board of Finance this year for their time and effort. Especially Martha Banks, Vice Chairman, Liz Smith Mao, Clerk, Lori Bora, Gwen Mogenson, Jon Zagrodzky, and Joe Duwan. Special thanks to Tom Volpe, who retired this year after many years of service.

Good Evening RTM members, board and commission members and fellow citizens.

I have been thinking about a good analogy for my first month in office. I have been like a kid with a learner's permit: learning to navigate through the town with the occasional adrenaline rush of driving on I-95, and even experiencing a scolding from my various driving instructors for not using my turn signals. I can assure you I have really enjoyed learning my first month!

I am amazed at our complex and divided system of government. It only works when each branch of our government has respect and trust in each other. The people who designed our charter were obviously very concerned about giving any one group too much power. They also understood that for anything to get done we must check our egos and political affiliations at the door.

We have a large group of volunteers in our town government. You all serve with passion and intelligence. We are all fortunate to be living in a town where many are willing to work long hours to make Darien a tremendous community. We need to continue to work well together to maintain what those who came before us have created. I thank all of you for your efforts on behalf of the Board of Selectmen.

The Selectmen have been working on a list of priorities which you will receive when we approve the final draft. I want to reemphasize Murry's remarks that Fiscal Responsibility is the driver of all our priorities.

The first job of our community is to protect our citizens and educate our children. In this economy everything else must be carefully considered before funds are released. I applaud the previous administration for putting the police station and Weed Beach projects on hold.

The budgets should follow these guidelines. Fire, Police, and Ambulance Services all must be maintained to a high standard. We are fortunate to have three volunteer fire

houses, Post 53 who volunteers thousands of hours to keep us safe, and the police who are always vigilant in their protection.

Close to 70% of our overall town budget is allocated to the school system. Most of us or our families were drawn to Darien because of the importance we place on high quality public education. It is important to maintain this level of excellence.

Although this is a “State of the Town” address, I would like to spend some time on what I’ll call the “State of the State.” It has become very clear to me that much of the tension and controversy in our town is caused by the State Government. The “hot buttons” the last number of years have been unfunded school mandates, 8-30G Affordable Housing Mandates, the incredible amount of money that goes to Hartford and the little returned.

I will break these areas down quickly.

Keep in mind the state of Connecticut is having another terrible budget year. Last week there was a projected \$550 million shortfall. The legislature is working on an \$87,000,000 cut to schools. Currently, Darien receives \$1.6 million in state aid out of the \$2.8 billion total. That is \$347 per student. Norwalk receives \$945 per student, New Haven \$7700 per student, and Hartford \$8,000 per student, you get the picture. The cost of State Mandates is very high; we have the second lowest reimbursement. The costs we must absorb are a major reason for higher property taxes.

Another area of great stress in our town is the 8-30G Affordable Housing mandate. 160 towns in the state do not reach the 10% level required by 8-30 G. More are beginning to be subject to “greenmail” now as we have in recent years. Under pressure the legislature now allows a moratorium if goals are reached. On a positive note, because of the *Inclusionary Zoning* regulation that took effect in May, we expect to reach the 2% moratorium level if the Garden Apartments project is approved in January. This gives us four years free from predatory developers to seek a better solution for Darien to this law.

Flooding is another example of a controversy exacerbated by state mandates. In order to help fix the flooding problems in Noroton Heights, we relinquished control of the solution to the DEP. The result is the state-designed "Baker Woods Flood Mitigation Project" that permanently alters one of our few town parks. This is a poignant example of what happens with the loss of local control. Even our own EPC was not allowed to weigh in on the harm to Baker Park. I have asked Bob Steeger to review with the Selectmen other opportunities to help mitigate the problems in Noroton Heights - that will not have as drastic an effect downstream, yet will help the local business owners. It is clear that residents were very unhappy with DEP's plan.

Darien is starting to pay the price for the lack of common sense in Hartford. Reach out to your legislators to give your views. More than ever the effects of bad decisions in Hartford will hurt everyone who lives in our community. This is not a political party issue; it is a Darien quality of life issue.

Many issues in town have become more problematic based on lack of quality communication. Examples are Baker Woods, property revaluations, and the confusion on the 8-30g moratorium. The BOS has an obligation to simplify and clarify issues for the public. We must seek input, discuss policy changes openly, debate pros and cons, all in a timely fashion, while respecting everyone's rights and opinions.

In closing, I want to thank everyone for coming out tonight or watching from home. I am always available to whomever needs to see me. I have managed a retail business for 25+ years, and I am all about customer service. I understand the importance of delivering services at a high standard while always looking at ways to be more efficient. I look forward to passing my driver's test and working with my fellow Board of Selectmen members for the good of all citizens, in these difficult economic times. THANK YOU!!