

**MINUTES
REPRESENTATIVE TOWN MEETING
JANUARY 26, 2009**

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

CALL TO ORDER

The Regular meeting of the Representative Town Meeting was called to order at 8:25 p.m. by Donna Rajczewski, Town Clerk.

Upon Roll Call, the following members were present:

From District I, there were 10 members present, 6 absent.
From District II, there were 14 members present, 1 absent.
From District III, there were 13 members present, 4 absent.
From District IV, there were 16 members present, 1 absent.
From District V, there were 13 members present, 3 absent.
From District VI, there were 14 members present, 3 absent.

The absentees from District I were: Grimes, Piccaro, Price, Puzyk, Tierney, Valentino.
The absentee from District II was: Rudnick.
The absentees from District III were: Cardone, Coyle, Helms, Pullen.
The absentee from District IV was: S. Schoonmaker.
The absentees from District V were: Camuti, Hennessey, Wenger.
The absentees from District VI were: Adelman, Berl, Stephens.

The Moderator, Karen Armour, Assumed the Chair.

ACCEPTANCE OF THE AGENDA

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

**APPROVAL OF THE MINUTES OF THE DECEMBER 8, 2008 STATE OF THE TOWN
MEETING**

The following correction was made: On page 4, District VI, McDermott had voted "yes".

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

ANNOUNCEMENTS

Mrs. Armour reminded everyone that they have to go through her before talking to Town Counsel.

Mrs. Armour said that there are two new members in District IV who will be sworn in this evening.

James Cameron, District IV, said that this meeting was being broadcast live on Channel 79, and thanks to the work of the Board of Education, all Board of Education meetings are being recorded for future broadcast. The e-mail list, which he passed out, is sent out on Fridays with a list of the programming for the upcoming week.

The Moderator said that the Rules Committee met on January 5th and agreed to ask TGS&A to review ordinances as a lead-up to Charter Revision. TGS&A is working on it and will come back to the Rules Committee on February 9th with a road map and a timetable. This is a lengthy process and should take several years.

First Selectwoman Klein read a prepared list of announcements (attached).

Mrs. Rajczewski swore in the new members of District IV: Carolyn Miller and Bill Peters.

09-01

CONSIDERATION AND ACTION ON THE NEWLY NEGOTIATED CONTRACT BETWEEN THE DARIEN BOARD OF EDUCATION AND THE DARIEN EDUCATION ASSOCIATION, EFFECTIVE JULY 1, 2009 AND EXPIRING JUNE 30, 2012

**** LOIS SCHNEIDER, DISTRICT I, CHAIRMAN OF THE EDUCATION COMMITTEE, MOVED:**

WHEREAS, on October 16, 2008, the Negotiating Subcommittees of the Darien Board of Education and the Darien Education Association arrived at an agreement covering salaries and other conditions of employment for the Darien teachers; and

WHEREAS, the contract covers a three-year period commencing on July 1, 2009; and

WHEREAS, the Darien Education Association ratified this agreement on November 3, 2008; and

WHEREAS, the Board of Education of the Town of Darien ratified this agreement on November 12, 2008; and

WHEREAS, the Collective Bargaining Agreement signed by the Darien Board of Education and the Darien Education Association has been filed with the Darien Town Clerk as required by law on January 9, 2009; and

WHEREAS, pursuant to §10-153d(b) of the Connecticut General Statutes, the terms of said contract shall be binding on the legislative body of the local school district unless said body rejects said contract at a regular or special meeting called and convened for said purpose within thirty (30) days of the filing of the contract.

NOW THEREFORE AND BE IT RESOLVED that the Representative Town Meeting of the Town of Darien hereby approves the Collective Bargaining Agreement between the Darien Board of Education and the Darien Education Association covering salaries and other conditions of employment for the Darien teachers for the three-year term beginning July 1, 2009. Said

terms and conditions are more specifically set out in the contract filed with the Darien Town Clerk on January 9, 2009.

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

Mrs. Schneider read the report of the Education Committee (attached).

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

John Boulton, Chairman of the Board of Finance, reviewed a power point presentation (attached).

Dr. George, District V, asked for comment on tenure, which he said he feels retains bad teachers. Mr. Boulton said he too has questioned why tenure is needed for teachers, but the reality is that the DEA has been a good partner to work with. They have been supportive of the administration's efforts to resolve issues when they have arisen.

Robert Young, District III, asked why tuition reimbursement was limited to teachers with Master's Degrees and above. Mr. Boulton said this was a philosophical decision the Board of Education made three years ago. Mr. Fiftal, Superintendent of Schools, said state certification motivates that first Master's Degree. The Board agreed that post-master's is where the motivation should be.

Jeff Marston, District II, said that the medical offset disappears in the second year. Mr. Boulton said co-pays generally don't change much after the first year. This will be offset by staff turnover.

Elisabeth Bacon, District II, asked if that implies that when senior teachers leave, they are hiring junior people. Mr. Boulton said administration is hiring the best people for the job. They don't automatically go after the least-experienced people.

Peter Kelly, District I, asked how salaries compare to those of other similar districts and what the DEA is promising to do over the next three years to increase the quality of education in the town. Mr. Boulton said Westport has the highest-paid teachers; Darien aims to create a favorable comparison, allowing the superintendent to retain and recruit the best, while staying fiscally responsible. Mr. Kelly said it might warrant higher or lower salaries. Mr. Boulton said this is a very adequate amount. Re the second question, Mr. Boulton said that tuition reimbursement was very important to the DEA. They are committed to ongoing improvements. This is a partnership. The DEA is very happy with the technology in the Darien school system.

Mr. Boulton said that the Board of Education will ask the RTM to approve \$425,000 in March for the Royle School Boilers (Capital request). In addition, they will be asking for \$450,000 for installation costs for the energy conservation program, which will lead to \$135,000 in annual savings via incentives from CL&P.

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

**** ITEM 09-1 CARRIED ON A RISING TALLY VOTE OF 75 IN FAVOR, 1 OPPOSED, 3 ABSTENTIONS.**

Flora Smith, District I, asked about RTM members receiving budget books.

Bruce Orr, District V, said that the Board of Selectmen's budget books will be available tomorrow night at the Board of Selectmen's meeting. The Moderator also said she would follow up on the question of availability.

Flora Smith, District I, re performance measures, asked if RTM members will be allowed to participate if they come on Saturday for performance measures. She said in the updates provided to the body, they should get clarifications on how many RFPs had been received for the Library property. She said that in watching Channel 79, comments were made by Mr. Steeger, and there is a question as to whether they are sure they are able to have the easements they need south of Heights Road.

Selectman Linda Santarella said that the Selectmen have not received their budgets; they will be presented tomorrow night. Re performance measures, they have received an e-mail from the Chairman of Finance & Budgets that was responded to by the First Selectwoman. They will be happy to entertain questions from e-mails. She noted that employees are coming in on a Saturday. Re easements, the problem related to Laforge may become a legal problem. They have reviewed two of the RFPs, which is what they have received.

Flora Smith, District I, clarified that her question was if they have an understanding of the easements that are made from Baker Field and Heights Road. Town Counsel Fox said they know what they need but do not know if there will have to be condemnations.

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

Respectfully submitted,

Cheryl Telesco
Telesco Secretarial Services

APPENDIX

<u>DISTRICT I</u>	<u>(09-1)</u>
Bishko	yes
Grimes	absent
Harrington	yes
Imbimbo	yes
Kelly	yes
Nelson	yes
Ness	yes
Piccaro	absent
Price	absent
Puzyk	absent
Schneider	yes
Sini	yes
Smith	yes
Tierney	absent
Valentino	absent
Wong	yes

<u>DISTRICT IV</u>	<u>(09-1)</u>
Artinian	yes
Cameron	yes
Cleary	yes
Davis	yes
Eng	yes
Kemp	yes
Millar	yes
Miller	yes
Morrison	abstain
Peters	yes
Pratt	yes
Rayhill	yes
Rycenga	yes
Savage	yes
C.Schoonmaker	yes
S.Schoonmaker	absent
Weyhe	yes

<u>DISTRICT II</u>	
Bacon	yes
Conway	yes
Howe	yes
Magida	yes
Maguire	yes
Marston	abstain
Noe	yes
Ridley	yes
Rudnick	absent
Seelye	yes
Sheehan	yes
Smosky	yes
Thorne, B.	yes
Thorne, M	yes
Weicker	yes

<u>DISTRICT V</u>	
Adiletta	yes
Balian	yes
Camuti	absent
Conniff	yes
Dailey	yes
Davis	yes
George	yes
Hennessy	absent
Nizolek	yes
Orr	yes
Patrick	yes
Russell	yes
Sharp	yes
Vanderkieft	yes
Wenger	absent
Wolcott	yes

<u>DISTRICT III</u>	
Bayne,	yes
Brode .	yes
Cardone	absent
Coyle	absent
Duffy	yes
D'Urso	yes
Fead	yes
Helms	absent
LeHan	yes
Maroney	yes
Martens	no
Moore	yes
Olvany	yes
Pullen	absent
Smith	yes
Voigt	yes
Young	yes

<u>DISTRICT VI</u>	
Adelman	absent
Armour	did not vote
Baldwin	yes
Berl	absent
Conologue	yes
Grogan	yes
Guimond	yes
Hawkins	yes
Jones	yes
McDermott	yes
McLean	yes
McNamara	yes
Plehaty	yes
Poli	yes
Stephens	absent
Swenson	yes
Whitehead	abstain

26 January 2009
Update to RTM
Evonne M. Klein
First Selectwoman
RTM Meeting

FLOOD MITIGATION

Heights Road Drainage – Last Thursday our consultants from William Kenny and Associates, Dewberry, Leonard Jackson Associates, Bob Steeger, Karl Kilduff and I met with representatives from the Inland Water Division, the Dam Safety Division and Hydraulics Divisions of the DEP. The purpose of this meeting was to review the Heights Road Drainage Application with the staff.

The team reviewed the flood inundation analysis, the wetlands mitigation proposals, dam breach analysis, diversion structure and level control structure. The team had only minor comments which can be addressed expeditiously by our consultants. All indications at this meeting were positive.

Our consultant will be meeting with a staff DEP engineer upon submittal of our application in February.

La Forge Road Drainage Project – At this time is 50% complete.

Town-wide Drainage Study - Town consultants Milone and Mc Broom are fine tuning existing conditions hydraulic model and formulating alternative flood mitigation measures to test the model. They will be meeting with us at the end of January and present a final report in February.

DPW is reviewing the Milone and Mc Broom's proposal for Goodwives River watershed.

DARIEN AFFORDABLE HOUSING PLAN

The Board of Selectmen will continue to review the draft plan tomorrow night at our meeting. PZ&H has been following our meetings and our process. The Board will pass this along to P&Z upon the completion of our review.

35 LEROY – COMMUNITY HOMES AT LEROY ADVISORY COMMISSION

The Commission has been meeting weekly since December. We received two responses to our RFP. One of the developer teams withdrew further

consideration. The Commission has completed their review, interview and site visits of the final developer. The Commission will bring a recommendation to the Board of Selectmen by the middle of February.

Karl Kilduff and three members from CHALAC have scheduled an informal review session with Fred Conze Chair of P&Z, two members of the P&Z Commission Gwynne Grimes, Robert Finke and Director of Planning and Zoning Jeremy Ginsberg this week.

FINANCIAL REVIEW AND STRATEGY MEETING UPDATE

FRSM was held again this month. Of note – our expenditures are up significantly in our snow overtime budget. We budgeted \$44,000 to date we have spent \$74,000. This number does not include the storm that occurred on Martin Luther King Jr. day. The other area in our budget where we are seeing significant costs due to over time is in Patrol Overtime. Currently we are at 110% of the budget due to long term illness, work injuries and maternity leave. We are projecting to be \$150,000 – 200,000 over budget. The Chief is doing what he can do to control this which is shift personnel.

Our residents are paying their taxes. We have collected 75%, which is considered good. As we have stated the 1st week in February is the key.

Karl Kilduff will present the Administrative Officer's Proposed Budget to the Board of Selectmen tomorrow evening. You all received a copy of our budget meeting schedule in your packets. Tomorrow night's meeting will begin at 8:00 as it is a regular BoS meeting.

RTM Education Committee

Report and Speech to the RTM on January 26, 2009

Good evening. My name is Lois Schneider and I am Chair of the RTM Education Committee.

With no objection, I would like to waive the reading of the text of resolution numbered 09-1. . . . I would like a motion to consider this resolution.

At the Regular meeting of the RTM Education Committee on January 22, 2009 with all 14 members present, our committee met to discuss and vote on the new contract with the teachers. Guests at our meeting were John Boulton and Kim Westcott, Chair and Vice Chair of the Board of Education who were members of the negotiating team. We evaluated the negotiated contract, the summarizing memos and answers to questions raised by the group.

The majority of our committee members supported the resolution, as teachers are the key element in the success of our students' education. As part of our discussion, those opposed acknowledged that the economy and fiscal concerns have worsened since the contract was agreed to in mid-October. They felt that they couldn't support the increases due to the worsening economic situation, the impact the increases would have on the town tax rate or the \$ available for the education budget to deliver the education in our schools at our current standards. Mr. Boulton will discuss the impact of our vote tonight on the decision process going forward. Those in favor of the agreement felt that it is a fair agreement with some give backs and considered salary increases. An additional point was emphasized in that in good times we do not highly award increases so we should moderate our response to bad times also. We voted 10 in favor of the resolution, 2 opposed, and 2 abstentions.

The contract under consideration covers the 3-year period starting on July 1, 2009. The negotiation process between the teachers' union and the Board of Ed is a highly defined process meant to encourage resolution and avoid work stoppages. This year the agreement was reached in the mediation stage as the economic situation was getting worse. Both parties have expressed satisfaction with the agreement. The key points are:

Total estimated salary increases are 3.9%, 4.2%, and 4.2% over the next 3 years. 3 years ago, the increase was 5.5 % each year. The increases are 2 fold – step increases that reward seniority and increased educational levels of a teacher (e.g. Masters degrees +) and a general wage increase. The salary structure is a complex combination of years of service and advanced degrees and/or credits completed by teachers. Increases occur within steps. An individual teachers' increase depends on where they are in the step. Part of the negotiation awards the pool of \$ to the seniority/education levels as best applied to meet the needs of the teacher pool and the administrations ability to hire and retain excellent teachers. The salary increase estimate is based on the impact of the new contract on the current teacher headcount. Actual results will vary from this amount.

In addition, the tuition reimbursement fund has been increased by \$15,000 to \$30,00 per year. This benefits all parties.

Along with the salary increases, benefit costs and in particular, health care costs, are key to the overall cost of the contract. The teachers have agreed to increase their employee premium sharing each year as well as changes to the co-pays and deductibles thus limiting some of the health care increases.

The estimated change for year 1 using current staff balancing the salary increase estimate and the health care reductions is 2.55% versus the 3.9% salary increase mentioned earlier.

Our increases are in line with other districts in Fairfield County, even those that have settled later.

The majority of the members of the Education Committee supports this teachers' contract and recommends that the RTM do the same.

Thank you very much.

**Finance & Budget Committee
Report to RTM, January 26, 2009**

**(09-1) RTM RESOLUTION APPROVING CONTRACT
BETWEEN THE DARIEN EDUCATION ASSOCIATION
AND THE DARIEN BOARD OF EDUCATION**

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

The F&B committee met on January 20, 2009, with 10 of 15 members present comprising a quorum.

Mr. John Boulton, Chair of the Board of Education, joined us for a discussion of the recently ratified new three contract between the Darien Education Association and the Darien Board of Education. Mr. Boulton provided the Committee with an overview of the contract.

As outlined in the memo in your RTM information packet, the total salary increases slated for the next three contract years are 3.9%, 4.2% and 4.2% respectfully. These forecasted step and wage increases are based on a "steady state" or static teacher population and will likely change from year to year as normal teacher turnover occurs; retirements, departures replaced with new hires with lower seniority, will likely reduce the overall increases. Additionally, these increases are somewhat off-set by a modest increase in employee health care premium sharing and increased co-pays. In year one of the contract, with favorable and locked in health care premiums and increased co-pays, the overall increase will be 2.55% over the 2008-2009 contract year. Years 2 & 3 of the contract total salaries are forecast to increase about 3.9% a year, excluding any favorable or unfavorable impacts on health care costs.

The Finance and Budget Committee voted unanimously to approve this Collective Bargaining Agreement. As with the prior contract, we have been impressed with the Board of Ed's continuing efforts to reduce over-all health care costs, while sustaining a reasonably competitive wage scale. Furthermore, if the RTM were to reject this contract, the Agreement would go to arbitration and it is the consensus opinion of the Committee that District would get no better terms in a stipulated arbitration decision.

We recommend that the RTM approve this Contract.

DARIEN BOARD OF EDUCATION



**RTM Ratification of 2009-12 Contract
with Darien Education Association**

Statutory Negotiations Process - General

- Negotiations with bargaining units of certified employees are governed by the Teachers Negotiation Act (Connecticut General Statutes § 10-153a *et seq.*)
- Timing is driven by legal date that the BOE budget must be submitted to the Board of Finance (first Tuesday in March). Working backwards, we must follow the following dates:
 - 210th day prior (Aug. 3, 2008) – Negotiation period starts
 - 160th day prior (Sept. 22, 2008) – Mediation period starts
 - 135th date prior (Oct. 17, 2008) – Arbitration period starts

Statutory Negotiations Process - Mediation

- Mediation – Mediator mutually chosen from list approved by State BOE.
 - DEA mediation occurred on Oct 16, 2008, resulted in negotiated agreement.
- Negotiated contract agreements, whether mediated or not, are ratified by both parties, then filed with town clerk (DEA contract filed on Jan. 11, 2009).
- Contract is binding unless legislative body (RTM) rejects within 30 days. If the RTM rejects the contract, then the case reverts to arbitration.

Statutory Negotiations Process - Arbitration

- As mutually agreed by both parties, either a three person panel led by a neutral arbitrator will sit or the neutral arbitrator will serve alone. Neutral arbitrator selected by Commissioner of Education from list of arbitrators appointed by Governor.
- Parties submit "last best offer, issue-by-issue" on all unresolved issues. Arbitrators choose between offers, no authority to split the issue.
- BOE is solely responsible for the content of its last best offer.
- The first arbitration hearing, held between 5th and 12th day after neutral umpire picked, establishes authority of panel.
- Any negotiated agreement after this meeting is deemed a stipulated arbitration award (e.g., 2005 DEA contract award). Stipulated awards are binding as written.

Statutory Negotiations Process - Arbitration

- Non-stipulated arbitration awards are binding unless rejected by the RTM by a 2/3rds vote within 25 days.
- If the RTM rejects the arbitration award, then a 2nd panel of three neutral arbitrators is selected within 10 days by the State Commissioner of Education.
- 2nd panel holds no hearing, only reviews the written case record. It confirms or reverses the award on each disputed issue based on the last best offers. Parties cannot change their offers from the first arbitration.
- The 2nd panel award is binding and cannot be rejected. However, either party can appeal to the courts for judicial review within 30 days.

Statutory Negotiations Process - Summary

- 2009-2012 DEA Contract is a contract negotiated in mediation. As such it is eligible for RTM approval within 30 days of Jan 11, 2009.
- Rejection by the RTM sends the contract to the first stage of arbitration.
- Rejection of first arbitration -> contract sent to 2nd arbitration panel
- Decision of 2nd panel is binding.

2008 Settlements in Neighboring Towns

		2009-10	2010-11	2011-12
Greenwich	Step	2.08%	1.92%	1.77%
Mediation	GWJ	2.90%	3.00%	3.10%
8/18/2008	TOTAL	4.98%	4.92%	4.87%
Darien	Step	2.80%	2.70%	2.70%
Mediation	GWJ	1.10%	1.50%	1.50%
10/17/2008	TOTAL	3.90%	4.20%	4.20%
Wilton	Step	2.60%	2.43%	2.20%
Stipulated Arbitration	GWJ	1.30%	1.77%	2.00%
11/10/2008	TOTAL	3.90%	4.20%	4.20%
Weston	Step	2.46%	2.03%	1.80%
Arbitration	GWJ	2.10%	1.75%	2.75%
11/19/2008	TOTAL	4.56%	3.78%	4.55%
Avg Since 10/3/08	Step	1.52%	2.07%	2.11%
Statewide	GWJ	2.16%	2.00%	2.16%
23 Districts	TOTAL	3.68%	4.07%	4.27%

Coming Attractions

- Royle School Boilers
 - \$425k 2009-10 capital request being expedited to ensure installation by 2009-10 heating season
 - Current boilers are 60 years old
 - State barely approved their inspection this past fall, no guarantee they will pass next fall

Coming Attractions

- Energy Conservation Program
 - Program funds installation of energy efficient lighting
 - \$450k installation cost fronted by Town (approved 1.20.09 by Board of Finance)
 - \$135k in annual savings via incentives from CL&P

Darien Teachers Contract Approval

RTM Meeting

January 26, 2009

Remarks by Murry Stegelmann

Chairman of Board of Finance

Tonight I urge you to approve the contract that was obtained in mediation between the Darien Board of Education and the Darien Education Association. The Board of Finance voted last week to urge your approval on a vote of 5-0-1.

As you might be aware, the State of Connecticut has a formal legal process in order to avoid strikes by its teachers. If regular negotiations fail to reach a suitable agreement, then the parties are required to have a mediation session, then must submit to binding arbitration. In binding arbitration, the "last best offer" process is followed where the arbiter is required to select the "last best offer" of one side or the other on each and every item subject to disagreement. Heavily influencing the arbiter are past settlements that have been reached statewide in similar negotiations. As such, both the teachers and the Board of Education are heavily incented to reach an acceptable agreement or face a risky outcome in arbitration.

We find that this contract should be acceptable both to teachers and to the Town of Darien. Importantly, first year general wage increases are kept to 1.1% and medical insurance cost sharing should result in a net decrease in medical expense for the town in the first year. Second and third year general wage increases are kept to 1.5%.

For the teachers, the step increase of 2.8% means that an average teacher is earning a 3.9% per annum salary increase in the first year and 4.2% in each of the subsequent years.

If one were to assume no teacher retirements, then the next cost of the settlement would be 2.55% in the first year, and just under 4% in each of the subsequent years. However, that is an unrealistic assumption. Every year some teachers retire, some stop teaching, some move to another district. Most often they are replaced with someone more junior on the salary scale. As such the next cost of the contract will be less than those figures. As an example, the superintendent has estimated the net financial benefit of that turnover next year to be roughly \$150,000.

On behalf of the Board of Finance, we recommend that you approve a contract that we believe is both fiscally responsibly in light of current economic conditions, but also provides our teachers with competitive compensation in comparison with other communities.