

**TOWN OF DARIEN
REPRESENTATIVE TOWN MEETING
SEPTEMBER 26, 2016**

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TOWN CLERK'S OFFICE
DARIEN CT.

CALL TO ORDER

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

Upon Roll Call, the following members were present:

From District I, there were 11 members present, 6 absent.
From District II, there were 7 members present, 5 absent.
From District III, there were 8 members present, 6 absent.
From District IV, there were 15 members present, 1 absent.
From District V, there were 9 members present, 8 absent.
From District VI, there were 13 members present, 3 absent.

The absentees from District I were: Buchesky, Butler, Dweck, B. Hayes, Keane, van der Kieft.

The absentees from District II were: Agnew, Boulier, Doherty, Finn, Sawitsky.

The absentees from District III were: Coyle Downs, Hageney, Hegarty, Hite, Jordan, Washecka,

The absentees from District IV were: Domittner.

The absentees from District V were: Adiletta, Bates, Boulton, Fead, Fiveson, Haueisen, M. Hayes, McLachin.

The absentees from District VI were: C. Baldwin, Natale, Van Loan.

Ms. Rajczewski announced that Ms. Sarah Seeley had moved from Darien and had resigned from the RTM as of September 15, 2016. Ms. Rajczewski said that the Rules Committee met and in accordance with the Rules of Procedure of the RTM Appendix B, Mr. Seth Morton was appointed as Acting Moderator by the Rules Committee.

The Acting Moderator, Seth Morton, assumed the Chair.

Mr. Morton requested a motion be made to add an item to the agenda regarding a resolution thanking Ms. Seelye for her service.

**** JAMES CAMERON, DISTRICT IV, MOVED TO ADD THE FOLLOWING ITEM TO THE AGENDA:**

**RESOLUTION CONGRATULATING AND THANKING SARAH C. SEELYE
FOR HER SERVICE TO THE REPRESENTATIVE TOWN MEETING
OF THE TOWN OF DARIEN**

WHEREAS, Sarah Seelye has resided in the Town of Darien for many years; and

WHEREAS, Sarah has served as a distinguished member of the Representative Town Meeting since December 10, 2007; and

WHEREAS, Sarah has served on multiple committees and generously contributed her time to the Town of Darien; and

WHEREAS, Sarah was elected as Moderator of the RTM on November 13, 2012 and served with distinction in that position until her resignation on September 15, 2016;

NOW, THEREFORE, BE IT RESOLVED that the Representative Town Meeting of the Town of Darien extends its sincere congratulations and thanks for Sarah's service to the Town and wishes her all the best in her future endeavors.

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

**** THE MOTION WAS APPROVED BY UNIVERSAL CONSENT.**

Mr. Morton requested that Ms. Seelye come forward. Ms. Seelye thanked everyone for the honor of serving as the moderator for several years. She said that once she got over her initial nervousness, she became excited as she saw the RTM working to do the right thing for the Town. Ms. Seelye thanked Mr. Morton, Ms. Rajczewski and Atty. Fox.

ACCEPTANCE OF THE AGENDA

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

APPROVAL OF THE MINUTES OF THE JUNE 6, 2016 MEETING

**** THE MINUTES OF THE JUNE 6, 2016 MEETING WERE APPROVED BY UNIVERSAL CONSENT.**

ANNOUNCEMENTS

Ms. Rajczewski came forward to make the following announcements:

The First Selectman has received a letter from Aquarion Water Company dated 9/16/16 stating that there is now a mandatory ban on outdoor watering devices such as irrigation systems, sprinklers and soaker hoses, effective immediately. Hand held hoses will be allowed for the time being. Connecticut is now in a state of severe drought due to the extended dry spell.

Ms. Rajczewski then gave an update on the Status of the RTM ballot. She gave a brief overview of the various vacancies in the Districts: District I has 8 vacancies with 6 candidates; District II has 15 vacancies and 9 candidates; District III has 10 vacancies with 3 candidates; District IV

has 7 vacancies and 6 candidates*; District V has 11 vacancies and 7 candidates; and District VI has 11 vacancies and 7 candidates.

Ms. Rajczewski said that Mr. Frank Kemp, the TGS&A Chair, has announced that there would be a special meeting about the blight ordinance on Wednesday, September 28th in Room 119 at 7:30 p.m. to hear public comments.

Ms. Clara Sartori came forward to announce that the potential candidates for the RTM would be receiving a letter from the League of Women Voters so the candidates can submit a 100 word statement for the LWV Voter's Guide. She encouraged all the candidates to participate. The deadline is October 16th.

Ms. Rajczewski said that Chief Lovello had just informed her that hand watering was no longer allowed.

(16-16)

CONSIDERATION AND ACTION ON A SPECIAL APPROPRIATION OF \$87,142 FOR THE PURCHASE OF BODY CAMERAS FOR THE DARIEN POLICE DEPARTMENT.

**** JAMES PATRICK, DISTRICT V, CHAIRMAN OF PH&S, MOVED:**

WHEREAS, the Chief of Police has requested funding for body cameras and a data retention system for the Police Department; and

WHEREAS, the State of Connecticut encourages the use of body cameras; and

WHEREAS, use of body cameras is considered to be a law enforcement best practice; and

WHEREAS, the Board of Selectman believes that this program will benefit the department and the community; and

WHEREAS, funding will be required in the current fiscal year for operating costs of \$49,344 and capital expenses of \$37,798;

NOW, THEREFORE, BE IT RESOLVED that the Representative Town Meeting of the Town of Darien hereby appropriates the sum of \$87,142 for the purchase of body cameras for the Darien Police Department.

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

James Patrick, District V, Chairman of the PH&S Committee, read the committee report (attached).

Jack Davis, District III, Chairman of F&B Committee, read the committee report (attached).

Martha Banks, District IV, came forward and said that as Mr. Davis had stated, there was grant money available for the purchase of the cameras and the first year storage. The legislature appropriated \$15 million for this during the last session. Ms. Banks said she had spoken with Chief Lovello and that he already had the application for the grant. She said that she thought the resolution should be amended to read as follows:

“hereby appropriates the sum of \$87,142 provided that the Darien Police Department agrees to submit an application for Body and Worn Recording Equipment (BWRE) Reimbursement Grant Program for Local and University Law Enforcement Agencies.”

Ms. Banks said that there was no way to tell if the grant funding would be forthcoming, but felt it would be best to include this as part of the resolution. The grant would reimburse 100% of the purchase cost of the cameras along with 100% of the first year storage during the fiscal year 2016-2017 but would only reimburse 50% during the fiscal year 2017-2018.

**** MARTHA BANKS, DISTRICT IV, MOVED THE FOLLOWING AMENDMENT (16-16A):**

FROM:

“APPROPRIATES THE SUM OF \$87,142 FOR THE PURCHASE OF BODY CAMERAS FOR THE DARIEN POLICE DEPARTMENT.

TO:

“HEREBY APPROPRIATES THE SUM OF \$87,142 FOR THE PURCHASE OF BODY CAMERAS FOR THE DARIEN POLICE DEPARTMENT PROVIDED THAT THE DARIEN POLICE DEPARTMENT AGREES TO SUBMIT AN APPLICATION FOR BODY AND WORN RECORDING EQUIPMENT (BWRE) REIMBURSEMENT GRANT PROGRAM FOR LOCAL AND UNIVERSITY LAW ENFORCEMENT AGENCIES.”

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

Mr. Davis said that he believed that the Police Department was intending to apply for the grant funding but also felt that it would not cause any harm to add it to the resolution.

**** THE MOTION TO AMEND (16-16A) PASSED UNANIMOUSLY BY VOICE VOTE.**

Joanne Hennessy, District V, asked why this issue was coming up again three months after the completion of the budget cycle. While Ms. Hennessy has the utmost respect for the Police Department, she questioned as to whether this was the best use of the money, since the police were incredibly well trained. Ms. Hennessy said that she had spoken to several young people

who felt that the cost of the data storage was too high. She said she would prefer to re-visit this during the budget cycle. With the State in such poor financial state, it would be best not to count on them. This is not needed at this time.

Mr. Patrick, District V, Chairman of the PH&S Committee, requested that Chief Lovello come forward to provide more detail regarding the cameras and data storage. Chief Lovello came forward and thanked Ms. Seelye for her service and also those who had commented.

Regarding the use of the cameras, Chief Lovello said that the events around the country now make this a priority. While the technology is evolving rapidly, with the events and tensions around the country, it would be prudent to be as transparent as possible. This will not only help the Police Department, but the Town, also. While Darien is a very solid community, the Town seems to be a lightning rod when it comes to issues of demographics and racial make up. It will be critical to show that both the Town and the Department are fair and impartial. This would not be a major expenditure in the overall Police budget, but it is a worthwhile purchase. Chief Lovello said that he was not happy to have to come back to the Board of Selectmen and the RTM to ask for money so soon after the close of the budget cycle, but this would be a prudent expenditure.

There have been two incidents in town that concerned Chief Lovello. He said that the person on the bicycle was recording their interaction with the police, but was only from one angle. Having the body cams would provide a different viewpoint. While the patrol car cams are helpful, once the officer moves out of range of the cam, there is no more information available.

As far as data retention goes, the Chief explained that the State Attorney General had two retention periods. The first one would retain all data for 90 days from the incident. Incidents that could result in litigation, prosecution or other noteworthy matters would be retained for four years. He gave the details of how the storage system worked.

David Bayne, District V, came forward and said that as a former Selectman, he was not comfortable with approving funding outside of the budget process other than for emergencies. He said that Chief Lovello's explanation made a strong case for the purchase. Mr. Bayne asked when the cameras would be on the officers if they purchased them now versus during the regular budget cycle. Chief Lovello said that he hoped to have them on the officers by the 1st of the year. He would like to roll them out as quickly as possible.

The Chief was asked by another resident if the officer would be wearing the cams 24/7/365. Chief Lovello said that the officers would be wearing them continually.

Joanne Hennessy, District V, came forward and said that the recent release of the body camera films did not seem to help the situation. Chief Lovello said that the cameras were not a panacea for all that was wrong, but they do help. He said that these cameras have limitations, but they do help.

Susan Kwun, District VI, asked at whose discretion will the video be released and who would decide who gets to see what when. Chief Lovello said that the State passed a statute requiring a

statewide policy regarding body cameras for police, and the State has appropriate safe guards in place. There are not many requests to view the patrol car camera footage. The car cam footage is routinely given to attorneys for court cases.

Ms. Banks, District IV, said that she would like to respond to Mr. Bayne's comments. She said that while she had problems with the request coming outside the budget cycle, there was a deadline for a reimbursement through June 2017. This is a reimbursement grant, not an advanced payment grant.

Mr. Joseph Hardison, District 4, said that he believed that this should have been done during the last budget cycle. He reminded everyone that Board of Selectmen had cut it from the budget. Darien is a lightning rod community between two large cities and this should be done as soon as possible.

**** ITEM 16-16 (AS AMENDED) CARRIED ON A RISING TALLY VOTE OF 55 IN FAVOR, 6 OPPOSED, 1 ABSTENTION.**

(16-17)

CONDISERATION AND ACTION ON LEASING OF TOWN LAND AT THE RECYCLING AND REFUSE CENTER TO FELIX F. CALLARI, dba BMW OF DARIEN

Mr. Morton said that there was a typo in the first sentence and forward. The words "Felix F. Callari" should appear as "Felix F. Callari, Inc." Mr. Morton added that the resolution indicated that PZ&H was primary for the resolution but the Rules Committee had voted to have Public Works as primary. Mr. Morton then asked if the Public Works Committee had any comments.

Frank Adelman, District 6, Vice Chair of the Public Works Committee, came forward. He said that he was present on behalf of Mark Adiletta, the Public Works Chairman, who was not able to attend the meeting. He said that the Public Works Committee had not been aware they had been assigned the item. Although the Committee discussed the item, they had not formally voted.

At the September 19th meeting, the Committee considered and discussed the lease. The membership was very favorable to the lease. This is for a 10 year lease with two 5 year renewals following a previous 10 year lease. He added that he would like to commend Mr. Edward Gentile, the Public Works director, for including a one year Evergreen call option, which would allow the Town to call back the land within a year of notification if needed.

**** FRANK ADELMAN, DISTRICT 6, MOVED THE FOLLOWING:**

WHEREAS, the Town of Darien and Felix F. Callari, Inc. d/b/a BMW of Darien intend to enter into a ten-year lease beginning on October 1, 2016 through and including September 30, 2026 for the exclusive use of property situated at 140 Ledge Road, Darien, Connecticut and shown on the print marked Exhibit A attached hereto; and

WHEREAS, a copy of said lease is available for review at the Town Clerk's Office; and

WHEREAS, any such lease requires the approval of the Board of Selectmen and the Representative Town Meeting; and

WHEREAS, the Board of Selectmen has approved this lease at its regularly scheduled meeting of August 24, 2016.

WHEREAS, the Planning & Zoning Commission of the Town of Darien issued a favorable report pursuant to § 8-24 of the Connecticut General Statutes.

NOW THEREFORE, BE IT RESOLVED THAT the Representative Town Meeting of the Town of Darien hereby approves said lease by and between the Town of Darien and Felix F. Callari, Inc. d/b/a "BMW of Darien.

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

Mr. Adelman said that there were no objections to the report and that he personally felt that it would have passed unanimously if it had been voted on in Committee at that meeting.

Jack Davis, District III, Chairman of F&B Committee, read the committee report (attached).

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

Mr. Morton then requested those present to pause for a moment in memory of Gene Coyle and Jack Whitehead.

**** ITEM 16-17 CARRIED ON A RISING TALLY VOTE OF 61 IN FAVOR, 0 OPPOSED, 1 ABSTENTION.**

ADJOURNMENT

**** UPON MOTION MADE AND SECONDED FROM THE FLOOR, IT WAS UNANIMOUSLY VOTED TO ADJOURN AT 8:55 P.M.**

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services

*One candidate from District IV has withdrawn from the November ballot. There are presently 5 candidates for 7 vacancies.

APPENDIX

| | as amended | | | as amended | |
|---------------------|----------------|----------------|--------------------|----------------|-----------------|
| <u>DISTRICT I</u> | <u>(16-16)</u> | <u>(16-17)</u> | <u>DISTRICT IV</u> | <u>(16-16)</u> | <u>(16-117)</u> |
| Baldwin | no | yes | Banks | yes | yes |
| Barsanti | yes | yes | Cameron | yes | yes |
| Buchesky | absent | absent | Joan Davis | yes | yes |
| Bumgardner | yes | yes | Domittner | absent | absent |
| Butler | absent | absent | Fiore | yes | yes |
| Conologue | yes | yes | Haidinger | yes | yes |
| Conze | yes | yes | Hardison | yes | yes |
| Dweck | absent | absent | P. Hawkins | yes | yes |
| Ezbiansky | yes | yes | Kemp | yes | yes |
| Hayes, B. | absent | absent | Miceli | yes | yes |
| Keane | absent | absent | Millar | abstain | yes |
| Kelly, C. | yes | yes | Montanaro | yes | yes |
| Lee | yes | yes | Morrison | yes | yes |
| Pattelli | yes | yes | Peters | yes | yes |
| Schneider | no | yes | Rayhill | yes | yes |
| van der Kieft | absent | absent | Savage | yes | yes |
| von Stuelpnagel | yes | yes | | | |
| | | | <u>DISTRICT V</u> | | |
| <u>DISTRICT II</u> | | | Adiletta | absent | absent |
| Agnew | absent | absent | Bates | absent | absent |
| Bacon | yes | abstain | Bayne, C. | yes | yes |
| Boulier | absent | absent | Bayne, D. | yes | yes |
| Doherty | absent | absent | Boulton | absent | absent |
| Finn | absent | absent | Duffy | yes | yes |
| Howe | yes | yes | Fead | absent | absent |
| McNally | yes | yes | Fiveson | absent | absent |
| Miller | yes | yes | Haucisen | absent | absent |
| Sartori | yes | yes | Hayes, M. | absent | absent |
| Sawitsky | absent | absent | Hennessy | no | yes |
| Thorne, B. | yes | yes | Lublin | yes | yes |
| Wheeler | yes | yes | McLachlin | absent | absent |
| | | | Mosher | yes | yes |
| | | | Patrick | yes | yes |
| | | | Russell | yes | yes |
| | | | Sparkman | yes | yes |
| <u>DISTRICT III</u> | | | <u>DISTRICT VI</u> | | |
| Anderson | no | yes | Adelman | yes | yes |
| Cardone | yes | yes | Baldwin | absent | absent |
| Conniff | yes | yes | Cantavero | yes | yes |
| Coyle Downs | absent | absent | Cherico | yes | yes |
| Jack Davis | yes | yes | Grogan | yes | yes |
| Hageney | absent | absent | Ted Hawkins | yes | yes |
| Hegarty | absent | absent | Kwun | no | yes |
| Hite | absent | absent | Lauritzen | yes | yes |
| Jordan | absent | absent | Luz | no | yes |
| Maroney | yes | yes | McDermott | yes | yes |
| Moore | yes | yes | Natale | absent | absent |
| Morton | DOES NOT VOTE | | Plehaty | yes | yes |
| Washecka | absent | absent | Poli | yes | yes |
| Yarnell | yes | yes | Ritchie | yes | yes |
| | | | Swenson | yes | yes |
| | | | Van Loan | absent | absent |

I am Mac Patrick, Chairman of Public Health & Safety and I move Resolution 16-16 Consideration and action on a special appropriation of \$87,142 for the purchase of body cameras for the Darien Police Department. Do I have a second?

Without objection, I will waive the reading of the resolution.

On Monday, September 19, 2016 with 6 of 10 PHS members present, we met jointly with the RTM Finance & Budget committee and Chief of Police Duane Lovello to discuss the resolution in detail. Our committee focused our concerns on the safety aspect of the Darien Police Department using body cameras. F & B with Chairman Jack Davis will report on the financial aspects of the resolution.

Chief Lovello explained that with the prevalence of cell phones, the public has an increasing expectation that everything is recorded. Currently, Darien police cars have cameras attached that can record limited encounters. He noted body cameras will provide increased transparency for the Police Department when interacting with the public. The use of body cameras is now considered to be a law enforcement best practice and the State of Connecticut encourages the use of body cameras, Chief Lovello explained.

Westport, Norwalk and Wilton are currently deploying body cameras. Norwalk due the size of their force has officers sharing body cameras. Each Darien officer will have their own camera, and at the end of a shift, the camera is placed in a charging station and the data is automatically uploaded to a secure "cloud" server, eliminating the need for police staff to store the data in house.

After Chief Lovello's presentation, our committee broke away to discuss and vote on the resolution. We discussed the merits of waiting for the technology to evolve and our committee members felt now is the time to move forward and equip the Darien Police Force with body cameras. We voted unanimously to support the resolution and encourage you, the Full RTM to do the same.

Respectfully submitted,

James M. Patrick, Chairman PHS

RTM F&B Report

September 26, 2016

(16-16) Consideration and action on a special appropriation of \$87,142 for the purchase of body cameras for the Darien Police Department 6.

The RTM Finance & Budget Committee met on Monday, September 19, 2016 with 7 of 12 members present constituting a quorum. Our meeting was a Special Meeting and held jointly with Public Health and Safety with Chief Lovello present.

I will briefly touch on the points reported by the Public Health & Safety Committee. As the RTM may be aware, this request was not included in the 2016/17 budget. There have been several developments that were not present during the February/March budget review. Most notably was the legislature authorizing the Police Officers Standards and Training Committee, for which Chief Lovello is a member, to establish certain procedures, standards and protocols regarding the use of body cameras. In addition, the technology has improved where the body cameras now have the same capabilities as the Darien police car cameras – they will automatically go on when the officer turns on their sirens or reaches a certain speed.

The cost for this initiative is \$87,000 the first year and estimated to be \$68,500 for the subsequent four years. As reported, there may be a grant to cover the entire first year's cost from the State. Members of F&B discussed the reliability of any state grant monies being received based upon the poor financial condition of the State.

F&B voted 5 in favor, 2 against the purchase of the cameras. Both members of F&B that voted against this resolution were in favor of the body cameras – one member felt the funds should be found in the existing police department budget. The other felt it was so close to the next budget cycle that the request should be delayed until then.

Respectfully submitted

Jack Davis

RTM Finance & Budget, Chair

RTM F&B Report

September 26, 2016

(16-17) Consideration and action on leasing of Town land at the Recycling and Refuse Center to Felix and Sylvia Callari (BMW)

The RTM Finance & Budget Committee met on Monday, September 19, 2016 with 7 of 12 members present constituting a quorum. Our meeting was a Special Meeting with Kate Buch, Town Administrator, present.

The lease is with the owners of the Callari Group as individuals for the use by their business Darien BMW. This is a renewal of an existing 10 year lease that expired earlier this year. The term is for ten years with two five year options. For the next 5 years, the rent will be \$21,494.71 representing a 3% increase over the current rent. After year 5, there is a 3% annual increase in years 6 through 10. In the tenth year, the rent will be \$24918.26. An annual increase of 2% will become effective should the option for years 11 to 15 and the option for years 16 through 20 be exercised. Should the Callari Group no longer own the business establishment, the lease does not pass to the new owner.

In F&B's discussion, we discussed the financial viability of the Callari Group and concluded it was in good standing. We discussed and reviewed the location of the 14000 square feet being rented and agreed that the town could not easily use the property and has no intention of using that piece of land. In addition, the town has no intention of selling the land. The land rented amounts to a little less than one third of an acre and F&B believed the rent far exceeded the tax revenues for that size property. In the end, F&B believes this is a good lease that provides the Town additional revenues for property it was not and has no intention of using.

F&B voted unanimously in favor of this lease – 7 in favor and none against.

Respectfully submitted

Jack Davis

RTM Finance & Budget Committee, Chair

Planning, Zoning and Housing Committee Report

On the Calari lease

September 26, 2016

The Planning, Zoning and Housing committee met on Tuesday, September 6 with 5 of 15 members present, therefore we did not have a quorum. We discussed the lease and had some questions about how we got to the agreement, particularly with no increase for the first five years. We could not have a vote, but did do a sense of the meeting, and the five members present agreed unanimously to approve the lease.

Joanne Hennessy

Chair