

**MINUTES
REPRESENTATIVE TOWN MEETING
JANUARY 22, 2024**

CALL TO ORDER

The Regular meeting of the Representative Town Meeting was called to order at 8:00 p.m. on January 22, 2024 by Christa McNamara, Town Clerk, who said there was a quorum of 60 members present. She welcomed John Sartorius, a new member from District I, There are still openings in District III. Anyone interested should contact her or the district Chair.

Upon Roll Call, the following members were present:

From District I, there were 13 members present, 3 absent.
From District II, there were 14 members present, 2 absent.
From District III, there were 11 members present, 4 absent.
From District IV, there were 13 members present, 3 absent.
From District V, there were 13 members present, 5 absent.
From District VI, there were 12 members present, 5 absent.

The absentees from District I were: Mecsery, Von Stuelpnagel, Wong.
The absentees from District II were: Russell, Teschner.
The absentees from District III were: Golus, Hesli, Mitchell, Ruddy.
The absentees from District IV were: Guller, Kiner, Millar.
The absentees from District V were: Huang, Larino, Mahoney, Marks, Parwal.
The absentees from District VI were: Conway, Johnson, Orphanos, York, Young.

The Moderator, Seth Morton, Assumed the Chair.

ACCEPTANCE OF THE AGENDA

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

APPROVAL OF MINUTES FOR THE NOVEMBER 11, 2023 MEETING

**** A MOTION TO APPROVE WAS MADE FROM THE FLOOR.
** THE MOTION WAS SECONDED FROM THE FLOOR.
** THE MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

AUTHORIZE AN APPROPRIATION AND BONDING AUTHORIZATION IN THE AMOUNT OF \$2,067,250 FOR THE HANSON ROAD BRIDGE REPLACEMENT

**** JACK DAVIS, DISTRICT III, CHAIRMAN OF FINANCE & BUDGET, MOVED:**

**(24-1) RESOLUTION APPROPRIATING \$2,067,250
FOR COSTS OF CONSTRUCTION RELATED TO THE REPLACEMENT OF THE HANSON ROAD BRIDGE AND
AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF \$2,067,250 TO MEET
SAID APPROPRIATION**

**Primary – Finance & Budget
Secondary – Public Works, Public Health & Safety**

RESOLVED:

Section 1. The sum of \$2,067,250 is appropriated for costs of construction related to the replacement of the Hanson Road Bridge located in the Town of Darien (the "Town"), such costs to include, but not be limited to, the demolition of the existing structure, the diverting of the Stony Brook, installation of new box culverts, repaving of the roadway, landscaping enhancements and guard rail, as well as, contingency, administrative, printing, legal and financing costs related thereto (the "Project"), said appropriation to be inclusive of any and all state and federal grants-in-aid thereof.

Section 2. To meet said appropriation, and in lieu of a tax therefor, \$2,067,250 bonds of the Town or so much thereof as shall be necessary for such purpose, may be issued, maturing not later than as legally allowed. Said bonds may be issued in one or more series as determined by the Board of Finance, or any Town official designated by the Board of Finance, and the amount of bonds of each series to be issued shall be fixed by the Board of Finance, or any Town official designated by the Board of Finance, in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amount of the state and federal grants-in-aid on the Project, and the anticipated times of the receipt of the proceeds thereof. The bonds shall be in the denomination of \$5,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law

relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent, and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the Board of Finance, or any Town official designated by the Board of Finance, in accordance with the General Statutes of the State of Connecticut, as amended (the "General Statutes").

Section 3. Said bonds shall be sold by the Board of Finance, or any Town official designated by the Board of Finance, and the Town Treasurer, in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest true interest cost to the Town. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Board of Finance, or any Town official designated by the Board of Finance.

Section 4. The Board of Finance, or any Town official designated by the Board of Finance, is authorized to issue and sell temporary notes in anticipation of the receipt of the proceeds of any series of said bonds and to determine the amount, date, date of maturity, interest rate, form and other details of such notes pursuant to the General Statutes. Notes evidencing such borrowings shall be signed by the First Selectman and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance, be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut and be certified by a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to

the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The Town hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this resolution in the maximum amount authorized hereby and for the Project defined herein with the proceeds of bonds, notes, or other obligations authorized to be issued by the Town. Such bonds, notes or other obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Board of Finance, or any Town official designated by the Board of Finance, is authorized to pay Project expenses in accordance herewith pending the issuance of reimbursement bonds and to amend this declaration.

Section 6. The First Selectman, Town Treasurer and Finance Officer or any one of them are hereby authorized, on behalf of the Town, to enter into any agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution and to perform all acts which are necessary or appropriate to issue and deliver the bonds or notes. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the First Selectman, the Town Treasurer and the Finance Officer, or any one of them, are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years. Should such bonds or notes issues in anticipation of such bonds be issued in such form and manner that the interest on such bonds or notes is includable in the gross income of the holders thereof under the Internal Revenue Code of 1986, as amended, then it is hereby determined that the issuance of such taxable bonds or notes is in the public interest.

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

Jack Davis, District III, Chairman of Finance & Budget, read the Committee report:

If there are no objections, I waive the reading of this resolution.

Before I give the details of this resolution, the F&B committee thought it might be appropriate to discuss the financial aspects and processes of appropriations and bonding as the RTM has six items totaling \$27,131,670 in new debt authorizations – all of which have either state grants, contingencies or other amounts that will affect the final amounts to be spent and the final debt issued. So here is a quick tutorial or refresher. The areas to be covered are:

- Where are we and where will the Town be at the end of these six resolutions
- Total authorization versus final issuance
- When are bonds/notes issued and who determines term and composition
- How will the Town fund if the bonds are not immediately issued
- What is the anticipated annual expense of each bonding
- What happens to the authorized but unissued residual amounts when projects are completed

As of June 30, 2023 the Town had \$117,885,000 of outstanding debt with scheduled principal reductions of \$5,985,000. As discussed at the January 16th BOF meeting, the Town anticipates new debt – both bonds and notes – to be issued in the March/April timeframe. In addition, the Town has an additional \$157,013,670 of authorized but unissued debt for active projects – with the primary contributors being Great Island (\$60,693,634) and the HHR school renovation projects (\$82,250,000). When the RTM approves the six resolutions tonight, the total authorized by unissued debt will be \$184,145,340. You will hopefully see that adding the outstanding and authorized but unissued does not mean that the Town will potentially have over \$300,000,000 in debt as the amounts authorized will not equal the final debt issued due to scheduled payments of outstanding debt principal over the coming years, receipt of state grants associated with these project, actual monies spent versus total authorized and the rescinding of authorized but unissued debt upon completion of a project. Now that I have scared you, let me say that based upon statements at the BOF meeting – these amounts should not affect the Town’s Triple A rating continuing to give the Town the lowest market interest rates.

For each of these projects, the total cost is the appropriation – and that must cover 100% of the anticipated expenditures. All the projects have contingencies for unforeseen expenses. However, if the project costs less or there are state grants received, the amount of final debt issued will be less than the total amount authorized. The bonding amount must cover 100% of the appropriation – however, in each of these resolutions, the Town does not anticipate issuing debt equal to the total appropriation. We will cover that as each resolution is discussed.

Mark Adiletta, District V, Chairman of the Public Works Committee, read the Committee report.

Mac Patrick, District V, Chairman of Public Health & Safety, read the Committee report:

Resolution to Authorize an Appropriation and Bonding Authorization for the Hanson Road Bridge Replacement.

Again, Ed Gentile made a presentation to request funding the bridge replacement. The bridge was built in 1936 and last inspected in 2016. Cracking was noted in mid 2022. Temporary repairs were made in September 2022, with plans for future replacement. Ed noted that Hanson Road will be closed with no through traffic while construction takes place. Hanson Road, from each end, Hollow Tree and Middlesex, effectively becomes a temporary dead end street. Police traffic guards will be used as needed. Work should begin in mid 2024.

PHS voted unanimously to approve the bonding with one abstention.

Respectfully submitted, James M Patrick, Chair, Public Health & Safety Committee

**** ITEM 24-1 CARRIED ON A RISING TALLY VOTE OF 74 IN FAVOR, 0 OPPOSED, 3 ABSTENTIONS.**

24-2

AMEND THE APPROPRIATION AND BONDING AUTHORIZATION TO INCREASE THE AMOUNT BY \$2,357,300 TO \$4,697,300 FOR THE SANITARY SEWER SYSTEM PROJECT

**** JACK DAVIS, DISTRICT III, CHAIRMAN OF FINANCE & BUDGET, MOVED:**

(24-2) RESOLUTION TO AMEND THE RESOLUTION ADOPTED ON OCTOBER 19, 2020 APPROPRIATING \$2,340,000 FOR THE SANITARY SEWER SYSTEM PROJECT AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF \$2,340,000 TO MEET SAID APPROPRIATION, TO INCREASE THE APPROPRIATION AND BOND AUTHORIZATION BY \$2,357,300 TO \$4,697,300

**Primary – Finance & Budget
Secondary – Public Works**

WHEREAS, on October 19, 2020, the Representative Town Meeting in the Town of Darien (the “Town”) approved an appropriation and bond authorization in the amount of \$2,340,000 (the “Resolution”) for the costs of the Sanitary Sewer System Project (the “Initial Authorization”); and

WHEREAS, the Town wants to increase the Initial Authorization by \$2,357,300 to \$4,697,300 due to costs associated with the next phase of the project; and

NOW, THEREFORE, BE IT RESOLVED, that the Resolution is hereby amended and restated to increase the Initial Authorization by \$2,357,300, for a total appropriation and bond authorization in the amount of \$4,697,300, as follows:

Section 1. The sum of \$4,697,300 is appropriated for the Sanitary Sewer System Project located in the Town of Darien (the "Town"), which project includes, but is not limited to: the planning, investigation, engineering and improvements to the sanitary sewer system to eliminate overflows during large rainfall events and reduce total annual sewage flow to the Stamford Wastewater Treatment Facility including, all alterations, repairs and improvements in connection therewith as well as engineering, architectural and administrative, printing, legal and financing costs related thereto (the "Project"), said appropriation to be inclusive of any and all state and federal grants-in-aid thereof.

Section 2. To meet said appropriation, and in lieu of a tax therefor, \$4,697,300 bonds of the Town or so much thereof as shall be necessary for such purpose, may be issued, maturing not later than as legally allowed. Said bonds may be issued in one or more series as determined by the Board of Finance, or any Town official designated by the Board of Finance, and the amount of bonds of each series to be issued shall be fixed by the Board of Finance, or any Town official designated by the Board of Finance, in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amount of the state and federal grants-in-aid on the Project, and the anticipated times of the receipt of the proceeds thereof. The bonds shall be in the denomination of \$5,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent, and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by

the Board of Finance, or any Town official designated by the Board of Finance, in accordance with the General Statutes of the State of Connecticut, as amended (the "General Statutes").

Section 3. Said bonds shall be sold by the Board of Finance, or any Town official designated by the Board of Finance, and the Town Treasurer, in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest true interest cost to the Town. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Board of Finance, or any Town official designated by the Board of Finance.

Section 4. The Board of Finance, or any Town official designated by the Board of Finance, is authorized to issue and sell temporary notes in anticipation of the receipt of the proceeds of any series of said bonds and to determine the amount, date, date of maturity, interest rate, form and other details of such notes pursuant to the General Statutes. Notes evidencing such borrowings shall be signed by the First Selectman and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance, be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut and be certified by a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The First Selectman is authorized in the name and on behalf of the Town to apply for and accept any and all federal and state loans and/or grants-in-aid for the Project and is further authorized to expend said funds in accordance with the terms hereof and in connection therewith to contract in the name of the Town with engineers, contractors and others. To meet any

portion of the costs of the Project determined by the State of Connecticut Department of Environmental Protection to be eligible for funding under Section 22a-475, *et seq.* of the General Statutes, as the same may be amended from time to time (the "Clean Water Fund Program"), the Town may issue interim funding obligations in anticipation of project loan obligations and project loan obligations in such denominations as the Board of Finance, or any Town official designated by the Board of Finance, shall determine. The Board of Finance, or any Town official designated by the Board of Finance, is hereby authorized to determine the amount, date, maturity, interest rate, form and other details and particulars of such interim funding obligations and project loan obligations, subject to the provisions of the Clean Water Fund Program. Such interim funding obligations and project loan obligations shall be executed and delivered by the First Selectman and the Town Treasurer. Said obligations shall be general obligations of the Town for which the full faith and credit of the Town is pledged to the payment of the principal thereof and the interest thereon. The First Selectman is hereby authorized to execute and deliver to the State of Connecticut in the name of and on behalf of the Town, Project Loan and Project Grant Agreements under the Clean Water Fund Program.

Section 6. The Town hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this resolution in the maximum amount authorized hereby and for the Project defined herein with the proceeds of bonds, notes, or other obligations authorized to be issued by the Town. Such bonds, notes or other obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Board of Finance, or any Town official designated by the Board of Finance, is authorized to pay Project expenses in accordance herewith pending the issuance of reimbursement bonds and to amend this declaration.

Section 7. The First Selectman, Town Treasurer and Finance Director or any one of them are hereby authorized, on behalf of the Town, to enter into any agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in

Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution and to perform all acts which are necessary or appropriate to issue and deliver the bonds or notes. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the First Selectman, the Town Treasurer and the Finance Director, or any one of them, are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years. Should such bonds or notes issued in anticipation of such bonds be issued in such form and manner that the interest on such bonds or notes is includable in the gross income of the holders thereof under the Internal Revenue Code of 1986 then it is hereby determined that the issuance of such taxable bonds or notes is in the public interest.

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

Jack Davis, District III, read the Finance & Budget Committee report:

If there are no objections, I will waive the reading of the resolution.

This is the next phase of this sewer project. The RTM originally approved appropriation and bonding authorization of \$2,357,300 consisting of total estimated project costs of \$2,917,796 of bond issuance cost that will be partially offset by ARPA funding up to the amount of \$580,000. On the 1st phase, the Town has already bonded \$1,004,000; it received \$330,000 from the Clean Water Fund grant leaving \$1,564+m outstanding. There is still \$1,353m authorized by unissued debt and \$580m of ARPA funds available. Depending upon the final costs associated with the original authorization, those funds may be assigned to the next phase reducing the amount of required bonding or could reduce the bonding to less than \$1mm – the BOF will the final funding combination.

This phase has the following estimated project costs:

Phase 2 Engineering	\$ 720,000
CY24 CCTV	\$ 50,000
Phase 3 Rehab	
Arcadis Design	\$ 250,000
Constr Co Rehab	\$1,250,000
Darien Police Time	\$ 20,000
Contingency/Escalator	\$ 60,000

With the total costs for Phase 2, CCTV and Phase 3 Rehab totaling \$2,350,000. An additional amount of \$17,300 has been added for bond issuance costs.

This is a sewer project. Whilst the Town will issue the debt, repayment of this debt will come from the Sewer Authority not town taxes. Such debt is included in the sewer assessment to those sewer customers

connected to the sewer system. This project will not add to the town mill rate nor be paid by Town taxpayers.

The Town will again apply for the Clean Water Fund Grant for approximately 55% of the design portion of the project. The grant award would approximate \$385,000 – reducing the debt to be issued by an equal amount.

This project will be funded initially from the General Fund and that fund will be repaid through debt issuance, grants received and any costs not spent. Any remaining authorized but unissued debt should be rescinded by the BOF upon completion of the project. Assuming receipt of the full grant award, debt service is estimated to be \$135,000 annually. Again, as I cannot stress enough, the principal and interest payments for this project will be paid by sewer customers, not through property taxes or other town revenues. Upon approval of this resolutions, the authorized but unissued debt will be \$163,778,220. This resolution was discussed with the RTM PW and RTM PHS committees in a joint meeting with Ed Gentile, PW Department chair present. We would like to thank the other committees and Ed to make this meeting happen. The RTM Finance & Budget committee unanimously approved this resolution and recommends the same to the full RTM.

Respectfully submitted
Jack Davis, RTM Finance & Budget chair
January 22, 2024

Mark Adiletta, District III, Chairman of the Public Works Committee, read the Committee report

Mac Patrick, District V, read the report of the Public Health & Safety Committee:
Public Health & Safety Committee
Reports to Full RTM
January 22, 2024

Resolution to Amend the Appropriation and Bonding Authorization to Increase the Amount for the Sanitary Sewer System Project.

PHS met on Thursday January 11, 2024 with 8 of 13 members present in a Special Joint Meeting with Finance & Budget and Public Works, hearing a presentation by Ed Gentile, head of the Public Works Department.

Ed noted the request is for additional work including lining sewer pipe which will greatly increase the useful life of the pipe. The upgrade is expected to provide improvements to eliminate the sanitary sewer overflows which have occurred due to large rainfall events. The bonding will also include CCTV and cleaning of 8 miles of the town system.

PHS voted unanimously to approve the bonding with 2 abstentions.

Respectfully submitted, James M Patrick, Chair, Public Health & Safety Committee

**** ITEM 24-2 CARRIED ON A RISING TALLY VOTE OF 72 IN FAVOR, 0 OPPOSED, 3 ABSTENTIONS.**

24-3

VOTE TO DESIGNATE A LOCATION FOR THE CONDUCT OF EARLY VOTING IN DARIEN

**** FRANK KEMP, DISTRICT IV, CHAIRMAN OF TGS&A, MOVED:**

(24-3) RESOLUTION OF THE REPRESENTATIVE TOWN MEETING OF THE TOWN OF DARIEN FOR CONSIDERATION AND ACTION ON A PROPOSAL FOR EARLY VOTING PURSUANT TO PUBLIC ACT 23-5

Primary – Town Government Structure & Administration

WHEREAS, by virtue of House Bill No. 5004, which became Public Act 23-5, the Connecticut Legislature adopted a proposal implementing early voting; and

WHEREAS, said Public Act provides that the Registrars of Voters of each municipality shall designate a location for the conduct of early voting; and

WHEREAS, such Public Act provides that any municipality with a population of at least 20,000, the legislative body may hold a public hearing on whether to designate any additional location in such municipality for the conduct of early voting; and

WHEREAS, the Town Clerk of the Town of Darien as well as the Registrars of Voters all agree that only one location in the conduct of early voting is necessary; and

WHEREAS, the Town Clerk and Registrars of Voters have taken into consideration the size of the Town, the geography of the Town as well as the cost for more than one (1) voting location; and

WHEREAS, the Town Clerk and the Registrars of Voters have determined that it is in the best interest of the Town of Darien to designate Town Hall as the location to conduct early voting; and

WHEREAS, such conclusion eliminates the need for a second location and any need for a public hearing on the issue; and

WHEREAS, the Town will provide an explanation of its decision to the Secretary of State.

NOW THEREFORE BE IT RESOLVED, the Town of Darien shall have a single location for early voting which shall be the Town Hall located at 2 Renshaw Road in Darien.

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

Frank Kemp, District IV, read the TGS&A report: On Monday January 22nd, 2024 the TGS&A Committee (with ten of ten attending) met to discuss this new feature in Connecticut's regulations for voting. The committee was honored to have Kara Gately, Registrar of Voters, and Corey Frate, Deputy Registrar, as guests, providing excellent background information on this topic.

As background, you may recall that in the November 2022 election there was a question on the general election ballot concerning an amendment to the state constitution to allow early voting in elections conducted in Connecticut. This amendment to the constitution passed in 2022, so the legislature proceeded with implementation of the project in their 2023 session.

The state's instructions as to how exactly this would take place was formalized in House Bill Number 5004 which became Public Act 23-5 in June 2023. This 44-page Act spelled out the details of the operation, which, while at first resembling the absentee voting procedures, was actually a whole new protocol that defined just how citizens would vote, early, and in person.

For example the early voting window is 4 days for the presidential preference primary (which is coming up on April 2nd) - 7 days for most primaries, and 14 days for general elections – which will be November 5 this year.

For all election the early voting locations must be open from 10:00am to 6:00pm, with exceptions on Tuesday and Thursday the week before the election – hours 8:00am to 8:00pm. The early voting site must be supervised by the Registrars of Voters, appointed moderator and support personnel to ensure the custody of the preprinted and cast ballots. As you might guess, this whole process is just different than absentee voting.

Public Act 23-5 also allowed municipalities with populations over 20,000 to designate additional early voting sites. With Darien's population just over this threshold, the Registrars of Voters has recommended that Town Hall, and only Town Hall be the site of early voting. As such, we have this resolution before us this evening to confirm this procedure to the Secretary of State.

Further details on this process were prepared by the Registrars of Voters in their executive summary of January 4, which was included in our package, and the implementing resolution prepared by Town Counsel, which reflects a sound approach and a good start on the confirmation of early voting to operate here at Town Hall.

After reviewing this background material the TGS&A Committee unanimously approved our resolution and recommended the approval of the resolution 24-3 by the full RTM this evening.

Respectfully submitted,
Frank Kemp, Chair, RTM TGS&A Committee

Bill Clarkson, District I, asked if there were any changes to identification requirements to early voters. Cara Gately, Republican Registrar of Voters, said that the only change is that same-day registration is allowed, but they still have the same identification requirements.

**** ITEM 24-3 CARRIED ON A RISING TALLY VOTE OF 74 IN FAVOR, 1 OPPOSED, 1 ABSTENTION.**

24-4

VOTE ON AGREEMENT BETWEEN THE DARIEN BOARD OF EDUCATION AND THE DARIEN ADMINISTRATORS' ASSOCIATION

**** ED WASHECKA, DISTRICT III, CHAIRMAN OF THE EDUCATION COMMITTEE, MOVED:**

(24-4) RESOLUTION OF THE REPRESENTATIVE TOWN MEETING OF THE TOWN OF DARIEN FOR CONSIDERATION AND ACTION ON A PROPOSED CONTRACT BETWEEN THE DARIEN BOARD OF EDUCATION AND THE DARIEN ADMINISTRATORS' ASSOCIATION

**Primary – Education
Secondary – Finance & Budget**

WHEREAS, the proposed contract between the Darien Board of Education and the Darien Administrators' Association (DAA) has been filed with the Darien Town Clerk as required by law on January 3, 2024; and

WHEREAS, pursuant to §10-153d of the Connecticut General Statutes calls for a review of said contract by the local legislative body; 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; and

WHEREAS, said terms and conditions of such contract are more specifically set out in the documents on file with the Darien Town Clerk.

NOW THEREFORE AND BE IT RESOLVED that the Representative Town Meeting of the Town of Darien hereby approves and does not reject the contract between the Darien Board of Education and the Darien Administrators' Association covering salaries, health and other conditions of employment for the three-year term beginning July 1, 2024 through June 30, 2027.

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

Ed Washecka, District III, read the Education Committee report.

Jack Davis, District III, Chairman of Finance & Budget, read the Committee report:

I am Jack Davis, District 3, chair of the RTM Finance & Budget Committee. Thank you, Ed, for that detailed report. I will try not to repeat those points.

Here are the key points of this contract:

- General Wage Increase of 3.25%, 3.00%, 3.00%.
- Annuity of \$1,000 per administrator increasing by \$500 per year.
- Educational Degree stipend increasing from \$1,000 to \$2,000.
- 1% increase in health care premium cost share.
- Increase in the work year for Elementary Assistant Principals from 197 days to 207 days.
- Elimination of the February 1st deadline to notify an administrator of a position elimination
- Elimination of the 85% salary track for newly hired administrators.
- Tuition reimbursement fund increasing from \$5,000 to \$10,000 with the per credit reimbursement increasing from \$150 per credit to \$400 per credit.
- Non-birth parent leave mirroring that of the Teachers (Darien Education Association) Contract
- 10 remote days for 12-month administrators to be taken when school is not in session.
- Health insurance employee contribution increases to 22% in 2024 and 2025, and 23% in 2026

Current Administration compensation for the current fiscal year is \$6,107,698.

Category	FY 25	FY26	FY27
GWI	\$200,653	\$193,193	\$200,508
Step increase	\$65,177	\$50,622	0
Elem AP Work Yr	\$71,250	0	0
Annuity	\$36,000	\$18,000	\$18,000
Educ Stipend Inc	\$5,000	0	0
Total Increase	\$378,080	\$261,816	\$218,508
Total Comp	\$6,485,778	\$6,747,593	\$6,966,101
Increase %	6.19%	4.04%	3.24%

The above numbers are based upon the current staffing. For those following the proposed Superintendent’s budget, the above does not reflect any additions to the Administration FTEs.

The RTM Finance & Budget Committee voted unanimously to approve and not reject the Darien Administrators’ Association contract settlement and recommends the same to the full RTM.

Respectfully submitted

Jack Davis, RTM Finance & Budget Committee chair

January 22, 2024

Liz Bacon, District II, asked how many administrators there were and what this means on a per person basis. Jack Davis responded that there are currently 36 administrators in the district. The total increase is \$78,080 in 2025, \$261,816 in 2026 and \$218,508 in 2027. They think total compensation in 2025 is \$6,485,778; in 2026 is \$6,747,593; in 2027 is \$6,966,101. This may change based on the total budget approved by the BOE. These amounts are in addition to the current year’s budget.

**** ITEM 24-4 CARRIED ON A RISING TALLY VOTE OF 73 IN FAVOR, 2 OPPOSED, 1 ABSTENTION.**

24-5

ADDITIONAL APPROPRIATION FOR RENOVATIONS HINDLEY ELEMENTARY SCHOOL \$5,929,045

24-6

ADDITIONAL APPROPRIATION FOR RENOVATIONS HOLMES ELEMENTARY SCHOOL \$8,403,800

24-7

ADDITIONAL APPROPRIATION FOR RENOVATIONS ROYLE ELEMENTARY SCHOOL \$4,907,890

The Moderator said that the above three items would be moved and reported on together, but voted on separately.

**** JACK DAVIS, DISTRICT III, CHAIRMAN OF FINANCE & BUDGET, MOVED:**

(24-5) RESOLUTION TO INCREASE AN APPROPRIATION FOR THE PLANNING, DESIGN AND RENOVATION OF THE HINDLEY ELEMENTARY SCHOOL FROM \$27,550,000 TO \$33,479,045 AND TO AUTHORIZE THE ISSUANCE OF BONDS AND NOTES TO FINANCE THE APPROPRIATION IN THE AMOUNT OF \$33,479,045

**Primary – Finance & Budget
Secondary - Education**

WHEREAS, on April 18, 2022, the Town of Darien (the “Town”) approved an appropriation and bond authorization of \$1,400,000 for the planning, design and renovation of the Hindley Elementary School (the “Initial Authorization”); and

WHEREAS, it was determined that the cost of the planning, design and renovation of the Hindley Elementary School was more than that which was authorized by the Initial Authorization; and

WHEREAS, on June 6, 2022, the Town approved a resolution to increase the Initial Authorization from \$1,400,000 to \$26,000,000 for the planning, design and renovation of the Hindley Elementary School (the “First Amended Authorization”); and

WHEREAS, due to increased costs, on November 14, 2022, the Town approved a resolution to increase the First Amended Authorization from \$26,000,000 to \$27,550,000 for the planning, design and renovation of the Hindley Elementary School (the “Second Amended Authorization”); and

WHEREAS, due to further increased costs, the Town wants to increase the Second Amended Authorization by an additional \$5,929,045 to authorize the full amount of the cost of the planning, design and renovation of the Hindley Elementary School.

NOW, THEREFORE, BE IT RESOLVED, that the Second Amended Authorization is hereby increased by \$5,929,045 from \$27,550,000 to \$33,479,045 and the Second Amended Authorization is hereby amended in its entirety as set forth below.

RESOLVED:

Section 1. The sum of \$33,479,045 is appropriated for the planning, design and renovation of the Hindley Elementary School located in the Town of Darien (the “Town”), which project includes, but is not limited to: i) construction related to the classrooms including the removal of portable classrooms, the remodeling of certain classroom areas, and renovations to the building to expand the classroom space, workrooms, office and storage space; ii) renovations to the existing library to convert it to a new library/media center and learning commons model; iii) site drive improvements regarding the bus loop; iv) construction of new playing fields, and including but not limited to, asbestos removal, site development, paving, furnishings and equipment, architects’ and engineers’ fees, testing and other fees, and administrative, printing, legal and financing costs related thereto (collectively, the “Project”), said appropriation to be inclusive of any and all state and federal grants-in-aid thereof.

Section 2. To meet said appropriation, and in lieu of a tax therefor, \$33,479,045 bonds of the Town or so much thereof as shall be necessary for such purpose, may be issued, maturing not later than as legally allowed. Said bonds may be issued in one or more series as determined by the Board of Finance, or any Town official designated by the Board of Finance, and the amount of bonds of each series to be issued shall be fixed by the Board of Finance, or any Town official designated by the Board of Finance, in the amount necessary to meet the Town’s share of the cost of the Project determined after considering the estimated amount of the state and federal grants-in-aid on the Project, and the anticipated times of the receipt of the proceeds thereof. The bonds shall be in the denomination of \$5,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent, and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the Board of Finance, or any Town official designated by the Board of Finance, in accordance with the General Statutes of the State of Connecticut, as amended (the “General Statutes”).

Section 3. Said bonds shall be sold by the Board of Finance, or any Town official designated by the Board of Finance, and the Town Treasurer, in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest true interest cost to the Town. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Board of Finance, or any Town official designated by the Board of Finance.

Section 4. The Board of Finance, or any Town official designated by the Board of Finance, is authorized to issue and sell temporary notes in anticipation of the receipt of the proceeds of any series of said bonds and to determine the amount, date, date of maturity, interest rate, form and other details of such notes pursuant to the General Statutes. Notes evidencing such borrowings shall be signed by the First Selectman and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance, be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut and be certified by a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The Town hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this resolution in the maximum amount authorized hereby and for the Project defined herein with the proceeds of bonds, notes, or other obligations authorized to be issued by the Town. Such bonds, notes or other obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Board of Finance, or any Town official designated by the Board of Finance, is authorized to pay Project expenses in accordance herewith pending the issuance of reimbursement bonds and to amend this declaration.

Section 6. The First Selectman, Town Treasurer and Finance Officer or any one of them are hereby authorized, on behalf of the Town, to enter into any agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution and to perform all acts which are necessary or appropriate to issue and deliver the bonds or notes. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the First Selectman, the Town Treasurer and the Finance Officer, or any one of them, are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued

exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years. Should such bonds or notes issues in anticipation of such bonds be issued in such form and manner that the interest on such bonds or notes is includable in the gross income of the holders thereof under the Internal Revenue Code of 1986, as amended, then it is hereby determined that the issuance of such taxable bonds or notes is in the public interest.

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

**** JACK DAVIS MOVED:**

(24-6) RESOLUTION TO INCREASE AN APPROPRIATION FOR THE PLANNING, DESIGN AND RENOVATION OF THE HOLMES ELEMENTARY SCHOOL FROM \$25,600,000 TO \$34,003,800 AND TO AUTHORIZE THE ISSUANCE OF BONDS AND NOTES TO FINANCE THE APPROPRIATION IN THE AMOUNT OF \$34,003,800

**Primary – Finance & Budget
Secondary - Education**

WHEREAS, on April 18, 2022, the Town of Darien (the “Town”) approved an appropriation and bond authorization of \$1,050,000 for the planning, design and renovation of the Holmes Elementary School (the “Initial Authorization”); and

WHEREAS, it was determined that the cost of the planning, design and renovation of the Holmes Elementary School was more than that which was authorized by the Initial Authorization; and

WHEREAS, on June 6, 2022, the Town approved a resolution to increase the Initial Authorization from \$1,050,000 to \$24,000,000 for the planning, design and renovation of the Holmes Elementary School (the “First Amended Authorization”); and

WHEREAS, due to increased costs, on November 14, 2022, the Town approved a resolution to increase the First Amended Authorization from \$24,000,000 to \$25,600,000 for the planning, design and renovation of the Holmes Elementary School (the “Second Amended Authorization”); and

WHEREAS, due to further increased costs, the Town wants to increase the Second Amended Authorization by \$8,403,800 to authorize the full amount of the cost of the planning, design and renovation of the Holmes Elementary School.

NOW, THEREFORE, BE IT RESOLVED, that the Second Amended Authorization is hereby increased by \$8,403,800 from \$25,600,000 to \$34,003,800 and the Second Amended Authorization is hereby amended in its entirety as set forth below.

RESOLVED:

Section 1. The sum of \$34,003,800 is appropriated for the planning, design and renovation of the Holmes Elementary School located in the Town of Darien (the “Town”), which project includes, but is not limited to i) construction related to the classrooms including the removal of portable classrooms, the remodeling of certain classroom areas, and renovations to the building to expand the classroom space, workrooms, office and storage space; ii) renovations to the existing library to convert it

to a new library/media center and learning commons model; iii) site drive improvements to expand parking lot; iv) construction of new playing fields, and including but not limited to, asbestos removal, site development, paving, furnishings and equipment, architects' and engineers' fees, testing and other fees, and administrative, printing, legal and financing costs related thereto (collectively, the "Project"), said appropriation to be inclusive of any and all state and federal grants-in-aid thereof.

Section 2. To meet said appropriation, and in lieu of a tax therefor, \$34,003,800 bonds of the Town or so much thereof as shall be necessary for such purpose, may be issued, maturing not later as legally allowed. Said bonds may be issued in one or more series as determined by the Board of Finance, or any Town official designated by the Board of Finance, and the amount of bonds of each series to be issued shall be fixed by the Board of Finance, or any Town official designated by the Board of Finance, in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amount of the state and federal grants-in-aid on the Project, and the anticipated times of the receipt of the proceeds thereof. The bonds shall be in the denomination of \$5,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent, and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the Board of Finance, or any Town official designated by the Board of Finance, in accordance with the General Statutes of the State of Connecticut, as amended (the "General Statutes").

Section 3. Said bonds shall be sold by the Board of Finance, or any Town official designated by the Board of Finance, and the Town Treasurer, in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest true interest cost to the Town. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Board of Finance, or any Town official designated by the Board of Finance.

Section 4. The Board of Finance, or any Town official designated by the Board of Finance, is authorized to issue and sell temporary notes in anticipation of the receipt of the proceeds of any series of said bonds and to determine the amount, date, date of maturity, interest rate, form and other details of such notes pursuant to the General Statutes. Notes evidencing such borrowings shall be signed by the First Selectman and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance, be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut and be certified by a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such

notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The Town hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the “Regulations”), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this resolution in the maximum amount authorized hereby and for the Project defined herein with the proceeds of bonds, notes, or other obligations authorized to be issued by the Town. Such bonds, notes or other obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Board of Finance, or any Town official designated by the Board of Finance, is authorized to pay Project expenses in accordance herewith pending the issuance of reimbursement bonds and to amend this declaration.

Section 6. The First Selectman, Town Treasurer and Finance Officer or any one of them are hereby authorized, on behalf of the Town, to enter into any agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the “Repositories”) and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution and to perform all acts which are necessary or appropriate to issue and deliver the bonds or notes. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the First Selectman, the Town Treasurer and the Finance Officer, or any one of them, are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years. Should such bonds or notes issues in anticipation of such bonds be issued in such form and manner that the interest on such bonds or notes is includable in the gross income of the holders thereof under the Internal Revenue Code of 1986, as amended, then it is hereby determined that the issuance of such taxable bonds or notes is in the public interest.

**** THE MOTION WAS SECONDED BY CLARA SARTORI, DISTRICT II.**

**** JACK DAVIS MOVED:**

(24-7) RESOLUTION TO INCREASE AN APPROPRIATION FOR THE PLANNING, DESIGN AND RENOVATION OF THE ROYLE ELEMENTARY SCHOOL FROM \$29,100,000 TO \$34,007,890 AND TO AUTHORIZE THE ISSUANCE OF BONDS AND NOTES TO FINANCE THE APPROPRIATION IN THE AMOUNT OF \$34,007,890

**Primary – Finance & Budget
Secondary - Education**

WHEREAS, on April 18, 2022, the Town of Darien (the “Town”) approved an appropriation and bond authorization of \$1,250,000 for the planning, design and renovation of the Royle Elementary School (the “Initial Authorization”); and

WHEREAS, it was determined that the cost of the planning, design and renovation of the Royle Elementary School was more than that which was authorized by the Initial Authorization; and

WHEREAS, on June 6, 2022, the Town approved a resolution to increase the Initial Authorization from \$1,250,000 to \$27,500,000 for the planning, design and renovation of the Royle Elementary School (the “First Amended Authorization”); and

WHEREAS, due to increased costs, on November 14, 2022, the Town approved a resolution to increase the First Amended Authorization from \$27,500,000 to \$29,100,000 for the planning, design and renovation of the Royle Elementary School (the “Second Amended Authorization”); and

WHEREAS, due to further increased costs, the Town wants to increase the Second Amended Authorization by \$4,907,890 to authorize the full amount of the cost of the planning, design and renovation of the Royle Elementary School.

NOW, THEREFORE, BE IT RESOLVED, that the Second Amended Authorization is hereby increased by \$4,907,890 from \$29,100,000 to \$34,007,890 and the Second Amended Authorization is hereby amended in its entirety as set forth below.

RESOLVED:

Section 1. The sum of \$34,007,890 is appropriated for the planning, design and renovation of the Royle Elementary School located in the Town of Darien (the “Town”), which project includes, but is not limited to: i) construction related to the classrooms including the removal of portable classrooms, the remodeling of certain classroom areas, and renovations to the building to expand the classroom space, workrooms, office and storage space; ii) renovations to the existing library to convert it to a new library/media center and learning commons model; iii) site drive and parking improvements; iv) construction of new playing fields, and including but not limited to, asbestos removal, site development, paving, furnishings and equipment, architects’ and engineers’ fees, testing and other fees, and administrative, printing, legal and financing costs related thereto (collectively, the “Project”), said appropriation to be inclusive of any and all state and federal grants-in-aid thereof.

Section 2. To meet said appropriation, and in lieu of a tax therefor, \$34,007,890 bonds of the Town or so much thereof as shall be necessary for such purpose, may be issued, maturing not later than as legally allowed. Said bonds may be issued in one or more series as determined by the Board of Finance, or any Town official designated by the Board of Finance, and the amount of bonds of each series to be issued shall be fixed by the Board of Finance, or any Town official designated by the Board of Finance, in the amount necessary to meet the Town’s share of the cost of the Project determined after considering the estimated amount of the state and federal grants-in-aid on the Project, and the anticipated times of the receipt of the proceeds thereof. The bonds shall be in the denomination of \$5,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company,

and be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent, and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the Board of Finance, or any Town official designated by the Board of Finance, in accordance with the General Statutes of the State of Connecticut, as amended (the "General Statutes").

Section 3. Said bonds shall be sold by the Board of Finance, or any Town official designated by the Board of Finance, and the Town Treasurer, in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest true interest cost to the Town. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Board of Finance, or any Town official designated by the Board of Finance.

Section 4. The Board of Finance, or any Town official designated by the Board of Finance, is authorized to issue and sell temporary notes in anticipation of the receipt of the proceeds of any series of said bonds and to determine the amount, date, date of maturity, interest rate, form and other details of such notes pursuant to the General Statutes. Notes evidencing such borrowings shall be signed by the First Selectman and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance, be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut and be certified by a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The Town hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this resolution in the maximum amount authorized hereby and for the Project defined herein with the proceeds of bonds, notes, or other obligations authorized to be issued by the Town. Such bonds, notes or other obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Board of Finance, or any Town official designated by the Board of Finance, is authorized to pay Project expenses in accordance herewith pending the issuance of reimbursement bonds and to amend this declaration.

Section 6. The First Selectman, Town Treasurer and Finance Officer or any one of them are hereby authorized, on behalf of the Town, to enter into any agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution and to perform all acts which are necessary or appropriate to issue and deliver the bonds or notes. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the First Selectman, the Town Treasurer and the Finance Officer, or any one of them, are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years. Should such bonds or notes issues in anticipation of such bonds be issued in such form and manner that the interest on such bonds or notes is includable in the gross income of the holders thereof under the Internal Revenue Code of 1986, as amended, then it is hereby determined that the issuance of such taxable bonds or notes is in the public interest.

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

Jack Davis, District III, Chairman of Finance & Budget, read the Committee reports:

I am Jack Davis, District 3, RTM Finance & Budget chair. I will be moving three resolutions 24-5, 24-6 and 24-7 better known as the HHR project. I will then provide the F&B report at a high level to address the financial aspects and financing of these three projects. The RTM is, however, required to vote separately on each project for State purposes.

I move "RESOLUTION 24-5 TO INCREASE AN APPROPRIATION FOR THE PLANNING, DESIGN AND RENOVATION OF THE HINDLEY ELEMENTARY SCHOOL FROM \$27,550,000 TO \$33,479,045 AND TO AUTHORIZE THE ISSUANCE OF BONDS AND NOTES TO FINANCE THE APPROPRIATION IN THE AMOUNT OF \$33,479,045." Do I have a second?

If there are no objections, I will waive the reading of this resolution. **I will not be stating I am Jack Davis, whilst moving the other reports (although it is in the written report)**

(24-6) RESOLUTION TO INCREASE AN APPROPRIATION FOR THE PLANNING, DESIGN AND RENOVATION OF THE HOLMES ELEMENTARY SCHOOL FROM \$25,600,000 TO \$34,003,800 AND TO AUTHORIZE THE ISSUANCE OF BONDS AND NOTES TO FINANCE THE APPROPRIATION IN THE AMOUNT OF \$34,003,800

RTM Finance & Budget Report
January 22, 2024

I am Jack Davis, District 3, RTM Finance & Budget chair. I move "(24-6) RESOLUTION TO INCREASE AN APPROPRIATION FOR THE PLANNING, DESIGN AND RENOVATION OF THE HOLMES ELEMENTARY SCHOOL FROM \$25,600,000 TO \$34,003,800 AND TO AUTHORIZE THE ISSUANCE OF BONDS AND NOTES TO FINANCE THE APPROPRIATION IN THE AMOUNT OF \$34,003,800." Do I have a second?

If there are no objections, I will waive the reading of this resolution.

(24-7) RESOLUTION TO INCREASE AN APPROPRIATION FOR THE PLANNING, DESIGN AND RENOVATION OF THE ROYLE ELEMENTARY SCHOOL FROM \$29,100,000 TO \$34,007,890 AND TO AUTHORIZE THE ISSUANCE OF BONDS AND NOTES TO FINANCE THE APPROPRIATION IN THE AMOUNT OF \$34,007,890

RTM Finance & Budget Report
January 22, 2024

I am Jack Davis, District 3, RTM Finance & Budget chair. I move “(24-7) RESOLUTION TO INCREASE AN APPROPRIATION FOR THE PLANNING, DESIGN AND RENOVATION OF THE ROYLE ELEMENTARY SCHOOL FROM \$29,100,000 TO \$34,007,890 AND TO AUTHORIZE THE ISSUANCE OF BONDS AND NOTES TO FINANCE THE APPROPRIATION IN THE AMOUNT OF \$34,007,890.” Do I have a second?

If there are no objections, I will waive the reading of this resolution.

Summary report

A bit of history. Bids went out this summer and were higher than expected. The building committee rebid in the fall, with greater participation and several vendors stayed the same. In addition, the project plans were refined – adding security features; screening for mechanicals both on roofs and on the ground; unsuitable soil was discovered – fill from prior construction that cannot be packed sufficiently for bases for foundations as well as some contaminated which will be removed according to State requirements. These are but a few which the HHR team can better describe.

- Additional site work Hin (storm water retention 250), Holmes (emergency driveway and storm water \$450) and Royle (relocation of generators \$33)
- Screening etc 250, 150, 168
- Unsuitable soils 565, 350, 240
- Basements – 193, 304, 259d (rounded)
- Non building system works – ceiling replacements 120,185,180
- New MEP upgrades (ductwork) 250,250,250
- Holmes – added main entrance security vestibule and interior work larger new construction 670
- Security features – 121, 90, 120

These refinements total 5.6mm

The building will use a construction manager. The trades/sub-contractors will sign a contract with the construction manager – not the town. This is like Ox Ridge. There is a cap/guaranteed maximum price that the construction manager will sign with the town. So those costs are fixed. The CM does have contingency built in for unforeseen events. The town also has contingency – that is for changes in design like any remodeling. The Ox Ridge project used about 60% of their contingency – this project might expect to use about the same.

Provide contingency numbers.

	CM Contingency		
	Budget	Current	Change
Hindley	725,184	821,796	96,612
Holmes	610,876	843,776	232,900
Royle	726,130	835,392	109,262
Total	2,062,190	2,500,964	438,774

Owners Contingency			
	Budget	Current	Change
Hindley	1,019,316	1,594,240	574,924
Holmes	912,165	1,619,229	707,064
Royle	1,101,125	1,619,423	518,298
Total	3,032,606	4,832,892	1,800,286

The project will be eligible for state grant reimbursement. 20+% for renovation and 10% for new construction. That should tell you where the State’s focus is – renovation not new. The State has reviewed the prior submission of \$82mm and the estimated a 19% reimbursement rate.

What is before us – the RTM needs to answer these four questions

- Does this project meet the ed specs approved by the BOE
- Does this project provide the same educational experience at all 5 schools
- Did the building committee provide a detailed analysis of the costs and manage the estimated costs appropriately
- Can the town afford these projects

We are not here to decide if the schools should have been all new or what work is not being completed that should or whether every classroom needed to be painted. This is an up or down.

F&B believes the answer is yes to each of these questions.

- The building committee has met the educational spec.
- All classrooms will be the standard size of 900, have 90% of the electrical and plumbing upgraded, will be able to meet the technology needs of the future, will all be air conditioned, and the same criteria will be taught throughout the schools with the only nuance the style of the teacher. We believe the educational experience will be the same at the end of these renovation projects.
- The costs have been reviewed and the town now has a guaranteed max price.
- And although expensive, the 101+ is affordable to the town.

The authorized but unissued debt will be \$184,145,340 upon approval of each of these resolutions. Based upon the discussions and analysis presented at the last BOF meeting, a combination of notes and bonds will be issued during the construction process – and expenses for grant reimbursement will be down throughout the project – not at the end – so the town should be receiving reimbursement throughout. It is also expected that the bonds will be a 20-year term. The debt service cost is approximately \$6mm annually. The incremental debt service for the additional funding is \$1.3mm.

As some of you might be aware, the BOF approved these projects in a 4 in favor, 2 against and one abstention. Part of the reason for the minority votes is the need for the town to perform greater long-term analysis on debt and capital expenditures. With great island, flooding, town infrastructure, potential further renovation of MMS and DHS, 5 fire engines and other projects not yet identified – the town side cannot be sidelined solely for future school renovation. In addition, there is a long-term concern that with Ox Ridge and these 3 schools some 20-25 years down the road, the Town will be once again looking at some heavy developments. The F&B committee agrees with the overall concept presented. The Town side of infrastructure investment cannot be crowded out solely due to school investments. In addition, what

the Town bonds needs to be reviewed – it was one thing when interest rates were low, but they are not at this time. The BOF and F&B will be looking at what things that might have been bonded previously that should now be paid from the General Fund. This will be discussed during the budget process for FY25.

The committee unanimously approved these three projects and the increase in appropriation and bond authorizations and recommends the same to the full RTM.

Respectfully submitted
Jack Davis, RTM Finance & Budget chair
January 22, 2024

Chris Price, Co-Chair of the HHR Committee, introduced Jill McCammon, Co-Chair and they reviewed a slide presentation. Mr. Price introduced the other committee members, who are David Kerwar, Patrick Hayes, Paul Harding, David Martin, Jameson Riley, Thomas Harris and Sarah Neumann. He then showed a Power Point presentation of all three projects.

Beth Pope, District V, said she thought that the charge said that the timetable for occupancy was no later than September 2025. Has that changed? Mr. Price said he would have to get back to her on that. Beth Pope asked if the timing had been changed. Mr. Price said it had not been changed, which had caused the bids to be higher because of overtime. They then decided to delay the project. They are now looking at completion in August of 2026.

Beth Pope said they have only considered bids from state-approved contractors in order to get money back from the state. Open bidding might have led to more competition – do they have to have state-approved contractors? Mr. Price said a smaller project has to be done under state auspices. They did not have the option to do private bidding.

Jack Davis said the delay has made the numbers better. This is a good plan. Most of the costs are increases in the scope and making it a better school.

**** ITEM 24-5 CARRIED ON A RISING TALLY VOTE OF 70 IN FAVOR, 3 OPPOSED, 2 ABSTENTIONS.**

**** ITEM 24-6 CARRIED ON A RISING TALLY VOTE OF 70 IN FAVOR, 3 OPPOSED, 2 ABSTENTIONS.**

**** ITEM 24-7 CARRIED ON A RISING TALLY VOTE OF 70 IN FAVOR, 3 OPPOSED, 2 ABSTENTIONS.**

24-8

APPROPRIATION FOR NEW FIRE TRUCK NOROTON FIRE DEPARTMENT \$1,126,385

**** JACK DAVIS, DISTRICT III, CHAIRMAN OF FINANCE & BUDGET, MOVED:**

**(24-8) RESOLUTION APPROPRIATING \$1,126,385
FOR THE PURCHASE OF A FIRE ENGINE AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN
THE AMOUNT OF \$1,126,385 TO MEET SAID APPROPRIATION**

Primary – Finance & Budget
Secondary – Public Health & Safety

RESOLVED:

Section 1. The sum of \$1,126,385 is appropriated for the costs to purchase a fire engine for the Noroton Fire Department in the Town of Darien, Connecticut (the “Town”) including all administrative, printing, legal and financing costs related thereto (the “Project”), said appropriation to be inclusive of any and all state and federal grants-in-aid thereof.

Section 2. To meet said appropriation, and in lieu of a tax therefor, \$1,126,385 bonds of the Town or so much thereof as shall be necessary for such purpose, may be issued, maturing not later than as legally allowed. Said bonds may be issued in one or more series as determined by the Board of Finance, or any Town official designated by the Board of Finance, and the amount of bonds of each series to be issued shall be fixed by the Board of Finance, or any Town official designated by the Board of Finance, in the amount necessary to meet the Town’s share of the cost of the Project determined after considering the estimated amount of the state and federal grants-in-aid on the Project, and the anticipated times of the receipt of the proceeds thereof. The bonds shall be in the denomination of \$5,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent, and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the Board of Finance, or any Town official designated by the Board of Finance, in accordance with the General Statutes of the State of Connecticut, as amended (the “General Statutes”).

Section 3. Said bonds shall be sold by the Board of Finance, or any Town official designated by the Board of Finance, and the Town Treasurer, in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest true interest cost to the Town. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Board of Finance, or any Town official designated by the Board of Finance.

Section 4. The Board of Finance, or any Town official designated by the Board of Finance, is authorized to issue and sell temporary notes in anticipation of the receipt of the proceeds of any series of said bonds and to determine the amount, date, date of maturity, interest rate, form and other details of such notes pursuant to the General Statutes. Notes evidencing such borrowings shall be signed by the First Selectman and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance, be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut and be certified by a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The Town hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this resolution in the maximum amount authorized hereby and for the Project defined herein with the proceeds of bonds, notes, or other obligations authorized to be issued by the Town. Such bonds, notes or other obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The Town

hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Board of Finance, or any Town official designated by the Board of Finance, is authorized to pay Project expenses in accordance herewith pending the issuance of reimbursement bonds and to amend this declaration.

Section 6. The First Selectman, Town Treasurer and Finance Officer or any one of them are hereby authorized, on behalf of the Town, to enter into any agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution and to perform all acts which are necessary or appropriate to issue and deliver the bonds or notes. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the First Selectman, the Town Treasurer and the Finance Officer, or any one of them, are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years. Should such bonds or notes issues in anticipation of such bonds be issued in such form and manner that the interest on such bonds or notes is includable in the gross income of the holders thereof under the Internal Revenue Code of 1986, as amended, then it is hereby determined that the issuance of such taxable bonds or notes is in the public interest.

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

Jack Davis, District III, read the Finance & Budget Committee report:

I am Jack Davis, District 3, Chair of the RTM Finance & Budget Committee. I move "RESOLUTION APPROPRIATING \$1,126,385 FOR THE PURCHASE OF A FIRE ENGINE AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF \$1,126,385 TO MEET SAID APPROPRIATION." Do I have a second? If there are no objections, I will waive the reading of the resolution. This is a purchase of a fire engine. The details of the equipment will be addressed by the RTM Public Health & Safety committee report. This report will address solely the financial aspects of this transaction.

The total appropriation and bonding of this fire engine is \$1,126,385. It includes \$3,500 for bond issuance costs netting to an anticipated cost for the fire engine of \$1,122,885. Included in that cost is both contingency and the cost of an EPA recommended engine. If the contract is signed by the end of January, another type of engine may be installed resulting in a \$55,000 savings.

Regarding the cash flow, a payment of \$425,000 is due upon the completion of the fire engine block which should be completed about January 2025. The remaining approximately \$695,000 will be due upon the actual delivery to the Noroton Fire Department 900 days from now. It is anticipated that the initial payment will be made from the Town's General Fund and that bonding for this fire engine will not be done for another two to three years. Thus, it will remain authorized but unissued debt during that time. Any amounts not spent should be rescinded by the BOF upon completion of the project.

Kudos to the Noroton Fire Department to initiate the purchase of this fire engine. The existing fire engine to be replaced is scheduled to be taken out of service about the time that the new fire engine will be delivered. The Town should be very thankful for the foresight of this department.

The estimated annual debt service based upon a 20-year bond will be \$77,017. The principal and interest will be paid from the General Fund.

As of June 30, 2023 the Town's outstanding debt totaled \$117,885,000. Scheduled principal payments for the current year are \$5,985,000. With the passage of the prior five debt resolutions, the Town will have \$184,145,340 in authorized by unissued debt. (If asked a total of 27,131,670 of authorized debt has been approved providing all resolutions pass.)

The RTM Finance & Budget committee voted unanimously in favor of this resolution and recommends the same to the full RTM.

Respectfully submitted

Jack Davis, RTM Finance & Budget chair

January 22, 2024

Mac Patrick, District V, Chairman of Public Health & Safety, read the Committee report:

Resolution to Authorize a Special Appropriation & Bond Authorization for Replacement of a Noroton Fire Department Engine.

PHS met on January 11, 2024, with 8 of 13 members present, in a Special Joint Meeting with Finance & Budget, hearing a presentation by Brendan Keane, Chief of the Noroton Fire Department. The current fire engine is a 2002 Marion Rescue Pumper called Engine 32.

Chief Keane noted the National Fire Prevention Association standard useful life of a fire truck includes its use as front line vehicle for 15 years of service, then removed to reserve status, and ultimately replaced after 25 years of age. New vehicle construction is currently backlogged 2 ½ years.

The Darien Fire Replacement Committee considered refurbishment at approximately ½ the cost of a new purchase, but the downside includes many retained components would still be 25 years old. The proposed fire engine is designed to conform to the needs of the Darien community, an example being allowing turning in tight areas like driveways.

PHS members questioned Chief Keane on plans to dispose of Engine 32. Chief Keane noted various options would be explored. Gifting, selling whole to collectors, and selling as scrap are among options to be considered.

PHS voted unanimously to approve the appropriation with one abstention.

Respectfully submitted, James M Patrick, Chair, Public Health & Safety Committee

**** ITEM 24-8 CARRIED ON A RISING TALLY VOTE OF 72 IN FAVOR, 0 OPPOSED, 3 ABSTENTIONS.**

24-9

BOARD OF ASSESSMENT APPEALS APPROVAL TO ADD NEW MEMBERS

**** FRANK KEMP, DISTRICT IV, CHAIRMAN OF TGS&A, MOVED:**

(24-9) RESOLUTION OF THE REPRESENTATIVE TOWN MEETING OF THE TOWN OF DARIEN TO ADOPT AN ORDINANCE FOR THE TEMPORARY APPOINTMENT OF ADDITIONAL MEMBERS OF THE BOARD OF ASSESSMENT APPEALS

Primary – Town Government Structure & Administration

WHEREAS, Section 9-199 of the Connecticut General Statutes allows each town to elect a Board of Assessment Appeals consisting of three members for a period of four years; and **WHEREAS**, the statute further provides that the legislative body of a municipality or in the case of a Representative Town Meeting, the Board of Selectmen may appoint an alternate for each member of the Board of Assessment Appeals.

NOW THEREFORE BE IT RESOLVED, that per ordinance, the Board of Selectmen is authorized to appoint three alternates to the Board of Assessment Appeals. Said additional members shall serve for the assessment year in which such revaluation becomes effective and for the following such year; thereafter, the terms of such additional members shall automatically expire.

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

Frank Kemp, District IV, read the TGS&A report: On Monday January 22nd, 2024 the TGS&A Committee (with ten of ten attending) met to discuss this resolution that has been forwarded by the Assessor for the Town of Darien.

The background on this matter is well explained in the Executive Summary memo of January 16 from Anthony (Tony) Homicki. This memo was included in our “package” of reference materials for this meeting.

As explained in the executive summary, the town-wide revaluation of all taxable and exempt real estate has been completed, and we have all been notified of our new assessment amount. As you may know, we have an opportunity to file a request for an informational hearing on our assessments until February 20th.

It is anticipated that the number of appeals will jump from the non-revaluation years' count of 40 to 50, up to approximately 200 requests.

As such, the three-member Board of Assessment Appeals is requesting the Board of Selectmen to appoint alternate members of the board.

After reviewing this background material the TGS&A Committee unanimously approved Resolution 24-9 and recommended its approval by the full RTM this evening.

Respectfully submitted,

Frank Kemp, Chair, RTM TGS&A Committee
January 22, 2024

**** ITEM 24-9 CARRIED ON A RISING TALLY VOTE OF 74 IN FAVOR, 0 OPPOSED, 1 ABSTENTION.**

24-10

TAX ASSESSOR AUTHORITY TO GIVE MORE TIME TO RECEIVE COMMERCIAL INFORMATION WITHOUT PENALTY

**** JACK DAVIS, DISTRICT III, CHAIRMAN OF FINANCE & BUDGET, MOVED:**

(24-10) RESOLUTION OF THE REPRESENTATIVE TOWN MEETING OF THE TOWN OF DARIEN TO AUTHORIZE THE TAX ASSESSOR TO GRANT A WAIVER OF ANY PENALTY IMPOSED UPON A COMMERCIAL REAL ESTATE OWNER FOR FAILURE TO FILE AN INCOME AND EXPENSE STATEMENT

Primary – Finance & Budget

WHEREAS, the Town of Darien’s commercial real estate owners are required annually to file an Income and Expense Form with the local assessor on or before June 1 of each year or be subject to a 10% penalty in their property tax; and

WHEREAS, the confidential Income and Expense Disclosure document is critical in assisting the assessor in his/her efforts to define and defend the valuation of commercial property for assessment purposes; and

WHEREAS, Section 12-63c allows municipalities by ordinance to give its local assessor latitude to impose any fine when the taxpayer does not meet the deadline.

NOW THEREFORE BE IT RESOLVED, the Tax Assessor of the Town of Darien may waive such penalty should the owner, within the sole discretion of the Assessor, demonstrate good cause as to why such owner was unable to timely submit such information.

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

Jack Davis, District III, read the Finance & Budget report:

CGS Section 12-63c addresses municipalities receiving income and expense statements from commercial landlords so the local tax assessor can establish the assessment value the rental property for tax purposes. The income and expense statement, which is certified by the landlord, must be received no later than June 1st. The income and expense statements are critical in assisting the assessor in their efforts to define and defend the valuation of commercial property for assessment purposes. The section further states that the tax assessor must provide the income and expense form to the commercial property holders, and received by them, no later than April 15, 45 days prior to the June 1 deadline. If the landlord does not meet that June 1st date a penalty of 10% will be assessed – that is a penalty that increases the landlord's tax by 10% - a rather steep penalty. If a penalty is to be assessed, notification must be made no later than August 15th annually.

When I first looked at the request to waive penalties, the accountant in me was concerned about the internal control. How do we ensure that penalties are not being arbitrarily waived. But upon further investigation, this is not the point. The Town has been sending the income and expense statements to commercial landlords over the years, and with relatively good results. However, no penalties have ever been assessed. You may ask why? That is what the committee did. And the reason is simple, currently either all landlords that are late in providing the information to the Tax Assessor must be charged the penalty or none of them can be charged. It is the legal concept of goose/gander - what you do for one, you need to do for all. Therefore, without having the authority to waive, the Town has not assessed penalties. This resolution authorizing our tax assessor at their sole discretion to waive such penalties provides the tax assessor a tool to work with landlords – it eliminates the goose/gander legal dilemma - and allows the assessment of penalties where appropriate versus whacking everyone even if there was a reasonable cause for the delay – there is a caveat, all filings should be received no later than four months from the June 1st due date to avoid a penalty.

The RTM F&B committee voted unanimously to approve this resolution and strongly recommends the same to the full RTM.

Thank you.

Respectfully submitted

Jack Davis, RTM Finance & Budget chair

January 22, 2024

**** ITEM 24-10 CARRIED ON A RISING TALLY VOTE OF 74 IN FAVOR, 0
OPPOSED, 1 ABSTENTION.**

**** UPON MOTION MADE AND SECONDED FROM THE FLOOR, IT WAS
UNANIMOUSLY VOTED BY VOICE VOTE TO ADJOURN AT 10:00 P.M.**

Respectfully submitted,

Cheryl Telesco Blois
Telesco Secretarial Services

