



TOWN OF GREENWICH

Town Hall • 101 Field Point Road • Greenwich, CT 06830

This certificate received on file

On JAN 24 2017

At 1:12pm


Town Clerk

Board of Selectmen

Board of Selectmen Meeting

Thursday, January 26, 2017

10:00 a.m.

Town Hall Meeting Room

AGENDA

1. **Welcome and Pledge of Allegiance**
2. **Approval of Minutes**
 - a. Board of Selectmen Regular Meeting on January 12, 2017
3. **First Selectman's Updates – Peter J. Tesei**
4. **Old Business**
5. **New Business**
 - a. Revision to dock license agreements – IWWA Director Patricia Sesto
 - b. Dingtletown Road bridge rehabilitation with road closure and detour – Frank Petise, DPW senior civil engineer.
 - c. Proposed 2017-18 Harbor Management Commission budget – Commission Chair Bruce Angiolillo.
6. **Appointments and Nominations**
7. **Executive Session**
 - a. Pending Litigation
8. **Adjourn**


Peter J. Tesei
First Selectman

Town of Greenwich

Board of Selectmen

Meeting January 12, 2017

10:00 A.M.

Town Hall Meeting Room

DRAFT MINUTES

1. The meeting opened at 10:11 A.M. with the Pledge of Allegiance.

a. Attendance:

- I. First Selectman Peter J. Tesei - Present
- II. Selectman John Toner - Present
- III. Selectman Drew Marzullo - Present

Following the Pledge, Mr. Tesei greeted and welcomed attendees commenting that it was a Public Meeting of the Board of Selectmen who reserve the right to call on people to ask questions and make comments. Mr. Tesei noted the passing of Emil Smeriglio, a former Town employee, member of the Republican Town Committee and past commander of VFW Post 29, a founder of the Harvest Time Church, and a fixture in the Chickahominy neighborhood where he also was a past president of the Hamilton Avenue PTA. Mr. Tesei described him as a member of the greatest generation who gave back to his community.

2. Approval of Minutes

Minutes of the Regular Board of Selectmen meeting held on December 22, 2016 were moved for approval by Mr. Toner, seconded by Mr. Marzullo. The motion passed unanimously.

3. First Selectman's Updates

- a. Mr. Tesei discussed the continuing drought situation not only in the Town but also regionally. Despite recent rains and snowstorms, precipitation remains 24% less than normal and reservoirs are at 40% capacity instead of the usual 80%. He also said that he met Jan. 9 with Stamford Mayor David Martin and there was discussion on how more water use/consumption restrictions regionally and statewide may help to ameliorate the situation. Stamford is considering imposing restrictions on irrigation companies, Mr. Tesei said. He added that education, changing people's behavior, especially with daily lawn watering during summer months may help.
- b. Mr. Tesei reported that the state Department of Energy and Environmental Protection has given a tentative determination to approve the dredging and bank restoration project at Binney Park Pond.
- c. Following the annual bond rating calls with S & P and Moody's, the Town was notified that it continues with a Triple A bond rating.
- d. Regarding the annual Capital Improvement Program projects budget process, Mr. Tesei said that the committee has smoothed out the projects slated for successive years. The main projects under review by the Committee include a study of the Town's fire services, the Indian Harbor ferry, Greenwich Emergency Medical Services (GEMS) station 4. He also said that he met with a committee of stakeholders regarding the Old Greenwich Riverside Civic Center and their proposal to rebuild and expand

- the current center.
- e. Monday, Jan. 16 is Martin Luther King Jr. Day, and as part of commemorating Dr. King's life, the Town is co-sponsoring a 'Why Words Still Matter' program with the Greenwich YWCA and several other community organizations. The program will be held on Wednesday, Jan. 18 at the YWCA.
 - f. In an effort to reduce opioid abuse and addiction, the Town will be hosting a Jan. 26 program titled 'Chasing the Dragon.' The program, to be held in the Town Hall Meeting Room, includes a documentary and discussion to be led by an FBI agent.
 - g. On Jan. 30, Mr. Tesei will present his annual budget message and the proposed 2017-18 operating and capital expenditure budgets. Interim School Superintendent Sal Corda also will present the Board of Education's proposed operating and capital budgets at the meeting to be held at 6 p.m. in the Town Hall Meeting Room.
 - h. Mr. Tesei said that he will be attending the Jan. 14 fund-raiser for Safe Rides that will be held at 49 Byfield Ln. He is one of the honorees that also include state Rep. Fred Camillo and Greenwich Sentinel founder Beth Barhydt.
 - i. The Greenwich Library is looking to increase interest in the facility and its programs with a 'Tee Off at Greenwich Library' event on the weekend of Jan. 27-28. The library will be transformed into an 18-hole miniature golf course with an adult program on Jan. 27 and a family oriented program on Jan. 28.
 - j. The Youth Services Partnership Board held its quarterly meeting on Jan. 11 where several of the proposed projects to be completed by the members of the First Selectman's Youth Commission were reviewed, including a signage on the Town line, and an online suggestion box for the town's youth.
 - k. The First Selectman's Economic Advisory Committee met on Jan. 12. There was discussion on members' trip to Hangzhou China for the Westlake Hedge fund summit in November, and developing plans for a similar event in Greenwich in 2017 or 2018, and developing a marketing program for Greenwich. Mr. Tesei also said that he expects to be working with Stamford Mayor David Martin who is preparing to organize a regional marketing confab with representatives from Stamford, Greenwich, Norwalk, Westport and Fairfield.

4. Old Business

a. **Request to change the name of the Department of Social Services to the Department of Human Services.**

Assistant Town Attorney Valerie Maze Keeney presented four separate resolutions that would make changes to the Town Charter that would allow the change of the names of the Department of Social Services and the Board of Social Services, to the Department of Human Services and the Board of Human Services, respectively.

Each of the resolutions was moved by Mr. Toner and seconded by Mr. Marzullo. Each was unanimously adopted. [Copies of each resolution are attached at the end of this record.]

5. New Business

There wasn't any new business presented.

6. Appointments and Nominations

Mr. Toner made a motion to re-nominate Abbott Jones as a member of the Board of Social Services. Mr. Marzullo seconded the motion to appoint Mr. Jones to a term ending 3/31/20, that passed 3-0-0.

7. Executive Session

Mr. Toner motioned to enter into executive session at 11:02 A.M., seconded by Mr. Marzullo, the Board voted 3-0 in favor.

Present in Executive Session were: J. Wayne Fox, Town Attorney; Assistant Town Attorneys Eugene McLaughlin and Fred de Arango.

Mr. Toner moved to exit Executive Session at 11:34 A.M., seconded by Mr. Marzullo, the Board voted 3-0-0 in favor.

Mr. Tesei made a motion to settle the following tax appeal claim. Following a second by Mr. Toner, the appeal was approved by a vote of 3-0-0.

Docket Nos. HHB CV 15-6031254/S and HHB CV 16-6034830/S for a tax credit of \$107,869 against future tax payments.

Mr. Tesei then read a year-to-date summary of tax appeal cases handled by Assistant Town Attorney McLoughlin for the 2016-17 fiscal year. There were 18 cases settled in which property owners claimed tax refunds totaling \$713,136. The cases were settled with tax credits totaling \$336,883.

8. Adjournment

Mr. Toner motioned to adjourn at 11:39 A.M.; seconded by Mr. Marzullo, the Board voted 3-0-0 in favor.

Next Regular Meeting of the Board of Selectmen is scheduled for Thursday, January 26, 2017 at 10:00 A.M. in the Town Hall Meeting Room.

Peter J. Tesei, First Selectman

Prepared by Barbara A. Heins,
Recording Secretary

RESOLVED, that the name of the Department of Social Services be changed to the Department of Human Services, that the name of the Board of Social Services be changed to the Board Human Services, and that all references in the Charter of the Town of Greenwich and the Town of Greenwich Municipal Code be amended in accordance with said name change.

The foregoing proposal for home rule action requires an affirmative vote of a majority of the Selectmen.

RESOLVED, that the following sections of the the Town of Greenwich Charter be amended: Article 5, Section 62; Article 5, Section 63; Article 2, Section 21(a); Article 9, Section 82(a)(4); Article 15, Section 217B(d); Article 15, Section 223(a); and Article 15, Section 225, as follows:

Sec. 62. Department of **Human** [Social] Services; Board of **Human** [Social] Services.

- (a) There shall be a Department of **Human** [Social] Services under the direction and control of the Board of **Human** [Social] Services.
- (b) The Board of **Human** [Social] Services shall consist of seven (7) members who shall be appointed on or before March 31 in any applicable year by the Representative Town Meeting on nomination of the Selectmen for terms of three (3) years. Three (3) members shall be appointed for terms commencing April 1, 1994, and four (4) members shall be appointed for terms commencing April 1, 1996. For the terms commencing April 1, 1994, the three (3) members shall be appointed for terms respectively expiring on March 31, 1997. For the terms commencing April 1, 1996, two (2) of the four (4) members shall be appointed for terms respectively expiring on March 31, 1998 and the other two (2) members shall be appointed for terms respectively expiring on March 31, 1999. After April 1, 1996, all subsequent appointments, except to fill vacancies for unexpired portions of terms, shall be made annually and shall be for terms of three (3) years. All such members shall hold office until their successors shall be appointed and shall have qualified.
- (c) The Board of **Human** [Social] Services shall have power to appoint and remove the Commissioner of **Human** [Social] Services. The Board of **Human** [Social] Services may appoint a Deputy Commissioner of **Human** [Social] Services.

(S.A. 444 § 26, 1939; as amended by S.A. 607 § 5, 1951; RTM, 1/15/1968; RTM, 6/9/1969; RTM, 4/10/1972; RTM, 1/18/1994.)

(additions **bold**; deletions within [brackets])

Sec. 63. Commissioner of **human** [social] services; duties; salary.

- (a) Except where otherwise mandated by state or federal law with respect to nursing homes, the Commissioner of **Human** [Social] Services shall, subject to the direction and control of the Board of **Human** [Social] Services, have full charge of the **human** [social] services of the Town and shall also have such powers and duties as are now or shall hereafter be conferred and imposed by law upon the Selectmen or any other administrative agency of the Town relative to minors, mentally ill persons, children born out of wedlock, indigent or incapable persons, and persons addicted to the use of intoxicating liquors and drugs, including making applications of the appointment of conservators for incapable persons, for the commitment of

mentally ill persons, for the removal of a parent as natural guardian of a minor and for the adoption of a minor.

- (b) Wherever copies of any papers relative to such matters shall be law be served on the Selectmen of the Town or one (1) of them, service shall instead be made on the Commissioner of **Human** [Social] Services. No bill against the Town relating to **human** [social] services or the support of indigent persons of the Town shall be paid by the Town until it has been approved and certified as correct by the Commissioner of **Human** [Social] Services.
- (c) The salary of the Commissioner of **Human** [Social] Services shall be fixed by the Town on the recommendation of the Board of Estimate and Taxation in the same manner as other appropriations are determined. In the absence or disability of the Commissioner of **Human** [Social] Services or if the office becomes vacant for any reason, the Deputy Commissioner of **Human** [Social] Services shall perform the duties and exercise the powers of the Commissioner of **Human** [Social] Services for a period not to exceed ninety (90) days or for such longer period as the Board of **Human** [Social] Services may determine. The salary of the Deputy Commissioner shall be fixed by the Town on the recommendation of the Board of Estimate and Taxation in the same manner as other appropriations are determined.

(S.A. 444 § 26, 1939; as amended by S.A. 133, 1943; S.A. 327, 1953; S.A. 79, 1955; RTM 1/15/1968; RTM, 6/9/69; RTM, 4/10/72; RTM, 3-10-03.)

(additions **bold**; deletions within [brackets])

Sec. 21. Annual Budget and Operations Plans.

- (a) By Departments, Divisions and Officers. The head of each department and division under the supervision and control of the Board of Education, the Board of Health, the Board of **Human** [Social] Services, the Board of Estimate and Taxation and the First Selectman and all other officers and boards of the Town shall annually prepare and submit to their supervising authority a proposed budget report and an operations plan presenting the proposed financial and operational plans for the ensuing fiscal year. The proposed budgets shall be presented at such time, in such form and with such content as shall be prescribed by the Board of Estimate and Taxation and shall contain such additional information as is requested by the First Selectman or the Board of Estimate and Taxation. Such proposed budgets shall include a detailed estimate of the amount of money which will be required to meet the obligations of the Town for such board, department, office or division to provide for its expenses for the ensuing fiscal year, shall list capital requests separately from operating expenses and shall identify capital items that are anticipated to be requested within at least the next five fiscal years but are not being requested at the present time. The operations plans shall set forth in such form as shall be prescribed by the First Selectman, a concise and comprehensive report of the administrative activities of the board, department, division or office showing services, activities and work accomplished during the current year and to be accomplished in the ensuing fiscal year. Such operations plans shall contain a table of organization for the agency preparing it and shall list any changes in personnel proposed in the budget request for the ensuing fiscal year.

- (b) Review and Revision by First Selectman. Upon completion of their review, and at such time as shall be prescribed by the First Selectman, such boards, departments, divisions and officers of the Town, shall submit such proposed budgets and operations plans to the First Selectman. The First Selectman shall review all proposed budgets received and shall make such revisions and modifications in such proposed budgets as the First Selectman deems necessary or appropriate, except for the operations budget submitted by the Board of Education, and, unless requested by the Board of Estimate and Taxation, except with respect to fixed charges as proposed by the Board of Estimate and Taxation. The First Selectman shall review all operations plans received and shall make such revisions and modifications in such operations plans as the First Selectman deems necessary or appropriate, except for those submitted by the Board of Education and the Board of Estimate and Taxation, and, with respect to those plans submitted by departments, boards or officers not under the supervision and control of the First Selectman, only after consultation with such department, board or officer affected. Revisions and modifications to such proposed budgets or operations plans by the First Selectman shall not be such as to prevent any Town officer or board from performing or exercising any power, duty or obligation specified or mandated by Town Charter or state statute. In connection with such reviews, the First Selectman shall (1) develop goals and objectives and establish priorities for spending for the ensuing fiscal year; (2) establish priorities with respect to recommended capital spending for all Town agencies; and (3) develop a long range capital spending plan.
- (c) Submission to the Board of Estimate. On or before December 1 in each year, or at such other time as the Board of Estimate and Taxation shall prescribe, the First Selectman, for and on behalf of said boards, departments, divisions and offices and the Board of Education, shall submit to the Board of Estimate and Taxation, with copies to the Budget Overview and Finance Committees of the Representative Town Meeting and such other Committees of the Representative Town Meeting as the Moderator may direct, such proposed budgets, as revised, with such comments as are appropriate, presenting the proposed financial plans for said boards, departments, divisions and offices for the ensuing fiscal year, including detailed estimates of the amount of money which will be required to provide for anticipated operating and capital expenses for the ensuing fiscal year. Such proposed budgets shall be in such form as the Board of Estimate and Taxation shall prescribe. Nothing in this section shall be construed as preventing any board or officer from submitting a request for addition to, or reinstatement of, any item omitted from, or deleted from its budget directly to the Board of Estimate and Taxation in accordance with procedures prescribed by said board.
- (d) Publication of Estimates. The Board of Estimate and Taxation shall, on or before April 10 in each year, cause to be published in a newspaper published in the Town, a summary of such estimates.

(S.A. 347 § 13, 1921; as amended by S.A. 343 § 2, 1937; S.A. 444 § 16, 1939; S.A. 172 § 3, 1953; S.A. 71 § 8, 1955; RTM, 5/8/61; RTM, 1/8/62, 3/13/1972; Char. Rev. 11/4/1975, eff. 1/1/1978; RTM, 10/14/80; RTM, 6/9/03, approved at referendum 11/4/03.)

(additions **bold**; deletions within [brackets])

Sec. 82. Definitions.

- (a) For the purposes of this Article, the following terms shall have the meanings provided in this Section.
- (1) *Commission* means the Planning and Zoning Commission of the Town.
 - (2) *Planning and Zoning Board of Appeals* means the Planning and Zoning Board of Appeals of the Town.
 - (3) *Town* means the Town of Greenwich.
 - (4) *Town Agency* means any person, board, department, commission, commissioner, committee or officer duly authorized to act for and in behalf of the Town in any capacity, including but not limited to the Board of Selectmen, the Board of Estimate and Taxation, the Department of Finance, the Fire Department, the Police Commission, the Department of Public Works, the Planning and Zoning Board of Appeals, the Board of Health, the Recreation Board, the Board of **Human** [Social] Services and the Condemnation Commission.
 - (5) *Town Meeting* means the Representative Town Meeting of the Town.
 - (6) *Street* includes all public and private streets, highways, avenues, boulevards, parkways, roads and other ways used for vehicular or pedestrian travel, but excludes such ways serving a single principal use of any land or building.

(RTM, 1/17/1966.)

- (7) *Subdivision* means the division of a tract or parcel of land into two (2) or more parcels or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for agricultural purposes, and includes resubdivision.

(RTM, 3/14/2005.)

- (8) *Resubdivision* means a change in a map of an approved or recorded subdivision or resubdivision if such change;
 - (A) Materially affects any street layout shown on such map;
 - (B) Affects any area reserved thereon for common use; or
 - (C) Materially diminishes the size of any lot shown thereon, as defined in the subdivision regulations, if any of the lots shown thereon have been conveyed after the approval or recording of such map.
- (9) *Public Real Property* includes public parks, playgrounds, parking spaces, water fronts, squares, commons, aviation facilities and other Town-owned real property used for public or municipal purposes.
- (10) *Public Notice* means, unless otherwise specified in this Chapter, the publication in a newspaper of general circulation in the Town once a week for two (2) consecutive weeks of a notice of the time and place of a public hearing set for not less than ten (10) days after the date of the first of such publications.

(b) Whenever appropriate the singular shall include the plural and the plural shall include the singular.

(S.A. 469 § 1, 1951; as amended by RTM, 10/14/1969; RTM, 6/8/1970.)

(additions **bold**; deletions within [brackets])

Sec. 217B. Department of Human Resources; Director of Human Resources.

- (a) There shall be a Department of Human Resources under the direction of a Director of Human Resources who shall be experienced in managing human resources functions necessary for the effective administration of employment functions and administration of the Town benefits program.
- (i) Subject to Section 223, the Director of Human Resources shall develop and implement personnel policies, procedures, rules and regulations for Town employees.
- (ii) Except for managerial, confidential, certified and instructional staff of the Board of Education, the Director of Human Resources shall administer all employment functions within the Town as an aide to the Town's appointing authorities. The Director of Human Resources and the Board of Education shall determine which Board of Education positions are managerial. The employment functions of the Director of Human Resources shall exclude the negotiation and administration of collective bargaining agreements and shall include, without limitation, the following functions:
- a. Recruitment;
 - b. Employment eligibility determinations, testing and assessment;
 - c. Administration of classification processes;
 - d. Administration of the hiring process and procedures;
 - e. Implementation of terms and conditions of employment as may be established from time to time through the collective bargaining process;
 - f. Administration of employee performance review plans and recommendation of modifications to employee performance review plans or procedures;
 - g. Administration of employee discipline and separation in accordance with collective bargaining agreements and Town personnel policies;
 - h. Development of personnel training, employee development and retention processes;
 - i. Maintenance of personnel records and documents;
 - j. Compliance review as to all applicable laws in the area of personnel.
- (iii) The Board of Education shall be responsible for administration of all employment functions for managerial, confidential, certified and instructional staff of the Board of Education.

- (iv) Except for the Town's Retirement System, the Director of Human Resources shall administer the Town's benefits program and related budgets for all active and retired Town employees.
- (b) The Director of Human Resources shall be appointed and may be removed by the Board of Selectmen upon recommendations of the First Selectman as provided in Section 218.
- (c) Nothing contained in this section shall affect the powers of the Board of Estimate and Taxation under this Charter to administer the financial affairs and budget of the Town of Greenwich.
- (d) For the purposes of this section, "appointing authorities" shall include the First Selectman, the Board of Estimate and Taxation, the Board of Health, the Board of **Human** [Social Services], the Planning and Zoning Commission, the Board of Education, the Retirement Board, the Conservation Commission, the Board of Nathaniel Witherell, the Boards of the Greenwich Library and the Perrot Memorial Libraries, the Inland Wetlands and Watercourses Agency, the Commission on Aging, the head of Town departments.

(RTM, 6/12/2006.)

(additions **bold**; deletions within [brackets])

Sec. 223. Administrative regulations.

- (a) The First Selectman, the Board of Estimate and Taxation, the Board of Health, the Board of **Human** [Social] Services, and the Board of Education may prescribe such general rules and regulations as they may, respectively, deem necessary or expedient for the conduct of the departments and staff under their respective direction and control, not inconsistent with this Article or Town personnel policies, and except as otherwise provided by law.
- (b) The head of each department may likewise prescribe such rules and regulations as he may deem necessary or expedient for the proper conduct of the department and for making effective the provisions of law not inconsistent with Town personnel policies or the general rules and regulations prescribed by such boards.

(S.A. 444 § 13, 1939.)(Char. Rev. 11/4/1975, eff. 1/1/1978; RTM, 6/12/2006.)

(additions **bold**; deletions within [brackets])

Sec. 225. Bonds required.

The Town Treasurer, Comptroller, Tax Collector, Commissioner of Public Works, Commissioner of **Human** [Social Services], and all other persons receiving or disbursing the Town's funds shall, except as otherwise provided by special enactment, each give to the Town, upon assuming office and before receiving any Town funds, a bond with a surety company of good

standing as a surety thereon, approved as to their respective amounts and as to the respective sureties thereon by the Board of Estimate and Taxation, conditioned for the faithful discharge of the duties of the office of the official giving such bond. The Tax Collector shall give such bond before he receives any tax warrant. The premiums on such bonds shall be paid by the Town Treasurer upon order of the Selectmen.

(S.A. 347 § 9, 1921; as amended by S.A. 71 § 3, 1955; RTM, 3/12/1972.)

(additions **bold**; deletions within [brackets])

The foregoing proposal for home rule action requires an affirmative vote of a majority of the Selectmen.

RESOLVED, that Municipal Code, Chapter 14, Article 1, Section 14-2(b), of the Town of Greenwich Charter is amended to read as follows:

CHAPTER 14. VEHICLES AND TRAFFIC

ARTICLE 1. TOWN PROPERTY.

Sec. 14-2. Authority over town property.

- (a) The Police Commission shall have the same authority to control traffic and parking on town property and to make any necessary rules and regulations as the Police Commission has as the Traffic Authority with respect to traffic and parking on public highways under Chapter 112 of the General Statutes.
- (b) Such authority with respect to town property under the control of the Board of Education, the Board of **Human** [Social] Services or the Board of Health shall only be exercised upon the request of the Board having such control. Upon request of the Housing Authority of the town, the Police Commission shall have the same authority with respect to property owned by the Housing Authority.

(RTM, 4/14/1952.)

(additions **bold**; deletions within [brackets])

The foregoing proposal for home rule action requires an affirmative vote of a majority of the Selectmen.

RESOLVED, that Section 217B of the Town of Greenwich Charter is amended to read as follows:

Sec. 217A [B]. Department of Human Resources; Director of Human Resources.

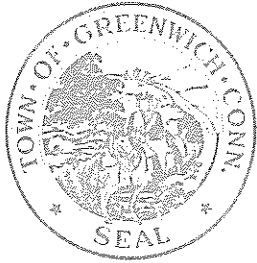
- (a) There shall be a Department of Human Resources under the direction of a Director of Human Resources who shall be experienced in managing human resources functions necessary for the effective administration of employment functions and administration of the Town benefits program.
 - (i) Subject to Section 223, the Director of Human Resources shall develop and implement personnel policies, procedures, rules and regulations for Town employees.
 - (ii) Except for managerial, confidential, certified and instructional staff of the Board of Education, the Director of Human Resources shall administer all employment functions within the Town as an aide to the Town's appointing authorities. The Director of Human Resources and the Board of Education shall determine which Board of Education positions are managerial. The employment functions of the Director of Human Resources shall exclude the negotiation and administration of collective bargaining agreements and shall include, without limitation, the following functions:
 - a. Recruitment;
 - b. Employment eligibility determinations, testing and assessment;
 - c. Administration of classification processes;
 - d. Administration of the hiring process and procedures;
 - e. Implementation of terms and conditions of employment as may be established from time to time through the collective bargaining process;
 - f. Administration of employee performance review plans and recommendation of modifications to employee performance review plans or procedures;
 - g. Administration of employee discipline and separation in accordance with collective bargaining agreements and Town personnel policies;
 - h. Development of personnel training, employee development and retention processes;
 - i. Maintenance of personnel records and documents;
 - j. Compliance review as to all applicable laws in the area of personnel.
 - (iii) The Board of Education shall be responsible for administration of all employment functions for managerial, confidential, certified and instructional staff of the Board of Education.
 - (iv) Except for the Town's Retirement System, the Director of Human Resources shall administer the Town's benefits program and related budgets for all active and retired Town employees.
- (b) The Director of Human Resources shall be appointed and may be removed by the Board of Selectmen upon recommendations of the First Selectman as provided in Section 218.

- (c) Nothing contained in this section shall affect the powers of the Board of Estimate and Taxation under this Charter to administer the financial affairs and budget of the Town of Greenwich.
- (d) For the purposes of this section, "appointing authorities" shall include the First Selectman, the Board of Estimate and Taxation, the Board of Health, the Board of Social Services, the Planning and Zoning Commission, the Board of Education, the Retirement Board, the Conservation Commission, the Board of Nathaniel Witherell, the Boards of the Greenwich Library and the Perrot Memorial Libraries, the Inland Wetlands and Watercourses Agency, the Commission on Aging, the head of Town departments.

(RTM, 6/12/2006.)

(additions **bold**; deletions within [brackets])

The foregoing proposal for home rule action requires an affirmative vote of a majority of the Selectmen.



Patricia M.P. Sesto
Director

TOWN OF GREENWICH

Town Hall • 101 Field Point Road • Greenwich, CT 06830

Inland Wetlands
and
Watercourses Agency
(203) 622-7736
(Fax) (203) 622-7764

MEMORANDUM

TO: Board of Selectmen

FROM: Patricia Sesto, Director of IWWA *PS*

DATE: January 20, 2017

RE: Revised Mianus Pond Dock License Agreement

In 2008 an initiative was implemented to address the 60 or so docks installed in Mianus Pond by abutting homeowners. When the town acquired the Mianus Pond in 1989 there were many existing docks which were constructed with no apparent permission from the previous owners of the pond. Installation of docks is also an activity regulated by the Inland Wetlands and Watercourses Agency. None of the docks as of 1989 possessed a wetlands permit nor had the permission to have these private structures on public land.

As early as 1990, questions were raised regarding private structures on town land and a means to manage existing docks and requests for new docks. It wasn't until 2008 when this was largely resolved. A license agreement was crafted and approved by the Board of Selectmen requiring existing dock owners to enter into an agreement with the town in order to keep their dock and simultaneously secure a wetlands permit to ensure the docks met the dock guidelines of 2007.

Since the legalization of the existing docks on Mianus Pond, several abutting property owners have subsequently come forward seeking permission to construct new docks. Like the first wave of applicants, these residents had to obtain an executed license from the Board and an IWWA permit. For the past eight years, the same license agreement has been used despite its outdated language.

Having been vetted by the town's legal, risk management, and wetlands staff, the attached revised Dock License Agreement reflects current standards of practice for the town and pond. Accordingly, approval of the revised agreement is requested.

encl.

Dock License Agreement

This agreement is entered into on this, the _____ day of _____, 20____ by and between the Town of Greenwich (hereinafter referred to as "The Town") acting by and through its Board of Selectmen, and _____, owner(s) and his, her, their assigns and heirs, of property abutting Mianus Pond identified with a tax identification number _____ and address of _____ (hereinafter referred to as "Owners").

Whereas The Town is the owner of a portion of the Mianus River, known as the Mianus Pond, and its shoreline of various widths: and

Whereas the shoreline abuts privately-owned property, whose owners and their guests seek to enjoy the pond in a responsible manner by constructing a dock; and

Whereas the installation of a new dock or maintenance of an existing dock in conformance with the standards adopted by the Greenwich Inland Wetlands and Watercourses Agency will not measurably detract from the ecological health of the pond or detract from other public uses,

Therefore, The Town does hereby grant to the Owner(s) permission to maintain or construct a dock on town-owned land adjacent to the property identified above.

The term "dock" means any structure built, located, or maintained on or adjacent to the Mianus Pond.

The Owner's construction and use of the dock shall be subject to the following conditions:

The Owner(s) shall secure a permit from the Inland Wetlands and Watercourses Agency;

The Owner(s) shall maintain the dock in good and safe repair;

The Town maintains the right to inspect the dock at each renewal date(s) of this agreement or at any time during the term of this agreement. The Owner(s) grant The Town the right to access the dock through the Owner's property for inspections made at reasonable times with reasonable advance notice;

If upon inspection, the dock is found not to be in compliance with the IWWA permit and/or laws, ordinances, rules, and regulations of The Town, The Town shall advise the Owner(s) thereof and the reason(s) for such determination. Within ninety (90) days of receiving written notice from The Town, the Owner(s) shall take action to correct such non-compliance. If the Owner(s) fails to reasonably take action to correct the condition(s) of non-compliance within the specified timeframe, then The Town may terminate this Agreement upon thirty (30) days written notice to the Owner(s);

The Town inspections are conducted to assess compliance. The Town does not infer or assume any responsibility for assessment of safety or structural integrity;

The Owner(s), his, her and their assigns and heirs shall defend, indemnify and hold harmless The Town, its officers, officials, employees, and volunteers from any and all claims, injuries, damages, losses, or suits, including attorney fees, arising out of or in connection with the dock;

The initial term of this Agreement shall commence on the date above written and continue for eight (8) years, unless earlier terminated or revoked for above non-compliance with the Inland Wetlands and Watercourses Agency permit, any other applicable laws ordinances, rules and regulations of The Town or failure to maintain adequate insurance required by this Agreement. In the event that this license is not terminated for cause for reason of non-compliance as described above, this license shall automatically renew for consecutive eight (8) year terms commencing on the day following each end of term (renewal date(s));

Upon inspection, if the dock is substantially in compliance with the Inland Wetlands and Watercourses Agency permit and all other applicable laws, ordinances, rules, and regulations of The Town in effect on the date of this Agreement, then this Agreement shall continue in full force and effect;

In the event the dock is replaced in its entirety, the Owner(s) shall apply for new permits, as applicable.

In the event the dock is removed in its entirety for reasons other than repair, maintenance, or replacement, this Agreement shall terminate and be of no further force or effect. The Owner(s) shall notify The Town in writing within thirty (30) days of such removal;

The Owner(s) shall acquire standard homeowner's liability insurance with a minimum base amount of Five Hundred Thousand Dollars (\$500,000) and an umbrella policy at a minimum base amount of One Million Dollars (\$1,000,000). These shall be maintained for the life of this Agreement and shall name The Town as a co-insured;

Owner(s) shall furnish to The Town, upon execution of this Agreement a copy of the owner's homeowner's insurance policy issued by an insurance carrier licensed to do business in the State of Connecticut evidencing such coverage in compliance with this agreement. Further, the Owner(s) shall submit annually evidence of a renewed policy; and



**DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION**

MEMORANDUM

TO: Board of Selectmen

FROM: Frank W. Petise, P.E., Senior Civil Engineer

A handwritten signature in black ink, appearing to read "FWP", is written over the name of the sender.

DATE: January 20, 2017

**RE: Rehabilitation of Bridge No. 056-039 Dingtowntown Road over Rockwood Lake Brook
Town Project No. 14-19**

**AGENDA ITEM FOR BOARD OF SELECTMEN COMMITTEE – ROAD
CLOSURE AND DETOUR**

Attached for review by the Board of Selectmen is the proposed detour for the Rehabilitation of Bridge No. 056-039, which carries Dingtowntown Road Bridge over Rockwood Lake Brook. The proposed rehabilitation will consist of removing the existing masonry parapets and replacing them with new cast in place concrete parapets with stone masonry facing utilizing the existing stones along with repairs to the existing stone masonry arch, new catch basins for drainage, and new approach railing. The rehabilitated bridge will maintain the existing hydraulic opening, the existing roadway profile, and the existing roadway cross section.

The existing bridge was built in 1921, it has an approximate span length of 12' and a curb to curb width of 24'. The existing structure consists of a stone masonry arch founded on concrete footings. The existing stone masonry parapets do not meet Federal Highway (FHWA) and Connecticut Department of Transportation (CTDOT) safety standards for crash protection. The bridge was inspected in August 2012 and at that time the bridge condition was noted as Poor (4 on a scale of 1 to 9). The proposed parapets will meet FHWA and CTDOT standards and at this time additional maintenance will also be performed to the bridge as described above.

The construction is estimated at \$350,000. The project was designed by AI Engineers, Inc. of Middletown, CT. The project is scheduled to begin in April 2017 and last approximately 4 months. The road will be closed to traffic for the duration of the project. The length of the detour will be approximately 6 miles and will utilize North Street, Fairfield Road, and Stanwich Road as shown on the attached "Detour Plan".

The Engineering Division will notify nearby residents of the project commencement and activities through press releases and notifications, as well as on the "Road Closures" link on the Town of Greenwich website: <http://www.greenwichct.org/PublicWorks/PublicWorks.asp>

CC: Amy Siebert, Commissioner of Public Works
James W. Michel, Deputy Commissioner of Public Works
Joseph Roberto, Highway Superintendent
Melissa Evans, Traffic Operations Coordinator
Chief Jim Heavey, Greenwich Police Department
Sgt. John Slusarz, Greenwich Police Department
Peter Siecienski, Greenwich Fire Department
Robert Kick, Greenwich Fire Department
Jim Syrotiak, Greenwich Emergency Medical Service
Thomas Bobkowski, Board of Education



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JAN 23 2017
SELECTMEN'S OFFICE

HARBOR MANAGEMENT COMMISSION
Selectmen's Office
101 Field Point Road
Greenwich, CT 06836-2540
203-622-7710

Bruce Angiolillo, Chairman
Lile Gibbons, Vice Chairman
Mike Van Oss, Secretary

January 20, 2017

TO: Peter J. Tesei, First Selectman

FROM: Bruce Angiolillo, Chairman *Bruce*

At a regular meeting of the Harbor Management Commission on January 18, 2017, the Commission unanimously approved the proposed budget for fiscal year 2017-2018, a copy of which is attached.

Please place this item on the agenda for the next Board of Selectmen meeting for your consideration.

Thank you.

Attachment (1)

Proposal for 2017-2018 Budget

Budget Code		Total
51300	Temporary Salaries	\$10,000.00
51490	Professional Consultants \$10,000	
	Enforce Mooring Regulations \$5,000	\$15,000.00
52360	Rental Software	\$4,000.00
52950	Phone Service for Harbormaster \$750	
	Misc. NOC \$750	\$1500.00
53010	Office Supplies, Printing \$2500	
	Postage \$1500, Mooring Stickers \$500	
	Brochures, Publications \$1000	\$5,500.00
53500	Motor Fuel and Lubricants	\$250.00
53520	Parts for Boat	\$500.00
54300	Maintenance for Harbormaster Boat	\$4,000.00
	Total	\$40,750.00
	Mooring Revenue for 2016 Season	\$44,025.00

Frank Mazza Finance Chairman