Board of Selectmen Meeting
Thursday, May 14, 2015
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 April 30, 2015
   b. Board of Selectmen Special Meeting on May 8, 2015

3. First Selectman’s Updates – Peter J. Tesei

4. Old Business

5. New Business
   a. DPW Engineering Division – Road Closure Request and Proposed Detour Route for the Rehabilitation of West Old Mill Road over East Branch Byram River
   b. The Old Greenwich Merchants Association – Request for Temporary Road Closure for Old Greenwich Block Party on June 28, 2015
   c. Discussion, Consideration, and Possible Vote on an Amendment to the Charter of the Town of Greenwich to Change the Number of Members Elected to the Board of Education

6. Appointments and Nominations
   a. Nomination of New Lebanon Elementary School Building Committee, Pursuant to Article 9, Section 2-40
   b. Other

7. Executive Session
   a. Pending Litigation

8. Adjourn

Peter J. Tesei
First Selectman
Town of Greenwich
Board of Selectmen Meeting
April 30, 2015
10:00 a.m.
Town Hall Meeting Room
Draft Minutes

1. The meeting opened at 10:10 a.m. with the Pledge of Allegiance.
   a. Attendance:
      i. First Selectman Peter J. Tesei – Present
      ii. Selectman John F. Toner – Present
      iii. Selectman Drew Marzullo – Present

2. Approval of Minutes
   a. Minutes of Regular Board of Selectmen meeting held on 4-17-2015 were reviewed and approved as presented without objection.

3. First Selectman’s Update
   a. The First Selectman is pleased to announce the appointment of Ben Branyan as the next Greenwich Town Administrator, starting June 1, 2015. John Crary will be retiring on May 15, 2015.
   b. On April 24, the Selectmen’s Office issued proclamations commemorating: the 100th anniversary of the Armenian genocide; the 6th year of Stand Against Racism Day, which is run by the YWCA of Greenwich; Arbor Day, hosted by Central Middle School, the Greenwich Tree Conservancy, and the Department of Parks and Recreation; and the 40th anniversary of Neighbor to Neighbor.
   c. The 30th anniversary of the Red Cross “Red and White Ball” was held on April 25. The honored guest was Master Sergeant Juanita Wilson, who served in active duty, and incurred physical injuries. Her continued commitment to the United States military and her country is admirable.
   d. On April 26, the 4th annual Greenwich Youth Film Festival was held, and was hosted by Greenwich Library and the Junior League of Greenwich. Film industry experts selected the finalists and winners from entries submitted by high school students throughout Fairfield and Westchester Counties.
   e. Eversource Energy held a meeting on April 29 to update on their service delivery to the Town in areas of emergency services, public works, and parks. The Town has been tracking the amount of time it takes the providers to respond to emergency calls.
   f. There will be a meeting this afternoon of the ADP Steering Committee, where the list of outstanding issues continues to be worked on.
   g. On May 11, there will be a swearing-in ceremony for 2 new Greenwich police officers.
   h. On June 11, Eversource Energy will be providing a public information session regarding the proposed Greenwich power distribution facility that they have on the docket with the Connecticut Siting Council. The meeting will take place at 6:00 p.m. in the Town Hall Meeting Room. Residents are welcome to attend and learn about the project from utility representatives.
4. Old Business

There were no items of Old Business before the Board of Selectmen.

Public Hearing

At 10:25 a.m., Mr. Tesco opened the public hearing for comments regarding the 2015 Connecticut Neighborhood Assistance Act.

5. New Business

a. DPW – Establishment of Public School Zone Speed Limits
   i. Jim Michel, the Town’s Chief Engineer, discussed the request to institute a speed limit at every Greenwich public school.
   ii. It will take approximately 3 months to go through the State approval process, at which point DPW may then implement signage. Some schools will have signs with flashing lights, while others will be plainer. However, all signs will be white with yellow “School Zone” lettering written on top.
   iii. Notices will go out to each school and parents. DPW will begin posting the signs as they become available.
   iv. Greenwich private school zones are slated to be done in future years.
   v. John Toner motioned to approve the establishment of Public School zone speed limits, as presented. Drew Marzullo seconded. The motion passed unanimously at 10:38 a.m.

b. DPW – Establishment of School Zone Speed Limit at Eagle Hill School
   i. As part of the Eagle Hill School’s current improvements, DPW would like to install speed limit signs.
   ii. John Toner motioned to approve the establishment of a school zone speed limit at Eagle Hill School, as presented. Drew Marzullo seconded. The motion passed unanimously at 10:43 a.m.

c. Community Request – Approval of the 2015 Neighborhood Assistance Act applications
   i. The Connecticut Neighborhood Assistance Act provides tax credits for businesses who contribute to community programs that have received both municipal and state approval. The program includes providing neighborhood assistance, job training or education, community services, crime prevention, energy conservation, or construction of rehabilitation of dwelling units for families of low and moderate income in the state.
   ii. Municipalities interested in submitting programs for inclusion in the 2015 program must hold a public hearing on their proposals, and the legislative body of each municipality must also vote to approve the programs.
   iii. Basically, it is a way to give corporations and businesses an incentive to give money to non-for-profit, tax exempt organizations and government agencies that aid the community.
   iv. There were two applicants for the 2015 Connecticut Neighborhood Assistance Act – the Greenwich YMCA and the St. Roch Church.
   v. At 10:44 a.m., John Toner motioned to close the public hearing. Drew Marzullo seconded. The motion passed unanimously.
vi. John Toner motioned to accept the 2015 applications for the Connecticut Neighborhood Assistance Act, and submit them to the RTM. Drew Marzullo seconded. The motion passed unanimously at 10:45 a.m.

d. DPW – Request for Municipal Improvement Status by Aquarion Water Company for a temporary construction easement and a permanent utility easement for a replacement pump station on the Julian Curtiss School property
i. Aquarion Water Company has requested to upgrade their pump station, and therefore an easement is required since it is located on the Julian Curtiss School's property. This is a Town-owned parcel, so it requires municipal improvement (MI) status. The next step will be for this item to go to the Planning and Zoning Commission, followed by the RTM.

ii. Aquarion is looking to replace its 32-year-old pump station, and thus it is seeking a temporary construction easement and a permanent utility easement. Compensation for the permanent easement is $310,000. The agreement for the temporary easement includes Aquarion replacing a portion of sidewalks on Anderson Road, granite curbing, tree planting, and pavement restoration to benefit the Juliab Curtiss School.

iii. Sal Longo, Consulting Engineer, gave an overview of the locations of the pump station and the history behind it. The landscape architect is working on the final landscape plan.

iv. Jim Michel added that this item has gone through the law department, and it meets the Town requirements. Mr. Michel does not foresee any concerns by the RTM on this project. The Board of Education has also given a positive recommendation for this project.

v. Planning and Zoning will take up the easement and site plan portions of this project at their upcoming Tuesday meeting.

vi. John Toner motioned to approve the request for Municipal Improvement Status by Aquarion Water Company for a temporary construction easement and a permanent utility easement for a replacement pump station on the Julian Curtiss School property, as presented, with the understanding that the landscape plan will enhance the property of the Julian Curtiss School. Drew Marzullo seconded. The motion passed unanimously at 10:59 a.m.

e. Request for Municipal Improvement Status for New Lebanon Elementary School
i. Ben Branyan, Managing Director of Operations for Greenwich Public Schools, was present to speak on this item. With him were architects Michael Tribe and Peter Gisolfi. Mr. Branyan requested Municipal Improvement Status for New Lebanon Elementary School.

ii. Peter Gisolfi introduced all 3 "Schemes," which are the possible project plans for this MI. Specifically, Scheme C is the recommended project in terms of cost, State-grant reimbursement, and maximum benefit to students. Saving the existing field is better for the Town share of the project cost.

iii. Peter Tesei asked if there is certainty in reimbursement of funds from the State. The consultant is comfortable with the documentation that
is going to the State of Connecticut, but it is not their call though on how the State allocates its funds.
iv. School Superintendent Bill McKersie says that there is no problem foreseen about this project with regard to funding due to the State’s financial situation. The State has been pushing the Schools to meet its deadlines with application submission.
v. A Special Board of Selectmen meeting will be held on Friday, May 8 at 1:00 p.m. on-site at the New Lebanon School to view Scheme C.
f. Request to Submit Resolutions for New Lebanon Elementary School to the RTM for State of Connecticut Division of Construction Services in order to be eligible for a school construction grant
i. Ben Branyan requested to submit resolutions for the New Lebanon Elementary School to the RTM for State of Connecticut Division of Construction Services in order to be eligible for a school construction grant.
ii. John Toner motioned to approve the request, as presented. Drew Marzullo seconded. The motion passed unanimously at 12:05 p.m.

6. Appointments and Nominations

There were no appointments or nominations before the Board of Selectmen.

7. Executive Session

John Toner motioned to enter into executive session to discuss a matter of pending litigation against the Town, as well as a pending tax appeal and two workers’ compensation claims. Drew Marzullo seconded. The motion passed unanimously at 12:08 p.m.

Present in Executive Session were: J. Wayne Fox (Town Attorney), Gene McLaughlin (Assistant Town Attorney), Aamina Ahmad (Assistant Town Attorney), Mary Pepe (Director of Human Resources), Tiffany Navarro (Workers’ Compensation Administrator), Heather Porto (Outside Counsel), John Crary (Town Administrator), and Michael Rosen (Executive Assistant to the First Selectman).

John Toner motioned to enter into public session at 12:57 p.m. Drew Marzullo seconded. The motion passed unanimously.

Drew Marzullo motioned to approve the recommended CIRMA settlement of Claim Numbers 0030122, 0035354, 0046402, 0057287, and 0057573 for $17,500.00. John Toner seconded. The motion passed unanimously at 12:59 p.m.

John Toner motioned to approve the recommended CIRMA settlement of Claim Number 0094062 for $105,296.71, which is inclusive of the Medicare set-aside of $55,296.71. Drew Marzullo seconded. The motion passed unanimously at 12:59 p.m.

On advice of counsel, Peter Tesel motioned to grant authority to the Town Attorney to settle the case of Maggie Lefler v. Town of Greenwich for $50,000. John Toner seconded. The motion passed unanimously at 1:00 p.m.
John Toner motioned to approve the settlement of Docket No. HHB CV 14-5016145S, *Westerberg v. Town of Greenwich*, as presented, with a credit of $5,935 to be applied against future tax payments. Drew Marzullo seconded. The motion passed unanimously at 1:01 p.m.

John Toner motioned to adjourn at 1:02 p.m. Drew Marzullo seconded. The motion passed unanimously.

The next regular meeting of the Board of Selectmen will be on Thursday, May 14, 2015 at 10:00 a.m. in the Town Hall Meeting Room.
Town of Greenwich
Board of Selectmen Meeting
May 8, 2015
1:00 p.m.
New Lebanon Elementary School
Special Meeting

Draft Minutes

1. The meeting opened at 1:07 p.m.
   a. Attendance:
      i. First Selectman Peter J. Tesei – Present
      ii. Selectman John F. Toner – Present
      iii. Selectman Drew Marzullo – Present

2. Tour of Proposed “Scheme C” for New Lebanon Elementary School
   a. The First Selectman acknowledged those in attendance from the Board of
      Education, the Board of Estimate and Taxation, Greenwich Public Schools,
      Town departmental staff, as well as several prospective members of the soon-
      to-be established New Lebanon Elementary School Building Committee.
      i. Board of Education: Barbara O’Neill (Chairman), Jennifer Dayton
         (Vice Chairman), Laura Erickson, and Peter von Braun
      ii. Board of Estimate and Taxation: Leslie Tarkington, Bill Drake, Mary
          Lee Kiernan, John Blankley, and Bill Finger
      iii. Greenwich Public Schools: Dr. Bill McKersie (Superintendent), Ben
           Branyan (Managing Director of Operations), Ron Matten (Director of
           Facilities), and Barbara Riccio (Principal of New Lebanon School).
      iv. Town departmental staff: Bob Clausi (Deputy Director of Inland
          Wetlands and Watercourses Agency), and Michael Rosen (Executive
          Assistant to the First Selectman).
      v. Mike Bocchino, State Representative from the 150th General Assembly
         District of Connecticut.
   b. Those in attendance began to tour the New Lebanon Elementary School site
      where “Scheme C” is slated to be positioned.
      i. Ben Branyan introduced Peter Gisolfi and Michael Tribe, the
         architects working on the New Lebanon Elementary School design
         schemes.
      ii. Mr. Branyan added that soil testing on the “Scheme C” site has been
          conducted, and the analysis is currently taking place. The results are
          expected by May 22, 2015.
      iii. The architects have designated on the land with markers where the
           corners of the building would stand.
      iv. Bob Clausi said that IWWA must be kept apprised of the plan as it is
           developed. IWWA is eager to provide advice and guidance in order to
           keep the plan rolling along.
      v. An issue was discussed regarding sound reverberation because of the
         proximity to I-95. The architects did not think an accurate analysis
         could be performed, but they are confident that the proposed
courtyard would mitigate against the sound without constructing a barrier.

vi. The First Selectman stated that the Board of Selectmen requires proper information to make the right decisions. Ben Branyan said that if the soil test results show an impact, the Greenwich Public Schools will bring the issue before the Board of Selectmen at an upcoming meeting.

3. Adjourn

John Toner motioned to adjourn. Drew Marzullo seconded. The motioned passed unanimously at 1:50 p.m.

The next regular meeting of the Board of Selectmen will be Thursday, May 14, 2015 at 10:00 a.m. in the Town Hall Meeting Room.
ATTACHMENT FOR REVIEW by the Board of Selectmen is the proposed detour for the Rehabilitation of Bridge No. 056-054, which carries West Old Mill Road over the East Branch Byram River. The project involves replacing the existing stone masonry parapets with cast in place concrete parapets with stone masonry facing utilizing the existing stones. The outer edges of the concrete deck will also be replaced and the existing steel girders will be blasted, cleaned and painted. New approach guardrail will also be installed as part of the project. The bridge will maintain the existing hydraulic opening, existing roadway profile, and existing roadway cross section.

The existing bridge was built in 1937 and reconstructed around 1960. The bridge has a maximum span length of 17’, a curb to curb width of 22’, and an over out to out deck width of 26’. The existing structure consists of a cast-in-place concrete deck and steel stringers on stone masonry abutments and concrete footings. The existing parapets consist of stone masonry piers and metal pipe railing; they do not meet Federal Highway (FHWA) and Connecticut Department of Transportation (CTDOT) safety standards for crash protection. The bridge was inspected in the June 2011 and at that time the bridge
condition was noted as Fair (5 on a scale of 1 to 9), since that time the masonry parapets have been hit by vehicles on at least two occasions where the stones were displaced. The proposed parapets will meet FHWA and CTDOT standards, at this time additional maintenance will also be performed to the bridge as described above.

The construction is estimated at $450,000. The project was designed by WMC Engineers of Newington, CT. The project is scheduled to begin on or about June 22, 2015 and be completed in December 2015. The road will be closed to traffic for the duration of the project. The length of the detour will be approximately 3 miles and will utilize Round Hill Road, Porchuck Road, and North Porchuck Road as shown on the attached “Detour Plan”.

Two weeks prior to the implementation of the detour advance notice will be posted on variable message boards placed on Old Mill Road. Additionally, 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, Chief Engineer
    Joseph Roberto, Highway Superintendent
    Melissa Evans, Traffic Operations Coordinator
    Chief Jim Heavey, Greenwich Police Department
    Capt. Pamela Gustovich, Greenwich Police Department
    Sgt. John Slusarz, Greenwich Police Department
    Peter Siecienski, Greenwich Fire Department
    Robert Kick, Greenwich Fire Department
    Joe Soto, Greenwich Emergency Medical Service
    Janice Holko-Domiziano, Board of Education
Mike:
Here’s the copy for our event this year.
See you on May 15th at 10:00 am at town hall.

The Old Greenwich Merchants Association requests permission to hold a block party on Sunday June 28, 2015 on Sound Beach Avenue in Old Greenwich from 4:00 PM-8:00 PM. (Road closure at 2:00) We have been given permission from the Greenwich Police Department traffic division and as well as parks and recreation. We will feature musical performances, games and rides. Food and refreshments will be offered for sale from Beach House Cafe & Garden Catering. Beach House will also sell beer and wine and will have a one day off-site permit with the state liquor board. Food will be prepared in the participating restaurants kitchens and served under health department approved conditions. We will have face painting, a balloon twister, a dunk tank, etc. We intend to block Sound Beach Avenue south of West End Avenue and North of Lockwood Avenue, same traffic plan as last year.

A portion of proceeds from the event will be donated to Emily Fedorko Foundation (emsway.org).
The Emily Catherine Fedorko Foundation (ECFF) is a family foundation that provides funding to spread education, advocacy and awareness of boating and water sport safety for adults and children. The foundation will also honor areas of interest in Emily’s life including gifts for academic and athletic endeavors.
The event is the merchants way of saying thank you to our loyal customers and to offer a fun, family oriented summer night of entertainment.
Thank you for your consideration.
Sincerely,
Richard Fulton
on behalf of the Old Greenwich Merchants Association

Thanks,

Richard Fulton
Chillybear
180 Sound Beach Avenue
Old Greenwich, CT 06870
203-622-7115 fax 203-622-7375
888-463-2707
rfulton@chillybear.com
"To consider and act upon the following resolution, a Home Rule Action under Article 6, Section 65 of the Greenwich Town Charter:

RESOLVED, that

Under authority of Connecticut General Statutes, Chapter 146, Section 9-206a, the board of education shall consist of ten members, each of whom shall serve for a term of four years. The Town of Greenwich hereby establishes the following rotation and term of office. Effective with the November 3, 2015 Greenwich municipal election, five board of education members shall be elected to serve a four year term. The five newly elected board of education members will be seated in time for the next regularly scheduled board of education meeting, thereby resulting in a nine member board, operating under authority of Connecticut General Statutes, Chapter 146, Section 9-203 for two years—governing the stepped increase to nine members for 2016-2017—but, with the five 2015 newly elected board of education members serving full four-year terms. The four board of education members elected at the previous biennial election on November 5, 2013, shall serve out the remainder of their terms. At the subsequent biennial election on November 7, 2017, five board of education members shall be elected to serve a four year term. The five newly elected board of education members will be seated in time for the next regularly scheduled board of education meeting, thereby resulting in a ten member board, operating under authority of Connecticut General Statutes, Chapter 146, Section 9-206a. Thereafter, on biennial election cycles, the Greenwich electorate will elect five members, resulting in a ten member board. Members shall serve until their successors shall be elected and shall have qualified. The board shall, not later than one month after the date on which the newly elected members take office, elect by ballot from its number a chairman and elect a secretary of such board and may prescribe their duties. If such officers are not chosen after one month because of a tie vote of the members, the selectmen shall choose such officers from the membership of the board. At all meetings of the board the chairman shall be entitled to vote, but in the event of a tie the chairman shall not have an additional vote.

Further RESOLVED that ARTICLE 3, Section 38 of the Greenwich Town Charter, entitled: “ARTICLE 3. ELECTIONS, Sec. 38 – Elective officers, terms” be amended by revising paragraph (a) to read:

ARTICLE 3. ELECTIONS

Sec. 38 – Elective officers; terms.

(a) There shall be an election in the Town of Greenwich on the first Tuesday after the first Monday in November in odd-numbered years. At such elections only the following officers shall be elected: members of the Representative Town Meeting, a First Selectman, two (2) Selectmen, five (5) members of the Board of Tax Review, a Tax Collector, a Town Clerk, seven (7) Constables, twelve (12) members of the Board of Estimate and Taxation and ten (10) members of the Board of Education.”
Explanatory Comments

*Historical Background of Greenwich BoE*

Consistent with obligations under Connecticut Education Laws, the Town of Greenwich established a Board of Education ("BoE") to "maintain good public elementary schools, implement the educational interests of the state...and provide such other educational activities as in its judgment will best serve the interests of the school district". In 1966, the Greenwich Representative Town Meeting ("RTM"), by resolution, increased the number of BoE members from six (6) to eight (8).

On June 9, 1975, the RTM voted to adopt Connecticut General Statute, Section 9-204a, to authorize nomination of candidates equal to the number of members of the BoE to be elected and authorizing electors to vote for the full number of members to be elected. Subsequently, on November 4, 1975, the question passed referendum vote at the Greenwich municipal election. Section 9-204a, may be adopted by charter or referendum.

*Proposed Change*

We ask the RTM to increase the BoE membership from eight (8) to ten (10). Connecticut General Statutes, Chapter 146, Section 9-206a provides that: “Notwithstanding the provisions of sections 9-203, 9-205 and 9-206, any town may, by charter provision, provide for the election of a board of education consisting of not less than three nor more than twelve electors of such town for terms of two, three four or six years.”

To accomplish the change from eight (8) to ten (10), we propose to add one (1) additional BoE member at the November 3, 2015 and November 7, 2017 elections. The reason for moving to a ten (10) member board over two election cycles is that it would result in five members being elected at each election, thereby encouraging competitive elections.

More specifically, effective with the November 3, 2015 Greenwich municipal election, five board of education members shall be elected to serve a four year term. The five newly elected board of education members will be seated in time for the next regularly scheduled board of education meeting, thereby resulting in a nine member board, operating under authority of Connecticut General Statutes, Chapter 146, Section 9-203 for two years. The four board of education members elected at the previous biennial election on November 5, 2013, shall serve out the remainder of their terms. At the subsequent biennial election on November 7, 2017, five board of education members shall be elected to serve a four year term. The five newly elected board of education members will be seated in time for the next regularly scheduled board of education meeting, thereby resulting in a ten member board, operating under authority of Connecticut General Statutes, Chapter 146, Section 9-206a. Thereafter, on biennial election cycles, the Greenwich electorate will elect five members, resulting in a ten member board.

*Rationale for a Ten-Member BoE*

Competitive elections and voter choice are critical to ensuring an effective BoE, and perhaps more importantly, are critical elements to a democratic form of government. Under the current...
Greenwich BoE configuration, there is no systemic mechanism to encourage competition or choice.

The Democratic and Republican parties have not consistently provided choices for Greenwich voters and effectively appointed BoE members to seats. The current eight-member board has four seats open at each election. Minority election rules assure that each party will win no more than two seats. In order to prevent the other party’s voters from deciding who should be elected, the Republican and Democratic Town Committees routinely field only the minimum number of candidates that satisfy the minority election rules. The RTC and DTC are comprised of between 60 to 65 voting members meaning between 120 and 130 electors in Greenwich effectively select BoE members. Since 1991, the Republican Town Committee has given voters a choice among candidates less than half the time. Since 1991, the Democratic Town Committee has given voters a choice among candidates less than a quarter of the time. In most instances, the circumstances where parties provided more candidates involved intra-party political fights rather than providing choice to Greenwich voters. This phenomena has the practical effect of disenfranchising Greenwich taxpayers and disconnecting the BoE from the electorate at large.

A ten member BoE would create an odd-number of open seats (five) at each election cycle. With five open seats, the political parties would be encouraged to nominate three candidates each. As a result, at least six candidates would be running for five seats, thereby providing competition and voter choice.

Conclusion

Parents, students, teachers and taxpayers deserve a BoE that is accountable, responsive and effective. Competitive elections and voter choice will help further those goals. Increasing the BoE members from eight (8) to ten (10) will encourage competitive elections, give voters choice, and prevent partisan segments from deadlocking board business.

The Board of Selectmen have an obligation to create an environment to support the best possible education system for children of Greenwich. Competitive elections and voter choice are essential elements to democracy. We must create an environment to foster, not discourage, these values. Please support our effort to work towards a better BoE, and therefore a better educational experience for our children.