



TOWN OF GREENWICH

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Peter J. Tesei
First Selectman

Board of Selectmen Meeting
Tuesday, May 30, 2017
10:00 a.m.
Town Hall Meeting Room

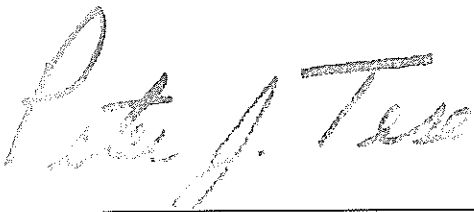
AGENDA

1. **Welcome and Pledge of Allegiance**
2. **Approval of Minutes**
 - a. Board of Selectmen Regular Meeting on May 11, 2017
3. **First Selectman's Updates – Peter J. Tesei**
4. **Old Business**
 - a. Establishment of a committee to review a proposal to add the Board of Education to Section 66 of the Town Charter. In particular, the establishment of a committee to consider a requirement that any change to the mode of selection, composition, rights, powers, privileges or duties of the Board of Education require a referendum.
5. **New Business**
 - a. Request to Approve second amendment to the Bruce Museum Management Agreement - Bruce Cohen.
 - b. Request to modify Section 14-5, Schedule II of the Greenwich Municipal Ordinances – Bruce Cohen.
 - c. Request to modify section 14-7.6, Schedule VIIA of the Greenwich Municipal Ordinances – Bruce Cohen.
6. **Appointments and Nominations**
7. **Executive Session**
 - a. Pending litigation
~~This certificate received on file~~

8. Adjourn On MAY 26 2017

At 11:40 Am


Town Clerk



Peter J. Tesei
First Selectman

Town of Greenwich

Board of Selectmen

Meeting May 11, 2017

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 Toner - Present
 - III. Selectman Drew Marzullo – Present

The First Selectman 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 propose questions and make comments. He also said that the Board would be holding a public hearing on the Neighborhood Assistance Act program proposals.

2. Approval of Minutes

- a. Minutes of the Regular Board of Selectmen meeting held on 4-27-2017 were moved for approval as amended by Mr. Toner, seconded by Mr. Marzullo. The motion passed unanimously.

3. First Selectman's Updates

- a. Mr. Tesei introduced and welcomed Blaize Levitan, the new Senior Management Analyst in the Office of the First Selectman.
- b. Mr. Tesei discussed the approval of the 2017-18 budget that was adopted by the Representative Town Meeting (RTM) May 8. He said he was pleased with the work done by the Board of Estimate and Taxation (BET) and complimented all BET members for the perseverance and attendance of numerous committee meetings. He said there was improved communications between all stakeholders and collaboration on the budget adoption process. Mr. Tesei described the budget process being much like a puzzle – there are dozens of moving parts; there are interlocking pieces, and there are pieces that sometimes may not fit the mold of what people expect or desire. There were goals that were set and accomplished during this year's budget process which meant that needs of the Town and its residents were met with minimal financial impact on taxpayers. All of this could not have been accomplished without the fiscal conservatism exercised by all Town departments. It was a practice that should serve us well as we continue to deal with the cascading fallout from the state's financial meltdown.
- c. Congratulations were offered to Greenwich Police narcotics section members Sergeant Eric Scorca, Detective Frederick Quezada and Detective Joseph Rondini, who were the recipients of the Greenwich Lions Club annual John A. Clarke Memorial Award that was presented on April 27.
- d. More than 50 people attended the 2017 YWCA Stand Against Racism program held in the Town Hall Meeting Room on April 28. The high school students who won the Y's Racial Justice Scholarship awards were Dana Wadsworth-Hutton of Greenwich Academy; and Samuel Ryb and Tiffany Evangelista of Greenwich High.
- e. On April 29, the Greater Metro New York American Red Cross chapter held its annual Red & White Ball at the Net Jets hangar at Westchester County Airport. Mr. Tesei it always is an honor to attend the event that raises much-needed money to fund the continuing disaster relief efforts that the Red Cross is so well-known for. The honorees were actor,

author and veteran J.R. Martinez, a retired US Army soldier who suffered severe burns over more than a third of his body when his Humvee hit a roadside bomb in Iraq. Also honored were the heroes of the French train attack back in August 2015. The trio of childhood friends, who were vacationing in Europe, quickly subdued a gunman aboard a Paris-bound train, saving many lives. (They are Anthony Sadler, Spencer Stone and Alek Skarlatos.)

- f. On May 1, Mr. Tesei toured the Boys & Girls Club Greenwich where there have been a number of energy efficiency improvements made recently. Eversource energy experts also attended and estimated that the club will be able to save about \$41,000 a year in expenses with upgrades to high-efficiency lighting on the first floor, pool, gym, field house and garage. Those upgrades are just a part of a number of changes that are being made.
- g. Mr. Tesei noted that the Greenwich Public Schools honored its Distinguished Teachers in a ceremony held May 2 at the Greenwich High School Performing Arts Center, including Cos Cob School fifth-grade teacher **STEPHEN BABYAK**; North Street School Kindergarten teacher **VICTORIA MORRISON CAPPALI**; Greenwich High School History/Psychology teacher **MICHAEL GALATIOTO**; Greenwich High School Special Education teacher **ERIN RANDALL**; Eastern Middle School Language Arts teacher **BRIDGET SUVANSRI**, and North Mianus School Special Education teacher **DIANE TAYLOR**. He added, that he believed that American historian Henry Brooks Adams was correct when his book, 'The Education of Henry Adams,' was published back in 1907. In that book Adams, stated, 'A teacher affects eternity; he can never tell where his influence stops.' Mr. Tesei said hoped that the influence of all Greenwich teachers will not cease and will affect their students in a most positive manner.
- h. The Southwest Fairfield Country Region Drought Task Force held a conference call on May 3 to discuss continued conservation efforts even though the spring rains have improved reservoir. Both Aquarion and the Connecticut Department of Public Health continue to urge residents to conserve water consumption by at least 10% - in addition to the restricting lawn irrigation to two days per week. Mr. Tesei said details on possibly extending lawn watering to 3 days per week were being reviewed.
- i. Mr. Tesei attended the St. George's Society of New York English ball on May 3 where Greenwich resident and philanthropist Natalie Pray was recognized for her continuing work to benefit those in need throughout the New York area.
- j. The National Day of Prayer ceremony was held on May 4 here in the Town Hall Meeting Room, which brought together dozens of residents and representatives of many of the churches and most of the faiths practiced here in town.
- k. The Board of Selectmen has been participating in the many yacht club commissionings that mark the beginning of the boating season. Among those occurring were the Indian Harbor Yacht Club held its commissioning with a ceremony, reception and dinner, and the Old Greenwich Yacht Club.
- l. On May 6, Abilis, the agency that is marking 65 years of assisting residents and their families with special needs, held its gala at the Tamarack Country Club.
- m. On May 7, the Greenwich Historical Society held its annual Greenwich Landmark Recognition event with the presentation of the Preservation Action Awards. The four landmarks recognized this year were: The Conyers Manor cold storage barn built in 1909; The Perrot Memorial Library, built in 1930; Sunridge Farm on Riversville Road, where two buildings built in 1923 and in 1929 were recognized; and The Edwin H. Paul House, a contemporary house built in 1959 on Taconic Road. The Greenwich Land Trust also was honored for its restoration and adaptive reuse of the Louise Mueller Preserve as was the Greenwich Point Conservancy for the completion of the restoration of the Gateway and Old Barn.
- n. Mr. Tesei noted that the Town continues to monitor and continue its scrutiny of Eversource and its plan to build a new substation and power system from Cos Cob to central Greenwich. He thanked Senator Richard Blumenthal for his continued opposition to the plan as well as state Attorney General George Jepsen. He also highlighted the continued efforts of Department of Public Works Commissioner Amy Siebert and Town

Planner Katie DeLuca. Ms. Siebert sent a letter on May 10 outlining the consent decree with the EPA and the U.S. Department of Justice regarding the Town's efforts to ensure the integrity of its waste water system. Mr. Tesei said there is a May 18 deadline for submission of public comments with the Siting Council holding a hearing on May 25 in New Britain. Mr. Tesei and Ms. DeLuca also have met with residents of Circle and Morningside Drives, and Indian Field Road to discuss their concerns about the project. Mr. Tesei said the Town would support a substation plan that installed underground power lines that followed the roadways through Bruce Park so as to avoid installation of poles of 125- to 195-foot tall along the railroad right-of-way.

- o. Selectman Marzullo noted that he attended the Nurses Week proclamation presentation in the Town Hall Meeting Room that was organized by Stephanie Paulmeno.

4. Old Business

- a. Establishment of a committee to review a proposal to add the Board of Education to Section 66 and 67 of the Town Charter. In particular, the establishment of a committee to consider a requirement that any change to the mode of selection, composition, rights, powers, privileges or duties of the Board of Education require a referendum.

Mr. Tesei explained that under Home Rule, the Board of Selectmen has the authority to appoint a committee to review the proposal. He said he was not talking about the composition of the Board of Education but rather should any changes go before the voters on a referendum. Discussion of Section 38 has been set aside and now the Board of Selectmen is looking at the process via Section 66 of the Charter. He also said it is a question of whether it could advance before the electorate for this fall's election or whether it will be a question for voters next year.

He also said that one member of the five-member committee appointed by the Board of Selectmen to the Board of Education Charter Revision Committee passed away and that the remaining four members have agreed to continue to serve to review the Section 66 and 67 issues. Mr. Tesei said an RTM member has raised a question on the composition of the Committee. Mr. Tesei explained that the Committee reflected the community, stating there are 36% unaffiliated voters; 35% Republican, 27% percent Democrat and 2% Independent. He said that he reached out the Cyndy Anderson of the League of Women Voters but she is unable to serve because of time commitments to another LWV and RTM project.

Mr. Marzullo said he wanted to introduce a motion to table any discussion on Charter change in general.

Mr. Marzullo made a motion to table the Charter Revision discussion. The motion failed because there wasn't any second.

Town Attorney Wayne Fox said that for transparency, the Board of Selectmen should make a motion to add the Section 38 to the agenda for discussion.

Mr. Marzullo said that because it effects how he would vote, he would make a motion to add Section 38 for discussion and a possible vote.

Mr. Marzullo made a motion to add Section 38 for discussion and a possible vote to the agenda. The motion failed because there wasn't

a second.

Mr. Marzullo said he has to hear a discussion by this committee on the Section 38 issue. He also said he wanted to bring up Section 38 under Old Business and subsequently take a vote on the original plan and bring it to the RTM for a vote.

Mr. Fox said Mr. Marzullo has a right to make a motion to amend the agenda.

Mr. Marzullo said he wants to get Section 38 to the RTM.

Mr. Fox responded that Mr. Marzullo would need to place Section 38 on the agenda.

Mr. Marzullo made a motion to put the proposed Charter change to Section 38 on the agenda so it could be sent to the RTM for a vote. The motion failed because there wasn't a second.

Mr. Marzullo asked if he could ask to have the issue put on the agenda for the next Board of Selectmen meeting.

Mr. Fox said that in order to add the Board of Education to the Town Charter because of Home Rule, the Board would be changing the authority of the RTM and it would go to a referendum. The Charter Revision Committee would make a recommendation to the Selectmen who would send it to the RTM which would in turn send it to a voter referendum.

Mr. Tesei said the referendum question would be should the Board of Education changes be placed before the voters for a referendum.

Mr. Fox explained that it would be cheaper to conduct the referendum during a local election year.

Mr. Marzullo suggested that the Selectmen present the question to the Board of Education before bringing it to the Committee. He asked why wouldn't the Board of Education weigh in on the issue the way the RTM and BET can weigh in on issues.

Mr. Tesei said nothing precludes the Board of Education from offering its views.

Mr. Marzullo said that if the measure was voted upon affirmatively and then Section 67 was added, the process doesn't allow for the Board of Education to review and opine on it. He said that if a Committee is to vote upon this question, it would be reviewed and that he wants to then have the question put before the Board of Education for their input.

Mr. Marzullo made a motion to have the question put before the Board of Education for their input. The motion failed because there wasn't a second.

Mr. Tesei said there was a need for the committee to protect Home Rule.

Mr. Fox said that in protecting Home Rule, it would make sense to have a committee come and review and then make a recommendation.

Mr. Tesei said the Board of Education has had plenty of opportunity to opine rather than have a need to formally ask and charge them to do it.

Mr. Marzullo said he wanted the Board of Education to formally opine on the issue.

Mr. Tesei said this question is before the Selectmen because the Board of Education chair raised it. He said the subject before the Board is to bring the issue before it and poll for their opinion.

Mr. Fox said the Board of Selectmen could add that there be additional consideration of Section 67.

Mr. Tesei said that the action before the Selectmen today is to appoint a committee – that a fifth person is needed on the Committee and that there is a need for a person of a different gender – a person who is an unaffiliated voter or a Democrat and a woman.

Mr. Marzullo said there should be a review of Section 67 by adding the Board of Education.

Mr. Tesei made a motion to hold a formal discussion of the item as listed under Old Business on the Selectmen's agenda. The motion was seconded by Mr. Toner.

Mr. Marzullo made a motion to amend the charge to the Committee to include Section 67. Mr. Tesei said he supported the committee looking at Section 67 and seconded the motion. The motion passed 2-0-1 with Mr. Toner abstaining.

Mr. Tesei made a motion to include Sections 66 and 67 to the proposal before the Committee. Mr. Toner seconded the motion, which passed 2-1-0 with Mr. Marzullo voting against.

Mr. Tesei said he would email Board of Education Chair Mr. Sherr as he wants the opinion of the Board of Education.

5. New Business

- a. CT Neighborhood Assistance Grant Program Proposals. At 11:26 a.m., Mr. Tesei opened the public hearing on the program proposals. Community Development Block Grant Administrator Princess Erfe said the applications must be submitted to the Department of Revenue Services by July 1, 2017. She said that after the Board of Selectmen's action today, she will submit the proposals for the June RTM call. The Department of Revenue Services is expected to issue notifications of approvals by August. Ms. Erfe said of the last eight programs with \$849,000 in applications, one program was completed.
- b. Additional appropriation for approximately \$140,000 in attorney's fees was submitted by Town Attorney J. Wayne Fox on an information only basis. Board of Selectmen approval was not required. Among the issues to be covered by outside attorneys is the Town's opposition to the Eversource proposal for a central Greenwich substation.
- c. Rescheduling of the May 25 Selectmen's meeting.

Mr. Tesei made a motion, seconded by Mr. Marzullo to reschedule the meeting to May 26 at 11 a.m., with the location to be determined. The motion was unanimously approved.

d. Rescheduling of the June 8 Selectmen's meeting.

Mr. Toner made a motion, seconded by Mr. Tesei to reschedule the meeting to 11 a.m. June 9 in a room to be determined. The motion passed unanimously.

The Neighborhood Assistance Act program proposals public hearing closed at 11:56 a.m.

Mr. Toner made a motion to approve the program proposals that was seconded by Mr. Marzullo. The motion unanimously passed.

6. Executive Session

Mr. Toner motioned to enter into executive session at 11:57 A.M., seconded by Mr. Marzullo, the Board voted 3-0 in favor.

Present in Executive Session were: Mary Pepe, Director, HR Department; Tiffany Navarro, HR Department Workers' Compensation Administrator; J. Wayne Fox, Town Attorney; Eugene McLaughlin, Assistant Town Attorney, attorney Heather Porto.

Mr. Toner moved to exit Executive Session at 12:10 P.M., seconded by Mr. Marzullo, the Board voted 3-0 in favor.

- a. Settlement of Workers Compensation claim # 0029134 and # 0085364 for a total of \$155,000.

Upon a motion by Mr. Toner seconded by Mr. Marzullo, the Board voted 3-0-0 in favor of the settlement.

- b. Settlement of Marie Shimchick v. Town of Greenwich for \$60,000.

Upon a motion by Mr. Tesei seconded by Mr. Toner, the Board voted 3-0-0 in favor of the settlement.

7. Return to New Business:

- a. Rescheduling the May 25 Selectmen's meeting.

Mr. Toner made a motion to reconsider the rescheduling that was seconded by Mr. Marzullo. It was unanimously approved.

Mr. Toner made a motion to hold the meeting at 10 a.m. Tuesday, May 30. It was seconded by Mr. Marzullo and unanimously

approved.

8. Adjournment

Mr. Toner motioned to adjourn at 12:18 P.M.; seconded by Mr. Marzullo, the Board voted 3-0 in favor.

Next Regular Meeting of the Board of Selectmen will be at 10 a.m. Tuesday, May 30 in the Town Hall Meeting Room.

Peter J. Tesei First Selectman

Prepared by Barbara A. Heins
Recording Secretary

DRAFT

DRAFT EMAIL TO BARBARA HEINS

Re: Board of Selectmen Agenda

I propose the agenda under Old Business to read as follows:

Establishment of a committee to review a proposal to add the Board of Education to Section 66 of the Charter. In particular, the establishment of a committee to consider a requirement that any change to the mode of selection, composition, rights, powers, privileges or duties of the Board of Education require a referendum.

FOGARTY COHEN RUSSO & NEMIROFF LLC

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BY HAND

May 23, 2017

Board of Selectmen
Town of Greenwich
101 Field Point Road
Greenwich, CT 06830

**RE: Bruce Museum, Inc. ("BMI")
Request to Approve Second Amendment to the Bruce Museum Management Agreement;
Request to Modify Section 14-4, Schedule I, of the Greenwich Municipal Ordinances;
NEW-Request to Modify Section 14-5, Schedule II, of the Greenwich Municipal Ordinances
NEW-Request to Modify Section 14-7.6, Schedule VIIA, of the Greenwich Municipal
Ordinances**

Dear Members of the Board of Selectmen,

On February 27, 2017, our office, on behalf of our client, Bruce Museum, Inc., submitted requests to the Board to:

- 1.) Approve a Second Amendment to the Bruce Museum Management Agreement in order to permit the Museum to move forward with the construction phase of its proposed expansion project; and
- 2.) Modify Section 14-4, Schedule I, of the Municipal Ordinances to delete "North side, entire length" from said ordinance in order to permit the Museum's use of the north side of Museum Drive for parking.

In early March the First Selectman's office requested that Bruce Museum, Inc., and its consultant team, meet with senior Town staff to clarify the proposed amendments to the Management Agreement prior to the Board hearing these items. On March 15, 2017 BMI's team met with senior Town staff and, as a result of this meeting, and following their review of those plans, the project plans and legal documents have been amended. Specifically, the following revisions have been made:

- 1.) The site plan has been modified to eliminate all parking improvements previously proposed on a 14,970+/- SF tract of land owned by the State of Connecticut Department of Transportation, eliminating the need for the Town and BMI to enter into a lease with the State to improve and use such land for parking and landscaping purposes associated with the museum use.
- 2.) The 2nd Amendment to the Bruce Museum Management Agreement has been revised to:
 - a. Reference the environmental sampling and testing done on the premises and specify that any necessary remediation work shall be done at the sole cost of BMI (Refer to Paragraph 4 of the 2nd Amendment);
 - b. Specify that BMI's use of any municipal parking lot shall be coordinated through the Director of Parking Services (Refer to Paragraph 6 of the 2nd Amendment); and

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RE: Bruce Museum, Inc.
May 23, 2017
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- c. Clarify the maintenance responsibilities of the Museum building and premises to mirror the Town's current maintenance standards for this Town-owned property (Refer to Paragraph 7 of the 2nd Amendment).
- 3.) The DRAFT Parking Management Plan has been revised in consultation with the Director of Parking Services and the Director of Parks and Recreations to clarify that the Museum will coordinate its events with the Town's Parking Services Department by submitting, in advance, a three (3) month calendar or list of events to the Director of Parking Services. Such document shall include the date of the event, time of the event, if known, and number of attendees, if known. The Museum will use general public parking in the vicinity of the Museum for overflow parking and BMI will further coordinate with the Parks and Recreations Department, at the discretion of the Director of Parking Services, for use of any off-site parking lots for special events.
- 4.) The site plan has been modified based on DPW-Engineering Comments to reduce the width of the site's most easterly existing curb cut from 94.5 feet to 31.3 feet at the property line. This modification also provides an opportunity to add two (2) additional parking spaces along the north side of Museum Drive, bringing the total number of parallel parking spaces proposed for the north side of Museum Drive to fifteen (15).
- 5.) In consultation with the Director of Parking Services, BMI's requests to the Board of Selectmen regarding parking on the north side of Museum Drive is amended herewith as follows:
 - a. Request to Modify Sec. 14-5, Schedule II-Limited Parking: **Delete Text:** "Bruce Museum - All spaces therein, except those marked "reserved," no parking between the hours of 7:00 a.m. and 9:00 a.m., Monday through Friday."
 - b. Request to Modify Sec. 14-7.6, Schedule VIIA - Four-Hour Metered: **Add Text:** "Museum Drive-North side, from a point 620 feet east of Steamboat Road and extending easterly for a distance of 1,150 feet."

In sum, Bruce Museum, Inc. requests approval from the Board of Selectmen to Approve a Second Amendment to the Bruce Museum Management Agreement in order to permit the Museum to move forward with the construction phase of its proposed expansion project to construct a 37,656 SF addition, with associated site improvement; Modify Section 14-4, Schedule I, of the Municipal Ordinances to delete "North side, entire length" from said ordinance in order to permit the Museum's use of the north side of Museum Drive for parking; Modify Sec. 14-5, Schedule II-Limited Parking: to delete "Bruce Museum - All spaces therein, except those marked "reserved," no parking between the hours of 7:00 a.m. and 9:00 a.m., Monday through Friday." to allow the museum to utilize its parking lot between the hours of 7:00 a.m. and 9:00 a.m.; and to Modify Sec. 14-7.6, Schedule VIIA - Four-Hour Metered: to add "Museum Drive-North side, from a point 620 feet east of Steamboat Road and extending easterly for a distance of 1,150 feet." to allow the museum to construct fifteen (15) four-hour metered parking spaces on the north side of Museum Drive.

In support of these requests, and as a supplement to the February 27, 2017 submission, the following items are enclosed:

- Four (4) Additional Copies of this letter;

FOGARTY COHEN RUSSO & NEMIROFF LLC

RE: Bruce Museum, Inc.

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- Five (5) Sets, Updated Civil Engineering Plan Set dated May 18, 2017, prepared and certified by Redniss & Mead, Inc. inclusive of:
 - Cover Page
 - Site Grading Plan;
 - Site Utility Plan;
 - Sediment & Erosion Control Plan;
 - Tree Removal Plan;
 - Soil Testing Results & Sight Distances;
 - Notes;
 - Details;
 - Low Impact Development Plan;
 - Property & Topographic Survey; and
 - Zoning Location Survey
- Five Copies, Updated Architectural Site Plan dated May 18, 2017, prepared and certified by Eskew+Dumez+Ripple;
- Five Sets, Updated Landscape Plans dated May 18, 2017, 2017, prepared and certified by Reed + Hilderbrand;
- Five Copies, Updated Drainage Summary Report Narrative dated May 18, 2017;
- Five Copies, Revised Draft Second Amendment to Bruce Museum Management Agreement; and
- Five Copies, Revised Draft Parking Management Plan dated May 18, 2017.

We look forward to presenting these items to the Board of Selectmen at its upcoming May 30, 2017 public meeting.

Respectfully submitted,



Bruce F. Cohen

Enclosures

cc (w/ enc.): Bruce Museum, Inc.
Noah Marble, Eskew+Dumez+Ripple
John Grove, Reed Hilderbrand
Brian McMahon, Redniss & Mead, Inc.
Michael O'Rourke, Adler Consulting