Board of Selectmen Meeting  
Friday, August 21, 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 August 6, 2015  

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

4. Old Business  

5. New Business  
   a. Greenwich Adult Day Care, Inc. Lease Renewal  
   b. Application by the Historic District Commission to be appointed the “study committee” to investigate the property at 117 Dingletown Road to determine if it is an appropriate property to be named an historic property  

6. Appointments and Nominations  

7. Executive Session  
   a. Pending Claim  

8. Adjourn  

Peter J. Tesei  
First Selectman
Town of Greenwich
Board of Selectmen Meeting
August 6, 2015
10:00 a.m.
Town Hall Meeting Room

Draft Minutes

1. The meeting opened at 10:17 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 7-30-2015 were reviewed and approved as presented without objection.

3. First Selectman’s Update
   a. With the support of the Senior Management Analyst, Melissa Jones, the Town has launched the pilot of “Access Greenwich” – a mobile application that can be downloaded to a smart phone. This is a resource for residents to submit inquiries or notify about issues around Town. The pilot is limited to the Department of Parks and Recreation. The program will be evaluated over the course of 5 months, and is intended to expand to departments throughout Town.
   b. At the First Selectman’s monthly staff meeting on August 4, there was a report from the First Selectman’s Safety Council regarding workers’ compensation rates and safety stats. The staff also heard from the Nathaniel Witherell (TNW) that they are at full capacity, and that there is a wait to get into short term rehabilitation. The response to this demand is the addition of additional short term beds – TNW will be converting 5 two-bedroom suites into single beds for short term care.
   c. The First Selectman held a meeting on August 4 with the two citizen members of the Retirement Board, John Chadwick and Larry Simon. The role the Board plays in relationship to the Retirement Plan Administrator and the Director of Human Resources was discussed.
   d. On August 4, Mr. Tesei held an introductory meeting with Bob Stacey, the new Human Resources Director for the Board of Education. Mr. Stacey has a depth of experience in both the public and private sectors.
   e. On August 11 at 7:00 p.m., the Community Development Block Grant public hearing will be held in the Town Hall Meeting Room.
   f. There will be a meeting on August 10 to discuss preparations for the Greenwich 375th Anniversary Parade, which will be held on Sunday, September 27, 2015.
   g. The August 2015 Western Connecticut Council of Governments (WCCOG) meeting will be held in New Canaan on August 20.

4. Old Business
   a. Zoubek Mooring Issue
i. Aamina Ahmad, Assistant Town Attorney, gave an introduction to the issue. The authority granted to the Board of Selectmen under Special Acts 93 and 288 deal with rules and regulations pertaining to moorings, anchoring vessels in harbors, speed of vessels, and related issues. Therefore, the BOS regulates the anchoring and mooring of vessels and crafts in our Town’s harbors.

ii. The issue appeared to be resolved, but the coordinates provided to the Harbormaster were not reflective of the location that the resident, Mr. Zoubek, intended. Therefore, no action can be taken at today’s meeting.

iii. Charles Zoubek stated that he would like to reconcile the mooring’s GPS coordinates. He knows where historically his mooring has been, in relation to the coordinates provided by Ian Macmillan, Harbormaster.

iv. Mr. Zoubek acknowledged that the issues have moved on from the proximity to the osprey nest and depth of waters, which were the original claims for mooring denial. Now, the issue stems from the coordinates. Mr. Macmillan knows exactly where the mooring is because he has moved it twice, the second time being yesterday.

v. Additionally, there is an issue of a pinched fairway – the contention that the harbor is too narrow for large boats to navigate, should there be an emergency in someone’s dock. Mr. Zoubek added that it is 340 feet across at the narrowest part of harbor, which is a huge navigable area. Lastly, there is a predictable use claim, which is Mr. Macmillan’s idea that there will be “raft-ups” on that mooring. Mr. Zoubek denied this claim.

vi. Charles Zoubek asked if the Town can have a police boat go out to confirm the coordinates. Mr. Tesei responded that Mr. Zoubek’s mooring vendor can confirm the location, but not the Town’s police boat.

vii. Aamina Ahmad said that the coordinates provided by Mr. Zoubek are outside Greenwich waters, confirmed by the Town GIS Department. Drew Marzullo inquired, then, if Mr. Macmillan had approved a mooring not in Greenwich waters. This was confirmed.

viii. Ms. Ahmad suggested that in order to proceed, we need the correct verified coordinates.

ix. Peter Tesei concluded with the statement that the Harbormaster should produce the coordinates from where Mr. Macmillan removed Mr. Zoubek’s lobster pot that demarcated the mooring location.

5. **New Business**

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

6. **Appointments and Nominations**

**Deputy Commissioner of Public Works**

Commissioner of Public Works, Amy Siebert, is pleased to announce the recommendation of Mr. James W. Michel to be appointed as the Town of Greenwich Deputy Commissioner of Public Works.
Mr. Michel has served as the Town of Greenwich Department of Public Works Chief Engineer since January 2011. As Chief Engineer, Mr. Michel plans and directs all activities of DPW’s Engineering Division, providing in-house design, project management and engineering assistance to other divisions, departments, boards, and agencies. Mr. Michel manages the development and implementation of a major capital improvement program with an annual budget of five to ten million dollars.

From 1995 to 2010, Mr. Michel worked in the private sector in the civil engineering field. His focus areas included land development, stormwater management, and traffic design. He worked with both private and municipal clients. Mr. Michel was also an active business manager, as he was a partner in a small consulting firm serving the Chicago suburbs. He brought organizational and information technology skills developed in that role to the department when he joined.

Mr. Michel graduated with a Bachelor of Science Degree in Civil Engineering from the University of Illinois, and a Masters of Business Administration from the Keller Graduate School. Mr. Michel completed the American Public Works Association Emerging Leaders Academy in 2014. Additionally, Mr. Michel is licensed with the State of Connecticut as a Professional Engineer.

The search process began in May 2015. The four top qualified candidates were interviewed, and Mr. Michel was selected. The interview panel consisted of Katie DeLuca (Town Planner), Ben Branyan (Town Administrator), and Amy Siebert. The appointment is effective immediately.

RESOLUTION
Appointment of Deputy Commissioner of Public Works

August 6, 2015

RESOLVED:

The Board of Selectmen appoints James Michel to the position of Deputy Commissioner of Public Works at a starting salary of $133,000 annually, effective immediately.

The position of Deputy Commissioner of Public Works is a non-represented unclassified position allocated to the MC 9 salary range in the Managerial/Confidential Employees’ Compensation Plan. The Town, in accordance with the Town’s Managerial/Confidential Compensation Plan, shall determine future salary considerations.

MOTION: Peter J. Tesei, First Selectman

SECOND: John Toner, Selectman

VOTE: 3-0-0, at 11:00 a.m.
**Other**

John Toner placed the nomination of H. Andrew Fox for appointment as a regular member of the Planning and Zoning Commission for a term expiring March 31, 2017. Peter Tesei seconded. Drew Marzullo opposed in favor of candidate Nancy Ramer. The motion passed 2-1-0 at 11:19 a.m.

John Toner placed the nomination of Dr. Francis Ennis for appointment as a regular member of the Nathaniel Witherell Board of Directors for a term expiring March 31, 2018. Drew Marzullo seconded. The motion passed unanimously at 11:22 a.m.

**7. Executive Session**

There were no items of Executive Session before the Board of Selectmen.

John Toner motioned to adjourn at 11:23 a.m. Drew Marzullo seconded. The motion passed unanimously.

The next regular meeting of the Board of Selectmen will be on Friday, August 21, 2015 at 10:00 a.m. in the Town Hall Meeting Room.
RESOLVED, that the RTM approves the lease renewal with the Greenwich Adult Day Care, Inc. ("GADC") for property located at 125 River Road Extension, Cos Cob. The lease renewal will be for a period of ten (10) years with a term ending February 9, 2025.

EXPLANATORY COMMENTS

In September 2004, the RTM approved the lease between the Town and GADC which enabled GADC to undertake extensive renovations to the Mianus River Dam Pump Station ("Pump Station") so that it could operate an adult day care center at the property. The lease was executed on February 9, 2005 and was for an initial term of ten (10) years. In accordance with the terms of lease, GADC has requested a renewal term of ten (10) years, from February 9, 2015 to February 9, 2025.

The renewal lease has been amended to reflect updated insurance requirements as recommended by the Town’s Director of Risk Management. Additionally, provisions pertaining to the renovation of the Pump Station to make it habitable for the adult day care center have been deleted as they are no longer relevant and the work that was contemplated under the original lease was completed.

Attached to this document is the following:
1. Redlined copy of the lease showing the changes from the original lease approved by the RTM in September 2004
2. Abstract of lease terms
3. Statement from GADC detailing the public benefit that they provide, a copy of their mission statement, and a copy of their By-Laws
4. Statement from Risk Management regarding insurance levels
5. The Town Assessor’s office hypothetical valuation of the property to reflect a market value
6. Statement from Town of Greenwich Building Maintenance regarding property maintenance
7. Copy of the Board of Selectman’s Policy on the leasing of Town land and the procedures that are followed for your information
LEASE

Between the

TOWN OF GREENWICH

and

GREENWICH ADULT DAY CARE, INC.

This Lease, made this ________ day of ________, 2004, between the TOWN OF GREENWICH (the "Town"), a municipal corporation organized and existing under the laws of the State of Connecticut, and GREENWICH ADULT DAY CARE, Inc. ("GADC"), 70 Parsonage Road, Greenwich-125 River Road Extension, Cos Cob, CT 06807, a non-profit corporation organized and existing under the laws of the State of Connecticut and described in Section 501(c)(3) of the Internal Revenue code of 1986, as amended, acting herein by Carol Burne Linda Longmire, its Executive Director Board President, hereunto duly authorized.

RECITALS

Whereas, the Town desires to lease the Mianus River Dam Pump Station ("Mianus Pump Station") located at River Road Extension, Cos Cob, Connecticut 06807 for a public purpose and to a non-profit entity willing to assume the capital improvements and maintenance of the property in exchange for a nominal lease fee;

Whereas, GADC desires to operate an Adult Day Care Center in the Mianus Pump Station located at River Road Extension, Cos Cob, Connecticut 06807 (the "Building");
Whereas, the Town desires to lease the Building to GADC in furtherance of meeting the needs of senior citizens in the community; and

Whereas, the Town and GADC hereby enter into this Lease to provide for a Ten (10) year lease term with options to renew for three additional period of ten years.

WITNESSETH:

1. PREMISES

In consideration of the covenants on the part of GADC in this Lease, the Town hereby leases to GADC the following premises (the "Premises"): Lease Parcels "B" and "C" shown on map titled "Easement Map showing property at River Road Extension, Greenwich, Connecticut prepared for the Town of Greenwich and Greenwich Adult Daycare, Inc." (the "Map") by Rocco V. D’Andrea, Inc. dated February 24, 2004, attached hereto as Exhibit A, together with the right to pass and re-pass over and upon "A" for the purpose of pedestrian and vehicular access, and utility service, to Lease Parcels "B" and "C", all of which are more fully described in Exhibit B attached hereto.

2. TERM

The term of this Lease shall be for ten (10) years a period commencing on the date first above written six-month anniversary of the date hereof or earlier by mutual agreement between GADC and the Board of Selectmen (the "commencement date") and ending on the tenth anniversary of the commencement date subject to renewal as set forth in paragraph 15 hereof for additional ten-year lease terms.

3. RENT

GADC shall pay the Town rent of One Dollar ($1.00) per year.
4. **USE OF PREMISES**

The Premises will be used for the following purposes only: GADC shall use the Premises for the operation of an Adult Day Care Center conditional upon GADC complying with the Connecticut General Statutes and/or all applicable regulations including zoning regulations and in accordance with the Municipal Improvement Approval granted by the Planning and Zoning Commission on July 20, 2004. A copy of the approval is attached hereto as Exhibit C. In addition, GADC is permitted (1) the right to use the land described as Lease Parcel “C” in Exhibit A immediately surrounding the Mianus Pump Station; (2) the right to use the parking area adjacent to the Mianus Pump Station contained in the area described as Lease Parcel “B” in Exhibit A; and (3) the right to use the driveway from River Road Extension for access to the Mianus Pump Station described as Lease Parcel “A” in Exhibit B attached hereto. GADC shall keep fully informed and comply with all existing and future federal, state, and local laws, ordinances, rules, and Use of the Premises shall be non-discriminatory as to race, color, national origin, or sex.

GADC staff within the Building will include an on-site administrator or manager, who is responsible for the overall operation of the Center, home, including compliance with state and local requirements.

Any other activity proposed for the Premises other than set forth in this section requires prior permission from the all appropriate Town agencies or Boards. Any failure by GADC to use the Premises as set forth in this section shall constitute a default under this lease.
It is understood by and between the parties that nothing contained in this Lease is intended to establish or create, or shall be construed as creating or establishing the relationship of co-partners or joint ventures hereto, or as constituting GADC as the agent or representative of the Town for any purpose, or in any manner whatsoever.

5. **CONDITION OF PREMISES**

It is expressly agreed between the Town and GADC that GADC has examined the Premises and the land area depicted in Exhibit A, and, except as otherwise provided herein, accepts it in its present condition, and that the Premises is leased from the Town, and the land area depicted in Exhibit A are accepted for the purposes herein specified in their condition "as is" and as they stand at the time the Lease is executed, and that the Town has made no representations whatsoever as to the present or future condition of the Premises or the land area depicted in Exhibit A, including latent defects. The Town makes no representation that the Premises is currently in habitable condition nor that the Premises is in the condition legally required for the specific purposes set forth in paragraph 4. Except as provided below, GADC expressly assumes the responsibility of examining the Premises and undertaking any and all work, at its sole cost and expense, to render the Premises habitable and fit, as required by law, for the specified uses set forth in paragraph 4. GADC shall maintain the premises as habitable and legally fit for the use specified in paragraph 4.

GADC does not assume responsibility for existing foundation and dam conditions. GADC, at its sole cost and expense, shall conduct an environmental assessment of the
Premises. If such assessment reveals materials or substances, including without limitation, asbestos, radon, PCB’s or petroleum products, (collectively, "Hazardous Materials") in or about the Premises, the building or the underlying land, which are environmentally hazardous or harmful, or which violate any applicable federal, state or local laws, codes, statutes, ordinances, guidelines, rules or regulations (collectively, "Environmental Laws"), GADC shall have the option of (i) undertaking, at its sole cost and expense, any and all remedial work required to comply with all Environmental Laws, or (ii) terminating this Lease, in which case GADC shall have no liability whatsoever in connection with any Hazardous Materials (or any related equipment such as, but not limited to, underground storage tanks) not deposited or created by GADC. In no event, however, shall GADC have any responsibility for any environmental condition, or violation of law arising out of any such environmental condition, which condition existed prior to the commencement date.

GADC agrees that it will remove and properly dispose of, at its sole cost and expense, two (2) existing underground storage tanks located on the westerly side of the Building and test the surrounding soil for any release.

6. IMPROVEMENTS AND ALTERATIONS

This Lease is contingent upon GADC being able to obtain, maintain, the required authorizations and/or licensure from the State of Connecticut, the proper planning and zoning authorization, including variances, site plan approval and GADC approval or permits from the Planning and Zoning Commission for the Town of Greenwich and/or the
Planning and Zoning Board of Appeals for the Town of Greenwich for the renovations and improvements to be made to the property as are needed to serve the purposes of the use set forth in paragraph 4. In the event the contingencies required by this Paragraph are not accomplished within two (2) years of the commencement date, this Lease shall be null and void and shall automatically terminate unless it shall be extended before that date by the Board of Selectmen. All costs of applications and approvals are at the sole risk and cost of GADC. In the event GADC should be denied any required approval and/or license or the same should be subject to revocation, any and all actual costs associated with improvements are at GADC’s sole risk and expense. The Town agrees to cooperate, in its capacity as lessor/owner, with GADC with respect to signing documents as lessor/owner as may be needed by GADC for submitting applications for such approvals.

a. Except as otherwise provided herein, The Town has no obligation to maintain or improve any part of the Premises or the land area depicted as Lease Parcels “B” or “C” shown on Exhibit A during the term of this Lease. GADC has the obligation to undertake any and all necessary improvements and alterations to the Premises to satisfy the obligations under this Lease. GADC, at its own expense, will renovate the Mianus Pump Station for the use specified in paragraph 4.

GADC also agrees that it will provide public access to the Mianus Pond Fishway, by means of an exterior walkway substantially as provided in the plan titled “Mianus Pond Fishway Walkway Design,” prepared by
Pustola & Associates and dated December 30, 1996, said walkway to be installed at GADC’s expense. Access to the Mianus Pond Fishway is to be provided and maintained during the period necessary for GADC to undertake and complete all necessary improvements and alterations to the Premises.

GADC, during the term of this Lease, shall have the privilege of making additional improvements to the Premises provided that no such improvements shall be made without the prior written approval of the Town, which consent shall not be unreasonably withheld, conditioned or delayed; provided, however, that any construction, alteration or addition to the Premises shall be under the supervision of the Town’s Department of Public Works, if required, pursuant to section 151 of the Town Charter.

GADC agrees that all materials used by it in any construction undertaken at the Premises shall be of high quality. To assure that such quality and consistency shall be obtained, GADC shall submit all drawings and specifications of all alterations, improvements, additions or changes proposed to be made by GADC in or to the Premises to the Town for determination as to the quality of the materials intended to be used.

Any such improvements or alterations shall be the property of the Town and shall remain upon and be surrendered with the Premises on the expiration or termination of the Lease without compensation to GADC. Notwithstanding the foregoing, GADC shall have the right to place and install at the Premises, and remove therefrom at the end of the Term, its personal property, furniture, equipment and removable furnishings.
The Town will make all reasonable efforts to secure funding from the Town Parking Fund for the construction of improvements to the parking areas described as Lease Parcel "A" and Lease Parcel "B" in Exhibit A. All other improvements or alterations shall be made by GADC at its own cost and expense and shall be made in accordance with and conform to all applicable laws, ordinances, and regulations.

GADC shall obtain for any improvement or alteration such building permits and other regulatory or administrative approvals, including review and approval by the Planning and Zoning Commission, as are normally incidental to the progress and satisfactory conclusion of the same. The Town agrees to cooperate, in its capacity as lessor/owner, with GADC with respect to signing documents as lessor/owner as may be needed by GADC for submitting applications for such approvals.

All improvements or alterations shall be independently contracted. GADC shall promptly pay all contractors and material suppliers for work performed and materials supplies to the Premises and shall indemnify and save harmless the Town from any and all claims made against it by any such contractor, subcontractor or material supplier arising out of the above-described work. GADC shall comply with the bonding requirements and other provisions of the Connecticut General Statutes §49-41 et. seq. where applicable.

7. MAINTENANCE OF THE PREMISES

Except as otherwise provided herein, GADC at its sole cost and expense shall maintain the Premises and the land immediately surrounding the Premises described as Lease Parcel "C" in Exhibit A in good repair and safe condition for the purposes set forth in
this Lease and shall surrender the Premises on the expiration or termination of the Lease in as good order and condition as it is now in, or as it may be placed by reason of any alteration made hereunder, subject to reasonable use and wear; and GADC agrees to commit no waste or injury to the Premises nor make any use of it except as provided in this Lease.

The Town will allow GADC access to Town property east and north of the premises for the purposes of construction and maintenance of the premises.

The Town will continue to maintain the Mianus Pond Fishway, the dam and supporting building structure and at its sole expense. GADC will allow access to authorized Town personnel to enter the Building to perform repairs and/or maintenance of the dam spillway controls.

GADC will provide for snow removal within Lease Parcels B and C at its sole cost and expense. The Town will provide for snow removal at its sole cost and expense in the parking area contained in the area described as Parcel A in Exhibit A.

GADC has the right to landscape the land described as Lease Parcel “C” in Exhibit A, at its sole cost and expense, subject to prior approval and direction of the Commissioner/Director of Parks and Recreation for the Town or his designee. Any improvements to be made by GADC to the land depicted in Exhibit A are subject to prior written approval by the First Selectman of the Town or his designee.

Except as otherwise provided in paragraph 5 and this paragraph 7, GADC will assume costs of all renovations and maintenance work needed on the property to render
the Premises habitable as required by law, to meet building codes and state requirements for the use of the property specified in paragraph 4. All work is subject to approval by the Superintendent of Building Construction and Maintenance for the Town of Greenwich.

8. **UTILITIES**

GADC shall be responsible for payment and provision of all necessary utilities to the Premises, including without limitation, water, sewer, electricity, telephone, and/or cable.

9. **INSURANCE AND PROPERTY LOSS**

A. In addition to the insurance coverage required under state law for operation of the Adult Day Care Center specified in paragraph 4, GADC shall procure and maintain at its own expense, at all times during the term of this Lease, insurance of the types and amounts specified below insuring and protecting GADC and the Town from any and all claims for bodily injury, including accidental death, and for property damage arising out of the use of the Premises and the land area depicted in Exhibit A by GADC or its officers, agents, employees, members, licensees and invitees. All policies shall name the Town as an additional insured and shall contain appropriate "loss payee" provisions in favor of the Town. The insurance required shall be as follows:

   1. All risk commercial property insurance, including extended coverage, vandalism, malicious mischief, boiler and machinery, and flood, insuring for an amount not less than the then current replacement cost for the value of the Premises including improvements, alterations, and additions made to the Premises by GADC and
insuring GADC's own personal property. The Town will not carry insurance on personal property of GADC or improvements to the Premises made by GADC, and shall not be liable for any damage to such personal property and/or improvements to the Premises.

(2) Commercial general liability insurance, including bodily injury and property damage liability and "personal and advertising liability injury" on an occurrence basis with respect to GADC’s use and occupancy of the Premises and the land area depicted in Exhibit A for any occurrence of not less than One Million ($1,000,000) Dollars combined single limit for bodily injury and property damage, One Million ($1,000,000) Dollars "personal injury and advertising injury," One Million ($1,000,000) Dollars aggregate for products and completed operations and Two Million ($2,000,000) Dollars general aggregate or such greater amount as the Town may reasonably require from time to time. Such insurance shall contain a provision including coverage for all liabilities assumed by GADC under this Lease and shall name the Town and its employees, officers and agents, as an additional insured. Such insurance shall also waive subrogation against the Town.

(3) Comprehensive Automobile Liability, with minimum coverages of One Million Dollars ($1,000,000) combined single limit for bodily injury and property damage, including, where applicable, coverage for any vehicle, all owned vehicles, scheduled vehicles, hired vehicles, non-owned vehicles and garage liability.

(4) Insurance for the benefit of the Town against damage to the Premises and the land area described as Lease Parcel "C" in Exhibit A by fire and other
casualty, including coverage for vandalism and malicious mischief, with extended 
coverage endorsement, the amount of such policy to be reasonably sufficient and not less 
than the replacement cost of the Premises. The Town shall be a named insured in such 
policy as loss payee as its interests may appear.

(5) Workers compensation insurance for all of GADC’s 
employees, temporary employees or independent contractors, working in or around the 
Premises in an amount sufficient to meet statutory payments (unlimited), employers 
liability insurance with minimum limits of Five Hundred Thousand ($500,000) Dollars per 
accident, Five Hundred Thousand ($500,000) Dollars per employee for disease and a Five 
Hundred Thousand ($500,000) Dollars policy limit for disease. The policy shall be 
endorsed to waive subrogation against the Town.

(6) Umbrella liability, on an occurrence basis, in the amount of 
Five Million ($5,000,000) Dollars each occurrence, Five Million ($5,000,000) Dollars 
aggregate supplementing all coverages as set forth in Subparagraphs (2), (3) and (4) of 
this Paragraph 8A. Such umbrella insurance will be no more restrictive than the terms 
provided in Paragraph 9A, and will not contain a cross liability, employers liability, or 
similar exclusion. The policy must be endorsed to recognize aggregate limits for 
coverages set forth in Subparagraphs (2), (3), (4) and (5) of Paragraph 9A.

(7) Professional liability for the limits set forth in the commercial 
general liability policy as described in Subparagraph (2) above. Such insurance shall
contain a provision naming the Town and its employees, officers and agents, as an additional insured.

(8) Sexual Abuse/Molestation coverage in the amount of One Million ($1,000,000) Dollars each occurrence and Three Million ($3,000,000) Dollars aggregate or such greater amount as the Town may reasonably require from time to time.

The Town shall have the right to require GADC to increase the above mentioned insurance coverages from time to time as and to the extent that the Town Comptroller may require, but no such increase shall be arbitrary or unreasonable.

GADC shall furnish three (3) certificates to the Town of each insurance policy or policies in the form attached hereto as Exhibit D upon the commencement of this Lease and thereafter within thirty (30) days prior to the expiration of each such policy. All insurance shall be carried by a company or companies authorized to do business in the State of Connecticut and having a rating of no less than A-/X1 as graded by Best's Rating Service. The Town shall receive at least 60 days' written notice of termination, non-renewal, or any material alteration of each insurance policy referred to in this Lease. All such policies shall be written as primary policies which do not contribute to and are not to be merely excess coverage over that which the Town may carry. If GADC maintains a policy that is in excess of a self-insured retention, the self-insured retention must be disclosed prior to the execution of this Lease. GADC shall also furnish to the Town an agent endorsement letter. The certificate of insurance and endorsement letter are attached as Exhibit D.
GADC shall not do or permit any act or thing to be done in or to the Premises or in or to land area depicted in Exhibit A which is contrary to law or which will invalidate or be in conflict with public liability, fire or other policies of insurance at any time carried by or for the benefit of the Town with respect to the Premises, or which might subject the Town to any liability or responsibility to any person for property damage, nor shall GADC keep anything in the Premises except as now or hereafter permitted by the Greenwich Fire Department, the Connecticut Board of Fire Underwriters and any other authority having jurisdiction over the Premises, and then only in such manner and such quantity so as not to increase the rate of fire insurance applicable to the Premises, nor use the Premises in a manner which shall increase the fire insurance rates for the Building or any property located therein because of any special risk over those in effect on the commencement date.

B. The Town and its employees, agents, and officers shall not be liable for:

(1) any damage to or loss of property of GADC, GADC’s employees, agents, tenants, lessees, licensees, invitees, or trespassers whether by theft, casualty or otherwise, including without limitation damage to personal property of GADC and improvements to the Premises made by GADC; and

(2) any injury or damage to property or persons including without limitation GADC’s employees, agents, tenants, lessees, licensees, invitees, or trespassers resulting from any cause whatsoever in connection with the use of
the Premises and the land area depicted in Exhibit A, unless caused by or due to the negligence or affirmative or willful act of the Town, its employees, agents or officers.

Any damage to the Premises by reason of the moving of equipment or furnishings, or the installation thereof by or on GADC’s behalf, shall be promptly repaired by GADC to the reasonable satisfaction of the Town and at GADC’s sole cost and expense.

10. **INDEMNIFICATION**

GADC shall indemnify, defend and save the Town harmless from and against all liabilities, obligations, damages, penalties, claims, loss, costs and expenses, including reasonable attorneys’ fees, paid, suffered or incurred as a result of (i) any breach by GADC, its officers, agents, contractors, employees, tenants, lessees, licensees or invitees, of any covenant or condition of this Lease; and/or (ii) any negligence or willful act of GADC, its officers, agents, contractors, employees, tenants, residents, lessees, licensees or invitees, and/or (iii) the use and occupancy of the Premises and the land area depicted in Exhibit A by GADC, its officers, agents, employees, tenants, lessees, licensees or invitees.

GADC shall keep fully informed and comply with all existing and future federal, state and local laws, ordinances, rules and regulations affecting, controlling and governing the use of the Premises and/or the land area depicted in Exhibit A and shall indemnify and hold harmless the Town, its officers, employees and agents, from and against any and all claims, demands, suits, proceedings, liabilities, judgments, penalties, losses, damages,
costs and expenses, including reasonable attorneys' fees, arising from or based upon any violation or claimed violation of any such laws, ordinances, rules and regulations, whether committed by GADC or any of its officers, agents, employees, tenants, residents, lessees, licensees or invitees.

11. **SUBLETTING AND ASSIGNMENT**

GADC shall not sublet the demised Premises, or any portion thereof, without consent of the Town, nor shall the Lease be assigned without consent of the Town and all agencies and boards as appropriate. A sublease, if any, shall be limited to a non-profit group or agency. If at any time following commencement of operating of the Adult Day Care Center the Premises shall be deserted or vacated, the First Selectman of the Town may declare the Lease in default, and this Lease shall terminate.

12. **INSPECTION AND EMERGENCY REPAIRS**

The First Selectman of the Town, and/or his authorized agents, shall have the right to enter and inspect the Premises at all reasonable times. In the case of an emergency requiring repairs to the building, the Town shall take all necessary steps to respond to the emergency and to stabilize the conditions of the Premises. As soon as practicable under such emergency condition, the First Selectman shall notify the Executive Director of GADC of the need to make emergency repairs. If the Town is unable to reach the Executive Director of GADC or if an emergency condition of the building requires a more immediate response, GADC hereby agrees that the Town may direct any repairperson or company to make any immediate repairs in the Premises at the sole cost and expense of
the party responsible for the repairs. GADC will deliver to the Superintendent of Building
Construction and Maintenance of the Town a key to provide emergency access to the
Premises.

For purposes of this paragraph, the word "Premises" shall include the sanitary
building, sewer lines, storm lines, septic system and other systems.

13. TERMINATION

The Town may terminate this Lease prior to the expiration of the Lease term, as
provided in this paragraph.

A. The Town's Right to Terminate

The Town shall have the right to terminate this Lease upon the following
events of default by GADC:

(a) If GADC does not procure and maintain insurance as
required by this Lease;

(b) If the Premises are abandoned or deserted;

(c) If any lien, attachment or other encumbrance is lodged
against the Premises by a party claiming loss, through or under GADC and is not
discharged within (90) days or otherwise provided for to the Town's reasonable
satisfaction within such time;

(d) If GADC fails within a reasonable time to cure any non-
compliance with the conditions of valid licensure of the home as required by law;
(e) If GADC fails to comply with any provision of this Lease and does not cure such default within thirty (30) days of the receipt of notice thereof from the Town.

In any of the foregoing events, this Lease and the term thereof may terminate and expire at the option of the Town and GADC shall quit and surrender the Premises as provided herein.

In the event of a default under Subparagraph 13A, if the Town shall serve upon GADC a written notice specifying the nature of the default and upon the expiration of thirty (30) days thereafter GADC shall have failed to remedy such default; or if such default or omission complained of is of a nature that the same cannot be completely cured or remedied within such thirty (30) day period, and the Town determines GADC shall not have diligently commenced curing such default within such thirty (30) day period and shall not thereafter with diligence and in good faith proceed to remedy or cure such default, then this Lease and the term thereof shall at the Town’s option and upon notice to GADC terminate and expire, and GADC shall quit and surrender the Premises to the Town, but GADC shall remain liable to the Town as hereafter provided.

In the event of a default by GADC under this Lease, the Town shall have the right of injunction and the right to invoke any remedy allowed at law or in equity as if re-entry, summary process and other remedies were not herein provided for. The recitation in this Lease of any particular right or remedy shall not preclude the Town from any other remedy available at law or in equity. GADC acknowledges that this Lease constitutes a
commercial transaction within the meaning of section 52-278a of the Connecticut General Statutes. Pursuant to section 52-278f of the Connecticut General Statutes, GADC hereby waives and relinquishes all rights to notice and hearing as provided in section 52-278a through section 52-278g of the Connecticut General Statutes prior to the Town obtaining any prejudgment remedy against GADC in connection with the enforcement by the Town of any of its rights or remedies under this Lease. GADC expressly waives notice to quit possession or occupancy of the Premises upon termination of this Lease pursuant to section 47a-25 of the Connecticut General Statutes.

Upon termination as provided above, the Town may without further notice re-enter the Premises and dispossess GADC by summary process or otherwise and remove GADC's effects and hold the Premises as if this Lease had not been made, and GADC hereby waives the service of any notice to quit or notice of intention to re-enter or any other notice for condition broken as at common law.

B. GADC shall have the right to terminate this Lease at any time by giving one hundred twenty (120) days advance written notice.

C. **Effect of Termination or Expiration on Lease Obligations**

If this Lease is terminated prior to the full Lease term, neither party shall thereafter have by obligations whatsoever to the other, except as provided in this Lease, and except that GADC shall be obliged to pay for any obligations or liabilities under this Lease which have accrued prior to the date of such termination or expiration.

D. **Effect of Termination or Expiration on Return of the Premises**
Upon termination of the Lease, the Town may require GADC at its sole cost and expense to return the Premises in as good order and condition as it is now in, or as it may be placed by reason of any alteration made hereunder, subject to reasonable use and wear.

E. **Town’s Performance Upon Default by GADC**

If GADC defaults under this Lease, the Town may at its option but without obligation so to do immediately, or at any time thereafter, and without notice, remedy the same at the sole cost and expense of GADC in lieu of enforcing its other rights hereunder.

If the Town makes any expenditures or incurs any obligations for the payment of money in connection therewith, including but not limited to, costs, fines, penalties, interest, damages and reasonable attorney’s fees in instituting, prosecuting or defending any action or proceeding, such sums paid or obligations incurred shall be paid immediately by GADC to the Town upon the rendition of any bill or statement to GADC therefore, together with interest thereon at a rate equal to twelve (12%) percent per annum.

Nothing herein contained shall be construed as to require the Town to incur any expenses or obligations on behalf of GADC.

F. **No Waiver**

The failure of the Town to seek redress for any violation of or to insist upon the strict performance of, any of the terms of this Lease or of any of the rules and
regulations set forth herein or hereafter adopted by the Town, shall not waive the effect of or excuse such violation or performance or any subsequent violation or performance.

No act or thing done by the Town or its agents during the Lease Term shall be deemed an acceptance of a surrender of the Premises, and no agreement to accept such surrender shall be valid, except in writing signed by the Town.

Except as provided in Paragraph 12 above, no employee or agent of the Town shall have any power to accept the keys to the Premises prior to the termination of this Lease, and the delivery of keys to any such agent or employee shall not operate as a termination of this Lease or a surrender of the Premises.

14. **HOLDING OVER**

In the event that GADC shall remain in the demised Premises after the expiration of the term of this Lease without having executed a new written lease with the Town, such holding over shall not constitute a renewal or extension of this Lease. The Town may, at its option, elect to treat GADC as one who has not removed at the end of its term, and thereupon be entitled to all the remedies against GADC provided by law in that situation, or the Town may elect, at its option, to construe such holding over as a tenancy from month to month, subject to all the terms and conditions of this Lease, except as to duration thereof, and in that event GADC shall pay rent in advance at the rate provided herein as effective during the last period of the Lease term.

15. **LEASE RENEWAL**
GADC shall have the right, privilege and option to renew this lease for three—two successive additional terms of ten (10) years each, upon the expiration hereof, provided that it shall give written notice to the Board of Selectmen of the Town of its intention to so renew at least six months prior to the expiration date of this Lease, and provided further that such term shall be subject to such conditions as the Town may then deem necessary or appropriate.

16. **DAMAGE BY FIRE OR OTHERWISE**

If the Premises are destroyed or damaged by fire or other cause to the extent which in the opinion of the Town and GADC renders the repair and reconstruction thereof imprudent or impractical, taking into consideration the aforesaid fire insurance, then and in such case the Lease and term hereby created shall, at the option of the Town and/or the Board of Selectmen, cease and become null and void, and GADC shall immediately surrender the Premises and all GADC's interest therein to the Town and the Town may re-enter and repossess the Premises thus discharged from this Lease.

If it is determined by GADC and the Town, with approval from the Board of Selectmen if required pursuant to §150 et seq. of the Town Charter, that the Premises should be repaired or reconstructed and the proceeds of the policy are not adequate to repair or replace the structure, then GADC shall be obligated to contribute such additional sum as may be required to repair or reconstruct the structure in conformity with such requirements.
Allocation between the parties of any insurance proceeds paid or payable to the Town and GADC in the event of any such damage by fire or other cause shall be determined by agreement between the Town and GADC.

17. **QUIET ENJOYMENT**

Subject to the foregoing, GADC shall peaceably and quietly have, hold and enjoy the Premises for the terms aforesaid, conditioned upon GADC's performance of its covenants of this Lease in all respects.

18. **NOTICES**

Any written notice required to be sent under the provisions of this Lease shall be sent by postage prepaid, certified mail to the respective parties at the following addresses:

(a) To the Town: First Selectman, Town of Greenwich, Town Hall, 101 Field Point Road, Greenwich, Connecticut 06830.

(b) To GADC: Executive Director Board President Greenwich Adult Day

125 River Road Extension, Cos Cob, CT 06807.

19. **ENTIRE AGREEMENT**

This Lease is entire and complete and embodies all understandings and agreements between the parties. No representation, warranty, agreement or undertaking of any kind or nature has been made to either party to induce the making of this Lease, except as is expressly set forth herein. The parties acknowledge that there is no other agreement, oral or written, existing between them. No oral statement or prior written matter outside of this Lease shall have any force or effect.
20. **MODIFICATIONS**

   No modification or waiver of any of the terms of this lease shall be valid unless in writing and duly executed by the parties hereto with the same formality as this Lease.

21. **HEADINGS**

   The Paragraph headings of this Lease are for purposes of reference and are not intended to limit in any way the provisions of this Lease.
IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and

seals on this________day of________, 209415.

Signed, Sealed and Delivered
In the Presence of:

TOWN OF GREENWICH

By: __________________________
   James A. Lash Peter J. Tesel
   First Selectman

GREENWICH ADULT DAY CARE, INC.

By: __________________________
   Carol Burmel Linda Longmire
   Its Board President -
   Executive Director - Hereto
   Duly Authorized
On this _____ day of _______ 200415, personally appeared James A. Lasie Petersen J. Tesesi, First Selectman of the Town of Greenwich, signer and sealer of the foregoing instrument, and acknowledged the same to be his free act and deed, and the free act and deed of said TOWN OF GREENWICH, before me.

Notary Public
My Commission Expires:

On this _____ day of _______ 200415, personally appeared Linda Longmire-George of GREENWICH ADULT DAY CARE, INC., signer and sealer of the foregoing instrument, and acknowledged the same to be his free act and deed, and the free act and deed of GREENWICH ADULT DAY CARE, INC., before me.

Notary Public
My Commission Expires:
Lease Parcel "A"

All that certain tract, piece or parcel of land situate, lying and being in the Town of Greenwich, County of Fairfield and State of Connecticut, said parcel of land being more particularly bounded and described as follows:

Beginning at a point on the Easterly street line of River Road Extension, formed by the intersection of the same with the division line between the premises described herein and land of Capparelle et al, now or formerly, then running along said Easterly street line of River Road Extension

North 21° 37' 13" East, a distance of 32.72 feet

to land of the Grantor, known as Lease Parcel "B"; then turning and running along said Lease Parcel "B" the following courses:

South 81° 18' 52" East, a distance of 90.00 feet;
South 45° 27' 29" East, a distance of 28.00 feet;
South 5° 28' 30" East, a distance of 41.00 feet

to the Northerly street line of East Putnam Avenue; then turning and running along said Northerly street line of East Putnam Avenue

an arc distance of 26.23 feet along a circular curve to the left having a radius of 868.51 feet; the long chord of said curve bearing South _______________ West, a distance of ____ feet;

South 69° 18' 52" West, a distance of 53.25 feet

to land of said Capparelle et al; then turning and running along land of said Capparelle, the following courses:

North 26° 24' 42" East, a distance of 37.73 feet;
North 64° 23' 18" West, a distance of 72.96 feet

to the point or place of beginning, containing 6,518 square feet, more or less.
Lease Parcel "B"

All that certain tract, piece or parcel of land situate, lying and being in the Town of Greenwich, County of Fairfield and State of Connecticut, said parcel of land being more particularly bounded and described as follows:

Beginning at a point on the Easterly street line of River Road Extension, formed by the intersection of the same with the division line between the premises described herein and land of The Connecticut Light and Power Company (CL&P), now or formerly, then running along land of said CL&P, and other land of the grantor known as Lease Parcel "C", the following courses:

an arc distance of 44.55 feet along a circular curve to the left having a radius of 25.00 feet to a point of tangency, the long chord of said curve bearing South 30° 15' 32" East a distance of 38.89 feet;

South 81° 18' 52" East, a distance of 49.52 feet to a point of curvature;

an arc distance of 1.36 feet along a circular curve to the right having a radius of 275.20 feet, the long chord of said curve bearing South 81° 10' 20" East, a distance of 1.36 feet;

South 79° 14' 20" East, a distance of 46.90 feet;
South 75° 10' 06" East, a distance of 81.08 feet;
South 74° 21' 19" East, a distance of 8.48 feet;
South 3° 59' 12" East, a distance of 59.64 feet

to the northerly street line of East Putnam Avenue; then turning and running along said Northerly street line of East Putnam Avenue, the following courses:

an arc distance of 118.45 feet along a circular curve to the left having a radius of 868.51 feet, the long chord of said curve bearing South _______ West, a distance of _______ feet

to land of the grantor, known as Lease Parcel "A"; then turning and running along said Lease Parcel "A" the following courses:

North 5° 28' 30" West, a distance of 41.00 feet;
North 45° 27' 29" West, a distance of 28.00 feet;
North 81° 18' 52" West, a distance of 90.00 feet

to the Easterly street line of River Road Extension; then turning and running along the Easterly street line of River Road Extension

North 21° 37' 13" East, a distance of 66.44 feet

to the point or place of beginning, containing 12,895 square feet, more or less.
Lease Parcel "C"

All that certain tract, piece or parcel of land situate, lying and being in the Town of Greenwich, County of Fairfield and State of Connecticut, said parcel of land being more particularly bounded and described as follows:

Beginning at a point formed by the intersection of the division lines between the premises described herein, other land of the Town of Greenwich also known as Lease Parcel "B", and land of the Connecticut Light and Power Company (CL&P), now or formerly, then running along said land of CL&P

North 20°47'48" East, a distance of 164.11 feet

to land of Franze, now or formerly; then turning and running along land of said Franze

South 69°12'12" East, a distance of 23.00 feet;

then turning and running across land of the Town of Greenwich, known as "Mianus Pond," the following courses:

South 3°18'47" East, a distance of 49.23 feet;

South 74°39'24" East, a distance of 53.69 feet;

South 15°20'36" West, a distance of 31.00 feet;

South 74°39'24" East, a distance of 19.00 feet;

South 15°20'36" West, a distance of 29.00 feet;

North 74°39'24" West, a distance of 21.64 feet;

South 15°19'36" West, a distance of 23.83 feet;

South 26°20'42" East, a distance of 35.15 feet

to other land of the Town of Greenwich, known as Lease Parcel "B"; then turning and running along said land of the Town of Greenwich, the following courses:

North 74°21'19" West, a distance of 0.85 feet;

North 75°10'06" West, a distance of 81.08 feet;

North 79°14'20" West, a distance of 46.90 feet

to the point or place of beginning, containing 13,705 square feet, more or less.
CERTIFIED MAIL

August 3, 2004

Mr. Bruce Cohen, Esq.
Fogarty, Cohen, Selby & Nemiroff
88 Field Point Road
Greenwich, CT 06830

Ms. Carol Burns
Greenwich Adult Day Care
70 Parsonage Road
Greenwich, CT 06830

RE: Town of Greenwich (Greenwich Adult Daycare Center); application FSP #2478-C and MI #523 for a final coastal site plan and municipal improvement to lease Town property and to construct the Greenwich Adult Daycare Center in the Mianus River Dam Pump Station building on property totaling 33,118 sq. ft. located on River Road Extension in the LB zone.

Dear Mr. Cohen and Ms. Burns:

At a regular meeting on July 20, 2004 and upon a motion to approve the municipal improvement for the Lease between the Town and GADC for construction and use of the building by GADC made by Mr. Heimbuch and seconded by Mr. Maitland, the following resolution was unanimously adopted: (Voting on this item: Messrs. Le Bien, Heimbuch, Maitland and Napolitano and Mrs. Colombo).

Whereas the Commission held public hearings on July 6th and July 20, 2004 on the Lease and coastal site plan for use of and construction on Town property for the Greenwich Adult Day Care facility and took all testimony as required by law; and

Whereas the Law Department has reviewed the lease and the Board of Selectmen has approved said Lease subject to RTM approval; and

Whereas the Commission finds that this Lease is in accord with the 1998 Plan of Conservation and Development and that the improvement of the site, building and uses meets the POCD’s policies and goals which state “provision of public facilities to serve
the needs of local residents” and under Commercial uses, “to improve the appearance and vitality of the Post Road and local business districts”; and

Whereas the Commission finds that this Greenwich Adult Day Care Center serves the needs of the elderly and Alzheimer residents of the town and there is a growing demand for such facilities and the use is permitted in the LB zone; and

Whereas the Commission finds that Municipal Improvement for the Lease of town property to GADC meets the requirements of Section 99 of the Town Charter, has been endorsed by the Town’s Conservation Commission and Commission on Aging, and has been reviewed by the Law Department and found adequate; and

Whereas the lease is for 10 years, at a $1.00 a year, with a renewal clause for an additional 10 years, and no subletting is permitted; further GADC does not assume responsibility for the foundation or the dam, but does assume all costs of cleanup of the site and building, and re-construction of the building, the fish way catwalk to be used for educational and environmental purposes for the public and public access areas to overlook the waterfall and river with public parking - subject to all local, state or federal approvals and permits necessary.

THEREFORE BE IT RESOLVED that application MI #523 as submitted Carol Burns, authorized agent on behalf of the Town of Greenwich, record owner and Greenwich Adult Day Care, Lessee for a municipal improvement to lease Town property and to construct the Greenwich Adult Daycare Center in the Mianus River Dam Pump Station building on property totaling 33,118 sq. ft. located on River Road Extension in the LB zone per Section 99 of the Town Charter is hereby approved.

Upon a second motion made by Mr. Heimbuch to approve final coastal site plan and seconded by Mr. Maitland, a second resolution was unanimously adopted: (Voting on this motion: Messrs. LeBien, Heimbuch, Maitland and Napolitano and Mrs. Colombo).

Whereas the Commission notes that the GADC at Nathaniel Witherell on Parsonage Road must relocate because the Nathaniel Witherell Town owned building will be demolished for a new building to be constructed, and this location in the Town’s Pump House at the intersection of Rte. 1 and River Road Extension is a more convenient location in a separate building with adequate parking and a landscaped garden area for the elderly clients, is a good adaptive reuse of the building that maintains the architectural integrity of the building, is permitted in the LB business zone and has sufficient parking of 32 spaces plus public parking, and therefore meets the Building Zone Regulations Sections 6-13, 6-14, 6-15, 6-100 and 6-205; and

Whereas the Historic District Commission, the Architectural Review Committee, Town Traffic Engineer, Engineering Division, IWWCA, and Conservation Commission have all reviewed and agreed to this proposal; and
Whereas the Commission finds that the State Coastal Management Act gives preference to uses that provide general public access to marine or tidal waters, and that access to the fish way and public access to view the water meets this criteria, but is subject to DEP approvals on the final plans; and

Whereas the Commission finds that this development plan will have no adverse coastal impacts, nor be detrimental to the Mianus River water quality at the dam or downstream, nor increase flood risks since the building is to be flood proofed, and therefore meets the standards of Section 6-111 and 6-139.1.

THEREFORE BE IT RESOLVED that application FSP #2478-C as submitted by Carol Burns, authorized agent on behalf of the Town of Greenwich, record owner and Greenwich Adult Day Care, Lessee for a final coastal site plan to construct the Greenwich Adult Daycare Center in the Mianus River Dam Pump Station building of 7,755 gsf on property totaling 33,118 sq. ft. located on River Road Extension in the LB zone per Sections 6-13, 6-15, 6-103, 6-111 and 6-139.1 of the Building Zone Regulations as shown on a site plan by Rocco V. D'Andrea, Inc. last revised 05/19/04 and architectural plans by R.S. Granoff Architects last revised 07/20/04 is hereby approved with modifications.

The modifications are as follows and will be shown on the 3 sets of final plans submitted to Planning and Zoning for staff reviews and signoff for permits:

1. DEP comments on the need for and location of the public access area for viewing the fish way and the Mianus River should be shown on the final plans. A small landscaped area and bench was to be provided at the end of the parking lot, but is presently not shown on the plans.

2. Relocation of the refuse area to a less visible area farther into the site would be more appropriate, as recommended by ARC.

3. The plans and method of construction of the catwalk to the fish way requires DEP approval, which has not been indicated by the applicant as being addressed. Other federal and state agencies may also be involved and a separate coastal site plan for said work is required to be submitted to Planning and Zoning. A phasing/staging construction plan for this catwalk and access ramp is required to be submitted. It is assumed that the construction of the building and catwalk and access ramp will occur simultaneously.

4. IWWCA approved the project at their June 28, 2004 meeting with conditions, and a portion of the fish way catwalk on July 27, 2004 with conditions. Final plans with all details be submitted to Wetlands for final signoff before building permit.

5. A Soil/Erosion Control Plan and Construction Phasing plans must be submitted at time of final plan submission. Staff inspection of soil & erosion controls in place must occur prior to building permit issuance.
6. Since this building is listed as an historical resource, was part of the Cos Cob Power Plant and conveyed to the Town by the State, Historic District Commission recommendations are applicable as noted in their letter of July 14, 2004.

7. The lease may need to be revised to reflect any site plan changes, especially DEP concerns, including modifications to the fish way catwalk.

8. All Highways, Traffic Divisions, Fire Marshall and other department comments to be addressed.

9. References to the 1999 plans for the catwalk to be eliminated from the Lease language and the new final plans with a new date and design engineer to be put into the lease instead. Final design drawings for the catwalk are subject to Planning and Zoning, Conservation, Wetlands, DPW Engineering and DEP approvals.

10. If public access is provided, there should be appropriate signage so the public knows the area is open for their use and where to park.

11. ARC comments be addressed as follows: Greenwich Adult Day Center: Conversion of Pump House to Greenwich Adult Daycare Center including parking and landscaping improvements (LB zone) Approved; however the following comments and suggestions were made by the ARC:
   - Applicant should consider varying color/material of paving or pattern in front of entrance to break up asphalt.
   - Applicant should submit samples of proposed materials.
   - Applicant should investigate another location for trash enclosure, possibly more towards the Post Road.
   - Applicant should consider having lighting on building, canopy.

12) Verification that the building has been or can be flood proofed be shown on the plans and provided by the engineer of record to the satisfaction of the ZEO and Planning and Zoning.

13) An industrial archaeologist to be invited in to photo document the building prior to any construction or removal of parts of the building.

14) Applicant to address the DPW Engineering comments dated June 29, 2004 regarding the bypass and infiltrators, the design of the driveway entrance and curbing, new sidewalk on River Road and Highway permit.

15) All clean up of the building and site be completed prior to any use or temporary CO. All DEP approvals to be in place.

16) Prior to any CO, all site plan conditions and Lease conditions be completed and licenses to be secured.
If you have any questions please call our office.

Very truly yours,

Diane W. Fox
Town Planner/Zoning Enforcement Coordinator

cc: Jim Maloney, William Marr, Dave Thompson, Ennio DeVita, Garo Garabedian, Joe Roberto, Jim Lash, Marcos Madrid, Aamina Ahmed, Mark Massoud, Joe Benoit, Denise Savageau
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # BR-1099795
Fairfield County Bank Insurance Services-DUG
850 East Main Street
Stamford, CT 06902

INSURED
Greenwich Adult Day Care, Inc.
125 River Road Extension
Cos Cob 06807

CONTACT NAME:
PHONE: 1 (203) 353-8343
FAX: 1 (203) 353-8344
ADDRESS: info@fcbins.com

INSPROR(S) AFFORDING COVERAGE NAIC #
INSURER A: Selective Ins. Co. of Southeast 39926
INSURER B: Selective Insurance Company 12572
INSURER C: United States Liability Ins. 25895
INSURER D:
INSURER E:

COVERSAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
BUILDING FLOOD COVERAGE IS $600,000 WITH A $25,000 DEDUCTIBLE
CONTENTS COVERAGE IS $350,000 WITH A $25,000 DEDUCTIBLE

CERTIFICATE HOLDER
Town of Greenwich
101 Field Point Road
Greenwich, CT 06830

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

©1988-2014 ACORD CORPORATION. All rights reserved.
# LEASE ABSTRACT

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## BASIC AGREEMENT INFORMATION

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<td>Adult Day Care</td>
<td>Amendment Dates</td>
</tr>
<tr>
<td>8</td>
<td>Adult Day Care</td>
<td>Agreement Commencement Date</td>
</tr>
<tr>
<td>9</td>
<td>Adult Day Care</td>
<td>Rent Commencement Date</td>
</tr>
<tr>
<td>10</td>
<td>Adult Day Care</td>
<td>Agreement Expiration Date</td>
</tr>
</tbody>
</table>

## AGREEMENT TERM

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<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>11</td>
<td>Adult Day Care</td>
<td>Rent</td>
</tr>
<tr>
<td>12</td>
<td>Adult Day Care</td>
<td>Additional Rent</td>
</tr>
<tr>
<td>13</td>
<td>Adult Day Care</td>
<td>Utilities</td>
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<tr>
<td>14</td>
<td>Adult Day Care</td>
<td>Real Estate Taxes/Payment in Lieu of Taxes</td>
</tr>
<tr>
<td>15</td>
<td>Adult Day Care</td>
<td>Operating Expenses</td>
</tr>
<tr>
<td>16</td>
<td>Adult Day Care</td>
<td>Other Charges</td>
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<tr>
<td>17</td>
<td>Adult Day Care</td>
<td>Permitted Use</td>
</tr>
<tr>
<td>18</td>
<td>Adult Day Care</td>
<td>Use Restrictions</td>
</tr>
<tr>
<td>19</td>
<td>Adult Day Care</td>
<td>Security Deposit</td>
</tr>
</tbody>
</table>
# LEASE ABSTRACT

## TENANT AND LANDLORD OPTIONS

<table>
<thead>
<tr>
<th>20</th>
<th>Adult Day Care</th>
<th>Termination Provisions</th>
<th>yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>Adult Day Care</td>
<td>Landlord’s Right to Terminate (other than casualty, condemnation or default)</td>
<td>Lack of required insurance, abandonment, lien over 90 days old, non-compliance with license, non-compliance with terms of lease</td>
</tr>
<tr>
<td>22</td>
<td>Adult Day Care</td>
<td>Tenant’s Right to Terminate (other than casualty or condemnation)</td>
<td>120 days written notice</td>
</tr>
<tr>
<td>23</td>
<td>Adult Day Care</td>
<td>Agreement Renewal Rights</td>
<td>3 successive 10 year terms with 6 months written notice and subject to such conditions as Town may then deem necessary or appropriate</td>
</tr>
<tr>
<td>24</td>
<td>Adult Day Care</td>
<td>Sublease Assignment</td>
<td>May sublet or assign only with consent of Town and appropriate boards and agencies. May sublet or assign to a non-profit only.</td>
</tr>
</tbody>
</table>

## MISCELLANEOUS AND ADDITIONAL INFORMATION

| 25 | Adult Day Care | Insurance | Any required by CT; all risk commercial property for current replacement cost; commercial general liability 1M/occurrence 2Maggregate; comprehensive auto 1M; insure Town against damage to premises; workmen's comp; umbrella 5M/occurrence |
| 26 | Adult Day Care | Landlord Services | Snow plow parcel A; Maintain building foundation and Mianus Pond Fishway and dam |
| 27 | Adult Day Care | Ownership of Improvements | Improvements or alterations become property of Town. GADC may remove personal property, furniture and equipment. |
| 28 | Adult Day Care | Casualty | yes |
| 29 | Adult Day Care | Miscellaneous | GADC indemnifies the Town.--Comptroller may increase insurance requirements as needed. |
| 30 | Adult Day Care | Other | |

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39
River House Adult Day Center (formerly Greenwich Adult Day Care)

History:

May 2, 1977, River House, then known as the Witherell Pavilion Club, opened its doors at Nathaniel Witherell. The program began as a one-year pilot project spearheaded by a United Way study and the Greenwich Commission on Aging. The recommendation was to establish a community-based day care to serve Greenwich's growing frail elderly population. Just one paid staff person and several volunteers administered the social and recreational program.

In 1981 The Pavilion Club moved to the Greenwich Senior Center. Under the auspices of the Town Board of Health a new Board of Directors was formed. The name was changed to Greenwich Adult Center in 1984 and the following year moved back to Nathaniel Witherell.

By 1990 the number of annual clients had grown to 76 and 5,908 days of service were provided. With support from the community and Community Development Block Grant, funds were raised for the renovation and expansion of the space at Witherell. Another expansion in 2002 created The Gazebo with specialized programs to meet the needs of clients with special need and dementia.

In 2003 the space at Witherell had been maximized and the Board of Directors resolved to find a new location. With the Town of Greenwich’s help, an ideal location and structure was found. The historic 1927 Railroad Pump House on the Post Road in Cos Cob had been abandoned for many years and while its renovation presented major challenges, its central location was easily reached by public or private transportation. Particularly enticing was its location right on the waterfall and Mianus River with magnificent scenic views up the Mianus Pond. Over the next four years the Campaign for GADC’s Future was launched, the lease with the Town was signed and construction began. June 18th, 2008, the ribbon cutting was held and on July 1st the clients arrived. This was a successful public/private partnership that raised over $5 million to fully fund the renovation.

River House Today:

River House is committed to increasing the quality of life for seniors in our community by offering affordable, customized programs six days a week with a focus on cognitive, physical and social stimulation. Physician directed health care is administered by skilled RN's and staff is on-site to provide personal care services including showers, shaving, hair and nail care. Healthy meals are prepared to meet individual dietary needs. On-site salon and podiatry services are available. There is also a specially designed care program for those with special needs. Door-to-door handicap-accessible transportation is provided by Transportation Association of Greenwich.
Over the past 38 years, River House has stayed consistent to its mission of improving quality of life for clients and their families. The program has adapted starting with the implementation of the medical model, health care component in 1986. River House has also become a resource to the community. The Caregiver Information Center, staffed by a licensed clinical social worker, offers education, information and referral and counselling to the community. MasterMind, a brain exercise series offers a new way to maintain brain health for all levels. Support groups for caregivers provide guidance through a network of peers. Support groups are also being formed for persons with a diagnosis of early stage dementia. The Caregiver Circle, a four session course each spring and fall, gives useful information from experts in the field of aging. All these programs are open to the community.

Last year 146 clients received services and over 13,000 days of service were provided.

Since River House was first certified in 1995, it has consistently received "Certification with Commendation".

Benefits to Clients and Families:

Peg, a client and MasterMind participant, comes to us from an assisted living facility. Her family enrolled her with us because she had few people to converse with and lacked enrichment programming at her facility. At River House, the staff customizes our programs to suit her specific needs. Peg's favorites are MasterMind and Life Journaling with Lyndsay, a gerontologist and our Assistant Program Coordinator. Both classes help to strengthen brain fitness while allowing participants to have more one-on-one interactions with their peers. As Peg explained to Lyndsay: "No one really listens to my stories over there. Every program here has a purpose and helps my brain. I want to come here every day."

Hilda Lorenzo-Dizon shared her story about her experiences with River House at the Annual Garden Party this year.

Hilda was typical of the sandwich generation – caring for a teenage daughter and her parents while holding a full time job that also entailed some travel. River house made it possible for her to maintain a healthy work-life balance.

In 2005, her father was recuperating from a fractured hip and was receiving therapy at Witherell. At the same time her mother was receiving radiation and chemotherapy for cancer. In order to give her father a more meaningful life and her mother respite from being his 24/7 caregiver when he returned home, Hilda took the advice of the social worker at Witherell and visited River House. With encouragement from his family and the caring of the staff he made a successful transition. He enjoyed bingo and the art therapy class. He attended River House for 38 months until his death in 2009.

Five years later her mother fell sustaining a head injury that left her legally blind. She became socially isolated and depressed. A companion was hired but her mom still did
not have the socialization and activities she needed. Now her mom is attending River House and in spite of her poor memory she is happy and engaged. She is able to meet her weekday doctor’s appointments because River House arranges for TAG to take her and return her to River House.

These are two stories that are typical of the many seniors and their families who have been helped by the programs and services at River House. The day program allows seniors to stay at home in their community while allowing their families to work or just recover from the burden of providing 24/7 care. As health care changes, River House is working on a strategic plan to be able to continue to work within the continuum of care to offer affordable quality health, social and recreation programs.
MISSION
River House’s mission is to support and enrich the quality of life for seniors living with age-related needs and impairments in a safe and nurturing environment.
River House provides:
- Customized day-time programs and services that stimulate intellectual, physical and emotional well-being.
- Professional monitoring of health and personal care needs.
- Counsel and peace of mind for caregivers and families.

PROGRAM
River House offers enjoyable, therapeutic programs, which balance health care, therapeutic activities, and social recreation, and include the following services:
- Therapeutic Recreation
- Personal Care and Bathing
- Socialization
- Health Care
- Family Counseling
- Rehabilitative Therapies
- Support Groups
- Escortined Door-thru-Door Transportation
- Individualized Care Plans
- Information and Referral
- Lunch and Snacks
- Medications and Treatments
- Community Trips

SCHEDULE
Monday through Friday 7:30 a.m. to 4:30 p.m.; Saturday 8:30 a.m. to 4:30 p.m. Special hours by prior arrangement.

CLIENTS
Adults whose ability to function independently is impaired by physical or cognitive disabilities. These could be persons with vision and hearing loss, chronic diseases such as arthritis and diabetes, someone recovering from a stroke or fractured hip or someone with Alzheimer’s disease or dementia.

STAFF
The experienced professional staff includes registered nurses; a licensed clinical social worker; gerontologist; therapeutic recreation coordinator; health, program and rehabilitation aides; and music, dance/movement and art therapy consultants. A corps of volunteers, young and old, provides program support.

FEES
The current daily fee is $94.00, with subsidized fees available based on an individual's ability to pay.

FUNDING
User fees and third-party reimbursements; long-term care insurance; federal and state grants; contributions from individuals, corporations, foundations, religious and civic organizations; and the United Way of Greenwich.

ACCOMPLISHMENTS
During the past fiscal year (July 1, 2013 - June 30, 2014), River House served 146 persons and provided 13,027 days of service.
By-Laws
Of
Greenwich Adult Day Care, Inc.

ARTICLE I - Identification, Location and Purpose.

Section 1. Name. The name of the Corporation is Greenwich Adult Day Care, Inc.
A name registered for use in conducting and transacting business in Connecticut.

Section 2. Seal. Upon the seal of the Corporation shall appear the name of the Corporation,
the state of incorporation, and the words "Corporate Seal".

Section 3. Offices. The principal office of the Corporation shall be located in the Town of
Greenwich, Connecticut. The Corporation may also have other offices at such places, either
within or without the State of Connecticut, as the Board of Directors may determine or as the
activities of the Corporation may require.

Section 4. Purposes. The purposes of the Corporation are as stated in the Certificate of
Incorporation and elaborated upon in the Mission Statement of the Corporation.

ARTICLE II - Board of Directors.

Section 1. Management. The business, property and affairs of the Corporation shall be
managed by the Board of Directors.

Section 2. Authority and Powers. The Board of Directors shall oversee the management
and control the affairs of the Corporation and shall have and may exercise all powers of the
Corporation, subject to the provisions of these By-Laws, the Corporation's Certificate of
Incorporation and the laws of the State of Connecticut.

Section 3. Number of Directors. The number of Directors shall be determined from time to
time by the Board of Directors, but shall not be less than ten.

Section 4. Classes of Directors, Election and Term. The Board shall be divided into
three classes of Directors with staggered three-year terms, each class consisting of
approximately one-third (1/3) of the total number of Directors. Each year the term of one
class shall expire, while the other two shall continue to serve. At each Annual Meeting a full
class of Directors shall be elected to replace those whose term is expiring. At an Annual
Meeting Directors may also be elected to fill vacancies in a class whose term expires in one
or two years.

In the event a Director ceases to serve at any time between Annual Meetings, a Director
may be elected to fill the vacancy for the remainder of the term. A Director may not serve
more than two consecutive three-year terms, except if a Director elected to fill a vacancy
shall serve one-half or less than one-half of a three-year term for purpose of calculating
consecutive terms. Under special circumstances, a Director may have his/her term extended, for a specified term, by a two-thirds (2/3’s) vote of the full Board of Directors. A past Director may be elected to the Board after an absence of one year.

Section 5. Resignation and Removal. Any Director may resign or be removed at any time. A Director who intends to resign shall give written notice to the Board of Directors in care of the President. Removal of a Director, with or without cause, may be effected at any time by a two-thirds (2/3’s) vote of the full Board of Directors.

Section 6. Nominations. At least two weeks in advance of the Annual Meeting of the Board or any other meeting, at which the election of a Director(s) is to be proposed, the Nominating Committee shall submit to the Board, in care of the President, proposed nominees for those director positions to be filled at the meeting. Any Director may present additional nominations from the floor at any meeting at which Directors are to be elected.

Section 7. Meetings and Notices. The Annual Meeting of the Board shall be held in June of each year at such time and place as the Board shall direct.

There shall be no less than six regular meetings (including the Annual Meeting as one of the six) in each twelve-month period commencing in July of each year. The dates, times and places of the regular meetings shall be set early in each year.

No notice of regular meeting shall be required, except that no By-Law may be brought up for adoption, amendment or repeal unless stated in a written notice of the meeting.

The President may call a special meeting of the Board whenever deemed necessary, and shall call a special meeting whenever requested to do so in writing by two or more Directors.

Written, electronic or oral notice of a special meeting, stating the purpose or purposes for which the meeting is called, shall be given to each Director not less than two days prior to the meeting. No business other than that specified in the notice shall be transacted at any special meeting.

Section 8. Quorum and Voting. A majority of the authorized director positions shall constitute a quorum for the transaction of business. The act of a majority of those present shall be the act of the Board, unless a greater number is required by law or the Certificate of Incorporation or these By-Laws.

ARTICLE III - Officers.

Section 1. Number. The Officers of the Corporation shall include a President, one or more Vice Presidents, a Secretary, a Treasurer and such other Officers as may be elected by the Board. The Officers shall be selected from among members of the Board.

Section 2. Election. The Officers of the Corporation shall be elected by the Directors at the Annual Meeting of the Board.
Section 3. Term. An Officer shall serve a one-year term and may be considered for re-election on the recommendation of the Nominating Committee.

Section 4. Vacancies. If a vacancy occurs as a result of the death resignation, removal or incapacity of an Officer, the vacancy may be filled by a vote of the duly elected Directors from the candidates submitted by the Nominating Committee for the unexpired term of the Officer.

Section 5. Powers and Duties.

President. The President shall be the Chief Executive Officer of the Corporation and shall be responsible to the Board of Directors for the on-going management of the Corporation’s business, property and affairs.

The President shall supervise and oversee the activities of the Executive Director.

The President shall preside at all regular and special meetings of the Board and of the Executive Committee of the Board and shall be an ex officio member of all other Committees.

Vice President(s). Vice Presidents shall have such powers and duties as the President or the Board may from time to time assign

Secretary. The Secretary shall be responsible for attending all meetings of the Board and Executive Committee and maintaining records of the proceedings.

Treasurer. The Treasurer shall be responsible for overseeing the financial operations of the Corporation. (S)he shall serve as Chairperson of the Finance and Investment Committee.

Article IV - Committees of the Board

Section 1. Election. There shall be five Committees of the Board: Executive, Finance & Investment, Personnel, Nominating and Audit as hereinafter provided. These committees, including a Chairperson of each, shall be elected annually by a majority of the entire Board of Directors upon nomination by the President.

Section 2. Executive Committee. The Executive Committee shall include the President, the Vice President(s), the Secretary and the Treasurer. The President shall serve as Chairperson of this Committee.

The Executive Committee may exercise the authority of the Board of Directors subject to the following exceptions specified in the Act: (1) fill vacancies on the Board or any of its committees; (2) amend the Certificate of Incorporation; (3) adopt, amend or repeal By-Laws; (4) approve a plan of merger; (5) approve a sale, lease, exchange or disposition of all, or substantially all, of the property of the Corporation, other than (a) in the usual and regular course of affairs of the Corporation or (b) a mortgage, pledge, or other encumbrance described in Section 33-1163 (a) (2) of the Act; or (6) approve a proposal to dissolve between meetings of the Board or in the event of an emergency situation, including that in
which there is insufficient time to bring a vote to the full Board, and has the power to pass resolutions on behalf of the Board. Any such resolution(s) shall be reported to the Board at its next regular or special meeting.

Section 3. Finance & Investment Committee. The Finance & Investment Committee shall be composed of at least three (3) Directors, including the Treasurer who shall be chair.

The Finance & Investment Committee shall be responsible for (1) overseeing the administration of all funds of the Corporation, including the prudent management and conservation of capital funds, (2) ensuring the maintenance of accurate financial records, (3) overseeing the preparation of (a) the annual operating budget and, as needed, a capital budget for review and acceptance by the Board of Directors and (b) monthly financial statements, and (4) reporting regularly to the Board on the activities of the Committee, the financial condition of the Corporation and securing the approval of the Board of major organizational and policy changes.

Section 4. Personnel Committee. The Personnel Committee shall be composed of at least three (3) Directors. The Personnel Committee shall be responsible for (1) ensuring that there is a suitable plan of organization in place with position descriptions for all employees to carry out the operations of the Corporation, (2) overseeing the development, review and administration of personnel policies and procedures applicable to employees of the Corporation, including but not limited to, those pertaining to employment, compensation and benefits, training and performance evaluation and (3) keeping the Board of Directors informed of the activities of the Committee and securing the approval of the Board of major organization and policy changes.

Section 5. Audit Committee. The Audit Committee shall be composed of at least three (3) Directors.

The Audit Committee shall be responsible for (1) recommending for Board approval the appointment of the auditor, (2) arranging for the annual independent audit of the financial affairs of the Corporation, the report of which shall be subject to acceptance by the Board of Directors, (3) the preparation and review of tax filings and (4) the monitoring, in coordination with the Executive Committee, the provisions of and adherence to the Corporation’s established policy regarding possible breaches in compliance with the then current Code of Ethics and Conflict of Interest.

Section 6. Nominating Committee. The Nominating Committee shall be composed of at least three (3) Directors.

The Nominating Committee shall be responsible for (1) developing and presenting a slate of candidates for election at the next Annual Meeting to replace the class of Directors whose term is expiring and to fill any vacancies in other classes of Directors whose terms will expire one or two years later, (2) developing and presenting a slate of Officers for election by the new Board of Directors at the next Annual Meeting, (3) developing and presenting Director candidates, as needed, to fill vacancies on the Board which may exist between Annual Meetings for election at any regular or special meeting of the Board and (4) assuring appropriate orientation of new Directors.
Section 7. Meetings and Notices. Committees of the Board shall meet either (1) in accordance with a schedule of dates, times and places as determined by each committee or (2) as needed when requested by the respective Committee Chairperson, the President, or by a committee member. Notice of a meeting shall be given to each committee member not less than two days prior to the meeting.

Section 8. Quorum and Voting. A majority of committee members shall constitute a quorum for the transaction of business by a committee of the Board. The act of a majority of those present shall be the act of the committee.

Article V – Standing Committees

Section 1. Appointment. Standing committees shall include Development, Program, Property and Marketing. Other standing committees may be appointed, as the Board may deem necessary or appropriate.

The President shall appoint members of the standing committees, including a chairperson of each. Committees may include as members persons who are not Directors, but a majority of the members of each committee, including the Chairperson, shall be Directors.

Section 2. Meetings and Notices. Standing committees shall meet either (1) in accordance with a schedule of dates, times and places as determined by each committee or (2) as needed when requested by the respective Committee Chairperson, the President, or by a committee member. Notice of a meeting shall be given to each committee member not less than two days prior to the meeting.

Section 3. Quorum and Voting. A majority of committee members shall constitute a quorum for the transaction of business by a committee of the Board. The act of a majority of those present shall be the act of the committee.

Section 4. Special and Ad Hoc Committees. The President, with the consent of the Board, may also appoint members of special or ad hoc committees. Special or ad hoc committees may include as members persons who are not Directors. At least one committee member shall be a Director in order to facilitate reporting on behalf of the committee at Board meetings.

Article VI - Executive Director. The Executive Director shall be responsible for the management of the affairs of the Corporation and the implementation of all policies and programs prescribed by the Board.

Article VII - Miscellaneous

Section 1. Fiscal Year. The fiscal year of the Corporation shall be from July 1 to June 30 of the following calendar year.
Section 2. Depositories. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Finance & Investment Committee may select with the approval of the Board.

Section 3. Signators. Corporate documents, including contracts, checks, drafts or other orders for the payment of money, notes or other evidence of indebtedness issued in the name of the Corporation, shall be signed by such Officer or Officers, agent or agents of the Corporation and in such manner as shall from time to time be determined by the Board of Directors.

Section 4. Participation by Telephone. One or more members of the Board of Directors or a committee may participate in a meeting of the respective Board or committee by means of a conference telephone or similar arrangement permitting all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

Section 6. Consent in Writing. Action of the Board or of a committee may be taken by consent in writing in lieu of a meeting as permitted by Connecticut law, the provisions of which require the signatures of all members of the respective Board or committee.

Article VIII – Code of Ethics and Conflict of Interest.

Section 1. Certification. All employees and members of the Board of Directors shall be required each year to certify in writing adherence to the then current Code of Ethics and Conflict of Interest. The signed certifications of adherence shall be kept in the office of the Corporation.

Section 2. Review. The Audit Committee shall review annually the Corporation’s compliance with its Code of Ethics and Conflict of Interest and shall report to the Executive Committee, which shall take action as may be required. The Board of Directors shall review not less than every two years the Code of Ethics and Conflict of Interest.

Article IX - Amendments.

Section 1. Certificate of Incorporation. Amendments to the Certificate of Incorporation may be adopted by vote of at least two-thirds (2/3’s) of the full Board of Directors.

Section 2. By-Laws. These By-Laws may be amended or repealed, in whole or in part, and new or amended By-Laws adopted by the Board of Directors at any time, upon notice of the proposed action by the affirmative vote of at least two-thirds (2/3’s) of the full Board of Directors.

TOWN OF GREENWICH

FINANCE DEPARTMENT

MEMORANDUM

TO: Ben Branyan, Town Administrator
FROM: Ron Lalli, Director of Risk Management
DATE: August 13, 2015
RE: Greenwich Adult Day Care Lease Renewal

I have communicated my suggestions for an updated insurance requirement for the draft lease document dated August 10, 2015. All Risk Management changes are in fact incorporated in Section 9 of the lease document.
-MEMO-

To: Benjamin Branyan
From: Tim Girian
cc: Lauren Elliott, Aamina Ahmad
Date: August 12, 2015
Re: 125 River Road Extension (08-4610/s)
     Greenwich, CT

As requested, I have reviewed the above referenced subject property.

According to the information presented to date, the subject property contains 4.0 acres and is an approximately 4,807 square foot building (first floor). The subject is located on a WB, Waterfront Business zone and is identified as 08-4610/s in the assessor’s records.

The town has a value of $3,540,600 which is reasonable for your purposes on its assessor’s card. Therefore, as of the date of this memo, the valuation of the subject property market value is: $3,540,600.00.
EXEMPT
Selectmen’s Policy on the Leasing of Town Land

The Town of Greenwich has been and will likely continue to receive requests for the leasing of Town land for commercial and philanthropic purposes. Since it is appropriate that the public be aware of the basis that the members of the Board will utilize for such decisions it is important that the Board discuss and vote on the policy that they will follow for the approval or disapproval of such requests.

All such requests for the leasing of Town land shall discuss in detail the public benefit that is expected to accrue from the use of the proposed property. If the lease is to be commercial based, the economic benefit to the Town shall be reviewed in relationship to the market place. Secondly, other benefits such as the improvement to Town land or buildings or the maintenance of Town facilities, at no cost to the Town shall be identified.

Public/Private partnerships, in which the Town is unable to provide certain services but is desirous to do so, will be sought and encouraged. In such cases the Town will solicit outside groups or agencies to provide services that are viewed as important components of the Greenwich community. Leases to such groups will follow the same process and public review period as other proposed leases.

Leases that are proposed that are based upon the public good shall identify the benefits that are expected to occur as a result of their use of public property. Services that are viewed as beneficial to the community but are not provided through the Town should be itemized and whenever possible quantified.

Leases that are proposed to the members of the Board of Selectmen shall be evaluated by the members of the Board individually based upon their best judgment on a case by case basis. If the proposed lease is approved and has completed all of the review steps it will be submitted to the Representative Town Meeting (RTM) for their concurrence or disapproval.

All such requests for the leasing of Town land shall follow the process that is listed on page 2 of this memorandum. Periodically the Board of Selectmen will review this policy and process statement and will make such changes as they deem in the public good.
Process to be Followed for the Lease of Town Land

(Town Land that is not Park Land or has a deed, conservation or other form of restrictive easement or covenant that limits the Town’s ability to lease the property)

First Selectman’s Office
Request received for the lease of Town property.

Referred to Law Department
Law Department staff and personnel from the First Selectman’s Office review the request to determine what legal and/or business issues are involved. A decision is made whether the property should be the subject of a formal or informal RFP process to see if there are any other interested parties in the property. If the lease is to be based upon an arm’s length business transaction the terms of the agreement are negotiated. If the lease is to be based upon the provision of public services to the community the benefits must be identified and quantified.

First Selectman may refer
Other Departments, Commissions or other bodies may be asked for their recommendations or advice depending upon the circumstances of the request.

After the request has been vetted and the terms of any lease are drafted

Board of Selectmen
The Board of Selectmen will discuss the proposal during a minimum of two meetings to permit public comment. If the Board supports the request they will vote for Municipal Improvement status and submit the application to P & Z.

P & Z Commission
P & Z will consider the proposed use in relationship to the POCD and the zoning of the property. As a part of the MI process, a site plan application is required to be submitted to P & Z for the proposed use and associated site development. P & Z may wish to bring forth other issues that may have a bearing on the proposed sale or lease. Environmental factors may require the application to be reviewed by Conservation, IWWCA, and DPW’s Traffic or Engineering Division, etc. A public meeting will be held by P & Z to gather additional public comment. If P & Z approves MI status they may also submit any comments or recommendations on the application to the Board of Selectmen.

Board of Selectmen
The Board of Selectmen schedules a vote to refer the matter to the RTM for their consideration. If approved, the draft lease agreement and assorted backup will be sent to the RTM for their action.
Historic District Commission

TOWN OF GREENWICH

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

July 22, 2015

VIA HAND DELIVERY
First Selectman Peter J. Tesei
Selectman Drew Marzullo
Selectman John Toner
Greenwich Town Hall
101 Field Point Road
Greenwich, CT 06830

Re: 117 Dingletown Road

Gentlemen:

I have been contacted by Margaret Larkin who owns the property at 117 Dingletown Road in Greenwich. She has expressed interest in having her house at that location designated as an historic property pursuant to Connecticut Statute 7-147q. This appears to be a significant house dating to the early 18th century.

The first step in the procedure set forth in the statute is for the chief elected official of the municipality to appoint a study committee for the purposes of making an investigation of the proposed historic property. I am writing to ask that you appoint the Historic District Commission to be the study committee to investigate this property at 117 Dingletown Road to determine if it is an appropriate property to be named an historic property.

Please feel free to contact me at 203-325-4477 if there are any questions.

Very truly yours,

Stephen L. Bishop
Chairman

SLB:las
HOW TO DESIGNATE A SINGLE PROPERTY:
Refer to Sec. 7-147q and Sec. 7-147r (attached) for details

1. An historic properties study committee is established.

2. The study committee produces a study report on the property, which must include:
   - An analysis of the historic significance and architectural merit of the property;
   - A map showing the exact boundaries of the area to be designated.
   - Current photographs of the property
   - A proposed ordinance designed to designate and provide for the protection of an historic property or properties. If there is already an ordinance in place, it can be amended to add the property; and
   - The name of the current owner(s) of record
   - Any other matters as the committee may deem necessary or advisable.

3. The study committee sends copies of the report to:
   - Connecticut Commission on Culture and Tourism (we need 22 copies)
   - Your Planning Commission and Zoning Commission

   Each must make comments within 65 days of receiving the report.

4. The study committee holds a public hearing on the designation of the proposed historic property. The public hearing cannot be held less than 65 days after the report is submitted to the CCT and P&Z, unless comments are received from both parties. If no comments are received within 65 days, the committee can assume the silent party approves.

PLEASE REFER TO SECTION 7-147q (e) FOR PROCEDURES ON NOTICING A PUBLIC HEARING.

5. After the hearing the committee submits a report with any changes introduced at the public hearing to the legislative body of the municipality and the town clerk.

6. The owner(s) of record of the property may object to the proposed designation. If there is no written objection received pursuant to Section 7-147q (g), within thirty days following the public hearing, the legislative body can do one of the following:
   - Accept the report and enact an ordinance to designate the historic property and provide for its regulation.
   - Reject the report of the committee, stating its reasons for such rejection; or
   - Return the report to the historic properties study committee, with such amendments and revisions as it may deem advisable, for consideration by the committee.
APPLICATION BY
THE HISTORIC DISTRICT
COMMISSION OF THE
TOWN OF GREENWICH
TO BE APPOINTED THE
"STUDY COMMITTEE" TO
DRAFT A "STUDY
COMMITTEE REPORT" TO
ESTABLISH A LOCAL
HISTORIC PROPERTY
DESIGNATION FOR:

117 DINGLETOWN ROAD
GREENWICH, CT.
What is a Local Historic Property?

- A Local Historic Property (LHP) consists of a single building or site that represents important historical events, trends, and architectural styles in the community.
- CGS, Section 7-147p defines the historic property as “any individual building, structure, object or site that is significant in the history, architecture, archaeology and culture of the state, its political subdivisions or the nation and the real property used in connection therewith.”
- The LHP designation is suited to important historic, architectural, or archaeological resources that are isolated or widely separated from related sites, but whose preservation and appearance are important to the sense of the community’s heritage.

What is the Enabling Statute?

- CGS, Section Section 7-147q constitute the enabling legislation for LHPs in Connecticut. This legislation details the specific procedures and legal requirements for properly designating an LHP and establishing the appropriate local commission.
- HDCs must be familiar with the enabling statute as the legal and practical basis for their authority. Understanding the process for establishing and administering LHDs will help reduce potential conflicts between the commission and property owners. Well-informed commissions are able to demonstrate that LHD designations serve the interests of the community in the same way as other regulations such as zoning and building codes.

What is the Local Historic Property Study Committee?

- The Study Committee shall consist of five regular members and three alternates, all of whom must be electors of the municipality, none holding paid public office in the town. An already existing historic district commission established in the municipality may be appointed to make this investigation. Often members of the Study Committee will represent a range of professional expertise in one or more of the following areas: architecture, architectural history, historic preservation, land use and real estate law, local history, real estate and development, planning and zoning, or other design-related professions. The Study Committee may seek additional outside expertise to assist in researching historical information, identifying architectural styles, and defining the nature and degree of significance for each property.
- The primary responsibility of the Study Committee is to produce the report that recommends and justifies the creation of one or more LHP designations. The Study Committee will also guide the report through the process of submission, revision, public hearing, and adoption.

What is in a Study Report?

- To be considered complete, the Study Committee Report must include four required items: (1) an analysis of the historical and architectural significance of the proposed district, (2) a general description of the proposed district with the number and age of buildings, (3) a map showing the exact boundaries of the proposed LHP, and (4) a proposed ordinance. Additional items may be included in the Study Committee Report in order to document the process and support the recommendations.
RESOLVED, “That the Historic District Commission be named the official Study Committee to perform an investigation regarding Gershom Lockwood III House to determine its appropriateness for designation as a “Local Historic Property”.

- On July 8, 2015 Chairman Bishop submitted a motion to members of the Historic District Commission (HDC) to have the property located at 117 Dingleton Road, Greenwich, CT (labeled the Gershom Lockwood III house by the Greenwich Historical Society) receive the historic designation, “Local Historic Property.” The members of the HDC voted unanimously to move forward on this application.
Establishing a Local Historic Property

- Form and Appoint the Study Committee (CGS, Section 7-147q (a))
  [Note: this is being determined at BOS mtg August 21, 2015]

- Prepare the Study Committee Report (CGS, Section 7-147q (b))

- Submit the Study Committee Report for Initial Review (CGS, Section 7-147q (c))

- Amend or Revise the Study Committee Report (CGS, Section 7-147q (c))

- Invite Public Comment (CGS, Section 7-147q (d) and (e))

- Submit the Report and Recommendations (CGS, Section 7-147q (f))

- Conduct the Balloting of Property Owners (CGS, Section 7-147q (g))

- Provide Balloting Results to Legislative Body of the Municipality for Action (CGS, Section 7-147q (g))

- Implement the Ordinance (CGS, Section 7-147b (j) and 7-147q (h))

- The LHP Study Committee is appointed by the local legislative body or municipal officer, and includes five regular and three alternate members, all electors of the municipality.
  The Study Committee evaluates the historical and architectural significance of properties being considered and delineates proposed boundaries of the historic district.
  The Study Committee submits a report and recommendations to the designated town planning and zoning authority and to CCT.
  The CCT and the designated planning and zoning authority have sixty-five days to return comments.
  After written notice is sent to property owners and two legal notices are posted in a local newspaper, the Study Committee holds a public hearing on the proposed LHP.
  The Study Committee submits a final report and recommendations to the local legislative body and the municipal clerk within sixty-five days of the public hearing.
  Unless the owner submits a written notarized objection to the designation within thirty days of the public hearing, the Study Committee Report is referred to the local legislative body.
  Unless persons holding 50 percent or more of ownership interest in the proposed property object, the legislative body may (a) accept the report and enact the ordinance, (b) reject the report, or (c) return it to the Study Committee for revision.
  The local Historic District Commission (HDC) is appointed by the local legislative body, and a copy of the ordinance is entered into local land records and indexed by the municipal clerk.
Benefits of Preservation Designation

- The Historic District Commission (HDC) is the duly appointed municipal commission that represents the interest of the community in maintaining the architectural and historical integrity of the Local Historic District (LHD) or Local Historic Property (LHP). Working with property owners and municipal agencies, the HDC helps to preserve designated historic buildings and structures by reviewing any proposed exterior changes that will be visible from a public way.

- LHD and LHP designations represent one of the strongest forms of protection for cultural resources in the community. Historic designations have helped communities promote the preservation and responsible treatment of significant historical and architectural resources regardless of ownership or use. Historic district and historic property designations protect buildings, structures, and archaeological sites from the threat of demolition and inappropriate exterior alteration.

- Through the designation process, community leaders and residents will have the opportunity to articulate the justification and benefits of an LHD or LHP. In its official capacity, the Study Committee will refer to these statements to guide and direct its actions.

- There are many benefits to designating an LHD or LHP in the community beyond the primary responsibility for exterior review. The Connecticut enabling statute (Connecticut General Statutes (CGS), Section 7-147a (b)) outlines four broad ways in which historic district and historic properties commissions can serve their communities.

- Under the statute, historic district and historic property commissions may “promote the educational, cultural, economic and general welfare of the public” through the preservation and protection of significant historic resources. Understanding the broad range of these benefits can help explain the advantages of having a commission, attract community support, and build a stronger coalition of partners.
117 Dingletown road, Greenwich, Connecticut has been referred by the Greenwich Historical Society as the Gershom Lockwood III House as he was the home's original owner and builder c 1750. It is a particularly excellent example of colonial architecture and is one of the very few remaining mid-18th century structures in Greenwich
Clockwise beginning upper left
1856 Clark map
   (see D. Lyon)
1900 Hyde & Co map
   (see Samuel Bloomfield)
1908 Belcher Hyde Atlas
   (see Samuel Bloomfield)
CHAPTER 97a*
HISTORIC DISTRICTS AND HISTORIC PROPERTIES

*Cited. 196 C. 596. Sec. 7-147a et seq. cited. 227 C. 71.

Sec. 7-147a et seq. cited. 29 CA 28.

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PART I*
HISTORIC DISTRICTS

*Cited. 196 C. 596. 602, 607.

Because this part (Sec. 7-147a et seq.) provides comprehensive, detailed legislative scheme for establishment of historic district, including approval of legislative body, and because referendum authorized by town charter is not such a legislative body, provision
of town charter is inapplicable to adoption of historic district ordinance in accordance with this part and has no place in such scheme. 62 CA 298.

Sec. 7-147a. Historic districts authorized. Definitions. (a) As used in this part: "Altered" means changed, modified, rebuilt, removed, demolished, restored, razed, moved or reconstructed; "erected" means constructed, built, installed or enlarged; "exterior architectural features" means such portion of the exterior of a structure or building as is open to view from a public street, way or place; "building" means a combination of materials forming a shelter for persons, animals or property; "structure" means any combination of materials, other than a building, which is affixed to the land, and shall include, but not be limited to, signs, fences and walls; "municipality" means any town, city, borough, consolidated town and city or consolidated town and borough; "appropriate" means not incongruous with those aspects of the historic district which the historic district commission determines to be historically or architecturally significant.

(b) Any municipality may, by vote of its legislative body and in conformance with the standards and criteria formulated by the Connecticut Commission on Culture and Tourism, establish within its confines an historic district or districts to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places associated with the history of or indicative of a period or style of architecture of the municipality, of the state or of the nation.

(c) The legislative body of any municipality may make appropriations for the purpose of carrying out the provisions of this part.


History: 1965 act added provision requiring district to conform to standards and criteria of historical commission; P.A. 80-314 added Subsec. (a) containing definitions and divided earlier provisions into Subsecs. (b) and (c); P.A. 86-105 added definition of "appropriate" in Subsec. (a); June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism.


Subsec. (a):

Includes objects embedded in the earth, such as posts, stakes and foundations connected to objects rising above the surface and very heavy objects "affixed" to the
ground by gravity, but not isolated objects that rest lightly on the surface of the ground that can easily be moved. 282 C. 672.

Sec. 7-147b. Procedure for establishment of historic district. Prior to the establishment of an historic district or districts, the following steps shall be taken:

(a) The legislative body shall appoint or authorize the chief elected official of the municipality to appoint an historic district study committee for the purpose of making an investigation of a proposed historic district or districts. The legislative body of a municipality which proposes to establish more than one district may establish more than one committee if the proposed districts are not contiguous to each other nor to any existing historic district. Each committee established under the provisions of this section shall consist of five regular and three alternate members who shall be electors of the municipality holding no salaried municipal office. Such alternate members shall, when seated as provided in this section, have all powers and duties of a member of the committee. If a regular member of such committee is absent or has a conflict of interest, the chairman of the committee shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(b) The historic district study committee shall investigate and submit a report which shall include the following: (1) An analysis of the historic significance and architectural merit of the buildings, structures, places or surroundings to be included in the proposed historic district or districts and the significance of the district as a whole; (2) a general description of the area to be included within the district or districts, including the total number of buildings in each such district or districts listed according to their known or estimated ages; (3) a map showing the exact boundaries of the area to be included within the district or districts; (4) a proposed ordinance or proposed ordinances designed to create and provide for the operation of an historic district or districts in accordance with the provisions of this part; (5) such other matters as the committee may deem necessary or advisable.

(c) The historic district study committee shall transmit copies of its report to the Connecticut Commission on Culture and Tourism, the planning commission and zoning commission, or the combined planning and zoning commission, of the municipality, if any, and, in the absence of such a planning commission, zoning commission or combined planning and zoning commission, to the chief elected official of the municipality for their comments and recommendations. In addition to such other comments and recommendations as it may make, the Connecticut Commission on Culture and Tourism may recommend either approval, disapproval, modification, alteration or rejection of the proposed ordinance or ordinances and of the boundaries of each proposed district. Each
such commission, board or individual shall deliver such comments and recommendations
to the committee within sixty-five days of the date of transmission of such report. Failure
to deliver such comments and recommendations shall be taken as approval of the report
of the committee.

(d) The historic district study committee shall hold a public hearing on the
establishment of a proposed historic district or districts not less than sixty-five nor more
than one hundred thirty days after the transmission of the report to each party as provided
in subsection (c) of this section, except that, if all such parties have delivered their
comments and recommendations to the committee, such hearing may be held less than
sixty-five days after the transmittal of the report. The comments and recommendations
received pursuant to subsection (c) of this section shall be read in full at the public
hearing.

(e) Notice of the time and place of such hearing shall be given as follows: (1) Written
notice of the time, place and purpose of such hearing, postage prepaid, shall be mailed to
the owners of record of all real property to be included in the proposed historic district or
districts, as they appear on the last-completed grand list, at the addresses shown thereon,
at least fifteen days before the time set for such hearing, together with a copy of the
report of the historic district study committee or a fair and accurate synopsis of such
report. A complete copy of the report, a copy of all recommendations made under
subsection (c) of this section, a map showing the boundaries of the area to be included in
the proposed district and a copy of the proposed ordinance shall be available at no charge
from the town clerk during business hours or shall be mailed, upon request, to any owner
of record of real property in the proposed historic district or districts with the notice of
the hearing; and (2) by publication of such notice in the form of a legal advertisement
appearing in a newspaper having a substantial circulation in the municipality at least
twice, at intervals of not less than two days, the first not more than fifteen days nor less
than ten days and the last not less than two days before such hearing.

(f) The historic district study committee shall submit its report with any changes
made following the public hearing, along with any comments or recommendations
received pursuant to subsection (c) of this section, and such other materials as the
committee may deem necessary or advisable to the legislative body and the clerk of the
municipality within sixty-five days after the public hearing.

(g) The clerk or his designee shall, not later than sixty-five days from receipt of such
report, mail ballots to each owner of record of real property to be included in the
proposed district or districts on the question of creation of an historic district or districts,
as provided for in sections 7-147a to 7-147k, inclusive. Only an owner who is eighteen
years of age or older and who is liable, or whose predecessors in title were liable, to the
municipality for taxes on an assessment of not less than one thousand dollars on the last-
completed grand list of the municipality on real property within the proposed district, or
who would be or would have been so liable if not entitled to an exemption under
subdivision (7), (8), (10), (11), (13), (14), (15), (16), (17), (20), (21), (22), (23), (24),
(25), (26), (29) or (49) of section 12-81, may vote, provided such owner is the record
owner of the property, thirty days before the ballots must be returned. Any tenant in common of any freehold interest in any land shall have a vote equal to the fraction of his ownership in said interest. Joint tenants of any freehold interest in any land shall vote as if each joint tenant owned an equal, fractional share of such land. A corporation shall have its vote cast by the chief executive officer of such corporation or his designee. No owner shall have more than one vote.

(h) The form of the ballot to be mailed to each owner shall be consistent with the model ballot prepared by the Historic Preservation Council of the Connecticut Commission on Culture and Tourism established pursuant to section 10-409. The ballot shall be a secret ballot and shall set the date by which such ballots shall be received by the clerk of the municipality. The ballots shall be mailed by first class mail to each owner eligible to vote in such balloting at least fifteen days in advance of the day on which ballots must be returned. Notice of balloting shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the day on which the ballots must be returned. Such ballot shall be returned to the municipal clerk, inserted in an inner envelope which shall have endorsed on the face thereof a form containing a statement as follows: "I, the undersigned, do hereby state under the penalties of false statement that I am an owner of record of real property to be included in the proposed historic district and that I am, or my predecessors in title were, liable to the municipality for taxes on an assessment of not less than one thousand dollars on the last grand list of the municipality of real property within the district, or who would be or would have been so liable if not entitled to an exemption under subdivision (7), (8), (10), (11), (13), (14), (15), (16), (17), (20), (21), (22), (23), (24), (25), (26), (29) or (49) of section 12-81." Such statement shall be signed and dated. Any person who intentionally falsely signs such ballot shall be guilty of false statement as provided in section 53a-157b. The inner envelope, in which the ballot has been inserted by the owner, shall be returned to the municipal clerk in an outer envelope endorsed on the outside with the words: "Official ballot". Such outer envelope shall also contain, in the upper left corner of the face thereof, blank spaces for the name and return address of the sender. In the lower left corner of such outer envelope, enclosed in a printed box, there shall be spaces upon which the municipal clerk, before issuance of the ballot and envelopes, shall inscribe the name, street and number of the elector's voting residence and the date by which the ballot must be returned, and before issuance the municipal clerk shall similarly inscribe such envelope with his name and address for the return thereof. All outer envelopes shall be serially numbered. The ballots shall be returned to the municipal clerk by the close of business on the day specified, and such clerk shall compare each ballot to the list of property owners to whom such ballots were mailed to insure that each such ballot has been properly signed and returned.

(i) If two-thirds of all property owners voting cast votes in the affirmative, the legislative body of the municipality shall by majority vote take one of the following steps: (1) Accept the report of the committee and enact an ordinance or ordinances to create and provide for the operation of an historic district or districts in accordance with
the provisions of this part; (2) reject the report of the committee, stating its reasons for such rejection; (3) return the report to the historic district study committee with such amendments and revisions thereto as it may deem advisable, for consideration by the committee. The committee shall submit an amended report to the legislative body within sixty-five days of such return. The committee need not hold a public hearing other than the one provided for in subsection (d) of this section, notwithstanding any changes in its report following such hearing, unless the legislative body has recommended a change in the boundaries of the proposed district or districts. The legislative body of the municipality may authorize another ballot of the owners within a proposed district or districts to be cast, other than the balloting provided for in subsection (g) of this section, notwithstanding any changes in the proposed ordinance following such balloting, if the boundaries of the proposed district in which the owners' property is situated are changed.

(j) Any ordinance, or amendment thereof, enacted pursuant to this part, which creates or alters district boundaries, shall contain a legal description of the area to be included within the historic district. The legislative body, when it passes such an ordinance, or amendment thereof, shall transmit to the municipal clerk a copy of the ordinance or amendment thereof. Such ordinance, or amendment thereof, shall be recorded in the land records of the municipality in which such real property is located and indexed by the municipal clerk in the grantor index under the names of the owners of record of such property.


History: 1963 act amended Subsec. (c) to extend time for recommendations after receipt of report from 60 to 90 days and to authorize Connecticut historical commission to recommend boundaries of proposed districts, amended Subsec. (d) to extend time within which hearing is to be held, amended Subsec. (e) to provide for sending a copy or synopsis of the study committee's report, together with a copy of the recommendations under Subsec. (c), a map and a copy of the proposed ordinance to property owners, amended Subsec. (f) to provide for inclusion of list of all buildings in report of committee and amended Subsec. (g) to provide for balloting by property owners; P.A. 75-52 added Subsec. (i) re ordinance contents; P.A. 77-338 deleted requirement in Subsec. (d) that hearing be held not less than 120 days after report; P.A. 80-314 amended Subsec. (a) to allow more than one committee and to include provisions for alternate members, amended Subsec. (b) to include in requirements for report consideration of architectural merit, description of area to be included, map of exact boundaries, proposed ordinance etc., amended Subsec. (c) to include combined planning and zoning commissions and to replace previous provision requiring that recommendations be read at hearing with provision for turning over recommendations to committee, amended Subsec. (d) to require that hearing be held not less than 65 days after report sent to commissions unless conditions specified in exception are met, amended Subsec. (e) to require 15 rather than 20 days' notice and to allow towns to have available on request rather than to automatically send out complete report and other data, amended Subsec. (f) to change
deadline from 60 to 65 days and deleted specific accounting of report contents, amended Subsec. (g) to set deadline for mailing ballots and to replace general provisions for voting and action on result with detailed provisions for voting, deleted former Subsec. (h) re proposed amendments to ordinance replacing it with further voting detail, added Subsec. (i) re actions taken following vote and relettered former Subsec. (j) and added requirement that copy of ordinance be sent to municipal clerk; P.A. 87-167 amended Subsec. (i) to reduce the affirmative vote requirement from 75% to two-thirds of all owners voting; P.A. 91-135 amended Subsec. (g) to transfer authority to mail ballots from the legislative body to the town clerk or his designee and amended Subsec. (h) to require that the ballot be consistent with a model ballot prepared by the Connecticut historical commission; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film in Subsec. (c), and June 30 Sp. Sess. P.A. 03-6 also amended Subsec. (h) to substitute Historic Preservation Council of Connecticut Commission on Arts, Tourism, Culture, History and Film for Connecticut Historical Commission, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism; P.A. 04-257 made technical changes in Subsec. (h), effective June 14, 2004.


Subsec. (a):

Cited. 43 CS 297.

Subsec. (g):

Each condominium unit owner "entitled to a vote proportionate to his freehold interest in the land ..." 196 C. 596.

Sec. 7-147c. Historic district commission. (a) Once an historic district has been established, the historic district study committee shall cease to exist and thereafter an historic district commission shall perform all the functions of the committee relative to the new district and to administering the provisions of this part.

(b) The historic district commission may from time to time, by following the procedure for creation of an historic district provided for in section 7-147b, suggest that an historic district be enlarged or that additional districts be created. Where additional property is to be included within an existing district, the owners of such additional property shall vote pursuant to subsection (g) of section 7-147b.
(c) Notwithstanding the provisions of section 7-147b, the legislative body of the municipality may enact amendments to the ordinance or ordinances of an historic district established pursuant to this part if such amendments do not involve changing district boundaries or the creation of new districts. No amendment shall be enacted until the substance of such amendment has first been submitted to the historic district commission having jurisdiction over the district affected for its comments and recommendations and either its comments and recommendations have been received or sixty-five days have elapsed without receipt of such comments and recommendations. The historic district commission may suggest amendments to the legislative body.

(d) The historic district commission established under the provisions of this part shall consist of five regular and three alternate members, who shall be electors of the municipality in which the district is situated holding no salaried municipal office. The ordinance shall provide that one or more of the members or alternates of the historic district commission shall reside in an historic district under the jurisdiction of the commission, if any persons reside in any such district and are willing to serve on such commission. Such alternate members shall, when seated as provided in this section, have all powers and duties of a member of the commission. If a regular member of said commission is absent or has a conflict of interest, the chairman of the commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting. The method of appointment shall be fixed by ordinance. The appointments to membership in the commission shall be so arranged that the term of at least one member shall expire each year, and their successors shall be appointed in like manner for terms of five years. Vacancies shall be filled for the unexpired term and in the same manner as the original appointment. The commission shall elect annually a chairman, a vice-chairman and a clerk from its own number. Each member and alternate shall continue in office until his successor is duly appointed. All members and alternates shall serve without compensation. Any member or alternate may be appointed for another term or terms.

(e) The historic district commission shall adopt rules of procedure not inconsistent with the provisions of this part. The commission may adopt regulations not inconsistent with the provisions of this part to provide guidance to property owners as to factors to be considered in preparing an application for a certificate of appropriateness.

(f) The historic district commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein.

(g) A copy of any ordinance creating an historic district adopted under authority of this part, amendments to any such ordinance, maps of any districts created under this part, annual reports and other publications of the historic district commission and the roster of membership of such commission shall be transmitted to the Connecticut Commission on Culture and Tourism. The historic district commission shall also file with the Connecticut Commission on Culture and Tourism at least once every year a brief
summary of its actions during that year, including a statement of the number and nature of certificates of appropriateness issued, any changes in the membership of the commission and any other information deemed appropriate by the historic district commission.

(h) The historic district commission may accept grants and gifts, employ clerical and technical assistance or consultants and incur other expenses appropriate to the carrying on of its work, subject to appropriation by the municipality or receipt of such grants or gifts and may expend the same for such purposes.

(i) A municipality which has more than one historic district may establish more than one historic district commission if the districts are not contiguous.

(j) Any historic district commission established under this section may, unless prohibited by charter, ordinance or special act: (1) Make periodic reports to the legislative body; (2) provide information to property owners and others involving the preservation of the district; (3) suggest pertinent legislation; (4) initiate planning and zoning proposals; (5) cooperate with other regulatory agencies and civic organizations and groups interested in historic preservation; (6) comment on all applications for zoning variances and special exceptions where they affect historic districts; (7) render advice on sidewalk construction and repair, tree planting, street improvements and the erection or alteration of public buildings not otherwise under its control where they affect historic districts; (8) furnish information and assistance in connection with any capital improvement program involving historic districts; (9) consult with groups of experts.


History: P.A. 77-338 added Subsec. (b) re procedure for inclusion of individual's property in district after its establishment; P.A. 80-314 deleted previous Subsec. (b), inserted new material concerning enlarging districts or creating new ones and ordinance amendments as Subsecs. (b) and (c), placed provisions for commission membership, appointments, etc. in Subsec. (d) rather than Subsec. (a) as previously, amending provisions for alternate members and adding provision concerning vacancies and reappointments, placed provision for adopting rules in Subsec. (e) rather than Subsec. (a) and added provision concerning regulations providing guidance for property owners in preparing applications, added Subsecs. (f) and (g) re permanent records and information required to be sent to the state historical commission. amended provision re acceptance of grants and gifts and employment of personnel, formerly in Subsec. (a), and designated it as Subsec. (i) and added Subsecs. (i) and (j) re multiple commissions and further powers; P.A. 86-105 amended Subsec. (d) to require that one or more residents of historic district be included on commission as members or alternates; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12,
Sec. 7-147d. Certificate of appropriateness: Parking areas. (a) No building or structure shall be erected or altered within an historic district until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the historic district commission and approved by said commission.

(b) No building permit for erection of a building or structure or for alteration of an exterior architectural feature within an historic district and no demolition permit for demolition or removal of a building or structure within an historic district shall be issued by a municipality or any department, agency or official thereof until a certificate of appropriateness has been issued. A certificate of appropriateness shall be required whether or not a building permit is required.

(c) The historic district commission may request such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of property after such demolition or removal, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application. The style, material, size and location of outdoor advertising signs and bill posters within an historic district shall also be under the control of such commission. The provisions of this section shall not be construed to extend to the color of paint used on the exterior of any building or structure.

(d) No area within an historic district shall be used for industrial, commercial, business, home industry or occupational parking, whether or not such area is zoned for such use, until after an application for a certificate of appropriateness as to parking has been submitted to the commission and approved by said commission. The provisions of this section shall apply to the enlargement or alteration of any such parking area in existence on October 1, 1973.


History: 1963 act redefined "exterior architectural features", deleted stone walls, fences, signs, light fixtures, steps and paving from purview of certificate and excluded exterior paint color from provisions of section; P.A. 73-473 added Subsec. (b) re parking
areas: P.A. 80-314 deleted "restored, moved or demolished" and removed definition of
"exterior architectural features" from Subsec. (a), added Subsec. (b) re certificates of
appropriateness, added Subsec. (c) including provisions re signs and exterior paint color,
previously in Subsec. (a), and stating what information is necessary for commission's
decision on application and relettered former Subsec. (b) as Subsec. (d).


Cited. 29 CA 28.

Subsec. (d):

A reading of the word "occupational" that restricts it strictly to for-profit commercial
or industrial uses would render other words unnecessary surplusage, which would violate
basic tenet of statutory construction that legislature does not intend to enact meaningless
provisions. 284 C. 838. Subsec. plainly and unambiguously encompasses parking for
private elementary educational facilities because legislature drafted statute with language
clearly intended to subject a broad variety of nonresidential parking uses to historic
district regulation. Id. Legislature's enactment of Sec. 7-147k(b) which exempts from
provisions of historic district act "any property owned by a nonprofit institution of higher
education, for as long as a nonprofit institution of higher education owns such property"
further supports a construction of Subsec. subjecting nonprofit private elementary school
to jurisdiction of the commission. Id.

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Sec. 7-147e. Application for certificate. Hearing. Approval. (a) The historic
district commission shall hold a public hearing upon each application for a certificate of
appropriateness unless the commission determines that such application involves items
not subject to approval by the commission. The commission shall fix a reasonable time
and place for such hearing. Notice of the time and place of such hearing shall be given by
publication in the form of a legal advertisement appearing in a newspaper having a
substantial circulation in the municipality not more than fifteen days nor less than five
days before such hearing.

(b) Unless otherwise provided by ordinance, a majority of the members of the
commission shall constitute a quorum and the concurring vote of a majority of the
members of the commission shall be necessary to issue a certificate of appropriateness.
Within not more than sixty-five days after the filing of an application as required by
section 7-147d, the commission shall pass upon such application and shall give written
notice of its decision to the applicant. When a certificate of appropriateness is denied, the
commission shall place upon its records and in the notice to the applicant the reasons for
its determination, which shall include the bases for its conclusion that the proposed
activity would not be appropriate. In the notice to the applicant the commission may
make recommendations relative to design, arrangement, texture, material and similar features. The commission may issue a certificate of appropriateness with stipulations. Evidence of approval, as referred to in section 7-147d, shall be by certificate of appropriateness issued by the commission. Failure of the commission to act within said sixty-five days shall constitute approval and no other evidence of approval shall be needed.


History: 1969 act changed deadline for commission action in Subsec. (a) from 60 to 120 days; P.A. 73-473 specified parking as well as exterior architectural features as concern of certificate of appropriateness; P.A. 80-314 deleted reference specifying parking or exterior architectural features, changed number of times notice to appear in newspaper from seven to two and add specific time requirements, deleted requirement that commission record applications and activities and deleted former Subsec. (b) and placed in new Subsec. (b) procedure for action on application, changing deadline for action to 65 days, adding provisions re quorum, voting and denial of application or issuance with stipulations; P.A. 86-105 reduced newspaper notice requirements to one publication and provided that the bases for commission's determination shall be included in any notice of denial of certificate of appropriateness.


Subsec. (a):

Failure to republish notice of continuance of a hearing in newspaper did not violate Subsec. 49 CS 498.

Subsec. (b):

In appeal from a decision by historic district commission, reviewing courts are limited to determining whether reason or reasons stated by commission are supported by substantial evidence in the record. 285 C. 755.

Although commission mailed the notice of the denial of the application to applicant 68 days after the filing of the application, applicant was not entitled to automatic approval of the application on that basis since commission had acted within 65 days after the filing of the application and applicant had actual notice of the commission's decision. 108 CA 682.
Sec. 7-147f. Considerations in determining appropriateness. Solar energy systems. (a) If the commission determines that the proposed erection, alteration or parking will be appropriate, it shall issue a certificate of appropriateness. In passing on appropriateness as to exterior architectural features, buildings or structures, the commission shall consider, in addition to other pertinent factors, the type and style of exterior windows, doors, light fixtures, signs, above-ground utility structures, mechanical appurtenances and the type and texture of building materials. In passing upon appropriateness as to exterior architectural features the commission shall also consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, scale, general design, arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of other buildings and structures in the immediate neighborhood. No application for a certificate of appropriateness for an exterior architectural feature, such as a solar energy system, designed for the utilization of renewable resources shall be denied unless the commission finds that the feature cannot be installed without substantially impairing the historic character and appearance of the district. A certificate of appropriateness for such a feature may include stipulations requiring design modifications and limitations on the location of the feature which do not significantly impair its effectiveness. In passing upon appropriateness as to parking, the commission shall take into consideration the size of such parking area, the visibility of cars parked therein, the closeness of such area to adjacent buildings and other similar factors.

(b) In its deliberations, the historic district commission shall act only for the purpose of controlling the erection or alteration of buildings, structures or parking which are incongruous with the historic or architectural aspects of the district. The commission shall not consider interior arrangement or use. However, the commission may recommend adaptive reuse of any buildings or structures within the district compatible with the historic architectural aspects of the district.


History: P.A. 73-473 added specific provisions concerning certificates of appropriateness for parking; P.A. 80-314 added Subsec. (b) re exclusion of consideration of interior space except to recommend adaptive reuse and expanded considerations for certificate concerning exterior features with specific references to doors, windows, signs, etc.; P.A. 81-326 added provisions concerning issuance of certificate of appropriateness for exterior architectural feature designed for utilization of renewable resources.


Subsec. (a):

Commission may consider historic value and significance of buildings in their
existing locations, including outbuildings, as a "pertinent factor" in denying an application for alterations. 285 C. 755.

Sec. 7-147g. Variations, permissible when. Where, by reason of topographical conditions, district borderline situations or because of other unusual circumstances solely with respect to a certain parcel of land and not affecting generally the district in which it is situated, the strict application of any provision of this part would result in exceptional practical difficulty or undue hardship upon the owner of any specific property, the commission in passing upon applications shall have power to vary or modify strict adherence to said sections or to interpret the meaning of said sections so as to relieve such difficulty or hardship; provided such variance, modification or interpretation shall remain in harmony with the general purpose and intent of said sections so that the general character of the district shall be conserved and substantial justice done. In granting variations, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purposes of said sections. In addition to the filing required by subsection (b) of section 7-147e, the commission shall, for each variation granted, place upon its records and in the notice to the applicant the reasons for its determinations.


History: P.A. 80-314 required that record of granted variance and commission's reasons for granting it be kept.


Sec. 7-147h. Action by commission to prevent illegal acts. (a) If any provision of this part or any action taken or ruling made by the historic district commission pursuant to the provisions of said sections or of any regulation or ordinance adopted under said sections has been violated, the commission may, in addition to other remedies, institute an action in the superior court for the judicial district wherein such violation exists, which court shall have jurisdiction to restrain such violation and to issue orders directing that the violation be corrected or removed. Such order may direct the removal of any building, structure or exterior architectural feature erected in violation of said sections or any bylaw or ordinance adopted under said sections or the substantial restoration of any building, structure, or exterior architectural feature altered or demolished in violation of said sections or any regulation or ordinance adopted under said sections. Regulations and orders of the commission issued pursuant to said sections, or to any regulation or
ordinance adopted under said sections, shall be enforced by the zoning enforcement
official or building inspector or by such other person as may be designated by ordinance,
who may be authorized to inspect and examine any building, structure, place or premises
and to require in writing the remediing of any condition found to exist therein or thereon
in violation of any provision of the regulations or orders made under the authority of said
sections or of any regulation or ordinance adopted under said sections.

(b) The owner or agent of any building, structure or place where a violation of any
provision of this part or of any regulation or ordinance adopted under said sections has
been committed or exists, or the lessee or tenant of an entire building, entire structure or
place where such violation has been committed or exists, or the owner, agent, lessee or
tenant of any part of the building, structure or place in which such violation has been
committed or exists, or the agent, architect, builder, contractor, or any other person who
commits, takes part or assists in any such violation or who maintains any building,
structure or place in which any such violation exists, shall be fined not less than ten
dollars nor more than one hundred dollars for each day that such violation continues; but,
if the offense is wilful, the person convicted thereof shall be fined not less than one
hundred dollars nor more than two hundred fifty dollars for each day that such violation
continues. The superior court for the judicial district wherein such violation continues or
exists shall have jurisdiction of all such offenses, subject to appeal as in other cases. Each
day that a violation continues to exist shall constitute a separate offense. All costs, fees
and expenses in connection with actions under this section may, in the discretion of the
court, be assessed as damages against the violator, which, together with reasonable
attorney's fees, may be awarded to the historic district commission which brought such
action. Any funds collected as fines pursuant to this section shall be used by the
commission to restore the affected buildings, structures, or places to their condition prior
to the violation wherever possible and any excess shall be paid to the municipality in
which the district is situated.

145, 681; P.A. 78-280, S. 1. 127; P.A. 80-314. S. 8.)

History: P.A. 73-473 included reference to parking; P.A. 74-183 substituted court of
common pleas for circuit court and included reference to "county or judicial district";
P.A. 76-436 substituted superior court for court of common pleas, effective July 1, 1978;
P.A. 78-280 deleted reference to "county"; P.A. 80-314 divided section into Subsecs. (a)
and (b). replaced former provisions for proceedings to prevent unlawful acts with
provisions for proceedings in superior court and added provisions concerning court costs,
attorneys' fees and fines.

Sec. 7-147i. Appeals. Any person or persons severally or jointly aggrieved by any decision of the historic district commission or of any officer thereof may, within fifteen days from the date when such decision was rendered, take an appeal to the superior court for the judicial district in which such municipality is located, which appeal shall be made returnable to such court in the same manner as that prescribed for other civil actions brought to such court. Notice of such appeal shall be given by leaving a true and attested copy thereof in the hands of or at the usual place of abode of the chairman or clerk of the commission within twelve days before the return day to which such appeal has been taken. Procedure upon such appeal shall be the same as that defined in section 8-8.


History: P.A. 76-436 substituted superior court for court of common pleas and added reference to judicial district, effective July 1, 1978; P.A. 78-280 deleted reference to county; P.A. 80-314 provided that appeal be made returnable to court in same manner as that prescribed for "other" civil actions.

See Sec. 51-197b re administrative appeals.

Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. In appeals from administrative zoning decisions, decisions will be invalidated even if they were reasonably supported by the record, if they were not supported by substantial evidence in the record. In an appeal from decision of a commission, the record is reviewed to determine whether there is factual support for commission's decision. Should substantial evidence exist in record to support any basis or stated reason for commission's decision, the court must sustain that decision. 284 C. 838. Although judicial review of land use decisions is deferential, it is not a rubber stamp as a court cannot take view in every case that discretion exercised by local zoning authority must not be disturbed, for if it did the right of appeal would be empty. Id. Although defendant's decision in this case was guided by proper statutory factors under Sec. 7-147f, the application of those factors was not supported by substantial evidence and, therefore, was an abuse of its discretion. Id. Because neighborly animosity and outcry are not, without more, factors for defendant's consideration under Sec. 7-147f(a), testimony does not support the defendant's conclusion in this case. Id.

If an appeal has been taken and the trial court remands a case to the commission, the scope of the remand order determines the finality of the trial court's judgment for appeal purposes. 108 CA 682.

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Sec. 7-147j. Exempted acts. Delay of demolition. (a) Nothing in this part shall be construed to prevent the ordinary maintenance or repair of any exterior architectural
feature in the historic district which does not involve a change in the appearance or
design thereof; nor to prevent the erection or alteration of any such feature which the
building inspector or a similar agent certifies is required by the public safety because of a
condition which is unsafe or dangerous due to deterioration; nor to prevent the erection or
alteration of any such feature under a permit issued by a building inspector or similar
agent prior to the effective date of establishment of such district.

(b) If a building in an historic district is to be demolished, no demolition shall occur
for ninety days from issuance of a demolition permit if during such time the historic
district commission or the Connecticut Commission on Culture and Tourism is
attempts to find a purchaser who will retain or remove such building or who will
present some other reasonable alternative to demolition. During such ninety-day period
the municipality may abate all real property taxes. At the conclusion of such ninety-day
period, the demolition permit shall become effective and the demolition may occur.
Nothing in this section shall be construed to mandate that the owner of such property sell
such property or building.

03-6, S. 210(e); P.A. 04-20, S. 3; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30.)

History: 1963 act deleted restriction on maintenance or repairs involving a change of
material or outward appearance; P.A. 80-314 deleted references to construction,
reconstruction and demolition and inserted references to "erection" and added Subsec. (b)
re demolition procedure; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the
Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism,
Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3,
Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission
on Culture and Tourism.


Sec. 7-147k. Prior districts unaffected. Validation of prior creations and actions.
Nonprofit institutions of higher education excluded. (a) The provisions of this part
shall in no way impair the validity of any historic district previously established under
any special act or the general statutes. Any and all historic districts created under the
general statutes, prior to October 1, 1980, otherwise valid except that such districts,
district study committees, municipalities or officers or employees thereof, failed to
comply with the requirements of any general or special law, and any and all actions of
such districts or historic district commission, are validated.

(b) The provisions of this part shall not apply to any property owned by a nonprofit
institution of higher education, for as long as a nonprofit institution of higher education owns such property.


History: P.A. 80-314 expanded validation to cover districts created before October 1, 1980, and added Subsec. (b) excepting property of nonprofit higher education institutions from provisions of Secs. 7-147a to 7-147k; P.A. 06-196 made a technical change in Subsec. (b), effective June 7, 2006.


Subsec. (a):

Validation of the Farmington Historic District by this statute rendered moot the basis for complaint. 189 C. 727.

Subsec. (b):

Where express exceptions are made, legal presumption is legislature did not intend to save other cases from operation of the statute. The enactment of section indicates that legislature, when it desires to do so, knows how to exempt specific kinds of educational institutions from historic district regulation. 284 C. 838.

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Secs. 7-147l and 7-147m. Method of balloting; eligibility to vote; balloting on prior districts. Sections 7-147l and 7-147m are repealed.


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Secs. 7-147n and 7-147o. Reserved for future use.

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PART II*
HISTORIC PROPERTIES

* Cited. 196 C. 596.

Sec. 7-147p. Historic property ordinances authorized. Definitions. (a) As used in this part: "Historic property" means any individual building, structure, object or site that is significant in the history, architecture, archaeology and culture of the state, its political subdivisions or the nation and the real property used in connection therewith; "altered" means changed, modified, rebuilt, removed, demolished, restored, razed, moved or reconstructed; "erected" means constructed, built, installed or enlarged; "exterior architectural features" means such portion of the exterior of a structure or building as is open to view from a public street, way or place; "building" means a combination of materials forming a shelter for persons, animals or property; "structure" means any combination of materials, other than a building, which is affixed to the land, and shall include, but not be limited to, signs, fences and walls; "municipality" means any town, city, borough, consolidated town and city or consolidated town and borough.

(b) Any municipality may, by ordinance and in conformance with the standards and criteria formulated by the Connecticut Commission on Culture and Tourism, designate within its confines an historic property or properties to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of individual buildings and places associated with the history of or indicative of a period or style of architecture of the municipality, of the state or of the nation.

(c) The legislative body of any municipality may make appropriations for the purpose of carrying out the provisions of this part.


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Sec. 7-147q. Procedures for establishment of historic properties. Prior to the designation of an historic property or properties, the following steps shall be taken:
(a) The legislative body shall appoint or authorize the chief elected official of the municipality to appoint an historic properties study committee for the purpose of making an investigation of one or more proposed historic properties. The legislative body of a municipality which proposes to establish more than one historic property may establish more than one committee. An already existing historic properties commission or an historic district commission established in the municipality pursuant to part I of this chapter may be appointed to make this investigation. Each committee established under the provisions of this section shall consist of five regular and three alternate members who shall be electors of the municipality holding no salaried municipal office. Such alternate members shall, when seated as provided in this section, have all powers and duties of a member of the committee. If a regular member of such committee is absent or has a conflict of interest, the chairman of the committee shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(b) The historic properties study committee shall investigate and submit a report which shall include the following: (1) An analysis of the historic significance and architectural merit of the buildings, structures, objects or sites proposed as historic properties; (2) a map showing the exact boundaries of the area to be designated as the historic property or properties; (3) a proposed ordinance or proposed ordinances designed to designate and provide for the protection of an historic property or properties in accordance with the provisions of this part; and (4) such other matters as the committee may deem necessary or advisable.

(c) The historic properties study committee shall transmit copies of its report to the Connecticut Commission on Culture and Tourism, the planning commission and zoning commission, or the combined planning and zoning commission, of the municipality, if any, and, in the absence of such a planning commission, zoning commission or combined planning and zoning commission, to the chief elected official of the municipality for their comments and recommendations. In addition to such other comments and recommendations as it may make, the Connecticut Commission on Culture and Tourism may recommend either approval, disapproval, modification, alteration or rejection of the proposed ordinance or ordinances and of the boundaries of each proposed historic property. Each such commission, board or individual shall deliver such comments and recommendations to the committee within sixty-five days of the date of transmission of such report. Failure to deliver such comments and recommendations shall be taken as approval of the report of the committee.

(d) The historic properties study committee shall hold a public hearing on the designation of each proposed historic property not less than sixty-five nor more than one hundred thirty days after the transmission of the report to each party as provided in subsection (c) of this section, except that, if all such parties have delivered their comments and recommendations to the committee, such hearing may be held less than sixty-five days after the transmittal of the report. The comments and recommendations received pursuant to subsection (c) of this section shall be read in full at the public
hearing.

(e) Notice of the time and place of such hearing shall be given as follows: (1) Written notice of the time, place and purpose of such hearing, postage prepaid, shall be mailed by certified mail to the owner or owners of record of the real property to be included in each proposed historic property, as they appear on the last-completed grand list, at the addresses shown thereon, at least fifteen days before the time set for such hearing, together with a copy of the report of the historic properties study committee or a fair and accurate synopsis of such report. A complete copy of the report, a copy of all recommendations made under subsection (c) of this section, a map showing the boundaries of the real property to be included in each proposed historic property and a copy of the proposed ordinance shall be available at no charge from the town clerk during business hours or shall be mailed, upon request, to any owner of record of real property in the proposed historic property or properties with the notice of the hearing; and (2) by publication of such notice in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality at least twice, at intervals of not less than two days, the first not more than fifteen days nor less than ten days and the last not less than two days before such hearing.

(f) The historic properties study committee shall submit its report with any changes made following the public hearing, along with any comments or recommendations received pursuant to subsection (c) of this section, and such other materials as the committee may deem necessary or advisable to the legislative body of the municipality within sixty-five days after the public hearing.

(g) The owner or owners of record of a proposed historic property may object to the proposed designation by submitting to the historic properties study committee or to the legislative body of the municipality a notarized statement certifying that the person filing such objection is the entire or partial owner of the property and objects to the designation. Unless persons holding fifty per cent or more of the ownership interest in a proposed historic property object to the proposed designation within thirty days following the public hearing held pursuant to subsection (d) of this section, the legislative body of the municipality shall, by majority vote, take one of the following steps: (1) Accept the report of the committee as to the proposed historic property and enact an ordinance to designate the historic property and provide for its regulation in accordance with the provisions of this part; (2) reject the report of the committee, stating its reasons for such rejection; or (3) return the report to the historic properties study committee, with such amendments and revisions as it may deem advisable, for consideration by the committee. The committee shall, within sixty-five days of such return, submit an amended report to the legislative body and mail by certified mail a copy of the amended report to the owner or owners of record of each proposed historic property covered by the report. The committee need not hold a public hearing other than the one provided for in subsection (d) of this section. Unless persons holding fifty per cent or more of the ownership interest in a proposed historic property object to the proposed designation within thirty days of receipt of the amended report by written submission in the manner set forth in this subsection, the legislative body of the municipality may accept or reject the amended
report as provided in this subsection.

(h) Any ordinance, or amendment thereof, enacted pursuant to this part, which designates or alters historic property boundaries, shall contain a legal description of the area to be included within each historic property. The legislative body, when it passes such an ordinance, or amendment thereof, shall transmit to the municipal clerk a copy of the ordinance or amendment thereof. Such ordinance, or amendment thereof, shall be recorded in the land records of the municipality in which such real property is located and indexed by the municipal clerk in the grantor index under the names of the owners of record of such property.


Sec. 7-147r. Historic properties commission. (a) The first ordinance enacted by a municipality to designate any historic properties shall provide for the creation of an historic properties commission and for the termination of the historic properties study committee or committees. The historic properties commission shall administer the provisions of this part relative to all historic properties then or thereafter designated by the municipality and, relative to such historic properties, the commission shall have all of the powers and duties that historic district commissions have over historic districts pursuant to part I of this chapter except as is otherwise provided in this part. A municipality may designate an historic properties commission to administer historic districts in accordance with part I of this chapter in the event that no historic district commission exists when the historic properties commission is created. A municipality may designate an existing historic district commission to administer historic properties in accordance with this part.

(b) The historic properties commission may from time to time, in accordance with section 7-147q, initiate the designation of additional historic properties or the enlargement of the boundaries of an existing historic property.

(P.A. 84-286. S. 3.)
Sec. 7-147s. Certificate of appropriateness. (a) No building or structure located within the boundaries of an historic property shall be erected or altered until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the historic properties commission and approved by such commission. No earthworks or site of recognized historic or archaeological importance within the boundaries of an historic property shall be altered until after an application for a certificate of appropriateness has been submitted to the historic properties commission and approved by said commission.

(b) No building permit for erection of a building or structure or for alteration of an exterior architectural feature within the boundaries of an historic property and no demolition permit for demolition or removal of a building or structure within the boundaries of an historic property shall be issued by a municipality or any department, agency or official thereof until a certificate of appropriateness has been issued. A certificate of appropriateness shall be required whether or not a building permit is required.

(c) The historic properties commission may request such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of property after such demolition or removal, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application. The style, material, size and location of outdoor advertising signs and bill posters within the boundaries of an historic property shall also be under the control of such commission. The provisions of this section shall not be construed to extend to the color of paint used on the exterior of any building or structure.

(d) No area within the boundaries of an historic property shall be used for industrial, commercial, business, home industry or occupational parking, whether or not such area is zoned for such use, until after an application for a certificate of appropriateness as to parking has been submitted to the commission and approved by said commission.

(P.A. 84-286. S. 4.)

Sec. 7-147t. Procedure for application for certificate. In reviewing and acting upon applications for certificates of appropriateness, the historic properties commission shall follow the procedures set forth in section 7-147c for use by historic district commissions in reviewing applications for certificates of appropriateness affecting historic districts.
Sec. 7-147u. Considerations in determining appropriateness. Except as otherwise provided in this part, in reviewing and acting upon applications for certificates of appropriateness, the historic properties commission shall apply the same standards and take into account the same considerations as set forth in section 7-147f for use by historic district commissions in reviewing applications for certificates of appropriateness affecting historic districts. In passing upon the appropriateness of alterations to earthworks or sites of historic or archaeological importance, the commission shall consider, in addition to any other pertinent factors, their value and significance, size, design, arrangement, texture and materials. In its deliberations, the historic properties commission shall act only for the purpose of controlling the erection or alteration of buildings, structures, objects, sites or parking that are incongruous with the historic or architectural aspects of the historic property.

(P.A. 84-286. S. 6.)

Sec. 7-147v. Variations, permissible when. Where, by reason of topographical conditions or location or because of other unusual circumstances, the strict application of any provision of this part would result in exceptional practical difficulty or undue hardship upon the owner of the historic property, the commission in passing upon applications shall have power to vary or modify strict adherence to the provisions of this part, provided such variance or modification shall remain in harmony with the general purpose and intent of this part so that the historic and architectural aspects of the historic property shall be conserved. In granting variances or modifications, the commission may impose such reasonable stipulations and conditions as will, in its judgment, better fulfill the purposes of this part. The commission shall, for each variance or modification granted, place upon its records and in the notice to the applicant the reasons for its determinations.

(P.A. 84-286. S. 7.)
Sec. 7-147w. Action by commission to prevent illegal acts. If any provision of this part, or any action taken or ruling made by the historic properties commission pursuant to the provisions of this part or any regulation or ordinance adopted pursuant to this part, has been violated, the historic properties commission shall have, in addition to other remedies, those remedies available to historic district commissions as provided in section 7-147h.

(P.A. 84-286, S. 8.)

Sec. 7-147x. Appeals. Any person or persons severally or jointly aggrieved by any decision of the historic properties commission or of any officer thereof may appeal such decision in the same manner and according to the same procedure as set forth in section 7-147i for appeals from the decisions of the historic district commissions.

(P.A. 84-286, S. 9.)

Sec. 7-147y. Exempted acts. Delay of demolition. (a) Nothing in this part shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature within the boundaries of an historic property which does not involve a change in the appearance or design thereof; nor to prevent the erection or alteration of any such feature which the building inspector or a similar agent certifies is required by the public safety because of a condition which is unsafe or dangerous due to deterioration; nor to prevent the erection or alteration of any such feature under a permit issued by a building inspector or similar agent prior to designation of such historic property.

(b) If a building within the boundaries of an historic property is to be demolished, no demolition shall occur for ninety days from issuance of a demolition permit if during such time the historic properties commission or the Connecticut Commission on Culture and Tourism is attempting to find a purchaser who will retain or remove such building or who will present some other reasonable alternative to demolition. During such ninety-day period the municipality may abate all real property taxes. At the conclusion of such ninety-day period, the demolition permit shall become effective and the demolition may occur. Nothing in this section shall be construed to mandate that the owner of such property is under any obligation to sell such property or building.