1. Meeting Materials

Documents:

OCTOBER 27, 2016 AGENDA PACKET.PDF
OCTOBER 27, 2016 MEETING AGENDA.PDF
Board of Selectmen Meeting
Thursday, October 27, 2016
10:00 a.m.
Cone Room

REVISED AGENDA *

1. Welcome and Pledge of Allegiance

2. Approval of Minutes
   a. Board of Selectmen Regular Meeting on Oct. 13, 2016

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

4. Old Business

5. New Business
   a. Old Greenwich Merchants Association annual First Light Festival. – Richard Fulton.
   b. Review of draft Americans with Disabilities Act (ADA) Policy and Procedures. – Aamina Ahmad.

6. Appointments and Nominations

7. Executive Session
   a. Pending Litigation

8. Adjourn

*Revised for change in meeting location.

"The Town of Greenwich is Dedicated to Diversity and Equal Employment Opportunity"
Town of Greenwich
Board of Selectmen
Meeting October 13, 2016
10:00 A.M.
Town Hall Meeting Room

DRAFT MINUTES

1. The meeting opened at 10:14 A.M. with the Pledge of Allegiance.

   a. Attendance:
      I. First Selectman Peter J. Tesei – Present
      II. Selectman John Toner – Present
      III. Selectman Drew Marzullo – Present

   The First Selectman greeted and welcomed attendees commenting that meeting of the Board of Selectmen is a Public Meeting of the Board of Selectmen who reserve the right to call on people to propose questions and make comments.

2. Approval of Minutes

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

   b. Minutes of the Special Meeting of the Board of Selectmen held on Oct. 6 were moved for approval by Mr. Toner, seconded by Mr. Marzullo. The motion passed unanimously.

3. First Selectman’s Update

   a. Mr. Tesei said that the First Selectman’s Diversity Advisory Committee will be host a conference on Oct. 28 that will be held by the Anti-Defamation League’s A World of Difference Institute that is open to all organizations in Town that support the community. The Committee also is preparing for its eighth annual essay contest for students.

   b. Mr. Tesei read a letter of thanks from RTM member Dawn Fortunato who praised the cleanup and maintenance work performed by Department of Public Works crews in and around the Third and Fourth Districts.

   c. On Nov. 2, the Town will be participating in a statewide exercise testing emergency communications systems and review of local operation plans. The exercise is being organized by the Department of Emergency Management and Homeland Security.

   d. Mr. Tesei said that the Town’s Leadership Institute will begin another class for employees. The nine-month program begins Oct. 25 and will continue until July 11, 2017.

   e. Regarding the water supply situation, the Town continues to received regular updates from Aquarion Water Co. The Putnam treatment plant continues to see a reduction of consumption and continues to serve the Suez Water Co. for Port Chester, Rye and Rye Brook, according to Mr. Tesei. He added, that as of Oct. 13, the Greenwich Police Department has investigated 270 calls of improper water use and violations of the Town Ordinance, indicating that people are telling on
their neighbors.

f. Mr. Tesei reported that Ensign magazine, a publication of the U.S. Power Squadron published an article in its fall edition about the efforts to improve boater safety by the Greenwich Power Squadron.

g. Upcoming Veterans Day events include the annual march down Greenwich Avenue with a service at the War Memorial in front of the Havemeyer Building at 11 a.m., followed by a luncheon for veterans hosted by the Redmen’s Association. This year there will be a focus on the disabled veteran. Other Veterans Day ceremonies will be held at Riverside School at 8:45 a.m. and at the Byram Veterans Club Parade at 7 p.m.

h. Mr. Tesei announced that Fitch Credit Rating company affirmed Greenwich’s AAA bond rating, citing sound management and financial practices. However, he said the firm noted that there will be local impacts caused by the state’s fiscal conditions.

i. Mr. Tesei said that founding Greenwich Emergency Medical Services Executive Director Charlee Tufts has announced her intention to retire in the coming months.

4. Old Business

5. New Business

a. Proposal: Creation of an Ad Hoc Committee to advise the Board of Selectmen on current and future soil contamination issues. – Selectman Drew Marzullo.

Mr. Tesei explained that any Board of Selectmen member can present an issue for review by the Board and as a topic of discussion. He said there are several other areas which have been impacted by soil contamination including Greenwich High School, the William Street field and New Lebanon School and Western Middle School. He also said that dealing with contamination impacts several Town departments as well as the Board of Education and its departments. The Town’s current protocol when contamination is discovered is to retain McCarter English to handle regulatory agencies; the international firm of Langan which is involved with the Western Middle School assessment, as well as regulatory agencies such as the Connecticut Department of Public Health.

Mr. Marzullo said he was requesting his colleagues vote in the affirmative on his proposal that would combine all efforts to review Town properties. Mr. Marzullo then read 12 questions that he suggested the panel review. He also explained that he did not specifically identify the people who would be involved on the committee. He reiterated that the proposal can be viewed as a positive so that the Town may make informed decisions. He stressed that it was not binding.

Mr. Tesei said the Town already has answers to some of the questions posed by Mr. Marzullo, and that there is a group that works on these issues. He also said that it was not wise for the Town to arbitrarily disturb a site because you think there is something in the soil. Mr. Tesei also said that not all contaminated soil is a health issue. He also questioned managing a global
issue of testing private institutions and property.

Resident Claire Kilgallen, and co-president of the New Lebanon School PTA said that there needs to be an communication plan not unlike the one used when Greenwich High School began Phase 1 of the soil remediation on the campus in 2014 and again with the Western Middle School contamination. She asked that a similar plan be used for the William Street field project. Mr. Tesei said Ms. Kilgallen made a fair point.

Mr. Marzullo made a motion to create an Ad Hoc Committee to advise the Board of Selectmen on soil contamination. There was not a second to the motion. The motion failed.

6. Appointments and Nominations

7. Executive Session

Mr. Toner motioned to enter into executive session to discuss seven personnel and pending litigation cases at 10:51 A.M., and was seconded by Mr. Marzullo. The Board voted 3-0-0 in favor.

Also present in Executive Session were Town Administrator Ben Branyan; Executive Assistant Barbara Heins; J. Wayne Fox, Town Attorney; Assistant Town Attorneys Aamina Ahmad, Fred deArango, Valerie Maze Keeney and Gene McLoughlin; Police Chief James Heavey and Human Resources Director Mary Pepe.

Mr. Toner moved to exit Executive Session at 11:49 P.M., seconded by Mr. Marzullo. The Board voted 3-0-0 in favor.

Mr. Tesei motioned to settle Docket No. HHB CV 13-6024841S for a tax credit of approximately $19,720, seconded by Mr. Marzullo. The Board voted 3-0-0 in favor.

Mr. Toner moved to settle Docket No. HHB CV 13-6024840S for a tax credit of approximately $26,660, seconded by Mr. Marzullo. The Board voted 3-0-0 in favor.

Mr. Tesei moved to settle Docket No. HHB CV 16-60340014S – Parcel No. 10-3099 for a tax credit of approximately $9,882, seconded by Mr. Toner. The Board voted 3-0-0 in favor.

Mr. Tesei moved to authorize up to $50,000 to settle Minerva Lachira v. Town of Greenwich, seconded by Mr. Toner. The Board voted 3-0-0 in favor.

8. Adjournment

Mr. Toner motioned to adjourn at 11:56 A.M.; seconded by Mr. Marzullo, the Board voted 3-0 in favor.
The next regular meeting of the Board of Selectmen is scheduled on Thursday, Oct. 27, 2016 at 10:00 A.M. in the Town Hall Meeting Room.

Peter J. Tesei, First Selectman

Prepared by Barbara A. Heins
Recording Secretary
October 21, 2016

Town of Greenwich, Board of Selectmen:

The Old Greenwich Merchants Association requests permission to hold its annual First Light Festival on Saturday December 3, 2016 on Sound Beach Avenue in Old Greenwich from 5:00–8:00. We have been given permission from the Greenwich Police Department traffic division and as well as parks and recreation. We will feature horse drawn carriage rides, carolers, in store magic shows, face paintings and plenty of Holiday Cheer!

This year we are promoting Operation Santa 2. Operation Santa 2 is a local charity that provides students in grades 3–5 at PS 55 in the Bronx with warm winter gear and holiday gifts. These grades represent over 360 children in need. For more information and to make a donation please visit:

http://www.signupgenius.com/go/70a0444a4a92e5-operation1

or on Facebook:

https://www.facebook.com/operationsanta2/?ref=br_rs

Sincerely,

Richard Fulton
on behalf of the Old Greenwich Merchants Association
VIA EMAIL

TO: Peter J. Tesei, First Selectman
FROM: Aamina Ahmad, Assistant Town Attorney
DATE: October 18, 2016
RE: Americans with Disabilities Act (ADA) Policy and Procedures

I have completed my review of the ADA policies and procedures from neighboring municipalities that you had sent. I have also reviewed the Department of Justice’s suggested ADA policy for local governments together with associated procedures and guidelines. Attached is a draft policy for your review. As a preliminary matter, the Town will need to designate an ADA Compliance Officer. The Department of Justice offers the following guidelines when selecting a compliance officer and suggests that it be someone with the following qualifications:

- familiarity with the local government’s structure, activities and employees;
- knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Section 504 of the Rehabilitation Act, 29 U.S.C. § 794;
- experience with people with a broad range of disabilities;
- knowledge of various alternative formats and alternative technologies that enable people with disabilities to communicate, participate, and perform tasks;
- ability to work cooperatively with the local government and people with disabilities;
- familiarity with any local disability advocacy groups or other disability groups;
- skills and training in negotiation and mediation, organization and analytical skills;

Once an ADA policy is formally adopted by the Board of Selectmen on behalf of the Town, the Department of Justice requires that it be published. This can be done by posting
To: Peter J. Tesei, First Selectman  
Re: ADA Policy & Procedures  
October 18, 2016  
Page 2

it on the Town website. However, the website will have to be accessible to persons with various disabilities. The Department of Justice also recommends the adoption of a grievance procedure. A draft procedure is attached for your review. Any grievance procedure adopted by the Town also requires the designation of an ADA Compliance Officer and another Town official or agency to hear and decide any appeals.

Once the Town adopts an ADA policy in accordance with the Department of Justice’s guidelines, the Town will need to make an effort to comply with accessibility of all public buildings, parks and recreational facilities, curb ramps and pedestrian crossings, emergency shelters, emergency communications services, implement website design practices that eliminate online barriers to people with disabilities and make various other accommodations for persons with disabilities.

The attached draft policy and grievance procedures are for purposes of discussion and can be modified following input from any Town departments and agencies that you believe should be involved in the process.

I am available to discuss this with you in further detail at your convenience.

AA:js
enclosures

cc: Dr. Alan Barry, Commissioner of Social Services  
    Tom Klein, Director of Information Technology  
    Lolli Ross, First Selectman’s Advisory Committee for People with Disabilities  
    Amy Siebert, Commissioner of Public Works  
    John Wayne Fox, Town Attorney
NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

Draft for Review 10-14-16

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Greenwich will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Town of Greenwich does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The Town of Greenwich will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town of Greenwich’s programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Town of Greenwich will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Town of Greenwich offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Greenwich, should contact the office of [name and contact information for designated ADA Coordinator] as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town of Greenwich to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Town of Greenwich is not accessible to persons with disabilities should be directed to [name and contact information for designated ADA Coordinator].

The Town of Greenwich will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.
TOWN OF GREENWICH
Grievance Procedure under The Americans with Disabilities Act

DRAFT 10-14-16

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Greenwich. The Town of Greenwich’s Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to: ADA Coordinator: Name, Address, Contact Information

Within 15 calendar days after receipt of the complaint, ADA Coordinator or [his/her] designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA Coordinator or [his/her] designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Greenwich and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator or [his/her] designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the ________________ or [his/her] designee.

Within 15 calendar days after receipt of the appeal, the ________________ or [his/her] designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ________________ or [his/her] designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by ADA Coordinator or [his/her] designee, appeals to the ________________ or [his/her] designee, and responses from these two offices will be retained by the Town of Greenwich for at least three years.
TOWN OF GREENWICH

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