



Pursuant to the foregoing notice, a regular Representative Town Meeting of the Town of Greenwich was held in the Moderator's Hall at Central Middle School on Tuesday January 20, 2009 at 8:00 P.M. (E.S.T.).

The meeting was called to order by Moderator Thomas J. Byrne.

The Moderator announced that, as all members had received a copy of the call for the meeting, the reading of the call would be omitted.

Town Clerk Carmella C. Budkins swore in three new members:

Christine Rossi in District 1, William J. Clark in District 4 and Michael Ross in District 12.

Attendance cards were presented showing 174 present, 54 absent and 2 vacancies.

The members who were absent in District 1 – Mary Ambrogio, Norman Collins, Edward Dadakis, Dean Goss, Richard Holleran, Patrick Maher, Mary Pellegrino, Julie Ray, Carol Zarrilli; District 2 – Duncan Burke, Nancy Burke, Paul Settlemeyer; District 3 – Murray Paroly; District 4 – Felix Andreoni, James Bonney, Russell Bowman, Brian Harrod, John Wahba; District 5 – Frederick L Baker, III, Robert K. Brady, Jennifer Dayton, Karen Oztemel; District 6 – Michael Carter, Charlene Ginste, Coline Jenkins, Arlene Lomazzo, Patricia Nelson, Joseph Stroll; District 7 – Amy Bibb, Alice Duff, Peter Quigley; District 8 – Susie Andersen, John Beckwith, J. Todd Hahn, Drew Marzullo; District 9 – Andrew Bernstein; District 10 – David Detjen, John Lucarelli, Dora Williamson; District 11 – Michael Chait, Rosa Fini, James Hesburgh, Fern Lindsay, Neal Neilinger, Vinay Pande, Joseph Pellegrino, Charles Seelig; District 12 – Emil Bennie Benvenuto, Harris William Davidson, Dolores A McCollem, Hope Polidoro, Mary Romeo, Peter M Sherr, Jane S Sulich.

The Moderator announced that, as all members had received a copy of the minutes of the December 8, 2008 meeting, the reading of the minutes would be omitted. He asked if there were any corrections or comments. William Clark of District 4 noted on page one in the paragraph starting "The Moderator announced that in order to comply" in the next line the apostrophe should be taken out of the word "it's". There being no other corrections or comments, the minutes, as amended, were adopted by unanimous consent.

The Moderator announced that Item No. 3 had been withdrawn.

Pursuant to RTM rules, the Moderator designated the following items be placed on the consent calendar – 2-5-6 & 9.

The items on the consent calendar are:

- 2. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Nathaniel Witherell Board for a term beginning 4/1/ 2009 and expiring 3/31/12.**

FRANCIS J. SCARPA

- 5. RESOLVED, that the Conservation Commission of the Town of Greenwich be hereby authorized to accept a gift from the Mianus River Watershed**

Council for an underwater camera and related software valued at approximately \$7,000.

6. **RESOLVED, that (a) the Conservation Commission of the Town of Greenwich be hereby authorized to accept receipts from the National Fish and Wildlife Foundation's Long Island Sound Futures Fund Program in the amount of \$2,000 and (b) these receipts to become appropriations in appropriate accounts upon approval of the Board of Estimate and Taxation.**

9. **RESOLVED, that the Town of Greenwich accept a gift in the amount of \$25,000.00 as reimbursement for the Independence Day Fireworks Celebrations.**

The vote was now on the consent calendar.

In Favor	-	160
Against	-	1
Abstentions	-	0

Items Carried

The Moderator announced that Item No. 1 on the call was now before the meeting.

Al Cava, Director of Labor Relations, offered the following resolution, which was duly moved and seconded, regarding Item No. 1.

RESOLVED, that the sum of \$74,305 for the fiscal year 2008-09 be and the same is hereby appropriated to carry out the terms of the negotiated four-year collective bargaining agreement between the Town of Greenwich and the AFSCME Council 4 Local 1303-222.

FURTHER RESOLVED, that the Representative Town Meeting of the Town of Greenwich hereby approves such provisions of the agreement, if any, which may be in conflict with any charter provisions, special act, ordinance, rule, or regulation of the Town of Greenwich with the meaning of Connecticut General Statutes, Section 7-474.

The vote was now on Item No. 1.

In Favor	-	118
Against	-	49
Abstentions	-	3

Item Carried

The Moderator announced that Item No. 4 on the call was now before the meeting.

Selectman Peter Crumbine offered the following resolution, which was duly moved and seconded, regarding Item No. 4.

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Board of Social Services for a term beginning April 1, 2009 and ending March 31, 2012.

REBECCA WAYLAND

The vote was now on Item No. 4.

In Favor	-	171
Against	-	0
Abstentions	-	1

Item Carried

The Moderator announced that Item No. 7 on the call was now before the meeting.

Joseph Siciliano, Director of Parks & Recreation, offered the following resolution, which was duly moved and seconded, regarding Item No. 7.

RESOLVED, That the sum of \$175,000.00 be and the same is hereby appropriated to be added to the capital account number M824-59560-28084 known as “Griffith E. Harris Golf Course Administration Building and Pro Shop”.

The vote was now on Item No. 7.

In Favor	-	171
Against	-	2
Abstentions	-	0

Item Carried

The Moderator announced that Item No. 8 on the call was now before the meeting.

David Thompson, Deputy Commissioner of Public Works, offered the following resolution, which was duly moved and seconded, regarding Item No. 8.

RESOLVED, that the sum of \$150,000 be and the same is hereby appropriated to be added to Account Number Z312-59620-28008, known as “Porchuck Road Bridge Replacement”.

The vote was now on Item No. 8.

In Favor	-	173
Against	-	0
Abstentions	-	0

Item Carried

The Moderator announced that Item No. 11 on the call was now before the meeting.

Susan Wallerstein, Sup of Business Services for the Board of Education, offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 11.

RESOLVED, that the Board of Education be authorized to accept a one time energy assistance grant from the State of Connecticut and the same is hereby appropriated to Account No. A640178952260.

The vote was now on Item No. 11.

In Favor	-	169
Against	-	0
Abstentions	-	0

Item Carried

The Moderator announced that Item No. 10 on the call was now before the meeting.

First Selectman Peter Tesei offered the following resolution, which was duly moved and seconded, regarding Item No. 10.

RESOLVED, that the Property Tax Relief for the Elderly Ordinance, Sec. 12-6.1 of the Town of Greenwich Charter and Code, be amended as follows:

Sec. 12-6.1. Property tax relief **for seniors** [the elderly].

1. **Statutory authority; age qualification.** Pursuant to General Statutes § 12-129n property tax relief shall be provided to any resident of the town with respect to real property occupied by such resident as his or her principal residence for which the resident is liable for taxes as owner or as tenant for life or years under General Statutes § 12-48, who meets the qualifying total annual income herein and (1) who is sixty-five (65) years of age or over, (2) whose spouse, living with the resident is sixty-five (65) years of age or over, or (3) who is sixty (60) years of age or over and the surviving spouse of a taxpayer receiving relief in the town under this section at the time of his or her death.

The ages specified in this section shall have been attained by December 31 preceding the application for tax relief under this ordinance.

2. **Taxpayer qualification.** Residents or spouses qualifying for tax relief under this section must be taxpayers of real property located in the town for one (1) year immediately preceding their receipt of tax benefits under this section and meet the requirements set forth in subsection 11 of this section with respect to the qualifying total annual income allowable for their federal income tax year preceding the year in which application is made for tax relief under this section.

3. **Other relief.** Prior to the granting of property tax relief, such person must first have applied for tax relief under any other statute for which he or she is eligible and shall certify to the assessor and tax collector the tax credits received thereunder. No property tax relief granted under this section, together with any property tax relief received by any such person under all applicable statutes shall exceed, in the aggregate seventy-five (75) percent of the total amount of the tax which would, except for those applicable statutes and this section, be laid against the person applying for tax relief hereunder.

4. **Limit on abatement.** The total abatement of property tax revenue which may be granted in **each** [such] tax year by the town pursuant to the provisions of this section shall [not exceed] **be set by the Board of Estimate and Taxation at the time it sets the mill rate for such tax year at an amount which is (a) not less than the lesser of (1) \$570,000 or (2) the amount of the tax credits for approved applications and (b) not greater than** an amount, [based on an estimate in any tax year by the Board of Estimate and Taxation,] equal to **one-half of one (1/2) [(1)]** percent of the total real property tax levied in the town in the **current** [preceding] tax year. Such tax relief granted to eligible persons for any fiscal year shall be [ratably] decreased if necessary to keep the total amount of the town tax relief within such limit **by applying such decrease ratably to the credit for the eligible persons with the highest qualifying total annual income under Section 11.(a) and then if no credit is left for such income by applying the decrease ratably to the credit for next highest income and so on for the others, until the decrease that is required to stay within such limit is met.**

5. **Principal residence requirement.** For purposes of this section the principal residence requirement in subsection 1 shall be met if the residents seeking qualification shall have maintained residence in the property for which tax relief is being sought for at least one hundred eighty-three (183) days during the twelve (12) months immediately prior to the filing of an application hereunder.

6. **Qualifying total annual income.** Qualifying total annual income for tax relief under subsection 11 of this section shall be reviewed and determined by the assessor on the basis of amounts listed in the computation of total income for federal income tax purposes furnished by the taxpayer for the year preceding the filing of an application for tax relief hereunder of the applying individual, if unmarried, or jointly, if married, regardless of whether or not separate federal income tax returns were filed by

such person or his or her spouse and shall be adjusted in accordance with subsections (a) and (b) of this section.

(a) *Included in income.* Qualifying total annual income shall include income from the following sources, whether or not such sources were included in amounts listed for the computation of total income in a federal income tax return, and shall therefore be adjusted and determined by the assessor to the extent such amounts are not included as total income in a federal income tax return:

- (1) Wages, bonuses, commissions, gratuities and fees, self-employment net income;
- (2) Gross Social Security, Federal Supplemental Security Income, payment for jury duty (excluding travel allowance);
- (3) Dividends, interest, and annuities;
- (4) Taxable IRA distributions;
- (5) Black Lung payments;
- (6) Interest or proceeds resulting from gifts received;
- (7) Lottery winnings;
- (8) Net income from sale or rent of real or personal property, provided that, to the extent that there is no net income, qualifying total annual income shall not be decreased by sale and rental net income losses;
- (9) Pensions, including veterans' and railroad retirement;
- (10) Severance pay; Unemployment compensation;
- (11) Worker's compensation;
- (12) Alimony;
- (13) Capital gains, provided that, to the extent there is no capital gain, qualifying total annual income shall not be decreased by capital losses;
- (14) Partnership income, provided that, to the extent there is no net income, qualifying total annual income shall not be decreased by partnership net income losses;

(b) *Excluded from income.* Qualifying total annual income shall exclude income from the following sources, whether or not such sources were included in amounts listed for the computation of total income in a federal income tax return or under subsection (a) above and shall therefore be adjusted and determined by the assessor to the extent that such amounts are included in a federal income tax return or under subsection (a) above:

- (1) Social Security payments specifically for a dependent person or minor child;
- (2) Casualty loss reimbursements by insurance companies;
- (3) Gifts, bequests or inheritances, except for any interest or other income produced by the gift, bequest or inheritance;
- (4) Grants for disaster relief;
- (5) Income derived through volunteer service under the Domestic Volunteer Service Act of 1973, as amended, including stipends earned under

the Foster Grandparents' Program, Retired Senior Volunteer Program, Senior Companion Program, and Community Training under Department of Mental Retardation;

(6) Life insurance proceeds;

(7) For a married homeowner whose spouse is a resident of a health care or nursing home facility and who is receiving payment related to such spouse under Title XIX Medicaid, total income shall not include the spouse's Social Security income, provided that the following has been submitted to the Assessor on the facility's letterhead and signed by the administrator or other nursing home official:

(i) Proof that the spouse is in a health care or nursing home facility,

(ii) The name and address of the facility,

(iii) The period during the benefit year that the spouse was in the facility,

(iv) The period during the benefit year that the spouse was on Title XIX Medicaid;

(8) Food stamps; fuel assistance; child support payments and temporary family assistance program payments.

7. **Delinquent taxes.** No tax relief shall be given under this section to any person who has delinquent taxes to the town from real property, personal property or motor vehicles, including capital assessments or user charges owed to the town which have not been paid in full or brought current by June 1 preceding the fiscal year for which tax relief shall be granted. For purposes of this section, abated taxes shall not be considered delinquent.

8. **Form of application.** The form of application for property tax relief under this ordinance shall: (a) be made by affidavit on forms provided by the assessor and accompanied by documentation of all qualifying income, including a copy of the applicant's most recent federal tax return for the taxpayer's fiscal year immediately preceding the town's fiscal year for which tax relief is being requested and, (b) state the qualifying information set forth in the preceding sections of this ordinance, whether or not applicant has previously applied or is currently applying for any other tax relief for the elderly or disabled under any state statute. For those persons not required by law to file a federal tax return, an affidavit from such persons shall be required attesting to the fact that they are not required to file a tax return.

9. **Filing dates.** An application for property tax relief under this ordinance, including any required affidavit and documentation, shall be filed by mail or delivered in person to the assessor's office not earlier than February 1, nor later than May 15 to obtain property tax relief for the next fiscal year. For those persons who have sought and received by May 15 an extension of time to file a tax return, the application must nevertheless be filed by May 15 and a copy of the tax return received by the assessor's

office by June 15 or the application will be denied. If the qualifying total annual income for the year following that contained in the application remains less than the limit of the category approved for a resident under subsection 11 then that resident shall not be required to file an application in the next following year but shall only be required to file an application biennially and the assessor may rely on the approved application on file to continue the tax credit accordingly. Otherwise, based on changes for such following year in qualifying total annual income that exceed the limit of the category approved for a resident or for a claim that the resident be allowed a larger credit based on a lower income category under subsection 11, the resident shall notify the assessor of such change and, if still qualifying for property tax relief, shall file again annually, by the dates set forth in this subsection.

10. Assessment limit. The property tax relief available hereunder shall be available for one (1) residence only collectively for each applicant and spouse and shall not be available to any residence with an assessed value in excess of one hundred and fifty (150) percent of the median assessed value of residences sold during the prior assessment year October 1 to September 30 as calculated by the assessor.

11. Computation of credit. (a) The computation of the amount of property tax credit hereunder, subject to section 3, for the fiscal year commencing July 1, 2009[6] shall be determined on the following graduated basis:

<i>Qualifying Total Annual Income</i>	<i>Property Tax Credit</i>
Less than [\$18,000] \$24,000	[\$1,700] \$1,900
[\$18,000-27,250] \$24,000-\$36,000	[\$1,130] \$1,300
[\$27,251-\$39,000.00] \$36,001-\$50,000	[\$ 850] \$1,000
\$50,001 - \$60,000	\$500

(b) For fiscal years commencing July 1, 2010[07] and following, the amount of tax credit shall be adjusted by a percentage change from the prior year as follows:

(1) In a fiscal year in which a tax assessment revaluation becomes effective, the percentage change shall be the product of the new mill rate times the new grand list divided by the product of the prior grand list times the prior mill rate, minus one.

Example:

Prior Grand List	= \$20 Billion
Prior Mill Rate	= 12 mills
New Grand List	= \$40 Billion
New Mill Rate	= 6.2 mills
Benefit Change	= ((6.2 mills x \$40 Billion)/(12 mills x \$20 Billion))-1
	= (\$248 million /\$240 million)-1
	= .03333 or 3.333% increase

(2) In a fiscal year in which a tax assessment revaluation does not become effective the percentage change shall be the same as the percentage change in the mill rate from the prior year.

(c) For fiscal years commencing July 1, 2010 and following the qualifying total annual income shall be adjusted by the percentage increase in the Consumer Price Index affecting the town designated “CPI-W NY-NJ-CT-PA” rounded down to the nearest \$500.

12. **Death of taxpayer.** Upon the death of any person entitled to tax relief pursuant to this section, the tax relief hereunder shall end the following June 30, unless his or her spouse is otherwise qualified.

13. **Conveyance of property.** If any person entitled to a tax credit hereunder sells the property with respect to which the tax relief hereunder has been granted, the tax relief shall be suspended as of the date of conveyance and the nonqualifying purchaser of such property shall pay the town a prorated share of taxes thereby due and owing as provided by General Statutes § 12-81a.

14. **Proration of relief.** The property tax relief provided for in this section may, in any case where title to real property is recorded in the name of the taxpayer or his or her spouse and any other person or persons, be prorated to reflect the fractional portion of such taxpayer or spouse or, if such property is a multiple family dwelling, such relief may be prorated to reflect the fractional portion of such property occupied by the taxpayer.

15. **Cooperatives.** Persons qualifying in accordance with age and income requirements of this ordinance shall be eligible if they are unit owners and occupiers of a cooperative. The amount of annual property tax relief in accordance with this section to any such person shall be determined in relation to an assumed amount of property tax liability applicable to the assessed value for the dwelling unit which such person owns and occupies as determined by the assessor which may be based on the number of cooperative shares attributable to the unit compared to the total number of shares in the cooperative. For purposes of this section the assessor shall determine the assumed amount of property tax liability applicable to the assessed value for the dwelling unit of each such person who is otherwise eligible under this section, but such determination shall not constitute a tax bill for purposes of property taxation of such cooperative or any individual dwelling unit thereof. Annually not later than the first day of June, the assessor, upon the basis of an application for such relief, shall determine, with respect to the assessment list for the assessment year commencing October first immediately preceding, the portion of the assessed value of the entire cooperative, as included in such assessment list, attributable to the dwelling unit occupied by such person. The assumed property tax liability for purposes of determining the amount of such relief shall be the product of such assessed value and the mill rate in [such municipality] **the town** as determined for purposes of property tax imposed on said assessment list for the assessment year commencing October first immediately preceding. The amount of relief to which such person shall be entitled for such assessment year shall be equivalent to the

amount of tax reduction for which such person would qualify, considering such assumed property tax liability to be the actual property tax applicable to such person's dwelling unit and such person as liable for the payment of such tax.

16. **Procedures.** The tax collector and assessor shall prescribe with regard to their respective duties under this section, such forms and procedures as may be necessary to implement this section. The assessor, in addition, shall take such steps as are necessary to satisfactorily establish the facts as to the qualifying income of an applicant for benefits under this section by requesting and reviewing income tax forms filed therewith and any additional evidence of qualifying income, which the assessor may require. This documentation shall not be open to public inspection. The assessor may deny the application of a person who fails to provide information required by the assessor that is necessary to determine eligibility.

17. **Effective date.** This ordinance, as amended, shall be effective starting with applications accepted February 1, 2009[6] for tax relief for the fiscal year commencing July 1, 2009[6].

[18. All provisions of this ordinance, as amended, shall cease to be effective on June 30, 2010 unless an ordinance extending this ordinance is properly submitted to the Board of Estimate and Taxation and the Representative Town Meeting and approved prior to that date.]
(RTM, 4/9/2001; RTM, 12/10/2001; RTM 6/13/05)

Additions **bold**, deletions [brackets]

Douglas Wells, chairman of the Legislative & Rules Committee, made a motion, on behalf of the committee, to amend the resolution to reinstate the sunset clause. In paragraph 18, remove the brackets at the beginning and end of the paragraph and change the date from 2010 to 2013.

The vote was now on the first Legislative & Rules Committee motion to amend Item No. 10

In Favor	-	150
Against	-	19
Abstentions	-	2

Amendment Carried

Douglas Wells, chairman of the Legislative and Rules Committee, made a motion, on behalf of the committee, to amend the resolution by deleting Section 11C of the ordinance.

The vote was now on the second Legislative & Rules Committee motion to amend Item No. 10.

In Favor	-	34
Against	-	133
Abstentions	-	3

Motion Lost

Douglas Wells, chairman of the Legislative and Rules Committee, made a motion, on behalf of the committee, to amend the resolution in paragraph 4, sixth line after the words “not greater than”, delete the rest of that sentence and insert in its place, \$1,000,000.

The vote was now on the third Legislative & Rules Committee motion to amend Item No. 10.

In Favor	-	50
Against	-	114
Abstentions	-	3

Motion Lost

Michael Petrucelli of District 12 made a motion, which was seconded, to postpone this item until the March 2009 meeting.

Motion Lost

The Moderator announced that the vote was now on Item No. 10 as amended.

In Favor	-	153
Against	-	4
Abstentions	-	3

Item Carried

There being no further business, the Moderator adjourned the meeting, upon unanimous consent, at 10:30 P.M.

ATTEST:
CARMELLA C. BUDKINS
TOWN CLERK

SUBJECT TO APPROVAL