



Pursuant to the foregoing notice, a regular Representative Town Meeting of the Town of Greenwich was held on Monday March 8, 2010 at 8:00 P.M.(E.S.T.) in the Moderator's Hall of Central Middle School.

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

The members pledged allegiance to the flag.

Town Clerk Carmella C. Budkins swore in John J. Thompson new member in District 4.

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.

Attendance cards were presented showing 202 present, 26 absent and 2 vacancies. Districts 2, 5 and 9 had perfect attendance.

The members who were absent in District 1 - George F Chelwick, Norman R Collins, Richard P. Holleran, Frederick Lee, Jr.; District 3 – Robert J. Allen, Daniel E. Brooks, Murray S. Paroly; District 4 – Vickie Dudas, Maria M. Popp, J. Robert Tuthill; District 6 – Barbara T. Ruud Nucci; District 7 – William W. Galvin, III, Donald E. Hamilton, Timothy P. Harkness, Mary A. Jacobson, Lucia D. Jansen; District 8 – Gerald R. Boyle, Steven D. Gross, Linda D. Smith; District 10 – John M. Lucarelli, Jeffrey Stein; District 11 – Fern M. Lindsay, Vanessa Robinson, Adam J. Savitz; District 12 – Emil Bennie Benvenuto, Nikhil Sharad Gupte.

The Moderator announced that as all members had received a copy of the minutes of the January 19, 2010 meeting, the reading of the minutes would be omitted. He asked if there were any corrections or comments.

Christopher vonKeyserling of District 8 moved to amend the minutes as follows:

On page 2, Item no. 3, in the fifth sentence insert between "The votes" and "were as follows", the words "of the body": to read "The votes of the body were as follows"; and in that same sentence substitute "99" for "100" to read: "Joan Caldwell – 99" and in between the fifth sentence and the sixth sentence, insert the sentence "Whereupon the Moderator exercised the Chair's vote to break the body's tie vote in favor of Joan Caldwell, and without announcement of his action, declared the final vote in favor of Ms. Caldwell".

Upon a voice vote, the motion to amend failed.

There being no other corrections or comments, the minutes, were adopted by unanimous consent.

Pursuant to the RTM rules, the Moderator designated the following items be placed on the consent calendar – 2, 17-21.

The items on the consent calendar are as follows:

2. **RESOLVED, that the sum of \$45,000 be and the same is hereby appropriated to be added to Capital Account Number Z312-59620-26032, known as "Shore Road Bridge Rehabilitation".**

17. **RESOLVED, that the following named person, nominated by the Board of Selectmen, be re-appointed a member of the Nathaniel Witherell Board for a term expiring 3/31/13.**

**PAUL TORETTA**

18. **RESOLVED**, that the following named person, nominated by the Board of Selectmen, be re-appointed a member of the Nathaniel Witherell Board for a term expiring 3/31/13.

**DAVID AYRES**

19. **RESOLVED**, that the following named person, nominated by the Board of Selectmen, be re-appointed a member of the Nathaniel Witherell Board for a term expiring 3/31/13.

**BRUCE DIXON**

20. **RESOLVED**, that the following named person, nominated by the Board of Selectmen, be re-appointed a member of the Alarm Appeals Board for a term expiring 3/31/14.

**FREDERIC BROOKS**

21. **RESOLVED**, that the following named person, nominated by the Board of Selectmen, be re-appointed a member of the Alarm Appeals Board for a term expiring 3/31/14.

**JAMES H. DAINE**

The vote was now on the consent calendar.

In Favor	-	199
Against	-	0
Abstentions	-	0

Items Carried

The Moderator suggested a motion, which was moved and seconded, to suspend the rules and combine items 3-6-7-8-9-10-12-13-15-16-22-23 & 25 and to consider separately items 1-4-5-11-14 & 24.

Motion Carried

The Moderator announced that the combined items were now before the meeting.

James G. Boutelle of District 8 made a motion, which was seconded, that would limit the debate for the balance of the meeting to three minutes for each speaker per item and five minutes for each major proponent and each major opponent.

Motion Carried

David P. Thompson, Deputy Commissioner of Public Works, offered the following substitute resolution, which was duly moved and seconded.

3. **RESOLVED**, that the sum of \$1,458,764 be and the same is hereby appropriated to be added to Capital Account Number Z312-59600-219xx, to be known as “ARRA Pavement Restoration Project”.

Christopher vonKeyserling, Chairman of the Appointments Committee, offered the following resolutions, which were duly moved and seconded, regarding items 6-10.

6. **RESOLVED**, that the following person, nominated by the RTM Appointments Committee, be appointed a member of the Condemnation Commission for a term expiring 3/31/12.

**GORDON A. ENNIS**

7. **RESOLVED**, that the following person, nominated by the RTM Appointments Committee, be appointed a member of the Condemnation Commission for a term expiring 3/31/12.

**RICHARD F. KRAL, JR.**

8. **RESOLVED**, that the following person, nominated by the RTM Appointments Committee, be appointed a member of the Condemnation Commission for a term expiring 3/31/12.

**JOSEPH A. RICCIARDI, SR.**

9. **RESOLVED**, that the following person, nominated by the RTM Appointments Committee, be appointed a member of the Condemnation Commission for a term expiring 3/31/12.

**NEIL R. RITTER**

10. **RESOLVED**, that the following person, nominated by the RTM Appointments Committee, be appointed a member of the Condemnation Commission for a term expiring 3/31/12.

**GREGORY W. SCHULTE**

Peter J. Tesei, First Selectman, offered the following resolution, which was duly moved and seconded.

12. **RESOLVED** that the RTM accept a gift in an amount equal to the actual cost, not to exceed \$750,000, from the Greenwich Point Conservancy, to complete full restoration of the interior space and startup at the Innis Arden Cottage (Queen Anne Building) located at Greenwich Point for use as an Environmental Education Facility.

**FURTHER RESOLVED that the aforementioned gift will be funded by the Greenwich Point Conservancy upon approvals by the Commissioner of Public Works and the Director of Parks and Recreation to properly execute the restoration.**

Coline Jenkins, Chairman of District 6 on behalf of District 6, moved to amend the resolution by inserting "PRIMARILY" in the 4<sup>th</sup> line after "use" and before "as", which was approved by unanimous consent.

Joseph Siciliano, Director of Parks & Recreation, offered the following resolution, which was duly moved and seconded:

**13. RESOLVED that the Department of Parks and Recreation accept a gift valued at \$30,000 from the Green Fingers Garden Club for the renovation of the area around the ferry boat landing.**

The First Selectman, Peter J. Tesei, offered the following resolutions, which were duly moved and seconded, regarding items 15 & 16.

**15. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a regular member of the Board of Social Services for a term expiring 3/31/13.**

**BARBARA NOLAN**

**16. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a regular member of the Board of Social Services for a term expiring 3/31/13.**

**JAMES B. MCGUIRE**

The Selectman, David N. Theis, offered the following resolutions, which were duly moved and seconded, regarding items 22, 23 & 25.

**22. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Commission on Aging for a term expiring 3/31/13.**

**STEPHANIE PAULMENO**

**23. RESOLVED, that the following named person, nominated by the Board of Selectmen, be re-appointed a member of the Commission on Aging for a term expiring 3/31/13.**

**KAREN T. LAMONICA**

25. **RESOLVED, that the following named person, nominated by the Board of Selectmen, be re-appointed a regular member of the Board of Ethics for a term expiring 3/31/13.**

**ROBERT GRELE**

The vote was now on the combined items.

In favor	-	197
Against	-	1
Abstentions	-	0

Items Carried

Joan Caldwell, Moderator Pro-tempore, assumed the Chair of the meeting to handle Item #1 on the call.

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

Betsey Frumin, Chairman of District 9, on behalf of District 9, offered the following resolution:

**RESOLVED, that section III. ORGANIZATION AND PROCEDURES of the Rules of the Representative Town Meeting be amended as follows (additions in bold, [deletions in brackets]):**

A. ELECTION OF OFFICERS

3. Voting procedure. The Town Clerk or Assistant Town Clerk shall act as temporary chairman of the RTM until a Moderator is elected. Nominations for the office of Moderator shall be made from the floor and seconded. Voting **for the office of Moderator shall be in accordance with the voting procedures for a record vote set forth in Section III, Subsection I. 4. of these Rules.** The Moderator shall be elected by a majority of members present and voting. In the event that no candidate receives a majority of votes, the candidate with the least votes shall be eliminated and additional ballots taken as a run-off among the remaining candidates until one candidate receives a majority of votes. After a Moderator has been elected, a Moderator Pro Tempore shall be elected under the same procedures.

I. PROCEDURE AT MEETINGS

4. Voting Procedure

b. Where required by the Freedom of Information Act or upon a motion duly adopted, a record vote shall be taken by the district chairmen on a voting record card

properly identified as to the subject being voted upon. **All members of the Representative Town Meeting, including, but not limited to, any officers of the Representative Town Meeting, shall vote in accordance with this section.** The vote may be taken in either of the following manners:

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c. Upon completion of the poll, **each** district chairman shall deliver the record vote **of his district** to the Town Clerk, **and upon such delivery the voting of the district shall be deemed closed.**

**FURTHER RESOLVED**, that these amendments take effect immediately upon approval of the Representative Town Meeting.

Betsey Frumin, Chairman of District 9, on behalf of the District, made a motion to refer Item 1 to Legislative & Rules Committee for review and action.

The vote was now on District 9 motion to refer.

In favor	-	144
Against	-	56
Abstentions	-	3

Motion to Refer Carried

Thomas J. Byrne, Moderator, assumed the Chair to conduct the balance of the meeting.

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

Karen Fassuliotis, Chairman of Health & Human Services Committee offered the following substitute resolution, which was duly moved and seconded.

**RESOLVED, that Appendix B, Description of Standing Committees, H. Health and Human Services, of the Appendix to Rules of the Representative Town Meeting be amended to read as follows:**

**(additions in bold, [deletions in brackets]):**

E. HEALTH AND HUMAN SERVICES COMMITTEE

Operational Responsibility:

- Reviews areas relating to protection of the health and welfare of residents and environment of the Town, including:

- availability of public health programs and social services
- enforcement of health statutes and codes and ordinances
- maintenance of environmental programs covering air and water quality [and general overseeing of the disposal of solid and toxic waste and composting and septic systems.] **as it relates to public health.**
- Reviews **general effectiveness, efficiency and** operations of The Nathaniel Witherell.
- Reviews [functioning] **general effectiveness, efficiency and operations** of the Greenwich Emergency Medical Service.
- [Considers] **Reviews** affordable housing matters **relating to health and human services.**
- [Maintains relationships with other environmental agencies and providers or users of health and social services].
- Reviews operations of all departments and agencies within town government providing services to town residents in the areas of financial assistance, social services, housing or health care and disease prevention. [Specific group categories are the aged, children and adolescents, families, the homeless, indigent, mentally ill and substance abusers.]
- Studies the general effectiveness, [and] efficiency **and operations** of [the] Social Services, [and] Health Department[s], **Commission on Aging, The Nathaniel Witherell, Greenwich Emergency Medical Services and their respective boards.**

Budgetary Responsibility:

- Reviews all appropriations and budgets for:
  - Department of Health and Department of Social Services, including all programs, divisions and personnel.
  - The Nathaniel Witherell
  - Greenwich Emergency Medical Service
  - Greenwich Community Development Program Funds
  - Commission on Aging

Overlapping Responsibility:

- For [the] financial items over \$50,000: with the Finance Committee;
- For [the Senior Center and youth] programs **within the purview of Health and Human Services** at Town Civic Centers: with the Parks and Recreation Committee.

The vote was now on Item No. 4.

In Favor	-	194
Against	-	3
Abstentions	-	2

Item Carried

The Moderator announced that Item No. 5 on the call was now before the meeting.

David P. Thompson, Deputy Commissioner of Public Works, offered the following resolution, which was duly moved and seconded:

**RESOLVED, that Chapter 9 of the Town Code, REFUSE, be amended as follows to WASTE AND LITTER.**

**CHAPTER 9. WASTE AND LITTER [REFUSE].**

**ARTICLE 1. WASTE COLLECTION AND [REFUSE AND GARBAGE] DISPOSAL.**

Sec. 9-1. Definitions.

(a) As used in this **article** [chapter]:

**(1) Acceptable solid waste shall mean unwanted or discarded materials, garbage and refuse that the town is permitted by the state to collect, store and transport from the town disposal area to resource recovery combustion facilities or landfills that are licensed to accept municipal solid waste but shall not include recyclable materials, bulky waste or hazardous waste.**

**(2)[(1)] Approved containers** shall mean covered, watertight containers.

**(3)[(2)] Approved vehicles** shall mean a conveyance equipped with fully enclosed metal bodies of the type **designed and maintained to promote the absence of leakage or spillage and** approved by the **Superintendent** [Director of Health].

**[(3) Combustible refuse** shall mean paper, cartons, rags, old clothes, small pieces of wood, leather and metal containers of not over one (1) quart's capacity.]

**(4) Bulky waste** shall mean **land clearing, demolition and construction debris, discarded machinery and equipment, and other unwanted materials that cannot be feasibly disposed of at resource recovery combustion facilities and landfills as acceptable solid waste because of size or non-combustibility but which can be disposed of at specially permitted and available landfills as determined by the Superintendent.**

**(5) Commissioner** shall mean the **Commissioner of Public Works or by the designation of the Commissioner the Deputy Commissioner of Public Works.**



(6) [(4)] *Garbage* shall mean every accumulation of animal, vegetable or other **putrescible matter including** that attend[s]ing the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, birds, fruit, vegetables, beverages or other edibles, including the [cans,] **non-recyclable materials of** containers or wrappers disposed of along with such materials.

(7) *Hazardous waste* shall mean **pathological and biomedical discarded items, sewage sludge, gunpowder, dynamite, cartridges, shells, gasoline, naphtha, benzene, ether and other refuse materials that have flammable, explosive, corrosive, toxic, infectious or reactive characteristics that when present in significant quantities require special handling for collection, transport and disposal in accordance with applicable state or federal law.**

(8) *Recyclable materials* shall mean the materials defined in Sections 8A-2 and 8A-3 of the Code.

(9) *Superintendent* shall mean the Superintendent of the Department of Public Works Recycling, Waste Collection and Disposal Division.

[(5) *Waste material* shall mean bricks, plaster, furniture and all other noncombustible refuse which has been discarded.]

(Ords. & Reg., § 2-11.1, 2/1/1940.)

Sec. 9-2. Accumulation prohibited.

The accumulation of **acceptable solid waste** [garbage, combustible refuse] or waste material of any kind not otherwise provided for in this chapter except in approved containers is prohibited.

(Ords. & Reg., § 2-11.2, 2/1/40.)

Sec. 9-3. [Garbage and refuse] S[s]torage **containers.**

**Acceptable solid waste** [Garbage and combustible refuse] shall be stored in approved containers. All garbage shall be drained and wrapped [in paper] before it is placed in the containers. The containers shall be kept in a clean and sanitary condition.

(Ords. & Reg., § 2-11.3, 2/1/40.)

Sec. 9-4. [Garbage and refuse] C[c]ollection.

**All acceptable solid waste** [With the exception of recyclables as defined in Section 8A-2 of the Greenwich Municipal Code, all garbage and refuse, in approved containers,] shall be removed **in approved containers or approved vehicles** at least once a week unless **more frequently** [otherwise] required by the **Superintendent or** Director of Health.

(Ords. & Reg., § 2-11.4, 2/1/1940; 8/26/1991.)

Sec. 9-5. **Transport and disposal** [Incineration] required; [permit; exceptions].

[(a)] All **acceptable solid waste** [garbage and refuse] shall be transported to the town disposal area. All **bulky** waste [material] shall be **loaded and** transported to any place **as directed and** designated by the **Superintendent** [Director of Health].

[(b)] The Director of Health may in special instances grant permits for the disposal of garbage and combustible refuse by burial or incineration upon the premises where it originates. The Director of Health may in special instances grant permits for installation and maintenance of garbage grinders for the disposal of garbage into a septic tank.]

(Ords. & Reg., § 2-11.5, 2/1/40.)

Sec. 9-6. Delivery from outside town.

No **acceptable solid waste, bulky waste or hazardous waste** [garbage, combustible refuse or waste materials] shall be transported **for disposal** into the town from any place beyond the limits of the town[.] **unless otherwise approved in writing by the Commissioner as part of a reciprocal municipal cooperative aid agreement.**

(Ords. & Reg., § 2-11.7, 2/1/40.)

Sec. 9-7. License to transport; application.

(a) No person shall engage in the business of transporting **acceptable solid waste to the town disposal area** [garbage, combustible refuse or waste material] without having a valid license from the **Superintendent** [Director of Health] and without using an approved vehicle.

(b) The application for a license valid for one (1) year shall be on a form furnished by the **Superintendent** [Director of Health].

(Ords. & Regs., §§ 2-11.9.1, 2-11.9.2, 2/1/1940.)

Sec. 9-8. License revocation; hearing.

(a) The **Commissioner** [Board of Health] shall have **the** power to revoke the license of any **waste** [refuse] collector found not to be operating in compliance with the provisions of this Code.

(b) No order of revocation shall be made except after a hearing. When a license has been revoked another license shall not be issued except with the approval of the **Commissioner** [Board of Health].

(Ords. & Reg., § 2-11.9.3, 2/1/1940.)

Sec. 9-9. **Approved** [Refuse] vehicles; numbers; maintenance.

(a) Every approved vehicle of a licensed **waste** [refuse] collector under these regulations shall have conspicuously displayed on each side a number issued by the **Superintendent** [Director of Health].

(b) Every approved vehicle used in the transportation of **waste** [refuse] shall be kept in a sanitary condition.  
(Ords. & Reg., §§ 2-11.9.4, 2-11.9.5, 2/1/1940.)

Sec. 9-10. Delivery of **acceptable solid waste** [refuse].

All **acceptable solid waste** [garbage and combustible refuse] shall be promptly delivered at the **town disposal area** [incineration plant] on the same day that it is placed into the **approved vehicle** [truck].  
(Ords. & Reg., § 2-11.9.6., 2/1/1940.)

Sec. 9-11. Prohibited substances.

No **hazardous waste** [gunpowder, dynamite, cartridge, shell, gasoline, naphtha, benzene, ether or any other explosive or similarly dangerous substances or material] shall be cast into any approved container or transported **as acceptable solid waste** to the **town disposal area** [incinerator]. **The Superintendent may adopt procedures for the acceptance of specific items of hazardous waste at specific areas of the town disposal area or direct their delivery to designated facilities to be handled and disposed of in accordance with state and federal law.**  
(Ords. & Reg., § 2-11.6, 2/1/1940.)

**Sec. 9-11.1. Penalty; appeal; hearing**

- (a) **For dumping more than one cubic foot in volume of waste in violation of the provisions of this article the Superintendent may impose civil penalty fines of up to (i) one thousand dollars (\$1,000) for a first violation, two thousand five hundred dollars (\$2,500) for a second violation and ten thousand dollars (\$10,000) for each subsequent violation by a commercial waste collector and (ii) one hundred dollars (\$100) for a first violation, two hundred fifty dollars (\$250) for a second violation and one thousand dollars (\$1,000) for each subsequent violation by any other person.**
- (b) **For any other violation of this article the Superintendent may impose civil penalty fines of up to two hundred fifty dollars (\$250), with each day of violation constituting grounds for a separate fine.**
- (c) **Fines shall be payable to the town and may be appealed within ten days to the Commissioner who shall conduct a hearing and render a decision thereon.**

## ARTICLE 2. LITTER.

Sec. 9-12. Definitions.

(a) As used in this [A]article:

- (1) *Authorized Private Receptacle* shall mean a litter storage and collection receptacle as required and authorized **by the town** [in the Refuse Ordinance of the Town Sanitary Code].
- (2) *Garbage* shall mean and include all putrescible wastes, including vegetable and animal [offal and carcasses of dead animals, but not sewage and body wastes] **remnants.**
- (3) *Handbill* shall mean any advertisement, sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature.
- (4) *Landscape Debris* shall mean yard waste in accumulations that create a hazard but shall not include during the fall the placement of leaves alongside streets contiguous to one's property for pickup as designated by the town.
- (5) [(3)] *Litter* shall mean garbage, **landscape debris** and/or rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a **nuisance or** danger to public health, safety and welfare.
- (6) [(4)] *Park* shall mean a park, reservation, playground, beach, recreation center or any other public area in the town, owned or used by the town and devoted to active or passive recreation.
- (7) [(5)] *Public Place* is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.
- (8) [(6)] *Rubbish* shall mean and include all nonputrescible waste materials [(except ashes)], including but not limited to paper, cardboard, tin cans, wood, glass, bedding, crockery, refrigerators, junk automobiles, demolition material, tree limbs and industry wastes.
- (9) [(7)] *Vehicle* shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway or sidewalk, including devices used exclusively upon stationary rails or tracks.
- [(8)] *Handbill* shall mean any advertisement, sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature.]

**(10)Yard Waste shall mean branches, brush, leaves, grass clippings, sod, crops, mulch and wood chips.**

(Ords. & Reg., § 2-11.8; as amended 11/10/1971; RTM 6/10/1991.)

Sec. 9-13. Litter in public places; use of receptacles.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the town except in public receptacles, in authorized private receptacles for collection or in official town disposal areas.

(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

Sec. 9-14. Manner of placing litter in receptacles.

Persons placing litter in public receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

Sec. 9-15. Sweeping litter into gutters prohibited.

(a) No person shall sweep into or deposit in any gutter, street or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

(b) Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

Sec. 9-16. Throwing litter from vehicle.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the town or upon private property.

(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

Sec. 9-17. Transporting litter; trucks to be covered.

No person shall drive or move any truck or other vehicle within the town unless such vehicle is so constructed, covered or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

Sec. 9-18. Depositing litter in water prohibited.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other public body of water in the town.

(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

Sec. 9-19. Littering occupied private property.

No person shall throw or deposit litter on any occupied, **open or vacant** private property within the town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for **litter collection or recycling areas for yard waste** in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

Sec. 9-20. Owner to maintain premises free of litter.

(a) The owner or person in control of any private property shall at all times maintain the premises free of litter.

(b) This section shall not prohibit **on private property** the storage of litter in authorized private receptacles for collection, [or] prevent the storage of wood, [or branches] **or the recycling of yard waste** [on the owner's premises] that does not constitute a nuisance to neighbors' properties **or any public place**.

(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

[Sec. 9-21. Depositing litter on vacant property.

No person shall throw or deposit litter on any open or vacant private property within the town whether owned by such person or not.

(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)]

Sec. 9-21.[1.] Placing handbills on vehicles.

(a) Purpose. The public interest, convenience and necessity require regulating the placement upon vehicles of handbills, to protect the people against litter and the detriment and danger to public health and safety incident to such placement. To that end, the purposes of this section are specifically declared to be as follows:

(1) To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the placement of handbills on vehicles.

(2) To preserve to the people their constitutional right to receive and disseminate information by delivering handbills to all who are willing to receive the same.

(b) No person, organization, association or business shall distribute, deposit or throw or cause the distribution, deposit or throwing of any handbill in or upon any vehicle in any public place. The provisions of this section shall not prohibit a person, organization,

association or business from handing, transmitting or distributing, without charge to the receiver thereof, a handbill to the owner or other occupant of any vehicle who is willing to accept it.

(RTM 6/10/1991.)

Sec. 9-22.[21.2.] Severability.

If any subsection, paragraph, sentence, clause or phrase of this section should be declared invalid by a court of competent jurisdiction, for any reason whatsoever, such decision shall not affect the remaining portions of this section, which shall remain in full force and effect, and to this end the provisions of this section are hereby declared severable.

(RTM 6/10/1991.)

### [ARTICLE 3. VIOLATIONS]

Sec. 9-23[2]. Penalty.

Any person violating any of the provisions of this **article** [chapter] shall, upon conviction, be fined not more than **two hundred fifty dollars (\$250)**. [one hundred dollars (\$100.)]

### **ARTICLE 3. BOARD OF HEALTH; DIRECTOR OF HEALTH**

**Sec. 9-24.**

**Nothing in this chapter shall be construed to limit the power of the Board of Health or the Director of Health as it relates to public health.**

Additions **bold**

Deletions in [brackets]

Richard F. Kral, Jr., member of District 8, made a motion to refer item back to Legislative & Rules Committee for further review and action regarding fines for haulers.

Upon a voice vote, the Motion to Refer Carried

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

Robert T. May, Chairman of District 12 , on behalf of the District, offered the following substitute resolution, which was approved by unanimous consent:

**WHEREAS, T-Mobile USA is proposing to build a wireless telecommunications facility, comprised of an estimated 100-foot structure, at 328 Palmer Hill Road, this location being 230 feet from North Mianus Elementary School, a school with 454 Kindergarten to Fifth Grade students plus staff, 160 feet from the North Mianus School Kindergarten playground, and 600 feet from the Bridges Pre-School which opened in 2010 with 74 students from two to five years old plus staff; and**

**WHEREAS, the Greenwich Board of Education has consistently stated that it opposes similar wireless telecommunications structures on its properties, adjacent properties or in close proximity to such properties;**

**NOW THEREFORE, it is the sense of the Greenwich Representative Town Meeting that wireless telecommunications structures as regulated by the Connecticut Siting Council not be constructed within 1,500 feet of any accredited school located in the Town of Greenwich.**

Peter E. Berg, Chairman of Land Use Committee, made a motion, on behalf of the committee, to amend Item No. 11 by adding the following paragraph:

**It is further resolved that it is the sense of the Greenwich Representative Town Meeting that wireless telecommunications structures as regulated by the Connecticut Siting Council not be constructed within the Montgomery Pinetum Park in the Town of Greenwich.**

The vote was now on the Land Use Committee motion.

In Favor	-	27
Against	-	155
Abstentions	-	3

Motion Failed

James Boutelle, Chairman of District 8, made a motion, to delete “in the Town of Greenwich” in the last paragraph, which was duly moved and seconded.

The vote was now on James Boutelle’s motion to amend.

In favor	-	74
Against	-	84
Abstentions	-	2

Motion Failed

The vote was now on Item No. 11.

In favor	-	124
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Against - 29  
Abstentions - 13

Item Carried

The Moderator announced that Item No. 14 on the call was now before the meeting.

Douglas J. Wells, Chairman of Legislative & Rules Committee, on behalf of the committee, offered the following substitute resolution:

**RESOLVED, that section V.A.4 of the *Rules of the Representative Town Meeting* be amended by deleting the existing V.A.4 in its entirety and inserting in its place the following:**

- 4. Attendance of Delegates. Each delegate to a committee shall be responsible for representing his district at the committee's meetings. In the event the delegate is unable to attend, he should confirm that his alternate will attend, and if the alternate is not able to attend, assist the district chairman to find a substitute to represent the district.**

The vote was now on Item No. 14.

In favor - 76  
Against - 78  
Abstentions - 1

Item Failed

The Moderator announced that Item No. 24 on the call was now before the meeting.

David Theis, Selectman offered the following resolution, which was duly moved and seconded.

**RESOLVED, that the following named person, nominated by the Board of Selectmen, be re-appointed a member of the Board of Ethics for a term expiring 3/31/13.**

**JANE FINN**

Evan Delman, Chairman of Town Services Committee, made a motion on behalf of the committee, to postpone Item No. 24 to the April 12, 2010 meeting.

Motion Carried

There being no further business, the Moderator adjourned the meeting, upon unanimous consent, at 11:30 P.M.

ATTEST:  
CARMELLA C. BUDKINS

TOWN CLERK