



Pursuant to the foregoing notice a regular Representative Town Meeting of the Town of Greenwich was held via Zoom Webinar on Monday, March 8, 2021 at 8:00 P.M. (E.D.T.)

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

The members pledged allegiance to the flag.

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 224 present, 6 absent and 0 vacancy.

District 1, 2, 3, 5, 6, 7, 8, 10, and 11 had perfect attendance.

District 4 - John J. Thompson, Donald R. Vitti; District 9 – Lillian S. “Sharon” Shisler;

District 12 – Glen A. Canner, Miriam Mennin, Donald T. Whyko.

The Moderator announced that as all members had received a copy of the minutes of the January 19, 2021 meeting, the reading of the minutes would be omitted. The Moderator stated a correction to Mr. Lopez-Reyes first name to Eduardo. He asked if there were any corrections or comments. There being none, the minutes as amended were adopted by unanimous consent.

Pursuant to the RTM rules, the Moderator designated that the following items be placed on the consent calendar – 3, 5-15.

The items on the Consent Calendar are as follows:

3. (Substitute) **RESOLVED**, that the RTM approves the grant of an easement from the Town of Greenwich to Connecticut Light and Power Company d/b/a Eversource Energy for property located at 451 Steamboat Road for the purpose of providing upgraded electric service for the Police Pistol Range located at 451 Steamboat Road. Be it further resolved that the First Selectman is hereby authorized to execute such easement on behalf of the Town of Greenwich, in substantially similar form as presented to the RTM.

5. (Substitute) **RESOLVED**, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Alarm Appeals Board (R2) for a term expiring June 30, 2022.

DONNA GIOFFRE

6. **RESOLVED**, that the following named person, nominated by the Board of Selectmen, be appointed an Alternate Member of the Inland Wetlands and Watercourses Agency (A1) for a term expiring October 31, 2024.

PETER H. LINDEROTH

7. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Board of Parks & Recreation (R2) for a term expiring June 30, 2024.

SUE BODSON

8. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Board of Health (R6) for a term expiring June 30, 2025.

JOEL MUHLBAUM

9. (Substitute) RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Inland Wetlands and Watercourses Agency (R5) for a term expiring October 31, 2022.

WILLIAM GALVIN

10. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of The Nathaniel Witherell Board (R8) for a term expiring June 30, 2023.

PAUL HOPPER

11. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Harbor Management Commission (R1) for a term expiring March 31, 2024.

MICHAEL VAN OSS

12. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed an Alternate Member of the Historic District Commission (A3) for a term expiring October 31, 2025.

PHILLIP JAMES DODD

13. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Board of Human Services (R4) for a term expiring June 30, 2022.

DEBBIE APPELBAUM

14. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Board of Human Services (R9) for a term expiring June 30, 2023.

GILLIAN INGRAHAM

15. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Board of Human Services (R8) for a term expiring June 30, 2022.

TARA SPIESS-RESTIERI

The vote was now on the Consent Calendar.

In Favor	-	214
Against	-	0
Abstentions	-	1

Items Carried

Steven P. Rubin, Member of District 3, made a motion that the time to speak for the remainder of the meeting will be limited to two minutes per speaker/per motion/, except that the proponent and principal opponent (the latter to be determined by the Moderator) shall be entitled to speak for five minutes each. That motion was duly moved and seconded.

On a vote by Raised Hands, the motion to limit debate carried by a 2/3rds vote in favor

The Moderator announced that Item No. 1 on the Call due to “Second Reading” rule was now before the meeting.

1. RESOLVED, that it is the sense of this Meeting that the Greenwich Police should be returned to their traditional role directing traffic on Greenwich Avenue, as their presence has been an essential part of the town’s character for many decades.

Natalie J. Adee, Member of District 10, made a motion to amend Item No. 1, which was duly moved and seconded as follows:

RESOLVED, that it is the sense of this Meeting that the Greenwich Police should be returned to their traditional role directing traffic on Greenwich Avenue, (when activity returns to normal levels as pandemic restrictions wind down).

(BE IT FURTHER RESOLVED, that the Police Department consider ways to transition non-police officers into the role of traffic as allowed by law and contracts.)

Danyal Ozizmir, Member of District 5, moved the previous question.

On a vote by Raised Hands, the motion for the previous question carried by a 2/3rds vote in favor

The vote was now on the Adee Motion.

In Favor	-	44
Against	-	168
Abstentions	-	3

Motion Failed

The vote was now on the Item No. 1.

In Favor	-	81
Against	-	127
Abstentions	-	7

Item Failed

The Moderator announced that Item No.2 on the Call due to “Second Reading” rules was now before the meeting.

2. WHEREAS, the Blight Ordinance Subcommittee of the RTM has found that dilapidated or blighted structures, buildings or premises located within the Town of Greenwich contribute to the decline of neighborhoods, that the existence of such structures, buildings or premises adversely affects the economic well-being of the Town and is harmful to the health, safety, and welfare of the residents of the Town.

RESOLVED, that the Representative Town Meeting adopt the Blighted Buildings or Properties Ordinance as follows:

BLIGHTED BUILDINGS AND PROPERTIES

Section xx-1. - Findings; purpose; legislative authority.

- (a) It is hereby found and declared that dilapidated or blighted structures, buildings or premises located within the Town of Greenwich contribute to the decline of neighborhoods, that the existence of such structures, buildings or premises adversely affects the economic well-being of the Town and is inimical to the health, safety, and welfare of the residents of the Town.
- (b) It is hereby further found that, while certain other remedies presently exist to remediate or abate serious property deficiencies, including blighted conditions, the adoption of this chapter has been enabled by state law to permit such remediation and/or abatement of specific and unacceptable property maintenance and/or blighted conditions.
- (c) This chapter is therefore enacted pursuant to the authority granted to the Town under C.G.S. §§ 7-148(c)(7), 7-148(c)(7)(H)(xv), 7-148-aa and 7-152c, and Connecticut Public Health Code § 19-13-B25, and pursuant to Connecticut State Building Code Sections 115 to 117, 2005 Connecticut Supplement, as amended 2009, all as amended hereinafter.

Section xx-2. - Definitions.

Unless another construction is clearly apparent from the language or the context specifically indicates otherwise, the following terms, as used in this chapter, are defined as follows:

- (a) *Abandoned* shall mean a building, structure, dwelling or unit which, by any reasonably objective observation, has been relinquished and is vacant.
- (b) *Blight Officer* shall mean the person or persons or an authorized representative, appointed by and reporting to the First Selectman and charged with the identification and abatement of Blighted Premises as authorized by this chapter.
- (c) *Building Officer* shall mean the Building Official of the Town as defined in C.G.S. § 29-260.
- (d) *Blighted Premises* shall mean any building or structure or any portion of said property that is defined by one or more of the following definitions:
 - (1) Conditions constituting Blighted Premises include the following:

- (i) Any structure or building, whether occupied, abandoned, or vacant, which is in such a condition that it poses a serious long-term or immediate danger to the community through risk of collapse, fire, or infestation, or which has been declared by the Director of Health as unfit for human habitation, or which otherwise puts at risk the health or safety of the citizens, first responders and municipal officials.
- (2) The property is not being maintained. The following factors may be considered in determining whether a structure, building or property is not being properly maintained:
 - (i) Missing or boarded-up windows or doors;
 - (ii) A collapsing or missing wall;
 - (iii) Sagging or collapsed roof or floor;
 - (iv) Siding that is materially damaged or missing;
 - (v) Unrepaired smoke, fire or water damage;
 - (vi) A foundation that is materially damaged, missing, or structurally unsound;
 - (vii) Pest infestation.
- (3) It is dilapidated, unsafe, or unsecured as determined by the Building Officer.
- (4) It is dilapidated and has attracted illegal activity as determined by the Chief of Police.
- (5) It is a fire hazard, as determined by the Fire Marshal.
- (6) It constitutes a threat to the general health, safety or welfare as determined by the Director of Health.
- (7) The blighted premises is a factor in materially depreciating property values in the immediate neighborhood, as determined by experts identified by the BRB, because of its poorly maintained condition.

Notwithstanding the above, the following shall not be considered to constitute a blight condition: a condition which is subject to a pending insurance or FEMA

claim, provided the Owner/occupant is actively and diligently pursuing the claim and provides documented proof of such activity.

- (e) *Blight Review Board* (“BRB”) shall consist of the Town Administrator, Chief of Police, Fire Chief, Building Officer, Commissioner of Human Services, Health Director, Director of Planning and Zoning, Fire Marshal, or their designees.
- (f) *Chief of Police* shall mean the Chief of Police as defined in Article 15, Section 230 of The Charter of the Town of Greenwich.
- (g) *Commissioner of Human Services* shall mean the Commissioner of Human Services as defined in Article 5, Section 63 of the Charter of the Town of Greenwich.
- (h) *Dilapidated building or structure* shall mean any building or structure, or part thereof, that would not qualify for a certificate of occupancy and/or is deemed an unsafe structure; and/or any dwelling or structure, or part thereof which is designated as unfit for human habitation as defined in the State Building Code, the Fire Code, or the Public Health Code.
- (i) *Director of Health* shall mean the Director of Health of the Town as defined in the C.G.S. § 19a-200.
- (j) *Director of Planning and Zoning* shall mean the Director of the Planning and Zoning Department in the Town.
- (k) *Exempt property* shall mean any property held by an Owner(s) that would be otherwise exempt under any federal or state law.
- (l) *Fire Chief* shall mean the Fire Chief of the Town as defined in Article 15, Section 233 of The Charter of the Town of Greenwich.
- (m) *Fire Marshal* shall mean the Fire Marshal of the Town as defined in C.G.S. § 29-297.
- (n) *Hearing Officer* shall mean any person appointed by the First Selectman, other than persons charged with the identification and abatement of Blighted Premises pursuant to the provisions of this chapter, to conduct hearings and enter orders authorized by this chapter.
- (o) *Owner/Occupant* shall mean all individuals, firms, partnerships, corporations, limited liability corporations or other entities or authorities and their agents which own, lease, rent, occupy, possess, or are responsible for property within the Town.

- (p) *Town Administrator* shall mean the Town Administrator of the Town as appointed by the First Selectman pursuant to Article 15, Section 217 of The Charter of the Town of Greenwich.

Section xx-3. - Prohibition against creation or perpetuation of blighted premises.

- (a) No Owner/Occupant shall cause blighted or dilapidated premises, whether occupied or not, or unsafe structures to be created or perpetuated within the Town of Greenwich.

Section xx-4. – Enforcement.

- (a) Enforcement of this ordinance shall be the responsibility of the Blight Officer of the Town of Greenwich. The procedure set forth in this chapter shall not be exclusive and shall not in any manner limit or restrict the Town from enforcing other Town ordinances or abating blighted premises in any other manner provided by law.
- (b) The Blight Officer shall be appointed by the First Selectman with the advice of the Blight Review Board (as defined herein).
- (c) The Blight Officer shall work in conjunction with the Blight Review Board.

Section XX-5. - Determination of Violation.

- (a) The Town shall provide the method and process for a citizen to file a complaint on the Town of Greenwich website.
- (b) Upon receiving a written complaint of a possible violation of this ordinance, the matter shall be referred to the Blight Officer for appropriate action as set forth in this chapter. If a matter is proper for review by the Blight Officer, then the Blight Officer shall make an investigation.
- (c) The Blight Officer may also initiate the procedures set forth in this chapter in the absence of a complaint.
- (d) Once a blight investigation has been completed, the Blight Officer shall present his or her findings and recommendations to the BRB at the BRB's next regularly scheduled meeting. The BRB will determine whether a probable violation exists. Within two (2) weeks of the BRB's decision, the Blight Officer shall notify the complainant in writing of the BRB's decision.

- (e) If a probable violation is found to exist, the Blight Officer shall serve written notice upon the Owner/Occupant of the premises where the probable violation exists within two (2) weeks of the BRB's decision. The notice shall be sent in the manner prescribed to the last known address of each owner and occupant. A copy of the notice shall also be kept on file with the BRB and sent to the following departments: Emergency Preparedness; Fire Department; Legal; and Police Department.
- (f) Such notice of probable violation shall state the probable violation and the conditions giving rise to such violation. The notice shall include information that the Owner/Occupant may submit written material to the BRB regarding said violation. The Blight Officer may make special accommodations for Owner/Occupants unable to submit written materials. The materials shall be submitted to the BRB in time for the next regularly scheduled meeting of the BRB following the delivery of the notice to the Owner/Occupant, provided that the Owner/Occupant has at least two (2) weeks to submit said materials. The notice shall include the date, time, and deadline for submitting the written materials.
- (g) After considering the written material submitted by the Owner/Occupant and the evidence of investigation by the Blight Officer, if the BRB determines that a violation has occurred, the BRB, together with the Blight Officer, shall establish a written action plan for abatement of such violation, including reasonable dates by which abatement of such violation shall commence and be fully abated. If the Owner/Occupant fails to submit written material to the BRB, the BRB may nevertheless proceed, provided that the BRB determines that notice was properly served. The Blight Officer and/or the BRB may determine that any building or structure undergoing remodeling, restoration, repair or renovation will not constitute blight, provided that any blighted condition will be corrected thereby and that the period thereof will not extend beyond the reasonable date fixed for abatement. The Blight Officer shall consider any open building permits as part of its determination.
- (h) If after their review the BRB determines that no violation exists, no further action shall be taken. The BRB shall serve a written notice of no further action upon the Owner/Occupant and the complainant, if applicable. In such case, the probable violation will be closed.

Section xx-6. - Notice of Continuing Violations.

- (a) If upon determination by the Blight Officer that a continuing violation exists after the time period established in the written action plan adopted pursuant to Subsection (5)(g) above, then the Blight Officer shall serve a written notice of violation ("NOV") upon the Owner/Occupant and shall simultaneously send to each recorded lien holder of the subject property a copy of the NOV.

- (b) The NOV shall:
- (1) Include a copy of the initial written notice sent to the owner/occupant pursuant to Subsection (5)(g) above;
 - (2) Include a copy of the written action plan adopted by the BRB pursuant to Subsection (5)(g) above;
 - (3) State the observed continuing violations and conditions giving rise to such violations;
 - (4) The date that abatement of the violations was supposed to commence or be completed, according to the written action plan adopted by the BRB pursuant to Subsection (5)(g) above;
 - (5) The actions that need to be taken to remedy the violation pursuant to the written action plan adopted by the BRB pursuant to Subsection (5)(g) above;
 - (6) Require the Owner/Occupant to remedy such violations within thirty (30) days of delivery of the NOV;
 - (7) State that the failure of the Owner/Occupant to remedy the violations within the prescribed time period shall result in the issuance of a citation in accordance with this chapter;
 - (8) State the amount of the daily civil penalties and any other fines or penalties imposed pursuant to this chapter or as authorized by statute or law; and
 - (9) State that if the Owner/Occupant fails to abate or remedy the violation, the Town may cause the remediation of the violation at the expense of the Owner/Occupant.
- (c) The NOV shall be delivered personally to the Owner/Occupant or to the blighted premises, and sent by certified mail, return receipt requested.

Section xx-7. - Issuance of Citation

- (a) The Blight Officer shall issue a citation when a violation of this chapter continues beyond the date set forth in the NOV.
- (b) The citation shall include a copy of the NOV and state:
 - (1) The violation;

- (2) The amount of daily civil penalties levied and that such civil penalties shall be levied from the date such citation is delivered to the premises or to the Owner/Occupant plus such other fines, penalties, costs and/or fees due;
 - (3) That the uncontested payment of such civil penalties, fees, costs and/or fees shall be made within thirty (30) days of the date the citation is delivered to the premises or to the Owner/Occupant;
 - (4) That the Owner/Occupant may contest his or her liability before a Hearing Officer by delivering to the Town Clerk within thirty (30) days of the date that the citation is delivered to the premises or the Owner/Occupant with a written demand for a hearing.
 - (5) If after thirty (30) days no request for a hearing has been made and the violation has not been remedied, then an assessment and judgment shall be entered against the owner/occupant and that such judgment may be issued without further notice. The Town may also file a lien against the real estate in accordance with C.G.S. 7-148aa for the amount of any unpaid civil penalties or other fines, costs and/or fees imposed by the Town in accordance with this chapter.
- (c) A copy of the citation shall be simultaneously mailed to each recorded lienholder of the subject property.

Section xx-8. - Contested Cases

- (a) An Owner/Occupant may choose to appeal a citation and request a hearing before the Hearing Officer by presenting a written request to the town clerk within thirty (30) days of receipt of the citation. The Hearing Officer shall give written notice to the Owner/Occupant of the date, time, and place for the hearing. Such hearing shall be held not less than fifteen (15) calendar days nor more than thirty (30) calendar days from the date the demand for a hearing is received by the Town Clerk, provided the Hearing Officer shall grant, upon good cause shown, any reasonable request by a party for a postponement or continuance.
- (b) An original or certified copy of the citation issued by the Blight Officer shall be filed with and retained by the Town Clerk and shall be deemed to be a business record within the scope of C.G.S. § 52-180 and evidence of the facts contained therein. Upon request of the person appealing the citation, the presence of the Blight Officer who issued the citation shall be required at the hearing.
- (c) The Blight Officer may present evidence on behalf of the Town. An owner and/or occupant wishing to contest liability shall appear at the hearing and may

present evidence on his/her behalf. If the Owner/Occupant who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes and this chapter. The Hearing Officer may accept from such Owner/Occupant copies of any relevant investigatory and citation reports, and/or any other official documents, by mail and may determine thereby that the appearance of such person is unnecessary.

- (d) The Hearing Officer shall conduct the hearing in the order and form, and with such methods of proof, as the Hearing Officer deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his decision at the end of the hearing. If the Hearing Officer determines that the Owner/Occupant is not liable, the Hearing Officer shall dismiss the matter and enter that determination, in writing, accordingly. If the Hearing Officer determines that the Owner/Occupant is liable for the violation, the Hearing Officer shall forthwith enter and assess the civil penalties, fines, costs and/or fees as provided by this chapter.
- (e) If the Hearing Officer's assessment is not paid on the date of its entry, the Hearing Officer shall send, by certified mail, return receipt requested, a citation decision and notice of assessment to the Owner/Occupant found liable and shall file, not less than thirty (30) calendar days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court designated by the Chief Court Administrator, together with the applicable entry or filing fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve (12) month period, assessments against the same Owner/Occupant may be accrued and filed as one record of assessment. The Clerk shall enter judgment in the amount of the Citation Hearing Officer's record of assessment, as well as court costs, against such Owner/Occupant in favor of the Town. The Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment, and a levy of execution of such judgment may issue without further notice to the Owner/Occupant.
- (f) An Owner/Occupant against whom an assessment has been entered pursuant to this chapter is entitled to judicial review by way of appeal in accordance with C.G.S. § 7-152c(g).
- (g) If a request for a hearing has been made during the required time period no penalties, fees, assessments, or costs shall be imposed or accrue until such time as Notice of Decision is issued by the Hearing Officer.

Section xx-9. - Special Considerations

- (a) Special consideration may be given to those who require it in order to correct a violation of this chapter. Specifically, the Blight Review Board, upon referral by the Blight Officer, or Hearing Officer may grant an owner and/or occupant additional time to correct a violation where the owner and/or occupant, or a person acting on his or her behalf, establishes good cause. As used in this section, "good cause" includes, but is not limited to, an elderly individual who is unable to personally correct a violation due to his or her age; a disabled individual who is unable to personally correct a violation due to his or her disability; or low income cannot maintain a reasonable level of upkeep of the real property at which they reside, or an exempt property as defined in this chapter.
- (b) A property owner or occupant shall be considered disabled if he/she has a mental or physical disability as defined under the American with Disabilities Act of 1990 ("ADA") including the changes made by the ADA Amendments Act of 2008.
- (c) A property owner or occupant who has an interest in the real property shall be considered low income if his/her gross annual income for the previous calendar year was equal to or less than one hundred fifty percent (150%) of the poverty line, according to the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2), or at the discretion of the Blight Officer, the Blight Review Board or the Hearing Officer.

In determining whether good cause exists, the Blight Officer, Blight Review Board, or Hearing Officer shall consider whether other occupants of the premises are able to assist in correcting the violation in a timely fashion and whether the severity of the violation is such that additional time is warranted.

Section xx-10. - Notice of Decision.

- (a) The Hearing Officer shall make a determination and cause the Blight Officer to serve a written Notice of Decision ("NOD") upon the Owner/Occupant with a record of his/her decision. The Blight Officer shall simultaneously send to each lien holder of the subject property a copy of the notice of decision.
 - (1) If the Hearing Officer has determined that a violation has occurred, the NOD shall state:
 - (i) The violation(s);
 - (ii) That the Hearing Officer has determined the Owner/Occupant failed to remedy the violation(s) within the prescribed time of the action plan and failed to take action following receipt of the Notice of Violation, which resulted in the issuance of the citation;

- (iii) The reasons for this determination;
 - (iv) Any new actions for the Owner/Occupant as determined by the Hearing Officer;
 - (v) The amount of the daily civil penalties and any other fines or penalties imposed pursuant to this chapter or as authorized by statute; and
 - (vi) That the Town may cause the remediation of the violation at the expense of the Owner/Occupant.
- (2) If the Hearing Officer has determined that no violation has occurred, the NOD shall state:
- (i) The alleged violation;
 - (ii) That the hearing officer has determined that there is no blight or that the blight has been remedied;
 - (iii) The reasons for this determination;
 - (iv) That no penalties are to be assessed and no further action will be taken.
- (b) Delivery of the NOD to the Owner/Occupant shall be by the following methods:
- (1) By personal delivery to the Owner/Occupant or to the premises.
 - (2) By certified mail, return receipt requested.

Section xx-11. - Extensions.

- (a) The Hearing Officer may grant, for good cause shown, extensions of time for the holding of the hearing or an extension of time to remediate the violation. No penalties, fees, assessments, or costs shall be imposed or accrue during any extension of time granted under this provision.

Section xx-12. - Penalties.

- (a) Violations of the provisions of this chapter shall be punishable by a civil penalty equal to the greater of \$100 or the maximum amount allowed by C.G.S. § 7-148(c)(7)(H)(xv), as the same may be amended from time to time, for each day a violation exists and continues beyond the date required for remediation set forth in the notice of violation, or as extended by the Hearing Officer. Violators will also be responsible for all costs and expenses associated

with enforcement and the collection of any civil penalties, which shall include, but shall not be limited to, attorney fees, court costs, mailing costs and filing fees.

Section xx-13. - Uncontested payment; time period.

- (a) Any Owner/Occupant receiving a citation shall be allowed a period of 30 days from the date of the citation to make an uncontested payment of the civil penalties, fines, costs and/or fees specified in the citation. All amounts shall be made payable to the Town of Greenwich.

Section xx-14. - Recording of lien.

- (a) Any unpaid civil penalty or other fine imposed pursuant to the provisions of this chapter, and any and all costs and expenses incurred by the Town for the enforcement of this chapter, shall constitute a lien upon the real estate against which the civil penalty or other fine was imposed from the date of such civil penalty or fine. Each such lien may be continued, recorded, and released in the manner provided for in C.G.S. § 7-148aa. Each such lien shall take precedence over all other liens filed after July 1, 1997, and encumbrances, except taxes, and may be enforced in the same manner as property taxes.

Section xx-15. - Municipal Performance

- (a) If after thirty (30) days of delivery of the citation, no request for a hearing has been made by the Owner/Occupant and the violation has not been remedied, as described in Section 7 of this ordinance, the Town, acting through the Blight Officer, may cause or take such action as is necessary to correct such violation.
- (b) The Town may designate agents to enter the Blighted Premises during reasonable hours for the purpose of remediating blighted conditions, although neither the municipality nor its designated agents may enter any dwelling, house, or structure on such property, without the express consent of such Owner/Occupant of such property or by an order issued by a court of competent jurisdiction authorizing the Town's agents to enter the property. The Owner/Occupant shall be responsible for the payment of all costs and expenses incurred by the Town for remediating the blighted conditions with the Blight Officer causing a certificate of lien to be recorded in the Town Clerk's Office within sixty (60) calendar days after the completion of such corrective action if all costs and expenses thereof are not reimbursed in full by said Owner/Occupant.

Section xx-16. - Governmental Immunity and Disclaimer

- (a) The provisions of this ordinance do not create a contract, duty, or obligation, either expressed, special or implied, upon the Town of Greenwich, its departments, officers, agents, servants, and/or employees and the doctrine of governmental immunity is fully retained by the Town of Greenwich, its departments, officers, agents, servants, and/or employees. Further, the Town of Greenwich, its departments, officers, agents, servants and/or employees have not and do not intend to create any type of special relationship by the enactment of this ordinance and/or application of the terms or conditions set forth herein.

Section xx-17. – Severability

- (a) The provisions of this ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

Section xx-18. - No Prohibition Against Other Enforcement Actions

- (a) Nothing in this ordinance shall be deemed to prohibit or limit in any manner any enforcement action with respect to zoning, building, public health, fire, inland wetlands or other statutes, code, regulation of laws, regulations relating to the use of real property.

Section xx-19. - Annual Report

- (a) The Blight Officer will report annually to the Representative Town Meeting at its January meeting on the number of complaints received, the disposition of all complaints processed, fines assessed and collected, and the number of complaints in process at the time of the report for the preceding calendar year.

Section xx-20. - Exemption Awaiting Site Plan Approval.

- (a) Any Blighted Premises for which a special permit or site plan application for improvements to the Blighted Premises is pending, shall be exempt from the provisions of this Ordinance for a period from the date of submittal of a complete application to the Planning and Zoning Commission until final decision on such application. If a valid special permit or site plan exception is approved, the property shall be exempt from being considered a Blighted Premises for a reasonable period of time required to complete the work.

Section xx-21. – Emergencies

- (a) Whenever, in the judgment of any member of the Blight Review Board, an emergency exists, which requires immediate action to protect the public health, safety or welfare, an order may be issued, without hearing or appeal, directing the owner, agent, tenant, or person in control of any blighted, unsafe, or dilapidated premises to take such action as is appropriate to correct or abate the emergency situation. If circumstances warrant, the appropriate member of the BRB may immediately act to correct or abate such emergency in accordance with statutory authority.

Section xx-22 - Effective date

The effective date of this ordinance shall be _____, 2021.

Michael Spilo, Chairman of Public Works Committee, made a motion to refer Item No. 2 back to the Blight/Nuisance Sub Committee.

The vote was now on the Public Work's Motion.

In Favor	-	80
Against	-	131
Abstentions	-	0

Motion Failed

Francis J. Burgweger, Jr., Chairman of Legislative & Rules Committee, made a motion to amend Item No. 2 Section XX-2 (B) as follows:

(b) *Blight Officer* shall mean the person or persons or an authorized representative, appointed by (the unanimous vote of the Board of Selectman) and reporting to the First Selectman and charged with the identification and abatement of Blighted Premises as authorized by this chapter.

The vote was now on the Legislative & Rules Motion.

In Favor	-	81
Against	-	120
Abstentions	-	3

Motion Failed

Michael Spilo, Member of District 11, made a motion to Item No. 2 to delete Section xx21. Emergencies, which was duly moved and seconded.

The vote was now on the Spilo Motion.

In Favor	-	48
Against	-	147
Abstentions	-	4

Motion Failed

William B. Lewis, Jr., Member of District 1, made a motion to amend Item No. 2 Section xx-2(E) as follows, which was duly moved and seconded.

(e) *Blight Review Board ("BRB")* shall consist of eight Town residents by the Board of Selectmen and appointed by the RTM. Their term of office shall be four years, except the first four members appointed shall have an initial term of two years.

P. Jude Collins, Member of District 10, moved the previous question.

On a vote by Raised Hands, the motion for the previous question carried by a 2/3rds vote in favor

The vote was now on the Lewis Motion.

In Favor	-	56
Against	-	133
Abstentions	-	3

Motion Failed

The vote was now on the Item No. 2.

In Favor	-	146
Against	-	38
Abstentions	-	7

Item Carried

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

Francis J. Burgweger, Chairman of Legislative & Rules Committee, offered the following resolution regarding Item No. 4, which was duly moved and seconded.

4. RESOLVED, that the ordinance entitled Chapter 9, Waste and Litter, Article 4, Reusable Checkout Bag of the Code of Ordinances of the Town of Greenwich, is hereby amended by deleting Section 9-38, Expiration

~~• Sec. 9-38. Expiration.~~

~~This Ordinance [Article] shall cease to be effective on September 12, 2021, unless sooner extended by action of the Representative Town Meeting.~~

Francis J. Burgweger, Member of District 8, made a motion to waive the “Second Reading” on Item No. 4, which was duly moved and seconded.

P. Jude Collins, Member of District 10, moved the previous question.

On a vote by Raised Hands, the motion for the previous question carried by a 2/3rds vote in favor

On a vote by Raised Hands, the motion to waive the “Second Reading” requirement carried by a 2/3rds vote in favor

The vote was now on the Item No. 4.

In Favor	-	144
Against	-	25
Abstentions	-	7

Item Carried

The Moderator announced that Item No. 16 on the Call was now before the meeting.

Betsey S. Frumin, Chairman of District 9, offered the following substitute resolution on behalf of her district for Item No. 16, which was duly moved and seconded.

16. RESOLVED, that Chapter 2, Article 9, Section 2-39 of the Code of Ordinances of the Town of Greenwich, Connecticut is amended as follows:

Notwithstanding any provision of any special act to the contrary, the construction of each new school building and appurtenant facilities, and each addition to and alteration of any existing school building and appurtenant facilities shall, when such project involves an application for State or Federal aid, or requires one or more Municipal Improvements, be under the supervision of a School Building Committee appointed for each separate and specific project. Upon petition by the Board of Education, unless otherwise prohibited by applicable law, the Planning and Zoning

Commission may, upon majority vote, waive the application of this provision to a project.

The Moderator requested an opinion from the Law Department whether the substitute resolution was in legal order.

Aamina Ahmad, Assistant Town Attorney ruled that the substitute resolution on Item No. 16 was not in legal order for the reason that it purports to delegate to the Planning & Zoning Commission a power that Planning & Zoning is not authorized under state law to exercise.

The Moderator did not accept the substitute resolution based upon the opinion of the Law Department.

The Moderator recognized the Chair of District 9 to offer the original resolution on Item No. 16.

Betsey S. Frumin, Chairman of District 9, offered the following resolution on behalf of her district for Item No. 16, which was duly moved and seconded.

16. RESOLVED, that Chapter 2, Article 9, Section 2-39 of the Code of Ordinances of the Town of Greenwich, Connecticut is amended as follows:

Notwithstanding any provision of any special act to the contrary, the construction of each new school building and appurtenant facilities, and each addition to and alteration of any existing school building and appurtenant facilities shall, when such project involves an application for State or Federal aid, or requires one or more Municipal Improvements, be under the supervision of a School *Building Committee* appointed for each separate and specific project.

Michael Spilo, Chairman of Public Works Committee, made a motion to refer Item No. 16 back to District 9.

On a vote by Raised Hands, the motion carried

There being no further business, the Moderator adjourned the meeting, upon unanimous consent, at 12:45 A.M.

ATTEST:
CARMELLA C. BUDKINS
TOWN CLERK