



Pursuant to the foregoing notice a regular Representative Town Meeting of the Town of Greenwich was held on Monday March 12, 2007 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.

Town Clerk Carmella C. Budkins swore in four new members. Carol Caroll, Mark Pruner and John Blankley in District 10 and Andrew Bernstein in District 9.

Attendance cards were presented showing 189 present, 37 absent and 3 vacancies.

The members who were absent in District 1 – Mary Ambrogio, Norman R. Collins, Hans A. Helbig, Patrick F. Maher, Julie L. Ray, Najm Shams; District 2 – Nancy A. Fogwell, Douglas J. Wells; District 4 – Felix Andreoni, Linda R. DeSeife, David C. Rupert; District 5 – David Haffenreffer, Samuel T. Telerico; District 6 – Richard F. Grieb, Walter K. Howe, Claudia M. Keeler, Eric Tautel; District 7 – Eleanor S. Bloom, Ellen Brennan-Galvin, Susan L. Carmichael, Patrick J. Gillis, Susan M. Morton; District 8 – William E. Connors, Drew Marzullo, Peter E. Pellerzi; District 9 – Anna B. Napolitano, James C. Reilly, Frank Woei; District 10 – Robert M. Byrnes, Robert Lardon; District 11 – Kevin B. Coyner, Harry A. Lebien, Sabine Schoenberg, Nicholas Skeadas; District 12 – Ellen Jo Haskell, Gerald J. Porricelli, Charles E. Thivierge, Jr.

The Moderator announced that as all members had received a copy of the minutes of the January 16, 2007 meeting, the reading of the minutes would be omitted. He asked if there were any corrections or comments. There being none, the minutes were adopted as submitted by unanimous consent.

Moderator announced that Items No. 1, 8 and 18 had been withdrawn.

Pursuant to RTM rules, the Moderator designated the following items to be placed on the consent calendar – 2-4-6-11-13-14-15.

James Boutelle of District 8 objected to Items 6,11 & 13 being put on the consent calendar and stated that they could be put with the combined items. The objection carried and the items were taken off the consent calendar

Carl G. Carlson of District 1 objected to Item 14 being put on the consent calendar. The objection was lost and the item stayed on the consent calendar.

The items on the consent calendar are:

2. RESOLVED, that the sum of \$120,000 be and the same is hereby appropriated to be added to the Account number identified below:

380-53500 Motor Fuel and Lubricants \$120,000

4. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Nathaniel Witherell Board for a term expiring 3/31/10.

PAUL TORETTA

14. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Planning and Zoning Commission for a term expiring 3/31/10.

RAYMOND J. HEIMBUCH

15. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Board of Ethics for a term expiring 3/31/10.

JEFFREY S. RAMER

The vote was now on the consent calendar.

In Favor	-	174
Against	-	2
Abstentions	-	1

Items Carried

The Moderator suggested a motion, which was moved and seconded, to suspend the rules and combine items 5-6-7-9-10-11-13 16.

Motion Carried

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

Selectman Peter Crumbine offered the following resolutions, which were moved and seconded, regarding Items 5,6,7, & 9.

5. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Historic District Commission for a term expiring 3/31/12.

SUSAN RICHARDSON

6. **RESOLVED**, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Board of Ethics for a term expiring 3/31/10.

ROBERT F. GRELE

7. **RESOLVED**, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Nathaniel Witherell Board for a term expiring 3/31/10.

DAVID AYRES

9. **RESOLVED**, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Planning and Zoning Commission for a term expiring 3/31/10.

DONALD HELLER

Coline Jenkins, chairman of the Appointments Committee, offered the following resolution, regarding Item No. 10.

RESOLVED, that the following named person, nominated by the RTM Appointments Committee, be appointed a member of the RTM Claims Committee for a term expiring 12/31/07.

JOHN A. SHULMAN

Selectman Peter Crumbine offered the following resolutions, which were duly moved and seconded, regarding Items 11 and 13.

11. **RESOLVED**, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Alarm Appeals Board for a term expiring 3/31/10.

FREDERIC H. BROOKS, JR.

13. 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 3/31/10.

KRISTEN N. GREENE

Town Attorney J. Wayne Fox offered the following resolution, which was duly moved and seconded, regarding Item No. 16.

RESOLVED, that the sum of \$450,000 be and the same is hereby appropriated to be added to Account Number A140-51400, Professional and Other Special Services – Attorneys.

The vote was now on the combined items.

In Favor	-	178
Against	-	2
Abstentions	-	5

Items Carried

The Moderator announced that Item No. 3 on the call was now before the meeting.

Selectman Penny Monahan offered the following resolution, which was duly moved and seconded, regarding Item No. 3.

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 expiring 3/31/10.

VICTORIA deBARY

The vote was now on Item No. 3.

In Favor	-	182
Against	-	2
Abstentions	-	1

Item Carried

The Moderator announced that Item No. 12 on the call was now before the meeting.

Selectman Penny Monahan offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 12.

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 expiring 3/31/10.

STEPHEN C. FRANCIS

The vote was now on Item No. 12.

In Favor	-	180
Against	-	0
Abstentions	-	0

Item Carried

The Moderator announced that Item No. 17 on the call was now before the meeting.

Conservation Director Denise Savageau offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 17.

RESOLVED, to delete Sections 7-24 and 7-45 of the municipal code as written and replace with the following:

7-24. Fish and Wildlife

- (a) No person shall maliciously harm, frighten or harass any animal, reptile or bird; nor shall he remove, collect, or have in his possession the young of any wild animal or the eggs or nest of any reptile or bird.
- (b) No person shall give or offer or attempt to give any animal, reptile or bird any poison or any other known noxious substance.
- (c) Fishing, including the use of nets or seines, shall be permitted with proper licenses only in those waters designated by the Director or his authorized agents,
- (d) No person shall hunt, trap or pursue wildlife at any time, and no person shall use firearms, air rifles, spring guns, bows and arrows, slings or any kind of trapping device or any other weapons or explosives to frighten, injure or kill wildlife, except for the purpose of wildlife management as authorized by the Director or his authorized agents.

- (e) The Director or his authorized agents may take measures, which the Director deems to be in the interest of wildlife management, research, monitoring or education.
- (f) The foregoing provisions of this Section 7-24 shall apply only in Parks, as defined in section 7-22 (b).

Peter Berg of District 8 made a motion to amend the resolution in section “e”, by adding the wording “as authorized by the Conservation Commission.” The Moderator suggested that Mr. Berg submit the exact wording he wished, while the members continued the discussion.

David Detjen of District 10 made a motion, which was seconded, to amend the resolution in section “e” by adding at the beginning of the section “Anything in Sec. 7-24 a thru d to the contrary, notwithstanding, the Director ----- and after the word education – change period to comma and add, “ as authorized by the Conservation Commission.”

Robert Tuthill of District 3 made a motion, which was seconded, to refer this item to the Legislative & Rules Committee.

Motion Carried

The Moderator announced that Item No. 19 on the call was now before the meeting.

Robert Richardson of District 10 offered the following substitute resolution, on behalf of the district.

RESOLVED, that Appendix D-6 to the Rules of the Representative Town Meeting be amended as follows (additions in bold, [deletions in brackets]):

D-6 COMMUNICATIONS AND RELATIONSHIPS WITH CONSTITUENTS

A. Shortly after the district Organizational Meeting, the Chairman may consider ways to inform district residents of the composition of the RTM district organization. One method is to post a notice in a community library, supermarket, civic center, etc., listing the officers and the members, with addresses, telephone numbers, and committee assignments. Such information may be presented to the media for dissemination.

B. All district members should be alert to any problem or threat facing the district, whether or not it is something that could be dealt with by any branch of town government.

C. Occasionally a controversial matter comes before the RTM, with cogent arguments on both sides. Members face the question of whether to vote their best judgment, or to

rep resent their constituencies. Rarely will they receive enough calls or letters to consider them the people's voice, but they may reveal informed opinions. Those members who feel that the matter is such that the constituency should be represented can find their own ways of getting that feel – sidewalk or supermarket encounters, neighbors, random phone calls, etc.

- D. Members of the RTM have a responsibility to the community to maintain a high sense of ethics as the legislative body of the town. Members will properly abstain from voting upon or advocating any measure in which they have a **substantial** conflict of interest¹. [e.g. a close family member having a direct financial interest.] **It is the responsibility of individual members² to advise their district Chairman of any substantial conflict of interest, potential conflict of interest³, or possibility thereof. A member who has a substantial conflict should disclose the nature of the conflict to the district, committee and/or body prior to participation in any discussion. He should not try to influence (as opposed to inform) others on the relevant matter, and he may not vote on it.**

¹ Connecticut General Statutes §7-148h(b) states: "Notwithstanding the provisions of any special act, municipal charter or ordinance to the contrary, an elected official of any town, city, district or borough that has established a board, commission, council, committee or other agency under subsection (a) of this section, has an interest that is in substantial conflict with the proper discharge of the official's duties or employment in the public interest and of the official's responsibilities as prescribed by the laws of this state, if the official has reason to believe or expect that the official, the official's spouse or dependent child, or a business with which he is associated, as defined in section 1-79, will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of the official's official activity. Any such elected official does not have an interest that is in substantial conflict with the proper discharge of the official's duties in the public interest and of the official's responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to the official, the official's spouse or dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group. Any such elected official who has a substantial conflict may not take official action on the matter."

CGS §1-79(b) states: "'Business with which he is associated' means any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the public official or state employee or member of his immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five per cent or more of the total outstanding stock of any class, provided, a public official or state employee, or member of his immediate family, shall not be deemed to be associated with a not for profit entity solely by virtue of the fact that the public official or state employee or member of his immediate family is an unpaid director or officer of the not for profit entity. 'Officer' refers only to the president, executive or senior vice president or treasurer of such business."

² The requirement for members to advise their district chairman of these matters takes into consideration the Advisory Opinion dated November 6, 2006 of the Board of Ethics of the Town of Greenwich.

³ A potential conflict is a substantial conflict of interest which has not yet occurred.

Robert Tuthill of District 3 made a motion, which was moved and seconded, to combine Items 19 and 20 for voting purposes.

Motion Carried

Robert Richardson of District 10 offered the following substitute resolution, on behalf of the district, regarding Item No. 20.

BE IT FURTHER RESOLVED, that Appendix D-7 to the Rules of the Representative Town Meeting be amended as follows (additions in bold, no deletions):

D-7 DISTRICT DELEGATE APPOINTMENTS TO STANDING COMMITTEES

A. GENERAL

Election of delegates and alternates takes place at the district's Organization Meeting, held during December in a town election year. This can immediately precede or follow the district's regular December meeting, with new members participating and retiring members abstaining. It is essential that a district have both a delegate and an alternate to each standing committee.

Seniority is a well established practice at all levels of government. Experience adds to a committee's strength. But this does not necessarily mean that everyone wants to repeat the prior term's assignment. Furthermore, the delegation may wish to replace a delegate if the incumbent has not been satisfactory. Likewise, rotation among the various committees may result in members becoming more knowledgeable about all aspects of the Town's operation. Therefore, just because one member has served two or more terms on a committee, other members should not feel deterred from expressing their own interest in that committee.

B. Suggested Procedure

1. In some districts, the incumbent Chairman or Secretary sends a questionnaire to all persons elected for the coming two-year term. Each member is asked to indicate a first, second and third preference for committee assignments. Some persons may prefer to serve as alternates and may so indicate. Some Chairmen telephone everyone to develop a preliminary committee roster. **If applicable, each member should simultaneously disclose any substantial conflict of interest⁴, potential conflict of interest⁵, or possibility thereof which would arise from his serving on each committee requested and should also inform the Chairman of the applicable employment, business interest, or other affiliation which gives rise to the apparent conflict. The Chairman should review the matter with the member and provide the member guidance as to an appropriate assignment in light of the nature of the apparent conflict, the interest of the district in having delegates and alternates who need not recuse themselves frequently in**

⁴ For the definition of "substantial conflict of interest," please refer to footnote 1 in Appendix Section D-6 D.

⁵ A potential conflict of interest is a substantial conflict of interest which has not yet occurred.

voting on committee issues, and the need to insure integrity in the conduct of the people's business.

2. Ballot paper should be provided at the meeting. If a blackboard or an easel available, candidates for all committees may be listed. This may be especially helpful to new members.
3. Districts should allow members a minute or two to describe their backgrounds and specific interest in committee assignments. **In the event a member has raised with the Chairman an apparent conflict and is not satisfied with the Chairman's guidance, the member and the Chairman may present their views on the matter to the district.** Normal election procedures then follow. A sole candidate for any post may be declared elected. Contested slots are determined by written ballot, with election requiring a majority of votes cast. For the procedure to be followed when there are more than two candidates, see RTM Rules III A 3 and IVC. **In the event a member believes he has been denied a desired committee assignment because, for example, the possibility of a conflict of interest has been misconstrued as a substantial conflict of interest, the member may refer the matter to the Board of Ethics for an advisory opinion, in light of which the district may wish, but it is not obliged, to reconsider its vote on the member's committee assignment.**
4. When a Delegate post becomes vacant for any reason, committee assignments may be re-assigned. The Alternate may succeed to the Delegate post, but this is not automatic. Any action should be accomplished at a district meeting, with other members eligible to be candidates.

C. Attendance at Committee Meetings

It is the District Chairman's responsibility to see that the District is represented at all standing committee meetings. In the event of a delegate's planned absence the delegate must advise the alternate so that the alternate will attend. If the delegate cannot obtain a firm commitment from the alternate to attend, the delegate is to so notify the District Chairman. It then becomes the District Chairman's responsibility to arrange for some other member of the district delegation to attend, vote, and report.

Edward Dadakis, vice chairman of the Legislative & Rules Committee, made a motion, on behalf of the committee, to amend Item 19 in section D, beginning on the third line-delete the words "or advocating" and delete the last sentence in its entirety.

Kevin Brogan of District 2 moved the previous question, which was seconded.

Motion Carried

The vote was now on the Legislative & Rules Committee amendment to Item 19.

In Favor	-	131
Against	-	38
Abstentions	-	4

Amendment Carried

Edward Dadakis, vice chairman of the Legislative & Rules Committee, made a motion, on behalf of the committee, to amend Item No. 20 in Section B3 – in the eleventh line, add a period after the word “opinion” and delete the rest of the sentence.

The vote was now on the Legislative & Rules Committee amendment to Item 20.

In Favor	-	157
Against	-	7
Abstentions	-	4

Amendment Carried

Peter Basilevsky of District 8 made a motion, which was seconded, to amend Item 19 and 20.

Item 19 – Section D6 – paragraph D

Fifth line – after the word “interest” add the word “or”

Sixth line – after the word “interest” change comma to period and delete the words “or possibility thereof”. After the word “substantial” add “or potential”.

Seventh line - after the word “substantial” add “or potential”.

Item 20 – Section D7 – B 1

Sixth line – after the word “interest”, add “or” and delete the words “or possibility Thereof”.

Tenth Line – delete the word “apparent”

Twelfth Line – delete the word “apparent”

Section D7 – B 3

Tenth line – add the words “or potential”.

The vote was now on the Basilevsky amendment to Item 19 and 20.

In Favor	-	89
Against	-	74
Abstentions	-	2

Amendment Carried

The vote was now on Items 19 and 20 as amended.

In Favor	-	138
Against	-	22
Abstentions	-	3

Amendments Carried

Dean Goss of District 1 made a motion, which was seconded, to suspend the rules to take up Item No. 22 before Item No. 21.

Motion Carried

The Moderator announced that Item No. 22 was now before the meeting.

Edward Dadakis, vice chairman of the Legislative & Rules Committee, offered the following resolution regarding Item No. 22.

RESOLVED, that the April Representative Town Meeting be rescheduled to Monday April 16, 2007.

Upon a voice vote, the resolution lost.

The Moderator announced that Item No. 21 on the call was now before the meeting.

Suzanne Geiss-Robbins of District 2 offered the following resolution regarding Item No. 21.

"WHEREAS, the Representative Town Meeting, at its September, 2006 meeting, adopted a "sense of the meeting" resolution by a vote of 101 in favor, 39 against with one abstention to the effect that no part of an appropriation of \$690,000 in the 2006-07 budget for architectural and engineering studies for tiered parking in downtown Greenwich be spent until a final decision has been made by the RTM as to whether there will be any additional tiered parking at all in downtown Greenwich;

"WHEREAS, the Representative Town Meeting, at its October, 2006 meeting, adopted a "sense of the meeting" resolution by a vote of 120 in favor, 60 opposed with 4 abstentions to the effect that the Plan of Conservation and Development ("POCD") currently being prepared by the Planning and Zoning Commission describe all capital improvement projects required to achieve its goals, that it be revised and updated with appropriate citizen input at periodic intervals and that the Moderator set up a special committee to consider how best to ensure that the

Capital Plan prepared annually in connection with the Town's annual budget be consistent with the POCD, as revised and updated from time to time; and

"WHEREAS, the Moderator has formed the special committee referred to in the foregoing 'whereas' clause.

"NOW, THEREFORE, be it

"RESOLVED, that it is the sense of the Representative Town Meeting (1) that capital improvement projects and/or plans for the Central Business District ("CBD") be included in the new POCD currently being prepared by the Planning and Zoning Commission, and (2) that no capital appropriations for capital improvement projects and/or plans within the CBD be included in the Town's annual budget until the new POCD has been adopted by the RTM, with the exception of appropriations for the public safety complex and for the maintenance and repair of existing town facilities within the CBD."

Randall Huffman of District 7 made a motion, which was seconded, to amend Item 21 as follows: In the Resolved paragraph, following the words "sense of the Representative Town Meeting", delete the remainder of the paragraph and replace with the following language.

(1) development of a comprehensive plan for the Central Business District (CBD), for adoption by the RTM as part of the POCD, which would include a boundary description of the CBD, and which reflects the interests and concerns expressed by the citizens of Greenwich and all affected stakeholders and community groups, should be given the highest priority by the Town; and

(2) no final project approval or appropriation of public funds for any Town capital project within the CBD, not within the scope of any previous approval or appropriation, shall be given or made until (a) a comprehensive plan for the CBD has been so adopted by the RTM, as such plan may be revised and updated from time to time, or (b) upon showing of extraordinary circumstances, such capital project has received specific approval from the Planning and Zoning Commission and the Representative Town Meeting.

Roger Lourie of District 7 moved the previous question, which was seconded.

Motion Carried

The vote was now on the Huffman amendment to Item No. 21.

In Favor	-	93
Against	-	41
Abstentions	-	5

Amendment Carried

The vote was now on Item No. 21 as amended.

In Favor	-	86
Against	-	48
Abstentions	-	3

Item Carried

There being no further business, the Moderator adjourned the meeting, upon unanimous consent, at 12:10 A.M.

ATTEST:

CARMELLA C. BUDKINS
TOWN CLERK