



Pursuant to the foregoing notice the Annual Representative Town Meeting of the Town of Greenwich was held in the Moderator's Hall of Central Middle School and also via Zoom Webinar on Monday, March 14, 2022 at 8:00 P.M. (D.S.T.)

The meeting was called to order by the Moderator, Alexis Voulgaris.

The members pledged allegiance to the flag, led by girls from various Girl Scout Troops, Abby Winig, Ellie Rockel and Evie Kelly along with the Girl Scout Color Guard of Farah Kostin, Briar Lissauer, Clarissa Maldonado, Vivian Marek, Arabella and Riona McKersie, Calliope and Thalia Nobay, Emi and Mia Temmoku, Audrey and Caroline Walsh.

Jacqueline A. Budkins, Town Clerk had previously sworn in new member in District 2 – Christina P. Volkwein.

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 215 present, 15 absent and 0 vacancies. District 6, 9 & 10 had perfect attendance.

Those absent in **District 1** – Katharine Ashworth; **District 2** – Henry Scott Walter; **District 3** – Joan F. Lowe; **District 4** – J. Robert Tuthill; **District 5** – Allison C. “Icy” Frantz, Felice “Felix” Rovelli, Martha Ozizmir Shoemaker, Ashley M.B. Smith; **District 6** – Barbara E. O’Neill; **District 7** – Kimberly Morgan Blank; **District 8** – Neil A. Caton, Caryn S. Rosenbaum; **District 11** – Tracy H. Freedman; **District 12** – Miriam Mennin, Andrew S. Winston.

Those members attending in person in **District 1** – Lynn B. Garelick, Lihong Zhang, Jaysen Lee Medhurst; **District 2** – Katherine L. LoBalbo, Wilma Nacinovich, Pragati Soni; **District 3** – Andrew R. Melillo, Steven P. Rubin; **District 4** – Lucy von Brachel; **District 5** – Joseph H. Benoit, Jr., Edward T. Broadhurst, III, Paul E. Kramer, Lindy M. Lilien, Paul A. Olmsted, Allison W. Rogers, Andrew B. Taylor, Catherine L. Whitaker; **District 6** – Thomas J. Byrne, David P. Snyder, Alexis Voulgaris, Victoria Martin Young; **District 7** – Debbie L. Appelbaum, Lucia D. Jansen, Anthony James Moor, Tara S. Restieri; **District 8** – Hector E. Arzeno, M. Irene Dietrich, Cheryl A. Moss, Kathleen M. Myer, Alison F. Soler; **District 9** – Brian J. Malin, Jonathan R. Shankman; **District 10** – P. Jude Collins, W. Brooks Harris; **District 11** – David E. Oliver, Ralph E. Penny, Ronald G. Strackbein, Gregory J. Zorthian; **District 12** – Craig W. Amundson, Robert T. May.

All other members present attended via Zoom.

The Moderator announced that as all members had received a copy of the minutes of the

January 18, 2022 meeting, the reading of the minutes would be omitted. She noted correction to the minutes that Eileen J. Toretta was on Zoom not in person. She asked if there were any additional corrections or comments. There being none, the corrected minutes were adopted by unanimous consent.

Pursuant to the RTM Rules, the Moderator designated that the following items be placed on the consent calendar – 1 – 22, 24-29, 32 & 33.

The items on the consent calendar are as follows:

**1. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Regular Member (R1) of the Labor Contracts Committee for the term expiring December 31, 2023.**

**KIMBERLY SALIB**

**2. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Regular Member (R2) of the Labor Contracts Committee for the term expiring December 31, 2023.**

**BRIAN RANEY**

**3. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Regular Member (R3) of the Labor Contracts Committee for the term expiring December 31, 2023.**

**ED J. LOPEZ**

**4. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Regular Member (R4) of the Labor Contracts Committee for the term expiring December 31, 2023.**

**JOSHUA BROWN**

**5. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Regular Member (R5) of the Labor Contracts Committee for the term expiring December 31, 2023.**

**RONALD STRACKBEIN**

**6. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Regular Member (R6) of the Labor Contracts Committee for the term expiring December 31, 2023.**

**THOMAS WEST**

**7. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed a Regular Member (R7) of the Labor Contracts Committee for a term expiring December 31, 2023.**

**MICHAEL SPILO**

**8. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed an Alternate Member (A1) of the Labor Contracts Committee for the term expiring December 31, 2023.**

**HECTOR ARZENO**

**9. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed an Alternate Member (A2) of the Labor Contracts Committee for the term expiring December 31, 2023.**

**ADAM ROTHMAN**

**10. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed a Regular Member (R1) of the Affordable Housing Trust Advisory Council (AHTFAC) for a term expiring December 31, 2023.**

**ELLEN BRENNAN-GALVIN**

**11. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed a Regular Member (R2) of the Affordable Housing Trust Advisory Council (AHTFAC) for a term expiring December 31, 2023.**

**TARA RESTIERI**

**12. RESOLVED**, that the following named person, nominated by the Appointments Committee, be appointed a Regular Member (R1) of the Claims Committee for a term expiring December 31, 2023.

**GREGORY ZORTHIAN**

**13. RESOLVED**, that the following named person, nominated by the Appointments Committee, be appointed Regular Member (R2) of the Claims Committee for the term expiring December 31, 2023.

**GERALD ANDERSON**

**14. RESOLVED**, that the following named person, nominated by the Appointments Committee, be appointed a Regular Member (R3) of the Claims Committee for a term expiring December 31, 2023.

**JANE WEISBECKER**

**15. RESOLVED**, that the following named person, nominated by the Appointments Committee, be appointed a Regular Member (R4) of the Claims Committee for a term expiring December 31, 2023.

**FRANCIS “KIP” BURGWEGER**

**16. RESOLVED**, that the following named person, nominated by the Appointments Committee, be appointed a Regular Member (R5) of the Claims Committee for a term expiring December 31, 2023.

**GLEN CANNER**

**17. RESOLVED**, that the following named person, nominated by the Appointments Committee, be appointed a Regular Member (R6) of the Claims Committee for a term expiring December 31, 2023.

**EDWARD D. DADAKIS**

**18. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed Regular Member (R7) of the Claims Committee for the term expiring December 31, 2023.**

**KATHERINE VANCE HYNES**

**19. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed a Regular Member (R8) of the Claims Committee for a term expiring December 31, 2023.**

**JANE SULICH**

**20. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed a Regular Member (R9) of the Claims Committee for the term expiring December 31, 2023.**

**ALLISON WALSH**

**21. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed an Alternate Member (A1) of the Claims Committee for the term expiring December 31, 2023.**

**HECTOR ARZENO**

**22. RESOLVED, that the following named person, nominated by the Appointments Committee, be appointed an Alternate Member (A2) of the Claims Committee for a term expiring December 31, 2023.**

**ADAM ROTHMAN**

**24. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Alarm Appeals Board (R1) for a term expiring June 30, 2026.**

**FREDERIC “RICK” BROOKS**

**25. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Inland Wetlands and Watercourses Agency (R3) for a term expiring October 31, 2025.**

**ROBERT RIMMER**

**26. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Board of Parks & Recreation (R8) for a term expiring June 30, 2023.**

**MATTHEW POPP**

**27. RESOLVED, that the sum of \$13,700 be and the same is hereby appropriated to account Z172-59040- Projects/Data Collections.**

**28. RESOLVED, that the RTM approves the lease amendment with Neighbor to Neighbor Inc. for the property located at 1 Horseneck Lane, Greenwich. The amended lease will include a period beginning April 1, 2022, and ending on June 30, 2022, with an option to renew through August 31, 2022.**

**29. RESOLVED, that the Representative Town Meeting of the Town of Greenwich authorizes The Town of Greenwich Board of Education to apply to the Commissioner of Administrative Services and to accept or reject a grant for the Greenwich High School Entryway Project.**

The vote was now on the Consent Calendar.

In Favor	-	209
Against	-	1
Abstentions	-	2

Items Carried

The Moderator suggested a motion, which was moved and seconded, to suspend the rules and combine Items No. 30 & 31 for voting purposes.

The Motion was adopted upon unanimous consent.

The Moderator announced that Item No. 30 on the Call was now before the meeting.

Luigi Romano, Acting Superintendent of Building Construction & Maintenance, offered the following resolution, regarding Item No. 29 which was duly moved and seconded.

**30. RESOLVED, that the sum of \$4,040,000 be and the same is hereby appropriated to be added to the following account: B345-59560-22326 known as “Eastern Greenwich Civic Center Replacement”.**

The Moderator announced that Item No. 31 on the Call was now before the meeting.

Michael E. Basham, Vice Chairman of the Board of Estimate & Taxation, offered the following resolution, regarding Item No. 31 which was duly moved and seconded.

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**31. RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,040,000 BONDS OF THE TOWN TO MEET A PORTION OF THE CAPITAL BUDGET APPROPRIATION FOR THE REPLACEMENT OF THE EASTERN GREENWICH CIVIC CENTER FOR FISCAL YEAR 2021-2022 AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE**

WHEREAS, the Board of Estimate and Taxation (“BET”) and the Representative Town Meeting have approved specific appropriations for the replacement of the Eastern Greenwich Civic Center in the Town’s Capital Budget for Fiscal Year 2021-2022 (collectively, the “EGCC Project”).

**BE AND IT IS HEREBY RESOLVED:**

Section 1. To meet the portion of the approved capital budget appropriation for the replacement of the EGCC Project, \$4,040,000 general obligation bonds of the Town are authorized to be issued in one or more series, maturing in annual installments of principal in compliance with the General Statutes of Connecticut, as amended from time to time (the “Connecticut General Statutes”), *provided* the final installment shall be due not later than the end of the fifth fiscal year after their date. The bonds shall be in the denomination of \$5,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Chairman of the BET or another authorized BET member designated by the Chairman and the Treasurer, and countersigned by the Comptroller, have the seal of the Town affixed and attested by the Town Clerk, be certified by a bank or trust company, and be approved as to their legality by nationally-recognized bond counsel. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and

interest thereon.

Section 2. The aggregate principal amount of the bonds of each series to be issued, and the manner of issue and sale shall be determined by the Comptroller, *provided* the bonds shall be issued in amounts which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the costs of issuance of such bonds. The annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including approval of the rate or rates of interest payable thereon, shall be determined by the Comptroller, in accordance with the Connecticut General Statutes.

Section 3. Said bonds shall be sold by the Comptroller, in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be approved by the Comptroller.

Section 4. The Comptroller is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Chairman of the BET or another authorized BET member designated by the Chairman and the Treasurer, and countersigned by the Comptroller, have the seal of the Town affixed and attested by the Town Clerk, be approved as to their legality by nationally-recognized bond counsel, and be certified by and payable at a bank or trust company designated by the Comptroller, pursuant to Section 7-373 of the Connecticut General Statutes. They shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a capital cost of the EGCC Project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such



purpose.

Section 5. The Chairman of the BET, the Treasurer and the Comptroller are hereby authorized in the name and on behalf of the Town to apply for any and all Federal and State grants-in-aid for the EGCC Project.

Section 6. The Town hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and any time after the date of passage of this Resolution in the maximum amount and for the EGCC Project with the proceeds of bonds, notes or other obligations ("Tax Exempt Obligations") authorized to be issued by the Town. The Tax-Exempt Obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the EGCC Project, or such later date as the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller is authorized to pay project expenses in accordance herewith pending the issuance of Tax Exempt Obligations.

Section 7. The Comptroller is hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds or other obligations authorized by this Resolution. Any agreements or representations to provide information to MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 8. The time for the issuance of bonds, notes or other obligations authorized hereunder shall not be limited but shall remain in full force and effect until all payments are made and all borrowings completed for the EGCC Project financed by such bonds or other obligations.

Section 9. The Chairman of the BET or another authorized BET member designated by the Chairman, the Treasurer and the Comptroller are hereby authorized, on behalf of the Town, to enter into any other agreements, instruments, documents and certificates, including tax and investment agreements, for the consummation of the transactions contemplated by this Resolution and to contract in the name of the Town with engineers, contractors and others in connection therewith.

Francis J. "Kip" Burgweger, Jr., Chairman of Legislative & Rules Committee, made a motion to amend the "Whereas clause" of Item No. 31 as follows:

WHEREAS, the Board of Estimate and Taxation ("BET") and the

Representative Town Meeting have approved specific appropriations for the replacement of the Eastern Greenwich Civic Center, to be known as the Cohen Eastern Greenwich Civic Center, in the Town’s Capital Budget for Fiscal Year 2021-2022 (collectively, the “EGCC Project”).

The amendment was adopted by unanimous consent.

The vote was now on the combined items.

In Favor	-	200
Against	-	6
Abstentions	-	6

Items Carried

The Moderator announced that Item No. 23 on the Call was now before the meeting.

Janet Stone McGuigan, Select-person, offered the following resolution, regarding Item No. 23 which was duly moved and seconded.

**23. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Board of Health (R1) for a term expiring June 30, 2026.**

**MARYANN RAMOS**

Alison Soler, Chairman of Health & Human Services Committee, made a motion to postpone Item No. 23 to the April 2022 meeting.

The motion was adopted upon unanimous consent.

The Moderator announced that Item No. 34 on the Call was now before the meeting.

Margarita Alban, Chairman of Planning & Zoning, offered the following resolution, regarding Item No. 34 which was duly moved and seconded.

**34. WHEREAS, on September 27, 2021, the Representative Town Meeting approved the Greenwich Affordable Housing Trust Fund Ordinance (“GAHTF Ordinance”);**

**WHEREAS, Section 6-326 of the GAHTF Ordinance requires that a Declaration of Trust consistent with the GAHTF Ordinance be submitted to the Representative Town Meeting for review and approval;**

**WHEREAS, the Declaration of Trust has been approved by the Planning and Zoning Commission and the Board of Selectmen;**

**WHEREAS**, the Declaration of Trust has now been submitted to and reviewed by the Representative Town Meeting;

**NOW, THEREFORE, BE IT RESOLVED**, that the Declaration of Trust is hereby approved in accordance with Section 6-326 of the GAHTF Ordinance;

**BE IT FURTHER RESOLVED**, the First Selectman of the Town of Greenwich is hereby authorized to execute the Declaration of Trust which shall then be filed with the Office of the Town Clerk upon execution.

**DECLARATION OF TRUST  
GREENWICH AFFORDABLE HOUSING TRUST FUND**

THIS DECLARATION OF TRUST is hereby made as of this [\_\_\_\_] day of [\_\_\_\_], 2022, by the Town of Greenwich, Connecticut, acting by and through its Representative Town Meeting, in accordance with the Housing Trust Fund Ordinance and pursuant to the provisions of Section 7-148(c)(2)(K) of the Connecticut General Statutes.

**Section 1: Definitions**

All definitions below shall be considered automatically amended to comply with any future revisions in the Connecticut General Statutes as they may be relevant to housing or municipal zoning authority:

*“Affordable Housing”* means housing for which persons and families pay thirty percent or less of their annual gross income, where such income is less than or equal to 80% of the area median income for the Stamford-Norwalk HUD Metropolitan Fair Market Rent Income Area, adjusted for household size as published annually by the U.S. Department of Housing and Urban Development, or other such equivalent income standard as may be established by a majority vote of the Town of Greenwich Planning & Zoning Commission. Affordable rent and home ownership cost shall not exceed thirty (30) percent of the eligible household income.

*“Affordable Rental and Home Ownership Units”* shall mean any dwelling unit for which the rent (including utilities) does not exceed thirty (30) percent of the gross income of the renting household or for which the mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty (30) percent of the gross income of the purchasing household or other standards as may be established pursuant to any municipal, state or federal housing program designed to assist low and moderate income households.

*“Board”* means the Board of Trustees named pursuant to Section 4 of this Declaration of Trust.

*“Connecticut General Statutes”* or *“CGS”* means the General Statutes of Connecticut, Revision of 1958, as amended.

*“Developer”* means any individual, corporation, business trust, estate trust, limited liability company, partnership or association, or any other entity or combination thereof involved in the development of commercial construction projects. For the purpose of this

Declaration of Trust, the Housing Authority of the Town of Greenwich (Greenwich Communities) shall be considered a developer.

*“Greenwich Affordable Housing Plan” or “GAHP”* is the Affordable Housing Plan prepared every five (5) years by the Town’s Planning Zoning Director, approved by the Greenwich Representative Town Meeting and submitted to the State of Connecticut Office of Management and Budget as required pursuant to the Connecticut General Statutes under Title 8 Chapter 126a Section 8-30j while it remains effective and pursuant to any other relevant State statutes, should such statute expire, be revised or substituted.

*Housing Trust Fund Ordinance”* means the Ordinance contained in Chapter 6, Article 8, Sections 6-324 through 6-331 of the Greenwich Code of Ordinances which is entitled “Greenwich Affordable Housing Trust Fund” as adopted by the Greenwich Representative Town Meeting on September 27, 2021.

*“State”* means the State of Connecticut.

*“Town”* means the Town of Greenwich, Connecticut, a political subdivision of the State.

*“Trust”* means the trust fund established pursuant to this Declaration of Trust.

*“Trustees” “Trustees”* means the members of the Board of Trustees as defined in Section 4.1 below.

## **Section 2: Name of Trust**

The trust fund created by this Declaration of Trust shall be called the “Greenwich Affordable Housing Trust Fund” and shall be referred to as the “Trust” herein.

## **Section 3: Purpose of Trust**

The purpose of the Trust shall be the preservation of existing and the creation of new affordable rental and home ownership housing in the Town, pursuant to the current Town and Regional Plans of Conservation & Development, GAHP and any Connecticut General Statute applicable now or in the future. The preservation and creation of Affordable Housing shall include but not be limited to programs designed to further housing rehabilitation and/or development opportunities and to provide for a full range of housing choices throughout the Town for households of all incomes, ages and sizes.

## **Section 4: Board of Trustees**

1. As stipulated herein, the Greenwich Affordable Housing Trust Fund shall have a Board of Trustees (“Board” or “Trustees”) comprised of seven (7) total members, as outlined below.
2. The seven (7) Trustees shall be:
  - a. Town of Greenwich Planning & Zoning Director or such Director’s designee.
  - b. Chair of the Greenwich Planning & Zoning Commission or a member designated by such Chair.
  - c. Two (2) members of the public, with a background and expertise in finance, at least one (1) of whom shall have expertise in Affordable Housing and both of whom shall be Greenwich Town residents nominated by the Greenwich Board of Selectmen and appointed by the Greenwich Representative Town Meeting.

d. One (1) member of the public with legal expertise who shall be a Town resident, nominated by the Board of Selectmen and appointed by the Representative Town Meeting.

e. Two (2) additional at large members of the public who shall also be Town residents, nominated by the Board of Selectmen and appointed by the Representative Town Meeting.

Establishment of Unique Designations for appointed positions: Each of the five (5) appointed positions on the Board is assigned a unique designation to facilitate auditing of the appointment process over the course of time. Terms for appointed public members shall be for a period of three (3) years except for the shorter one-time interim terms for one (1) public member with expertise in finance and one (1) at large public member to a single term of two (2) years which is used once, to accomplish a staggering of the term expiration years of the position for the purpose of limiting the scheduled turnover of public members in a single year. When appointing a new member to the Board, the new member will receive the position designation previously assigned the person she or he is succeeding and such designation will be indicated on all notices of nomination and appointment including, but not limited to, the Call and the minutes of the Representative Town Meeting, the agenda of the committees of the Representative Town Meeting and, where appropriate, the agenda and minutes of the Board of Selectmen. Appointed members of the Board shall hold office until their successors shall have been appointed and shall qualify.

3. At its first meeting, the Board shall elect a chairperson, vice-chairperson and secretary for a one (1) year terms. Elections shall be held once per year.
4. Administrative support for the Board shall be provided by the Town's Planning & Zoning Department.
5. No Trustee shall receive a salary or other remuneration for serving on the Board.
6. Trustees may be reimbursed for reasonable out-of-pocket expenses for travel, training and other Trust-related expenses. Expenses in excess of twenty-five (\$25) shall be approved in advance by the Board, unless previously approved in the Trust's budget for such fiscal year. Expenses in excess of five thousand dollars (\$5,000) shall be approved in advance by the Representative Town Meeting, unless previously approved in the Trust's operating expense budget for such fiscal year. Such expenses shall be included in the Trust's annual budget. All such out-of-pocket expenses shall be fully documented with receipts for expenses prior to payment by the Trust.
7. Commuting to and from Board meetings shall not be a reimbursable expense.
8. The Board shall develop a policy regarding the reimbursement of expenses.
9. The Chair may establish subcommittees and/or ad hoc task related committees to carry out the purposes of the Trust. Chairs of the subcommittees may be selected by the members of the subcommittees.
10. Any public Trustee who ceases to be a resident of the Town shall promptly provide a written notification of the change in residence to the Chair, whereupon the Trustee shall cease to be a member of the Board and action shall be taken

immediately to fill such vacancy. Notice of such resignation and appointment shall be filed with the Town and Town Clerk.

11. A public Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Chair and the Town Clerk.
12. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be nominated by the Board of Selectmen and appointed by the Representative Town Meeting to fill such vacancy for the remainder of the unexpired term, provided that in each case the said appointment and acceptance in writing by the Trustee so appointed shall be filed with the Town Clerk.

### **Section 5: Meetings of the Board**

1. The Board shall meet at least quarterly.
2. All Board meetings and decisions shall be open to the public and duly advertised and conducted, pursuant to the requirements of the Connecticut Freedom of Information Act, as per Connecticut General Statutes Chapter 14, Sections 1-200 to 1-242 and Robert's Rules of Order.
3. Each member of the Board shall have one vote.
4. Affordable Housing funding decisions shall be made by a super majority of five (5) voting members of the Board. All other decisions of the Board shall be made by simple majority of four (4) voting members of the Board.
5. The presence of four (4) voting Board members constitutes a quorum.

### **Section 6: Powers of Trustees**

The powers of the Trustees, all of which shall be carried on in furtherance of the purposes set forth in the Housing Trust Fund Ordinance and pursuant to the provisions of this Declaration of Trust, shall include the following:

1. Expenditures. Expenditures from the Trust must be approved by the Trustees. Expenditures shall be made from the Trust only in accordance with the following procedures and requirements:
  - a. Once the Fund has, for the first time, reached a level of three hundred thousand dollars (\$300,000.00) and all other relevant conditions have been met, the Board shall thereafter accept, on a continuous basis, requests for funds for authorized purposes from eligible parties. Eligible parties include, but are not limited to, for-profit and not-for-profit housing developers or not-for-profit organizations with the goal of furthering affordable housing, along with the Housing Authority of the Town of Greenwich (Greenwich Communities). Individuals shall not be considered eligible parties. The Board shall review and make a determination whether or not to grant such requests.
  - b. Whenever two million dollars (\$2,000,000.00) or more is available in the Trust, the Board shall issue a Notice of Funds Available (NoFA) to solicit proposals for how to further the Greenwich Affordable Housing Plan. Such NoFA shall be issued no later than two (2) weeks after the first Board meeting after the monies in the Trust reach the above threshold. No later than seven (7) months after the issuance of the NoFA, the Board shall

render a decision on whether or not and how to fully or partially disburse the monies of the Fund. Any proposed expenditure over five hundred thousand dollars (\$500,000.00) approved by the Board shall be submitted as a recommendation to the Board of Selectmen and the Representative Town Meeting. The Representative Town Meeting may reject such recommended expenditure within forty-five (45) days of receipt by a vote of two-thirds (2/3) of its members present and voting. If, within forty-five (45) days of receipt of the recommendation, the Representative Town Meeting fails to reject such recommendation, it shall be considered approved.

- c. Funds from the Trust shall only be used for the following authorized purposes. All expenditures listed below shall be based on and prioritized by the Greenwich Affordable Housing Plan.
  - i. Creation of affordable rental or homeownership housing units. To encourage the development of Affordable Housing through a variety of means including, but not limited to, the provision of favorable financing to developers of Affordable Housing, or by means of the direct write-down of costs for non-profit developers of Affordable Housing, or to subsidize the acquisition of sites, existing structures or designated Affordable Housing units which comprise a portion of a larger development containing housing which is not deemed affordable to persons of low and moderate income.
  - ii. Multi-family rehabilitation program. To finance the rehabilitation, repair, renovation or alteration of existing and deteriorated multi-family residential properties in a manner that preserves or enhances the affordability of dwelling units within such properties through interest rate subsidies, or the direct subsidy of project costs.
  - iii. Limited Equity Cooperative or Condominium Conversion Properties. To assist in the acquisition, rehabilitation, repair, alteration or renovation of residential properties deemed appropriate for conversion to a "common interest community" as defined pursuant to CGS 47-202(7) and consistent with the GAHP.
  - iv. Studies to determine the Affordable Housing needs of Greenwich residents and for the preparation and update of the GAHP. Selection of vendors for such service shall be compliant with Greenwich Purchasing Department standards and requirements.
2. Administrative expenses arising pursuant to the execution of Trust purposes and goals:
  - a. Except for payments related to preparation of the GAHP, Affordable Housing needs studies and administrative expenses, no expenditures shall be made from the Fund in absence of an approved GAHP and all expenditures must demonstrate how they meet the goals and priorities established therein.

- b. Any Trust funds which are required to be expended only for certain purposes shall be segregated and accounted for separately.
  - c. The Board shall follow the rules established by Town regarding purchasing.
  - d. All expenses of the Trust shall be included and controlled in accordance with the Trust's annual operating expense budget for such fiscal year.
3. Accept and Receive Funds. The Trust may accept and receive funds, by gift, grant, contribution, devise, or transfer from any person, firm, corporation or other public or private entity, including but not limited to, money, grants of funds or other property tendered to the Trust in connection with provisions of any by-law, Special Act, Public Act or other provision of the Connecticut General Statutes or any other source, including moneys under Section 6-327 of the Housing Trust Fund Ordinance. Additional sums may be appropriated by the Town for deposit into the Fund. The Town is authorized to and shall deposit all monies received by it for the provision of Affordable Housing into the Fund.
4. Execute Instruments. The Trust may execute, acknowledge and deliver loan agreements, grant agreements, deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trustees engage for the accomplishment of the purposes of the Trust.
5. Employ and Compensate Advisors and Agents. The Trust may employ advisors and agents, including but not limited to, accountants, appraisers and lawyers as the Board deems necessary and may pay reasonable compensation and expenses to all advisors and agents.
6. Reimburse Town for Services. The Trust may request services from the Town and reimburse the Town for such services, including but not limited to, budgeting, accounting and auditing, which expenses for such services shall be included in the Trust's annual budget.
7. Seek Funding. The Board may seek funding resources for the Trust for Affordable Housing and promote public and private efforts to increase and improve the Affordable Housing in the Town. To the extent the Board seeks State or Federal grants that are not specifically allocated for Affordable Housing, the Board of Estimate & Taxation shall have the right to decide whether such grant funds are allocated to the Trust for Affordable Housing or to the Town for other purposes.
8. Policies and Procedures. The Board may issue policies, procedures, goals and statements to serve as guidelines for the operation of the Trust.

### **Section 7: Acts of Trustees**

1. All instruments executed by the Chair pursuant to a resolution of the Trustees shall be conclusive evidence that such action has been duly authorized.
2. The Trustees shall not delegate the authority to amend or terminate the Trust and no such delegation shall be effective.
3. No Trustee shall be required to give a bond.
4. No Trustee shall be liable for the act, negligence or default of any other Trustee or any employee, agent, or representative of the Trustees selected with reasonable care, nor for errors in judgment, nor mistakes of law or fact made in good faith



- nor in reliance in good faith on advice of counsel nor for other acts or omissions in good faith.
5. Where an act of the Trustees requires prior written notice to the Representative Town Meeting, notice shall be deemed given when addressed to the Representative Town Meeting and filed with the office of the Town Clerk.

### **Section 8: Advisory Council**

The Board shall be assisted by an Advisory Council comprising persons with professional or other expertise in affordable housing and persons who are able to offer the Board a valuable perspective on affordable housing. Members of the Advisory Council shall serve ex officio and shall have no voting rights. The following persons shall serve on the Advisory Council:

1. Two (2) members of the Representative Town Meeting nominated by the Nominations Committee of the Representative Town Meeting and appointed by the Representative Town Meeting each serving a two (2) year term;
2. The Commissioner of the Department of Human Services or a designee;
3. A member of the Board of Selectmen;
4. The Chairman of the Planning and Zoning Board of Appeals or a designee;
5. The Town's Housing Analyst;
6. One (1) representative from the Board of Greenwich Communities or a designee, identified by the Board of Greenwich Communities;
7. Two (2) residents of affordable housing rental or home ownership units located in Town identified and invited by the Board, each serving a two (2) year term which may be renewed;
8. A Town resident with expertise in fundraising and marketing, identified and invited by the Board, serving a two (2) year term which may be renewed; and
9. A representative of a Town charitable organization, identified and invited by the Board, serving a two (2) year term which may be renewed.

The Advisory Council shall participate in all meetings of the Board.

### **Section 9: Budgeting, Reporting and Audit Requirement**

1. The Board shall prepare an annual operating expense budget for the Trust. Said budget shall be incorporated into the Planning and Zoning Department's budget and submitted to the Office of the First Selectman, the Board of Estimate & Taxation, the Representative Town Meeting, and the Town Comptroller in compliance with Town of Greenwich mandated deadlines and requirements.
2. Other than expenditures made pursuant to Section 6.1 above, no liability shall be incurred or expenditure made by the Trust which is not provided for in the annual budget, nor shall the Comptroller pay out any money for any purpose not authorized.
3. The annual operating expense budget and any revisions shall be posted on the Town's website for public inspection, and shall be available in hardcopy at the

- Town's Planning & Zoning Department and the Town Clerk's office for review during normal business hours.
4. The Trust's accounts and records shall be included in the Town's Comprehensive Annual Financial Report and shall be subject to annual independent audit by the independent auditor selected by the Town
  5. The Board shall, at the end of each fiscal year ending June 30th, prepare a report listing all expenditures and projects supported in said fiscal year, how they address Affordable Housing needs and priorities in accordance with the GAHP and how they meet the criteria of the Housing Trust Fund Ordinance. Said report shall be completed and submitted to the Planning & Zoning Commission, the Board of Selectmen, the Board of Estimate and Taxation, the Representative Town Meeting and the Comptroller no later than September 15th of the following fiscal year. The report shall also be posted on the Town's website for public inspection and shall be available in hardcopy at the Town's Planning & Zoning Department and Town Clerk's office for review during normal business hours. The Chair of the Board shall present the report to the Representative Town Meeting and shall be available to answer any questions raised by the members of the Representative Town Meeting.
  6. The Trust shall be considered an audited agency for purposes of Chapter 111 of the Connecticut General Statutes and shall have all of its accounts audited by an independent auditor at least once annually in accordance therewith.

**Section 10: Liability; Conflict of Interest; Training**

1. No person may serve as a Trustee who then has or within the previous year has had an economic interest in or management control over a proposed project or existing property within the Town Greenwich with an Affordable Housing component. Residing in Affordable Housing shall not be considered an economic interest.
2. Any Trustee who resides in an Affordable Housing development or unit shall not participate in any expenditure decision affecting the property in which he/she resides.
3. Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically authorized herein.
4. The Trustees shall be considered municipal officers for the purposes of Section 7-101a of the Connecticut General Statutes and the Town shall protect and save harmless the Trustees as provided therein.
5. The Trustees shall not be eligible for any benefit or retirement programs of the Town by virtue of their service as Trustees.
6. Any applicant who has paid a fee in lieu pursuant to the Town of Greenwich Building Zone Regulations and CGS Section 8-2i shall not be eligible to apply for funds from the Trust for the same project.
7. Each Trustee shall complete at least one hour of training within one year of their initial appointment to the Board and shall complete at least one hour of subsequent training every other year thereafter. Such training may include topics concerning affordable and fair housing policies and shall include training regarding process and procedural matters, including the conduct of effective

meetings and public hearings and the Freedom of Information Act, as defined in Section 1-200 of the CGS.

8. Each Trustee shall comply with the Town of Greenwich Code of Ethics.

### **Section 11: Town Comptroller as Custodian of Trust Funds**

1. The Comptroller of the Town of Greenwich shall be the custodian of the Trust's funds and shall maintain separate accounts and records for said funds.
2. The Comptroller, working with the Town Treasurer, shall invest the Trust's funds in the manner authorized by Title 7, Chapter 112, Sections 7-400 to 7-403 of the Connecticut General Statutes.
3. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.
4. As custodian, the Comptroller shall issue checks or transfer moneys as directed by the Trustees and approved by the Comptroller in accordance with the Trust's Annual Operating Expense Budget or the Trustees' formal vote on Affordable Housing proposals.
5. No monies held in the Trust, including interest and dividends earned, shall be transferred to any other account within the Town's operating or capital budgets, except as provided in Section 12.

### **Section 12: Duration of the Trust**

1. This Trust shall be perpetual, notwithstanding that from time to time the Trust may be unfunded. Notwithstanding the foregoing, this Trust may be terminated by vote of the Representative Town Meeting.
2. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Representative Town Meeting for Affordable Housing purposes. In making any such distribution, the Trustees shall, subject to the approval of the Representative Town Meeting, liquidate all or any portion of the Trust property.
3. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

### **Section 13: Construction of Terms**

In the construction hereof, whether or not so expressed, words used in the singular or in the plural respectively include both the plural and singular, words denoting males include females and words denoting persons include individuals, firms, associations, companies, trusts and corporations unless a contrary intention is to be inferred from or required by the subject matter or context. All the powers and provisions of the Trust herein contained shall take effect and be construed according to the laws of the State of Connecticut.

### **Section 14: Filing**

This Declaration of Trust shall be filed with the Greenwich Town Clerk.

### **Section 15: Amendments**

This Declaration of Trust may be amended from time to time by an instrument in writing signed by a majority of the Trustees and approved at a meeting called for that purpose, and approved by the Board of Selectmen and the Representative Town Meeting, provided that in each case, a certificate of amendment shall be filed with the Town Clerk.

**Section 16: Titles**

The titles to the various Sections herein are for convenience only and are not to be considered part of said Sections nor shall they affect the meaning or the language of any such Section.

(The next page is the signature page.)

IN WITNESS WHEREOF, this Declaration of Trust is hereby approved.

Dated: \_\_\_\_\_, 2022 \_\_\_\_\_

Fred Camillo, First Selectman \_\_\_\_\_

Jacqueline A. Budkins, Town Clerk, does hereby certify that the foregoing Declaration of Trust was approved by the Representative Town Meeting held on \_\_\_\_\_, 2022.

For RTM 2-22-22

Francis J. “Kip” Burgweger, Jr., Chairman of Legislative & Rules Committee, made a motion to amend Item No. 34 in Section 10, paragraph 1, line 2 to insert the word “of” between the words “Town” and “Greenwich” to read “within the Town of Greenwich”.

The amendment was adopted by unanimous consent.

The vote was now on the Item No. 34 as amended.

In Favor	-	192
Against	-	11
Abstentions	-	10

Item Carried

The Moderator announced that Item No. 35 on the Call was now before the meeting.

Tara S. Restieri, Member of District 7, offered the following resolution regarding Item No. 35 which was duly moved and seconded.

**35. Sense of the Meeting Resolution to amend Connecticut's Affordable Housing Land Use Appeals Procedure (CGS § 8-30g) to better address the needs of vulnerable populations and development oversight in the Town of Greenwich**

WHEREAS the State of Connecticut set an affordable housing goal of not less than 10% of a town's housing units under CGS § 8-30g more than thirty years ago, and if a town has not met the 10% level, the local planning and zoning commission has very narrow grounds on which to amend or deny such projects;

WHEREAS 22% of Greenwich's residents are Asset Limited, Income Constrained, Employed (ALICE), 21% of its public school students are eligible for free or reduced lunch, 34% of its residents are renters, and 7% of its residents fall below the poverty line;

WHEREAS the Town of Greenwich has 1,380 housing units, or 5.3% of relevant housing stock that qualifies as affordable under the conditions of CGS § 8-30g;

WHEREAS the Town of Greenwich has a number of affordable housing units that are not counted towards the 10% target of CGS § 8-30g because they are not deed restricted;

WHEREAS Greenwich Communities (previously known as the Greenwich Housing Authority), which manages 13 subsidized residential complexes, 225 section 8 (government subsidized) residences and a 40-bed facility for the aged, and has added 18 affordable units at the Armstrong Court property and 11 units at the Adams Garden property, is in the process of renovating the Armstrong Court buildings, which will include the addition of 42 new affordable units, and is planning to add 52 new senior units at Vinci Gardens, and is planning a complete redevelopment of the Quarry Knoll property to consist of at least 225 units;

WHEREAS the Town of Greenwich is currently developing an Affordable Housing Plan to address additional needs and has approved an Affordable Housing Trust Fund which is intended to support further development;

WHEREAS the Town of Greenwich had only received 8 applications under CGS § 8-30g in the past 29 years and now is reviewing 13 housing projects filed by developers under CGS § 8-30g in the past 14 months, with more expected this year, and that under CGS § 8-30g developers may construct buildings substantially in excess of Greenwich's local zoning limits, as long as 30% or more of the units are deemed affordable;

WHEREAS the combined impact of these projects filed under CGS § 8-30g will have significant negative consequences for the environment and for town infrastructure as developers' plans would require the clear-cutting of trees, an increase in the amount of impervious surfaces, and could overwhelm the capacity of Greenwich's wastewater treatment plant, roadways, drainage systems, and schools; and

WHEREAS as of last year only 31 of the 169 towns in Connecticut had met CGS § 8-30g's 10% target, indicating that the requirements of CGS § 8-30g make it difficult to achieve the affordable housing target of CGS § 8-30g; now therefore, be it

*RESOLVED*, that the Representative Town Meeting:

1. urges Town leadership to increase efforts to develop and plan for the affordable housing needs of our Town; and
2. urges the state delegation for the Town of Greenwich to work with the Governor and the legislature to amend CGS § 8-30g to
  - a. cap the volume of CGS § 8-30g projects that must be considered concurrently by a municipality so that the effect of each project on the municipality can be determined before additional projects are evaluated;
  - b. expand the list of criteria which local housing commissioners may use in an appeal proceeding defending their decision to amend or reject an affordable housing proposal to include issues such as incompatibility with a Town's Plan of Conservation and Development (POCD), density, height, traffic, environmental and infrastructure impacts, drainage and sewerage;
  - c. allow local municipalities to adopt policies that prioritize affordable housing development rather than allowing private developers to control such policies under CGS § 8-30g; and
  - d. review and update CGS § 8-30g's metrics to better reflect the intent of the original statute.

Edward T. Broadhurst, Member of District 5, made a motion that the time to speak for the remainder of the meeting will be limited to two (2) minutes per speaker per item, except that the proponent and principal opponent (the latter to be determined by the Moderator) shall be entitled to speak for five (5) minutes each, which was duly moved and seconded.

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

W. Brooks Harris, Member of District 10, made a motion on behalf of the district to amend and replace Item No. 35 as follows:

"WHEREAS the 1989 State of Connecticut mandated 8-30g statute was intended to promote affordable housing development efforts across the state;

WHEREAS recent town-wide large scale development proposals are undermining the intended purpose of the original statute by utilizing the 8-30g statute to skirt local zoning oversight with negative consequences for residents of our town;

RESOLVED that the Representative Town Meeting backs efforts of our state delegation in Hartford to reform the current 8-30g statute and help Greenwich pursue affordable housing development that better serves our community."

The vote was now on the District 10 motion.

In Favor	-	95
Against	-	101
Abstentions	-	10

Motion failed

Anthony James Moor, Member of District 7, made a motion to waive the "Second Reading" on Item No. 35, which was duly moved and seconded.

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. 35.

In Favor	-	163
Against	-	22
Abstentions	-	9

Item Carried

(Although the vote announced at the meeting was 164-22-9, it was discovered after the adjournment of the meeting that a check mark was erroneously placed next to the name of a member who was absent. A line drawn through that member's name was not sufficiently obvious to alert those tallying the vote to disregard the check mark.)

There being no further business, the Moderator adjourned the meeting, upon unanimous consent, at 11:07 P.M.

ATTEST:  
JACQUELINE A. BUDKINS  
TOWN CLERK