

Town of Greenwich

Meeting Board of Selectmen

March 28, 2019

10:00 A.M.

Town Hall Meeting Room

APPROVED MINUTES

1. The meeting was called to order at 10:07 A.M.

a. Attendance:

- a. First Selectman Peter J. Tesei - Present**
- b. Selectman John Toner - Present**
- c. Selectman Sandy Litvack – Present**

2. a. Board of Selectmen Regular Meeting on Feb. 28, 2019.

Upon a motion by Mr. Litvack that was seconded by Mr. Toner, the minutes were approved unanimously.

b. Board of Selectmen Special Meeting on March 4, 2019

Upon a motion by Mr. Litvack that was seconded by Mr. Toner, the minutes were approved unanimously.

3. First Selectman's Updates

Mr. Tesei said the annual Red Cross flag raising with the proclamation that March is Red Cross month was held on March 6 here at Town Hall.

On March 7, Director of Environmental Affairs Pat Sesto and Conservation Commission Chair Bill Rutherford provided their annual update.

On March 12, I participated in the annual Greenwich Public Schools Community Service Awards Ceremony that highlighted the contributions our young people are making in the community.

On March 15, I participated in the 10th anniversary ceremony of Stamford Ford Lincoln. Owner Dom Francella is working on his plans to open a satellite boutique showroom on West Putnam Avenue at the site of the former Greenwich Motor Sales later this year.

Also on March 15, I was happy to see our younger generation engaged in civil, community activism. More than 200 students from Greenwich Country Day School marched from their campus to Town Hall to voice their support for environmentally safe and, sustainable life practices in the face of climate change.

Mr. Tesei also met with the new director of the First Selectman's Youth Commission Danielle Sittol. She is working with the Commission to determine whether membership should be expanded to more adequately reflect the size of a school's

student body.

On Wednesday, March 27, we had 14 Town employees take part in CPR/AED certification training class that was taught by GEMS.

Also, yesterday afternoon (March 27) I had the pleasure of preceding at the promotional ceremony of Firefighter Bob Roth to Fire Inspector. Firefighter Roth established the Fire Department's baby car seat installation program.

Mr. Tesei said the letter was a little dated but that he wanted to share a thank you from a local business, Steven B. Fox Jewelers to the Greenwich Police Department for its fraud prevention and investigative work with downtown businesses.

Upcoming events start tonight as its budget decision night for the BET. It begins at 5 p.m. in the THMR. Mr. Tesei said that he never thought the northwest fire station issue would prompt an unseemly email sent to the BET that cast aspersions upon an RTM member and a member of the Board of Selectmen. He said such communications would not be tolerated and that he requested the IT Department to trace the email.

Mr. Litvack thanked Mr. Tesei for his comments and said he was disturbed that conversations and personal interactions are falling apart and will negatively impact people who volunteer their service to the Town.

Mr. Tesei also said that next Monday, April 1, he will be swearing in three new police recruits here in the THMR at 1 p.m. and on Wednesday, April 3, he will be the guest speaker at the weekly Greenwich Rotary luncheon at the Hyatt.

4. Old Business

There was none.

5. New Business

- a.** Rehabilitation and related detours of Lake Avenue bridge over Merritt Parkway – Elona Coppola, Connecticut DOT.

Ms. Coppola and Connecticut DOT designer Ryan Martin presented the plans for an 8½ mile detour for 17 weeks while the Lake Avenue bridge repair work is done. The detour will go into effect at 5 p.m. June 21 until October 20, 2019. The entire project should be completed by year's end. Ms. Coppola said DOT would coordinate with the school district on impact of bus routes; that press releases and informational signs will be posted for the public.

Upon a motion by Mr. Toner that was seconded by Mr. Litvack, the detour was approved unanimously.

- b.** Temporary road closure North Maple Avenue – Jesse Fedak, Lewis Tree Service.

Mr. Fedak explained that Lewis Tree Services and Eversource are requesting the road closure for April 16, 2019 on North Maple Avenue from Lake Avenue to Husted Lane to remove five (5) large maple trees near power lines. A crane is needed for the tree removal. There will be three (3) police officers hired to direct traffic.

Upon a motion by Mr. Litvack that was seconded by Mr. Toner, the road closure was approved unanimously.

- c. Modification to the Code of Ethics regarding disclosure of financial information – Town Attorney Wayne Fox.

Mr. Fox explained the modifications were requested for more flexibility and to allow the submittal of information electronically.

Mr. Litvack questioned why there was a flat amount of money rather than a percentage. He asked the item be held for legal review until the next meeting.

- d. Discuss request to investigate “unauthorized” filming at Town Hall – Selectman Litvack.

Mr. Tesei said the Town has surveillance cameras and monitors behind the reception desk that have recording capability as well as in 2 rooms with Channel 79 GCTV equipment. He said the issue involves a group that reserved the Cone Room and that a photo was taken via the GCTV overhead camera. Going forward, there should be notification from GCTV when cameras are turned on.

Mr. Litvack said he was seriously concerned over the unauthorized video people working on his campaign, including his wife. He wants to know how it happened, who was responsible and how to prevent it from happening again. He also said no one knew it occurred until an ex-party official posted it on the Internet. He said there should be an expectation of privacy if you have reserved a room.

Town Attorney Wayne Fox outlined the three FOI requests that have been received regarding the incident. He said it is difficult to determine who had access to the room because card key access history is retained for 30 days.

Mr. Litvack said he wanted the Board of Selectmen to formally investigate to determine who had access; the Town Attorney to present modifications to monitor and prevent unauthorized recordings in the future.

Joanna Swomley said she believed her Constitutional rights were violated during the incident.

Tony Turner also spoke in favor of an investigation.

Melissa Evans said she agreed with the previous speakers and as one whose photo was taken during the incident, she wants an investigation.

Jeff Ramer also spoke in favor of an investigation, saying a crime was committed.

Mr. Fox said there isn't a statutory right to privacy. Mr. Litvack disagreed saying it was an intrusion of the rights of his wife and Ms. Evans.

Nerlyn Person said she hoped Town leaders would set a policy and there would be an expectation of privacy.

Michael Spilo said Connecticut is a 2-party consent state and that perhaps the person who took the photo would be protected by state law because they thought something suspicious was occurring.

Mr. Litvack made a motion for a formal investigation under the auspices of the Board of Selectmen to determine who had access to the room; who sent the photo and to direct the Town Attorney to present modifications to the system to monitor and prevent unauthorized recordings in the future.

There was not a second to the motion.

Mr. Tesei said the Town Attorney needs to provide a discussion/clarification of the alleged violations and to discuss with Channel 79/GCTV personnel audio and video procedures and to establish a policy and determine who is accountable on access to Channel 79.

Mr. Litvack said he was very disappointed and shocked that the Board did not support an investigation and called it a low point.

6. Appointments and Nominations

There were no nominations made following candidate interviews conducted in Executive Session.

7. Executive Session

- a.** Executive Session to discuss pending litigation and settlement of claims, and to interview candidates for boards and commissions.

At 11:54 a.m., Mr. Litvack made a motion to enter Executive Session. Upon a second by Mr. Toner, the motion was approved unanimously.

In attendance, Recording Secretary Barbara Heins, Michael Spilo, Alice Duff, Town Attorney Wayne Fox and Assistant Town Attorney Eugene McLaughlin.

At 12:43 p.m., Mr. Toner made a motion to exit Executive Session. Upon a second by Mr. Litvack, the motion was approved unanimously.

Mr. Toner made a motion to settle Naranjo v. Town of Greenwich in the amount of \$45,000. Upon a second by Mr. Litvack, the motion was approved unanimously.

Mr. Toner made a motion to settle John Musacchio v. Robert Ferretti in the amount of \$20,000. Upon a second by Mr. Litvack, the motion was approved unanimously.

8. Adjournment

At 12:46 p.m., Mr. Litvack made a motion to adjourn. Upon a second by Mr. Toner, the motion was approved unanimously.

The next Meeting of the Board of Selectmen is scheduled for Thursday, April 11, 2019 at 10:00 A.M. in the Town Hall Meeting Room.

Peter J. Tesei, First Selectman

Prepared by Barbara A. Heins,
Recording Secretary