



Pursuant to the foregoing notice, a regular Representative Town Meeting of the Town of Greenwich was held in the Moderator's Hall of Central Middle School on Monday, June 8, 2009 at 8 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 new members: John A Duge, Jr. in District 1; Steven Bozzuto in District 4; Stephanie Paulmeno and George McBride in District 6. J. Robert Tuthill was approved to transfer into District 4 from District 3.

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 194 present, 26 absent and 4 vacancies. The members who were absent in District 1- George Chelwick, Pamela Frederick; District 2 – Carlo Cantavero; District 3 – M Michael Warner; District 4 – Russell Bowman, William Clark, Brian Harrod; District 5 – Frederick L Baker, III, Edward T. Broadhurst, III; District 6 – David W. Cox; District 7 – Alice B. Duff; District 8 – Vincent J. DeVito, Jonathan Irvine, Peter E. Pellerzi; District 9 – J. Michael Dunne, Adrian Pasternak, Juan Sosa; District 10 – Robert M. Byrnes, Lawrence E. Larson, Alan A. Small; District 11 – Michael R. Chait, James D. Hann, James M. Hesburgh, Fern M. Lindsay, Neal M. Neilinger, Vinay S. Pande, Charles B. Seelig; District 12 – Thomas Bancroft, Anthony D'Ascoli, Richard DiPreta, Dolores McCollem, Jane S. Sulich.

The Moderator announced that, as all members had received a copy of the minutes of the May 11, 2009 meeting, the reading of the call would be omitted. He asked if there were any corrections or comments.

Douglas Wells, Chairman of the Legislative & Rules Committee, noted the amendment offered at the May meeting should read as follows: "Committee reports shall be limited to seven minutes each. The Education and Finance Committee reports shall be exempt from this limitation."

The minutes, as amended, were approved by unanimous consent.

Dr. Carl Carlson of District 1 presented the following in tribute to the late Mary Pellegrino.

Mary Pellegrino served in the RTM from January 1980 to December 1995 and again from May 1997 until her death last month. The gap coincided with the last illness of her husband, Patrick. Many in the delegation were very happy when she returned to RTM.

For many years Mary was Secretary of the District 1 delegation. Mary, Dean Goss and myself did most of the work needed to run District 1 in these years. I believe there were no empty slots at election time for District 1 during the period. May and I worked diligently to fill the roster for an election. She was splendid at doing so, particularly at getting petition signatures at shore notice. May wanted the RTM to be strong and work well. She also did not want the RTM to be open to attack by its enemies because of lack of membership.

Mary has many sharply defined views on the Town of Greenwich, and in particular on District 1. These were very purposeful and well thought out. She was entirely against bonding, She was a great enemy of tiered parking in downtown Greenwich. She was a great friend to trees in downtown Greenwich. She and her friend, Mrs. Carol Zarrilli saved many that might otherwise have been destroyed. In deed, about a month before her death she wrote a letter to the Tree Warden over saving the tree in front of People's Bank on lower Greenwich Avenue. The tree was saved.

In the controversies that touched District 1 over the last eighteen years I can bear witness to her industry. I first worked with her over the proposed phase-in of real estate values in the early 1990's. We published a tabulation of the effects of the new assessment on 157 condominium owners. The result exposed the proposed phase-in for its inherent unfairness and it died for lack of support. Mary was very active in the opposition to putting the police station next to Julian Curtis School, and collected a huge number of signatures for the petition I had written. She apposed broader use of Public Act 490 as it merely transferred tax to middle class and working families. She had great interest in making Nathaniel Witherell a better place, and I have very many conversations with her on this. She condemned the attack on RTM size that came in 2007.

Mary Pellegrino had a fine clear mind. Matters were quickly judged (with high accuracy) as to good or bad. She was very generous to many people in politics. Of current office holders, the names of Alfred Camillo, Jr. and Fred DeCaro, III immediately come to mind. She was naturally generous in both business and private life. She had wonderful courage and humanity. Her fortitude when faced with the adversities of life was remarkable. Many years ago I asked her why she supported a certain candidate for office. She told me for the man's humanity. I said that was among the best of all reasons. Her humanity and kindness brought her many friends. I think many have mourned her passing.

Robert May, chairman of District 12, offered the following resolution, recognizing the contributions of the late Donald Walton.

WHEREAS, Donald R. Walton was a resident of District 12 living in Old Greenwich, Ct since 1955.

WHEREAS, Donald R. Walton was involved in the leadership of organizations which promote the preservation of fish and waterfowl and that work for a clean water environment in the Fairfield County area.

WHEREAS, Donald R. Walton was instrumental in the creation of the Schongalla Natural Park in Riverside, Ct.

WHEREAS, Donald R. Walton served in town government as a member of District 12 and as Chairman of the RTM Education Committee.

THEREFORE LET IT BE RESOLVED, that this meeting recognizes the contributions that Donald R. Walton has made to the Town of Greenwich, and observed a moment of silence in his honor.

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this meeting and that a suitable copy be given to his family.

The resolutions passed by unanimous consent and the members stood for a moment of silence for Mary Pellegrino and Donald Walton.

Pursuant to the RTM rules, the Moderator designated the following items be placed on the consent calendar - 4-9-15-16-20

The items on the consent calendar are as follows:

4. substitute resolution

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Inland Wetlands and Watercourses Agency for a term beginning 4/1/09 and expiring 3/31/13.

ELLIOT R. BENTON

9. **RESOLVED**, that the First Selectman be and is hereby authorized for and on behalf of the Town, to accept the conveyance of a parcel of land from the State Connecticut Department of Transportation, containing 4.35 acres and situated on the south side of CT Route 15 (Merritt Parkway) and the west side of Lake Avenue.

15. **RESOLVED**, that the Greenwich Police Department accept a monetary gift in the amount of \$10,000 for the purpose of funding 2009 Spring Citizens Police Academy. This amount will be appropriated to Account F217-5110 for instructor compensation.

16. **RESOLVED**, that the sum of \$5,525 be and the same is hereby appropriated to be added to the account number indicated below:

Z 380-59120-29045 Auto Equipment \$5,525.

20. **RESOLVED**, that the Town of Greenwich, Department of Parks & Recreation accepts a gift of solar trash containers valued at \$10,000.00 to be installed at Greenwich Point.

The vote was now on the consent calendar.

In Favor	-	172
Against	-	0
Abstentions	-	0

Items Carried

The Moderator suggested a motion, which was moved and seconded, to suspend the rules and combine items 1-2-5-8-11-13 & 14 and to consider separately items 3-6-7-10-12-17-18-19-21-22-23.

Motion Carried

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

First Selectman Peter Tesei offered the following resolutions, which were duly moved and seconded, regarding Items 1-2-5-8.

1. **RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Board of Parks and Recreation for a term beginning 4/1/09 and expiring 3/31/10.**

CATHERINE WEISENBURGER

2. **RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed an alternate member of the Historic District Commission for a term beginning 4/1/09 and expiring 3/31/14.**

PATRICIA DILLON

5. **RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed an alternate member of the Inland Wetlands and Watercourses Agency for a term beginning 4/1/09 and expiring 3/31/13.**

BRIAN HARRIS

8. **Resolved, that the First Selectman be and is hereby authorized for and on behalf of the Town, to enter into a lease agreement with the State of Connecticut Department of Transportation (CTDOT), for the lease of an approximately 0.86 acre parcel located between the I-95 southbound entrance ramp and the railroad bridge at the Horseneck Lane / Field Point Road junction.**

First Selectman Peter Tesei offered the following resolution, which was duly moved and seconded, regarding Item No. 11.

RESOLVED that the Greenwich Alarm Ordinance is amended as follows:

ALARM DEVICES

CHAPTER 2A. ALARM
DEVICES

- § 2A-1. Legislative determination.
- § 2A-2. Definitions.
- § 2A-3. Administrator.
- § 2A-4. Alarm Appeal Board.
- § 2A-5. Notice, registration of alarm devices required.
- § 2A-6. Alarm device registration procedure.
- § 2A-7. Registration of central stations required
- § 2A-8. Central station registration procedure.
- § 2A-9. Registration of contractors required.
- § 2A-10. Contractor registration procedure.
- § 2A-11. New automatic dial alarms prohibited.
- § 2A-12. Transmission or digital-coded signals prohibited.
- § 2A-13. Exterior audible devices.
- § 2A-14. Reporting of false alarms.
- § 2A-15. Charges for false alarms.
- § 2A-16. Notification of charges.
- § 2A-17. (Reserved)
- § 2A-18. Appeals procedure.
- § 2A-19. Notices to include instructions.
- § 2A-20. Information to be confidential.
- § 2A-21. Information to be compiled.
- § 2A-22. Disclaimer of liability.
- § 2A-23. Violations and penalties.
- § 2A-24. Charges and fees to be paid into general fund.
- § 2A-25. Enforcement.
- § 2A-26. Applicability.
- § 2A.27. Effective date.

CHAPTER 2A. ALARM
DEVICES.

Sec. 2A-1. Legislative determination.

It is determined that the number of false alarms being made to the Police and Fire Departments hinders the efficiency of those Departments, lowers the morale of Department personnel, constitutes a danger to the general public in the streets during responses to false alarms and jeopardizes the response of volunteers; and that the

adoption of this chapter will reduce the number of false alarms and promote the responsible use of alarm devices in Greenwich by the alarm user.
(RTM, § 1, 4/14/1980; RTM, § 1, 12/13/1982.)

Sec. 2A-2. Definitions.

For the purpose of this chapter, the following definitions shall apply:

(a) Alarm device - Any device which, when activated by a criminal act, fire or other emergency calling for Police or Fire Department response, transmits a signal to Police or Fire Department headquarters; transmits a signal to a person who relays information to Police or Fire Department headquarters; or produces an audible or visible signal to which the Police or Fire Departments are expected to respond. Excluded from this definition and the scope of this chapter are devices which are designed to alert or signal only persons within the premises in which the device is installed.

(b) Alarm user - The owner of any premises in which an alarm device is used, provided that an occupant who expressly accepts responsibility for an alarm device by registration pursuant to Section 2A-5 shall be deemed the "alarm user ."

(c) Automatic dial alarm - A telephone device or attachment that mechanically or electronically selects a telephone line to Police or Fire Department headquarters or to the 911 system and reproduces a prerecorded voice message to report a criminal act, fire or other emergency calling for Police or Fire Department response. Excluded from this definition are devices which relay a digital-coded signal to Police or Fire Department headquarters.

(d) Central station -An office to which remote alarm devices transmit signals where operators monitor those signals and relay information to the Police and Fire Departments.

(e) Contractor -Any person, firm or corporation in the business of supplying and installing alarm devices or servicing the same.

(f) False alarm -Any activation of an alarm device to which the Police or Fire Department responds and which is not caused by a criminal act, fire or other emergency.
(RTNI. § 2. 4/14/1980; RTM. § 2. 2/13/1982.)

Sec.2A-3. Administrator.

(a) There shall be in the town an administrator for alarm devices which shall have the powers and duties granted to it under this chapter.

(b) The Finance Department shall be the administrator under the direction and control of the Board of Estimate and Taxation, which is authorized to adopt regulations for the administration of this chapter.

(RTM. § 3, 4/14/1980; RTM. § 3. 12/13/1982.)

Sec. 2A-4. Alarm Appeal Board.

(a) There shall be in the town an Alarm Appeal Board which shall have the powers and duties granted to it under this chapter.

(b) The Alarm Appeal Board shall consist of five (5) members, who shall be appointed by the Representative Town Meeting on nomination by the Board of Selectmen. All members shall be electors of the town and shall serve without compensation. Three (3) members shall be appointed for terms expiring March 31, 1982, and two (2) members for terms expiring March 31, 1984. Further appointments, except to fill vacancies, shall be for terms of four (4) years commencing on April 1. Appointed members shall serve until their successors shall have been appointed and qualified. Vacancies in the membership shall be filled for the unexpired portion of a term in the same manner as regular appointments.

(c) Three (3) members of such Board shall constitute a quorum. All decisions shall be by a majority of those present and voting.
(RTM, § 4. 4/14/1980; RTM, § 4. 12/13/1982.)

Sec. 2A-5. Notice, registration of alarm devices required.

(a) No person, firm or corporation shall install an alarm device without first providing the alarm administrator with the name, address and phone number of the owner and of the occupant (if different) of the premises wherein an alarm device is to be installed.

(b) Each alarm user shall register his alarm device or devices with the administrator prior to use.
(RTM, § 5, 4/14/1980; RTM, § 5, 12/13/1982; RTM, § 1, 1/15/1991.)

Sec. 2A-6. Alarm device registration procedure.

(a) Alarm device registration shall be accomplished by filling out a form provided by the administrator to include such information concerning the identity of the prospective alarm user, the identity of the alarm user's contractor, if any, and the nature of the proposed alarm device as the administrator may require. The administrator shall issue the alarm user a written acknowledgment of proper registration.

(b) It shall be the responsibility of each alarm user to notify the administrator of changes in registration information. (RTM, § 6, 4/14/1980; RTM, § 6, 12/13/1982.)

(c) Each alarm device registration shall expire on July 1 of each year and must be renewed annually by submitting an updated registration form to the administrator. The administrator shall notify each alarm user of the need to submit an updated

registration thirty (30) days prior to the expiration date. It shall be the responsibility of the alarm user to submit an updated registration form prior to the expiration date. Failure to do so will be classified as use of a non-registered alarm device and penalties shall be assessed in accordance with Section 2A-23.

(d) Each alarm user shall pay an annual registration fee in the amount of twenty dollars (\$20.).

(e) The amount of the annual registration fee may be raised or lowered from time to time at the discretion of the Board of Estimate and Taxation without further approval of the Representative Town Meeting.

Sec. 2A-7. Registration of central stations required.

Each central station which plans to transmit signals to the Police or Fire Department must register with the administrator before doing so. (RTM, § 7, 12/13/1982.)

Sec. 2A-8. Central station registration procedure.

(a) Central station registration shall be accomplished by filling out a form provided by the administrator to include such information as the administrator may require concerning the identity of the applicant, the type of its business organization (individual proprietorship, partnership, corporation), the principal place of business of the entity, the location of the office monitoring alarms, the staffing of that office and the alarm users in Greenwich served by the station. The administrator shall issue the central station a written acknowledgment of proper registration.

(b) It shall be the responsibility of each central station to notify the administrator of changes in the registration information, but such notification need not be given more frequently than once a month. (RTM, § 8, 12/13/1982.)

Sec. 2A-9. Registration of contractors required.

Each contractor shall register with the administrator. (RTM, § 9; 12/13/82.)

Sec. 2A-10. Contractor registration procedure.

(a) Contractor registration shall be accomplished by filling out a form provided by the administrator to include such information concerning the identity of the applicant, the type of its business organization (individual proprietorship, partnership, corporation), the principal place of business of the entity, the places of business from which Greenwich alarm users will be served, the types and makes of equipment sold and/ or installed and the types and makes of equipment the contractor is qualified to service. The administrator shall issue the contractor a written acknowledgment of proper registration.

(b) There shall be a fee of twenty dollars (\$20.) for each registration accepted.

(c) The amount of the contractor registration fee may be raised or lowered from time to time at the discretion of the Board of Estimate and Taxation without further approval of the Representative Town Meeting.

(d) It shall be the responsibility of each contractor to notify the administrator of changes in the registration information. (RTM, § 10, 12/13/82.)

Sec. 2A-11. New automatic dial alarms prohibited.

No automatic dial alarm may be installed after October 10, 1980. No automatic alarm device in use on such date may remain in use after July 1, 1983. (RTM, § 8,4/14/80; as amended by RTM, § 11, 12/13/82.)

Sec. 2A-12. Transmission of digital-coded signals prohibited.

(a) After the publication of this chapter, the administrator will not permit the registration of an alarm device which transmits a digital-coded signal to either the Police Department or the Fire Department unless the alarm user has received special authorization in accordance with Section 2A-12(b).

(b) A commercial establishment or a not-for-profit institution may have a direct line to the Police Department or Fire Department, provided that:

(1) The connection is by a high grade, dedicated line meeting specifications that may be established by the departments concerned.

(2) The police or Fire Department determines that the level of risk and exposure justifies a direct line.

(3) The Police or Fire Department has notified the administrator of its approval of such a direct line.

(c) After July 1, 1983, signals that result from the activation of an alarm device for which a direct connection has not been authorized in accordance with Section 2A-12(b) must be transmitted to a central station which, after such verification as is practicable, will transmit the alarm to the Police Department or Fire Department. (RTM, § 12, 12/13/82.)

Sec. 2A-13. Exterior audible devices.

Unless required by law, no alarm device which produces an exterior audible signal shall be installed unless its operation is automatically restricted to a maximum of thirty (30) minutes.

(RTM, § 9, 4/14/80; as amended by RTM, § 13, 12/13/82.)

Sec. 2A-14. Reporting of false alarms.

(a) The Police Department and Fire Department shall report false alarms to the administrator, based upon the report of the investigating officer.

(b) It shall be the responsibility of the central station to attempt to verify every alarm activation, except a duress or hold up alarm activation, before requesting a police response to an alarm activation.

(c) It shall be the responsibility of the central station to notify the alarm user or his designated keyholder whenever the central station reports an alarm activation to the Police Department or Fire Department (RTM, § 10, 4/14/1980; RT1V1, § 14, 12/13/1982.)

Sec. 2A-15. Charges for false alarms.

When the administrator determines that the Police Department or Fire Department has responded to a false alarm, the administrator shall impose a charge on the responsible alarm user according to the following schedule:

- (a) For the first false alarm within the town's fiscal year: no charge.
- (b) For response by either the Police Department or the Fire Department –
 - (1) for the second false alarm: fifty dollars (\$50.);
 - (2) for the third false alarm: one hundred dollars (\$100.);
 - (3) for the fourth false alarm: one hundred fifty dollars (\$150.);
 - (4) for the fifth and subsequent false alarms: two hundred dollars (\$200.).
- (c) For response by both the Police Department and the Fire Department, an additional charge of \$50 will be added to the applicable fine, except for the first false alarm within the Town's fiscal year.

Following the payment of the applicable charge for a false alarm, an alarm user may present to the administrator an invoice of repair of the alarm device causing the false alarm, which invoice of repair shall be reviewed by the Alarm Appeal Board. If the Alarm Appeal Board deems the invoice of repair to be satisfactory, the Alarm Appeal Board may then make a finding that such false alarm shall not be counted against subsequent false alarms for the alarm user within the Town's fiscal year, (RTM, § 11, 4/14/1980; RTM, § 15, 12/13/1982; RTM, § 2, 1/15/1991.)

Sec. 2A.16. Notification of charges.

(a) The administrator shall notify the responsible alarm user of any false alarm charge by mail. Within thirty (30) days after the mailing of such notice, the alarm user may file with the administrator information to show that the alarm was not a false alarm within the meaning of this chapter.

(b) The administrator shall consider such information, reaffirm or rescind the false alarm charge and notify the alarm user of its decision by mail. Within thirty (30) days after the mailing of such notice, the alarm user may file with the Alarm Appeal Board an appeal, in writing.

(RTM, § 12,4/14/1980; RTM, § 16,12/13/1982.)

Sec. 2A-17. (Reserved)I

1 Editor's Note: Former § 2A-17. Required inspection; suspension of registration, added 12/ 13/1982. was repealed 1/15/1991.

Sec. 2A-18. Appeals procedure.

(a) Upon receipt of a timely appeal from a false alarm charge or a registration suspension, the Alarm Appeal Board shall hold a hearing to consider it and shall mail notice of the time and place of said hearing to the alarm user taking the appeal at his last known address, at least fifteen (15) days before the hearing. On the basis of information provided by the alarm user and other information introduced at the hearing, the Board shall affirm the charge or suspension, if it finds that the charge or suspension was properly imposed, or rescind the charge or suspension, if it finds the charge or suspension was not properly imposed.

(b) There shall be a non-refundable administrative fee of ten dollars (\$ 10.) for each appeal to the Alarm Appeal Board.

(c) The amount of the fee for taking an appeal may be raised or lowered from time to time at the discretion of the Board of Estimate and Taxation without further approval of the Representative Town Meeting.

(RTM, § 12, 13, 4/14/1980; RTM, § 18, 12/13/1982.)

Sec. 2A-19. Notices to include instructions.

Each notice of a false alarm charge, the reaffirmation of such a charge by the administrator or the suspension of a registration shall refer to and provide instructions concerning the alarm user's right to further recourse by filing information with the administrator or an appeal with the Alarm Appeal Board, as the case may be.

(RTM, § 12, 4/14/1980; RTM, § 19, 12/13/1982.)

Sec. 2A-20. Information to be confidential.

All information in the possession of the administrator, the Alarm Appeal Board, the Police Department or the Fire Department concerning particular alarm users and particular alarm devices shall not be divulged without the written consent of the alarm user or users concerned, except that information as to the frequency of false alarms

experienced by an individual alarm user may be supplied to the contractor who installed or who currently has a contract to service that user's alarm device.

(RTM, § 7, 4/14/1980; RTM, § 20, 12/13/1982.)

Sec. 2A-21. Information to be compiled.

The administrator, Police Department and Fire Department shall, with respect to each and every false alarm, compile information concerning; alarm devices, contractors and sources of false alarms in a form such that the information may be evaluated in terms of relative reliability of different sorts of alarm devices and particular contractors and the frequency of false alarms attributable to different categories of sources. All alarm activations, including those not considered false alarms as defined herein shall be cross-referenced by the administrator with such compiled information to determine if the alarm device has been registered in accordance with Sections 2A-5 and 2A-6. If it is determined that the alarm device has not been registered, the administrator shall notify the alarm user in writing, of the registration procedures for such alarm device. Failure of the alarm user to register such alarm device following notification by the administrator shall result in penalties pursuant to Section 2A-23.

(RTM, § 15, 4/14/1980; RTM, § 21, 12/13/1982.)

Sec. 2A-22. Disclaimer of liability.

Notwithstanding the provisions of this chapter, the town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm device or of the alarm-monitoring facilities at Police and Fire Department headquarters. No liability whatsoever is assumed for the failure of such alarm devices or monitoring facilities or for the failure to respond to alarms or for any other omission in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless the town, its departments, officers, agents and employees from liability in connection with the alarm user's alarm device.

(RTM, § 16, 4/14/1980; RTM, § 22, 12/13/1982.)

Sec. 2A-23. Violations and penalties.

Any person who performs or causes to be performed any of the following acts shall be subject to penalties as follows for each such act:

(a) Failure to register an alarm device, within thirty (30) days of notification by the administrator: fifty dollars (\$50.); within sixty (60) days of notification by the administrator: two hundred dollars (\$200.).

(b) Failure to give notice of changes in registration information, within thirty (30) days of notification by the administrator: fifty dollars (\$50.); within sixty (60) days of notification by the administrator: one hundred dollars (\$100.).

(c) Installing an alarm device without first providing the alarm administrator with the name, address and phone number of the owner and of the occupant (if different) of

the premises wherein the alarm device is to be installed, within thirty (30) days of notification by the administrator: fifty dollars (\$50.); within sixty (60) days of notification by the administrator: one hundred dollars (\$100.).

(d) Use of an automatic dial alarm or an exterior audible alarm device in violation of the provisions of this chapter: one hundred dollars (\$100.).
(RTM, § 17, 4/19/1980; RTM, § 23, 12/13/1982; RTM, § 4, 1/15/1991.)

(e) The amount of the penalties in this Section 2A-23 may be raised or lowered from time to time at the discretion of the Board of Estimate and Taxation without further approval of the Representative Town Meeting.

Sec. 2A-24. Charges and fees to be paid into general fund.

Charges for contractor registration, charges for false alarms, appeal fees and penalties for violations shall be collected by the administrator and placed in the general fund. (RTM, § 14, 4/14/1980; RTM, § 24, 12/13/1982.)

Sec. 2A-25. Enforcement.

The town, upon authorization of the administrator, may institute civil proceedings to enforce the provisions of this chapter.

(RTM, § 18, 4/14/1980; RTM, § 25, 12/13/1982.)

Sec. 2A-26. Applicability.

The provisions of this chapter shall not apply to alarm devices on premises owned or controlled by the town, including the Board of Education, the State of Connecticut or the government of the United States nor to alarm devices installed in a licensed motor vehicle, trailer or boat.

(RTM, § 19, 4/14/1980; RTM, § 26, 12/13/1982.)

Douglas Wells, Chairman of the Legislative & Rules Committee, made a motion, on behalf of the committee, to amend the resolution by deleting Sec. 2A-23 (e) in its entirety.

Motion was adopted by unanimous consent.

First Selectman Peter Tesei offered the following resolution, which was duly moved and seconded, regarding Item No. 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 beginning 4/1/09 and expiring 3/31/12.

JAMES B. DOUGHERTY

Town Administrator John Crary offered the following resolution, which was duly moved and seconded, regarding Item No. 14.

RESOLVED, pursuant to State Public Act No. 95-268, An Act concerning Neighborhood Assistance, the programs set out in the Explanatory Comments (attached) and complete applications filed in the Town Clerk's office are hereby approved for the purpose of encouraging business contributions to non-profit organizations and government agencies providing important services in Greenwich.

Gerald Isaacson, Chairman of the Health & Human Services Committee, made a motion, on behalf of the committee, to amend resolution as follows:

Changes are in **bold**

“ RESOLVED, pursuant to State Public Act No. 95-268 “ An Act **C**oncerning Neighborhood Assistance”, the programs set out in **Schedule A, attached hereto and made a part hereof, and their** completed applications **as** filed in the Town Clerk's office are hereby approved for the purpose of encouraging business contributions to non-profit organizations and government agencies providing important services in **the Town of Greenwich.**”

The amendment was adopted by unanimous consent.

The vote was now on the combined items.

In Favor	-	184
Against	-	2
Abstentions	-	0

Items Carried

Suzanne Geiss-Robbins, Chairman of District 2, made a motion, on behalf of the district, to suspend the rules to take up Item No. 22 (POCD) after the vote on the combined items.

Upon a voice vote, the motion lost.

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

First Selectman Peter Tesei 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 Planning and Zoning Commission for a term beginning 4/1/09 and expiring 3/31/12.

RICHARD MAITLAND

The vote was now on Item No. 3.

In Favor	-	113
Against	-	64
Abstentions	-	10

Item Carried

The Moderator announced that Item No. 6 on the call was now before the meeting.

Caroline Baisley, Director of Health, offered the following resolution, which was duly moved and seconded, regarding Item No. 6.

RESOLVED, that the 2001 Amended and Restated Governing Agreement for Providing Advanced Life Support Emergency Medical Services by and between the Town of Greenwich (TOWN) and the Greenwich Emergency Medical Service, Inc. (PROVIDER), hereinafter referred to as the “Contract,” be extended according to its terms for an additional five year period ending June 30, 2014 and that the Chairman of the Board of Health be empowered to execute an amendment to the Contract evidencing same on behalf of the Town of Greenwich.

The vote was now on Item No. 6.

In Favor	-	178
Against	-	2
Abstentions	-	6

Item Carried

The Moderator announced that Item No. 7 on the call was now before the meeting.

David Ormsby, Chairman of the Nathaniel Witherell Board, offered the following resolution, which was duly moved and seconded.

RESOLVED, that the sum of \$400,000 be and the same is hereby appropriated to be added to the Department Number 450, The Nathaniel Witherell, as identified below:

Prof Medical Dental	450-51420	\$ 95,000
Prof NOC	450-51490	113,000
Medical Surgical Lab	450-53250	72,000
Food & Supplements	450-53400	24,000
Contingency Funds		96,000 *
		<hr/>
		\$400,000
		<hr/>

* Subject to B.E.T. review and release

said appropriation to come from surplus revenues generated by The Nathaniel Witherell and deposited in the General Fund.

The vote was now on Item No. 7.

In Favor	-	186
Against	-	2
Abstentions	-	0

Item Carried

The Moderator announced that Item No. 10 on the call was now before the meeting.

First Selectman Peter Tesei offered the following resolution, which was duly moved and seconded, regarding Item No. 10.

RESOLVED: Be it Ordained and Enacted by the Representative Town Meeting that: the Greenwich Ordinance entitled Chapter 13, “Trees and Vegetation” of the Greenwich Municipal Code is hereby amended in the following sections as follows:

CHAPTER 13. TREES, SHRUBS AND WOODY VEGETATION.

- §13-1. Purposes.
- §13-2. Definitions.
- §13-3. Urban/Community Forest Management Plan; Greenwich Arboricultural Specifications and Policy Manual.
- §13-4. Tree Warden as Liaison to Other Municipal Departments.
- §13-5. Public Utilities.
- §13-6. Permits for Trees, Shrubs and Woody Vegetation on Town-Owned Property.
- §13-7. Trees, Shrubs and Woody Vegetation on Town-Owned Property.
- §13-8. Effect of Chapter.
- §13-9. Prohibition; Arboricultural Standards.
- §13-10. Permits.
- §13-11. Work.

§13-12. Emergencies.

§13-13. Penalties.

§13-14. No Exemption.

§13-15. Interfering with Planting, Maintenance and Removal.

§13-16. Tree Protection During Construction Activities.

§13-17. Hazardous Trees, Shrubs and Woody Vegetation.

§13-18. Duties of the Deputy Tree Warden.

Sec. 13-1. Purposes.

The purposes of this Ordinance are:

- a) To promote and protect the public health, safety and general welfare of the residents by providing for the regulation of the planting, maintenance, protection and removal of trees, shrubs and woody vegetation within the Town of Greenwich.
- b) To recognize and appreciate that trees produce oxygen, capture carbon dioxide from the atmosphere, provide air purification, prevent soil erosion, control flooding, assist in water purification, contribute to the quality of life by providing cooling shade, provide habitat for wildlife, reduce noise levels, and aesthetically enhance the landscape.
- c) To preserve and protect trees and their canopies as an important environmental and cultural resource that enhances the Town of Greenwich's natural character and heritage.
- d) To protect the people in the Town of Greenwich from personal injury and property damage caused by the improper planting, maintenance, protection or removal of trees, shrubs and woody vegetation located on Town-owned property.
- e) To protect property values by maintaining a healthy and vigorous community forest.

Sec. 13-2. Definitions.

- a) Tree Warden: The Greenwich Tree Warden shall be the Superintendent of the Parks & Trees Division of the Department of Parks & Recreation, and shall have all the powers, duties and authority provided by The Public Shade Trees and Tree Protection Examining Board Statute (Connecticut General Statutes Sec. 23-59) as may be hereafter amended, and by this Ordinance.
- b) Deputy Tree Warden(s): Greenwich Deputy Tree Warden(s) as appointed by the Tree Warden.
- c) Urban / Community Forest: Collectively, the natural resource of all Town-owned trees, shrubs and woody vegetation upon street right-of-ways, parks, school campuses, open space properties, and grounds of Town facilities.

- d) Town-owned Property: Any and all real property owned by the Town of Greenwich.
- e) Tree: A woody plant, usually with one main trunk, reaching a height of at least fifteen feet when mature.
- f) Shrub: A woody plant, branched from the base, generally less than fifteen feet in height when mature.
- g) Woody Vegetation: All woody, non-herbaceous plants, not defined as trees or shrubs.
- h) Greenwich Arboricultural Specifications and Policy Manual: A manual prepared by the Tree Warden pursuant to Section 13-3(b), as amended from time to time.
- i) Person: Any person, firm, corporation or other entity, including any public utility.
- j) Urban/Community Forest Management Plan: The long-range management plan prepared by the Tree Warden pursuant to Section 13-3(b), as amended from time to time.
- k) Public Nuisance: Any tree, shrub or woody vegetation which is hazardous or injurious to the public health, safety and welfare or which causes substantial depreciation in the value of real property in the neighborhood.

Sec. 13-3. Urban / Community Forest Management Plan; Greenwich Arboricultural Specifications and Policy Manual.

- a) The Tree Warden, in coordination with the Conservation Commission, shall prepare and maintain a long-range, comprehensive strategic plan for the administration and management of the community forest program to implement the purposes set forth in Section 13-1, which, together with the resulting periodic work plans, shall comprise the Urban/Community Forest Management Plan.
- b) The Tree Warden shall prepare and maintain a manual containing regulations and standards for the planting, maintenance, removal and protection of trees, shrubs and woody vegetation upon Town-owned property which shall be known as the Greenwich Arboricultural Specifications and Policy Manual.

Sec. 13-4. Tree Warden as Liaison to Other Municipal Departments.

- a) The Tree Warden shall serve as liaison to all Town Departments, agencies, and the Board of Education on all matters relating to individual trees and forest resources, and may provide technical assistance as appropriate.
- b) Any Town Department or agency shall notify the Tree Warden of any applications for new curb, gutter, sidewalks or driveway installations, utility

installations or other improvements which might require the removal of or cause injury to any Town-owned tree.

c)

Sec 13-5. Public Utilities.

- a) Any public utility maintaining any overhead wires or underground pipes or conduits shall obtain a public utilities permit from the Tree Warden before performing any maintenance work on the wires, pipes, or conduits which would cause injury to Town-owned trees. The public utility shall not injure, deface, prune, or scar any Town-owned tree until its plans and procedures have been approved by the Tree Warden.
- b) When maintaining Town-owned trees, a public utility must observe good arboricultural practices, as specified by the Pruning Standards prescribed in the Greenwich Arboricultural Specifications and Policy Manual.

Sec. 13-6. Permits for Trees, Shrubs, and Woody Vegetation on Town-Owned Property.

- a) No person shall plant any tree, shrub or woody vegetation within the limits of any Town-owned property without having first obtained a permit to do so from the Tree Warden. Written application for such permission shall be made to the Tree Warden setting forth the size, species, type and location of each tree, shrub or woody vegetation, for which such permission is requested.
- b) The Tree Warden shall consider the effect of planting the specified trees, shrubs or woody vegetation upon the general welfare of the community and upon the present and future use, safety, maintenance, development and improvement of Town-owned property for all lawful purposes.
- c) Subject to the direction and control of the Director of Parks and Recreation, the Tree Warden shall grant or deny the applications upon the basis of such considerations.
(Ords. & Reg., §7-1, 8/17/48.)

Sec. 13-7. Trees, Shrubs and Woody Vegetation on Town-Owned Property.

Any tree, shrub or woody vegetation planted on Town-owned property shall become the property of the Town.

(Ords. & Reg., §7-2, 8/17/48.)

Sec. 13-8. Effect of Chapter.

Nothing in this Chapter and no permit granted pursuant to this Chapter shall be deemed to prejudice any rights which the Town may now or hereafter have with respect to trees, shrubs and woody vegetation planted on Town-owned property.

(Ords. & Reg., §7-4, 8/17/48.)

Sec. 13-9. Prohibition; Arboricultural Standards.

Except as otherwise provided in Sec. 13-5, 3-10 and 13-11 of this Chapter, no person shall cut, trim, prune, remove, injure or interfere with any tree, shrub or woody vegetation, including the branches, trunk, root system or crown thereof, in whole or in part, on any Town-owned property without a permit from the Tree Warden. When maintaining Town-owned trees, a person must observe good arboricultural practices, as specified by the pruning standards prescribed in the Greenwich Arboricultural Specifications and Policy Manual.

Sec. 13-10. Permits.

Under this chapter, permits shall be issued in conformity with Connecticut General Statutes Sec. 23-65(f). Applications for permits must be made on application forms provided for such purpose by the Tree Warden. Permits expire thirty (30) days after the date of issue unless otherwise noted thereon by the Tree Warden.

Sec. 13-11. Work.

All work performed on such trees, shrubs or woody vegetation shall be done in strict accordance with the permit and under the direction of the Tree Warden.

Sec. 13-12. Emergencies.

Work which, in the opinion of the Tree Warden, is of an emergency nature, such as failure of gas, water or electric utility lines, may be performed as orally prescribed by the Tree Warden at the expense of the person requesting same.

Sec. 13-13. Penalties.

- a) Except as otherwise provided in this section, any person who unlawfully or willfully cuts, destroys, carries away, removes, prunes, injures or defaces any tree or shrub on Town-owned property without proper authority shall be fined not more than one hundred dollars (\$100.) for each separate offense and shall be liable civilly for damages [Connecticut General Statutes, Section 23-65(b)].
- b) In addition to any fines authorized hereunder for any tree, shrub or woody vegetation unlawfully cut, destroyed or carried away, the Tree Warden may seek recovery of three (3) times the value of the tree, shrub or woody vegetation pursuant to Connecticut General Statutes Section 52-560 and, for any encroachment (as referred to in Connecticut General Statutes Section 52-560a), may bring an action to enforce the remedies and damages specified in Connecticut General Statutes Section 52-560a.

Nothing in this section shall limit the authority of the Tree Warden to invoke any other remedies under Connecticut General Statutes Section 52-560 and Section 52-560a.

- c) Any person who affixes to a telephone, electric light pole, power pole or other utility pole, tree, shrub, rock or other natural object on Town-owned property a playbill, picture, notice, advertisement or other similar thing, or cuts, paints or marks any tree, shrub, rock or other natural object or uses climbing spurs for the purpose of climbing any tree on Town-owned property shall be fined not more than fifty dollars (\$50.) for each offense. Each affixing, cutting, painting, marking or climbing shall be considered a separate offense [Connecticut General Statutes, Section 23-65(a)].
- d) The removal, pruning or willful injury of any tree, shrub or woody vegetation by any person without a permit from the Tree Warden or the affixing of any playbill, picture, notice, advertisement or other similar thing concerning the business or affairs of any person to a tree, shrub, rock or other natural object on Town-owned property by an agent or employee of such person shall be deemed to be the act of such person, and such person or any member of such firm or any officer of such corporation, as the case may be, shall be subject to the penalty therein provided, unless such act is shown to have been done without his knowledge or consent [Connecticut General Statutes, Section 23-65(d)].
- e) The affixing of each individual playbill, picture, notice or advertisement or other similar thing to a tree, shrub, rock or other natural object or the willful removing, pruning, injuring or defacing of each tree or shrub shall constitute a separate violation. Nothing in this section shall affect the authority of the Tree Warden to remove, prune or otherwise deal with a tree or shrub under his jurisdiction. [Connecticut General Statutes, Section 23-65(e)].
- f) If any person plants any tree, shrub or woody vegetation on Town-owned property, without obtaining the required permit, he shall be fined not more than twenty-five dollars (\$25.) and shall remove the same at his expense within a period of thirty (30) days.

(Sec. 13-3, Ords. & Regs., sec. 7-3, 8/17/48)

Sec. 13-14. No Exemption.

Nothing herein contained shall be deemed to exempt any person from the application of any other applicable statute, ordinance, regulation or rule.

Sec. 13-15. Interference with Planting, Maintenance, and Removal.

No person shall interfere with the Tree Warden or persons acting under his authority while engaged in planting, mulching, pruning, removing or maintaining any tree, shrub or woody vegetation on Town-owned property.

Sec. 13 –16. Tree Protection During Construction Activities.

All trees on Town-owned property that are designated for preservation shall be protected in accordance with the Tree Protection Specifications section of the Greenwich Arbicultural Specifications and Policy Manual.

Sec. 13-17. Hazardous Trees, Shrubs and Woody Vegetation.

Any tree or part of the tree or any shrub or other vegetation that poses an unreasonable risk to any Town-owned property and is determined to pose an unreasonable risk to the public health, safety or welfare by the Tree Warden and any tree, shrub or other vegetation which is hazardous or injurious to the public health, safety and welfare or which causes substantial depreciation in the value of real property in the neighborhood shall be determined to be a “nuisance” and is to be abated by the Town in accordance with the Town of Greenwich Nuisance Ordinance (Greenwich Municipal Code, Chapter 6C).

Sec. 13-18. Duties of the Deputy Tree Warden.

The Tree Warden may assign the Deputy Tree Warden(s) to perform those duties of the Tree Warden as the Tree Warden shall designate, but the Tree Warden shall remain responsible for those duties. The Tree Warden may rescind the right to be designated as Deputy Tree Warden at any time with or without cause.

RESOLVED: Be it Ordained and Enacted by the Representative Town Meeting that: the Greenwich Ordinance entitled Chapter 6C, “Nuisances” of the Greenwich Municipal Code is hereby amended in the following section as follows:

Sec. 6C-2. Definitions.

- h) Nuisance* shall mean the existence of a condition involving any one (1) or more of the following items: trees, shrubs or vegetation which are hazardous or injurious to the public health, safety and welfare or which would cause substantial depreciation in the value of real property in the neighborhood or which have been determined to be a nuisance pursuant to any other provision of this Municipal Code, building and construction materials, landscape and fill materials, demolition debris, motor vehicles and motor vehicle parts, fixed- and rotary wing aircraft and parts, boats and boat parts, tires, appliances, furniture, metal, plastic, cardboard or glass containers, paper and rags which are inoperative, abandoned or discarded; which are found in substantial quantities in or upon any premises and are visible from any third-party residential premises; and which are hazardous or injurious to the public health, safety and welfare or which cause substantial depreciation in the value of real property in the neighborhood . . .

Douglas Wells, Chairman of the Legislative & Rules Committee, made a motion, on behalf of the committee, to amend Item 10 in Sec. 13-9 , the number “1” should be inserted in front of “3-10”, so that it reads “13-10” and Sec. 13-4 – subparagraph c should be deleted.

Motion was adopted by unanimous consent.

The vote was now on Item No. 10.

In Favor	-	179
Against	-	7
Abstentions	-	2

Item Carried

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

First Selectman Peter Tesei offered the following resolution, which was duly moved and seconded, regarding Item No. 12.

RESOLVED, that the RTM accepts the following ordinance which is hereby enacted and is designated as the “Child Safety Zones” ordinance.

1. Purpose.

The Connecticut Legislature has determined that persons convicted or found guilty by reason of mental disease or defect [Connecticut General Statutes sec. 54-250(6), as amended] of certain criminal offenses against minors and sexually violent offenses, present a continuing danger to the health and safety of the public, sufficient to require that such persons register with the Connecticut Commissioner of Public Safety (“registry”). Several of registered individuals live in the Town of Greenwich. The Town of Greenwich’s parks, playgrounds, educational, recreational and sports facilities are provided and furnished for the use of children and families, and the Town of Greenwich has a compelling interest in protecting children from the threat of sexual abuse and predation.

2. Definitions.

a) Child Safety Zone: A public park, playground, beach, recreation and/or teen center, sports facility and field, school or educational facility, including land on which such facilities are located (including such facilities’ parking areas), which is used for educational, recreational, sports, youth activities or child-care purposes and which is owned or leased by any municipal agency including, without limitation, the Board of

Education. "Child Safety Zone" does not include any public street or highway, nor does it include a sidewalk that is located outside the boundaries of a Child Safety Zone.

b) Sex Offender: Any person who has been convicted or found not guilty by reason of mental disease or defect, in this or any other state, jurisdiction or federal military court, of a "criminal offense against a victim who is a minor" or a "a nonviolent sexual offense," a "sexually violent offense" or any felony that the court has found "was committed for a sexual purpose" as those terms are defined in Connecticut General Statutes Sections 54-250, Subsections (2), (5), (11) and (12), and who is required to register with the registry as a result of criminal activity pursuant to any provision of the Connecticut General Statutes, as amended.

3. Prohibition.

It shall be unlawful for a child sex offender to be present in any Child Safety Zone.

The provisions of this Ordinance shall not apply to the following:

- a) Any person whose name has been removed from the Connecticut Department of Public Safety's Sex Offender Registry or from the registry of any other state or in the federal or military system by act of a court or by expiration of the term such person is required to remain on such registry.
- b) Any person entering into a facility in a Child Safety Zone for the sole purpose of voting in any municipal, state or federal election or referendum, provided that the person leaves the facility immediately after voting.
- c) This Ordinance shall not apply to the extent that the conduct which is prohibited is in conflict with the terms of a judicially imposed sentence, order or probation or condition of parole which has been imposed upon a specific individual who is a sex offender.

4. Notice.

The Greenwich Chief of Police or his designee shall make reasonable efforts to provide prompt, actual written notice of the enactment of this Ordinance (which notice shall contain a copy of this Ordinance) to all persons who are listed on the Sex Offender Registry who reside in Greenwich, as well as to those persons who are thereafter added to the registry and reside in Greenwich, and registrants who move to Greenwich. Such notice requirement may be satisfied by the mailing of such notice by registered or certified mail, return receipt requested to the last known address of such person as listed on the Sex Offender Registry or as otherwise known to the Greenwich Chief of Police. The failure of any person to receive such actual written notice shall not be a defense to a violation of this Ordinance.

Each Child Safety Zone shall be identified as such by a sign conspicuously posted at the primary entrance of or within the Child Safety Zone. The sign shall provide a warning that the area is a Child Safety Zone and that the presence therein or thereon by a registered sex offender is a violation of this Ordinance and is punishable by a fine.

5. Enforcement.

If a police officer reasonably believes that a child sex offender is in a Child Safety Zone in violation of this Ordinance, the officer shall require the suspected child sex offender to provide his name, address, and telephone number. If it is established that the individual is a sex offender, the officer shall then issue a written warning that such person is in violation of this chapter and require the person to leave the Child Safety Zone. If the person refuses to leave or is later found to be in the same or any other Child Safety Zone, the officer may issue a citation, and penalties set for in ____ 6 of this Ordinance shall apply.

6. Penalties.

Any person in violation of this Ordinance shall be fined in the amount of one hundred dollars (\$100.00) for each violation. Fines under this Ordinance shall abate in the event of the prohibited conduct results in a conviction for a new criminal offense under any applicable state or federal law or when the prohibited conduct is the basis for and results in the revocation of any condition of parole or probation.

Douglas Wells, Chairman of the Legislative & Rules Committee, made a motion, on behalf of the committee, to postpone Item 12 indefinitely.

James Boutelle of District 8 made a motion to refer this item to the Legislative & Rules Committee with a schedule return to the October meeting.

The vote was now on the motion to refer.

Upon a voice vote, the motion failed.

The vote was now on the motion to postpone indefinitely.

In Favor	-	133
Against	-	49
Abstentions	-	8

Motion Carried

The Moderator announced that Item No. 17 had been withdrawn.

The Moderator suggested a motion to suspend the rules and combine Items 18 and 23 for voting purposes.

Motion Carried

Alfred Cava, Director of Labor Relations, offered the following substitute resolution, regarding Item No. 18 and the following resolution regarding Item No. 23.

18. RESOLVED, that the sum of \$18,000 for the fiscal year 2009-2010 be and the same is hereby appropriated to carry out the terms of the negotiated one-year collective bargaining agreement between the Town of Greenwich and LIUNA Local 136.

FURTHER RESOLVED, that the Representative Town Meeting of the Town of Greenwich hereby approves such provisions of the agreement, if any, which may be in conflict with any charter provisions, special act, ordinance, rule, or regulation of the Town of Greenwich within the meaning of Connecticut General Statutes, Section 7-474.

23. RESOLVED, that the sum of \$57,750 for the fiscal year 2009-2010 be and the same is hereby appropriated to carry out the terms of the negotiated one-year collective bargaining agreement between the Town of Greenwich and the Greenwich Municipal Employees Association.

FURTHER RESOLVED, that the Representative Town Meeting of the Town of Greenwich hereby approves such provisions of the agreement, if any, which may be in conflict with any charter provisions, special act, ordinance, rule, or regulation of the Town of Greenwich within the meaning of Connecticut General Statutes, Section 7-474.

The vote was now on Items Nos. 18 and 23

In Favor	-	130
Against	-	3
Abstentions	-	2

Items Carried

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

David Ormsby, Chairman of the Nathaniel Witherell Board, offered the following resolution, which was duly moved and seconded, regarding Item No. 19.

WHEREAS: The Nathaniel Witherell Skilled Nursing Facility desires to present its financial position and results of operations on a revolving fund

basis in order to provide for greater transparency of its operations and to improve the quality of its various financial reports.

RESOLVED: that the Treasurer is authorized to accept proceeds resulting from the activities of the Nathaniel Witherell Skilled Nursing Facility, and such proceeds shall become appropriations upon recommendation of the First Selectman and approval of the Board of Estimate and Taxation and the Representative Town Meeting if necessary under Section 30(c) of the Charter and be added to the appropriate accounts within the Nathaniel Witherell Skilled Nursing Facility Revolving Fund. For establishing funding for the appropriation accounts, the policies of the Town of Greenwich are hereby endorsed. It is acknowledged that any revolving fund balance may be utilized by the General Fund if required.

The vote was now on Item No. 19.

In Favor	-	187
Against	-	3
Abstentions	-	2

Item Carried

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

Alfred Cava, Director of Labor Relations, offered the following resolution, which was duly moved and seconded, regarding Item No. 21.

RESOLVED, that the sum of \$31,000 for the fiscal year 2009-2010 be and the same is hereby appropriated to carry out the terms of the negotiated three-year collective bargaining agreement between the Town of Greenwich and Teamsters Local 456.

FURTHER RESOLVED, that the Representative Town Meeting of the Town of Greenwich hereby approves such provisions of the agreement, if any, which may be in conflict with any charter provisions, special act, ordinance, rule, or regulation of the Town of Greenwich within the meaning of Connecticut General Statutes, Section 7-474.

The vote was now on Item No. 21.

In Favor	-	160
Against	-	26
Against	-	3

Item Carried

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

J. Robert Tuthill of District 4 made a motion to limit debate to three minutes per speaker per motion.

Motion Carried

Town Planner Diane Fox offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 22.

RESOLVED, that the “1998 Plan of Conservation and Development,” approved by the Representative Town Meeting on April 13, 1998 is hereby repealed.

BE IT FURTHER RESOLVED that the “Plan of Conservation and Development, 2009” is hereby approved as submitted and the “2002 Open Space Plan” dated May 2002 and adopted by the RTM in September 2002, the Grass Island Master Plan adopted by the RTM in 1990, the Planned Housing Design, designation on the Post Road from the Mianus River , east to the Stamford border , and from Edgewood Drive west to the New York border, (an amendment to the 1964 Land Use Map and Plan), and the Sewer Boundary Map dated May 2000 and adopted by the RTM in September 18 2000 remain in force as approved.

Evan Delman of District 9 made a motion, which was seconded, to limit debate on this item to forty minutes.

Upon a voice vote, the motion failed.

After some discussion, Edward Dadakis of District 1 moved the previous question.

Motion Carried

The vote was now on Item No. 22.

In Favor	-	99
Against	-	76
Abstentions	-	1

Item Carried

There being no further business, the Moderator adjourned the meeting, upon unanimous consent, at 11:50 P.M.

ATTEST:
CARMELLA C. BUDKINS
TOWN CLERK

SUBJECT TO APPROVAL