



Pursuant to the foregoing notice a regular Representative Town Meeting of the Town of Greenwich was held on Monday June 12, 2006 at 7:00 P.M. (E.D.T.).

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

The members pledged allegiance to the flag.

The Moderator announced that as all members had received a copy of the call for the meeting, the reading of the call would be omitted.

Attendance cards were presented showing 189 present, 36 absent and 4 vacancies.

The members who were absent in District 1 – Mary Ambrogio, George Chelwick, Frederick Feldman, Margaret Frey, Najm Shams; District 2 – Carlo Cantavero, Donald Conway, Cecilia Morgan; District 3 – M Michael Warner; District 4 – Felix Andreoni, Linda DeSeife, Susan McCabe, David Rupert, Donald Vitti; District 5 – James Innes, Samuel Telerico; District 6 – Michael Barnaby, Kelly Houston, Edward Manganiello, David Noble; District 7 – Ellen Brennan-Galvin, Ralph McDermid; District 8 – William Carlson, Kathryn Hopper, David Schreff; District 9 – Jane Arnone, Meredith Braxton, Frank Petise; District 10 - Lloyd Hull, Gregory Roer, P Eric Roitsch; District 11 – Stanley Klein; District 12 – Bill Bambrick, David Norton, Hope Polidoro, Gerald Porricelli.

The Moderator announced that as all members had received a copy of the minutes of the May 8, 2006 meeting, the reading of the minutes would be omitted. He asked if there were any corrections or comments.

William Clark of District 7 noted a couple of typos: in line thirteen on page 1 the word “ninth” is spelled wrong, it should be “ninth”.; on page 19 sixth paragraph the word “coma” is spelled wrong, it should be “comma”; on page 19 last line, insert a dollar sign (\$) before 600.

The corrections were adopted by unanimous consent and the minutes as amended were adopted by unanimous consent.

Pursuant to RTM Rules, the Moderator designated the following items to be placed on the consent calendar – 5-7-8-9-11-12-13-14-15-17-19-21-22-23. :

5. **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 expiring 3/31/08.**

GARRETT L. DIETZ

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

DAVID A. WEISBROD

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

ROBERT COULSON

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

NAOMI TAMERIN

11. **RESOLVED**, that the following named person, nominated by the Board of Selectmen, be appointed an alternate member of the Planning and Zoning Commission for a term expiring 3/31/08.

MARGARITA ALBAN

12. **RESOLVED**, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Commission on Aging for a term expiring 3/31/09.

CLAIRE WHELAN

13. **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.

14. **RESOLVED**, that the Town of Greenwich accepts a grant for \$27,500 to fund the education of displaced Hurricane Katrina students. Said amount be and is hereby appropriated to the following accounts: \$19,000 to account E03861 50960 – Extraordinary Items, and \$8,500 to account E0386 50960 – Extraordinary Items.

15. **RESOLVED, that the Town of Greenwich accept a gift in the amount of \$22,500 as reimbursement for the Independence Day Fireworks Celebrations.**

17. **RESOLVED, that the Town of Greenwich accept a gift from the members of GREATS, Inc. of replacement tables and chairs valued at \$20,000.00 for the Greenwich Senior Center**

19. **RESOLVED, that the sum of \$163,500 be and the same is hereby appropriated to be added to Operating Account Number A345-52220, know as “BC&M - Electric Services”.**

21. **RESOLVED, that the sum of \$159,000 be and the same is hereby appropriated to be added to Operating Account Number A321-52510, know as “Waste Disposal Division – Waste Removal Services”.**

22. **RESOLVED, that the sum of \$190,000 be and the same is hereby appropriated to be added to Operating Account Number A312-51100, known as “Highway Division - Overtime Services”, and that the sum of \$35,000 be and the same is hereby appropriated to be added to Operating Account Number A312-52300, known as “Highway Division – Hired Equipment”, and that the sum of \$150,000 be and the same is hereby appropriated to Operating Account Number A312-53750, known as “Highway Division – Highway Materials”.**

23. **RESOLVED, that the sum of \$663,670 be and is hereby appropriated to be added to account 0680 43406 – State Building Aid. Said appropriation to come from Capital and Non-Recurring Fund.**

Joseph Kaliko of District 11 objected to the placement of Item No. 23 on the consent calendar.

Objection was supported by 20 or more members.

Item No. 23 was removed from the consent calendar.

William J. Clark of District 7 objected to the placement of Item No. 5 on the consent calendar.

Objection was not supported by 20 or more members and therefore failed.

The vote was now on the consent calendar, items 5-7-8-9-11-12-13-14-15-17-19-21-22.

In Favor	-	156
Against	-	1
Abstentions	-	2

Items Carried

The Moderator suggested a motion, which was moved and seconded, to suspend the rules to combine items 23, 31 and 34 for voting purposes.

Motion Carried

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

Dr. Susan Wallerstein, Assistant Superintendent of Business Operation for the Board of Education offered the following resolution, which was duly moved and seconded, regarding Item No. 23.

RESOLVED, that the sum of \$663,670 be and is hereby appropriated to be added to account 0680 43406 – State Building Aid. Said appropriation to come from Capital and Non-Recurring Fund.

Joseph Kaliko of District 11 made a motion, which was seconded, to divide Item 23 from the combined items and consider it separately.

Motion Carried

Town Administrator Ed Gomeau offered the following resolution, which was duly moved and seconded, regarding Item No. 31.

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Board of Social Services for a term expiring 3/31/07.

VICTORIA deBARY

Richard Kral of District 8 offered the following resolution, which was duly moved and seconded, regarding Item No. 34.

RESOLVED, the Representative Town Meeting of the Town of Greenwich hereby approves the Planning and Zoning Commission action of May 8, 2006 requested by the Board of Selectmen, MI-549 for internal renovations in the Glenville Fire Station and the construction of two new single story additions totaling 3,630 square feet, per section 6-13 of the Building Zone Regulations and Section 6-99 of the Town Charter on a 32,495 square foot property located at 266 Glenville Road in the LB Zone.

The vote was now on the combined items.

In Favor	-	162
Against	-	1
Abstentions	-	1

Items Carried

The Moderator announced that Item No. 1 on the call, postponed from the April 2006 meeting, was now before the meeting.

Town Administrator Ed Gomeau offered the following resolution regarding Item No. 1, which was duly moved and seconded, regarding Item No. 1.

RESOLVED, that Section 217 of the Town of Greenwich Charter is amended to read as follows:

Sec. 217. First Selectman; powers and duties.

(a) All administrative functions relative to police, fire, highways, sewers and other public works, building inspection, parks, recreation, law, fleet management, **information technology**, and purchasing for such purposes, shall be divided, under the supervision and control of the First Selectman, among administrative departments which shall include the Department of Police, Fire, Public Works, Parks and Recreation, Law and Fleet Maintenance. The First Selectman shall have the supervision and control, and shall be responsible for the administration, of all the affairs of the Town in respect to such departments, and may fix and determine the internal organization of such departments, the number and kinds of offices and positions, the methods of procedure and, subject to appropriation as otherwise provided by law, the rates of compensation.

(b) First Selectman and board of selectmen. The First Selectman shall be the chief executive officer of the town and the town agent and shall devote his full time to the duties of his office. The two selectmen other than the First Selectman who are elected as provided in this act shall, together with the First Selectman, constitute the board of selectmen. The First Selectman shall chair the board of selectmen. The First Selectman shall hold at least one meeting each month with the other selectmen for the purpose of

keeping them generally informed of the business of the town. Upon five days' written notice to the First Selectman, either of the two selectmen may place an item on the agenda of a meeting, which item shall be germane to the duties and responsibilities of the board of selectmen. Minutes of such meetings shall be taken and made available for public inspection. The First Selectman shall designate one of the other selectmen to act in his place and stead during his absence. Such Selectman when so acting shall have all of the powers and duties of the First Selectman.

(c) Compensation of First Selectman and selectmen. The First Selectman shall be paid a salary appropriate for the chief executive officer and town agent, and the other two selectmen shall be paid salaries commensurate with their duties and responsibilities, but the salary of each of the two selectmen shall be no less than ten percent of the salary of the First Selectman, subject to the approval of appropriations by the Representative Town Meeting pursuant to Section 23 of the Charter. Provision for such salaries shall be included in the budget report submitted annually by the First Selectman to the board of estimate and taxation.

(S.A. 444 jì 23, 1939; as amended by S.A. 71 jì 1, 1955; RTM, 4/27/1970; RTM, 3/13/1972.)(Char. Rev. 11/4/1975, eff. 1/1/1978.)(RTM, 1/21/1985.)(Board of Selectmen 9/17/1997.)

(additions **bold**; deletions within [brackets])

The foregoing proposal for home rule action requires an affirmative vote of a majority of the entire membership of the Representative Town Meeting.

Douglas Wells, chairman of the Legislative & Rules Committee, offered the following technical corrections to Item No. 1, on behalf of the committee.

In Sec. 217(a), sixth line, change the word "Maintenance" to Management.
In Sec. 217 ©, line 4 change the word "no" to "not".

The corrections were adopted by unanimous consent.

During discussion on Item No. 1, the Moderator called a speaker, Mr. Von Keyserling of District 8, to order for violating the prohibition on personal attacks in debate. Later, during Mr. Von Keyserling's continued remarks, Mr. Porter of District 6 raised a Point of Order that the speaker was out of order.

The Moderator ruled that the Point of Order was well taken and took the floor from Mr. Von Keyserling. The Moderator immediately put an Appeal of his ruling before the meeting.

The vote was now on the question whether the ruling of the Chair should be sustained. (In order for the Appeal to prevail, there would need to be a majority of votes "Against" the question.)

In Favor	-	94
Against	-	68
Abstentions	-	8

The appeal failed and the ruling of the chair was sustained.

The vote was now on Item No. 1. (This being a proposal for home rule action, it requires an affirmative vote of a majority (i.e., 115 votes) of the entire membership of the RTM.)

In Favor	-	124
Against	-	40
Abstentions	-	18

Item Carried

The Moderator announced that Item No. 2 on the call, postponed from the April meeting, was now before the meeting .

Town Administrator Ed Gomeau offered the following resolution regarding Item No. 2, which was duly moved and seconded, regarding Item No. 2.

RESOLVED, that (i) Article 15 of the Charter of the Town of Greenwich be amended to include the new section concerning the Department of Human Resources and Director of Human Resources set forth below; and (ii) Section 217 of the Charter be amended as set forth below; and (iii) Section 223 be amended as set forth below.

Sec. 217B. Department of Human Resources; Director of Human Resources

(a) There shall be a Department of Human Resources under the direction of a Director of Human Resources who shall be experienced in managing human resources functions necessary for the effective administration of employment functions and administration of the Town benefits program.

(i) Subject to Sec. 223, the Director of Human Resources shall develop and implement personnel policies, procedures, rules and regulations for Town employees.

(ii) Except for managerial, confidential, certified and instructional staff of the Board of Education, the Director of Human Resources shall administer all employment functions within the Town as an aide to the Town's appointing authorities. The Director of Human Resources and the Board of Education shall

determine which Board of Education positions are managerial. The employment functions of

- a. **Recruitment;**
- b. **Employment eligibility determinations, testing and assessment;**
- c. **Administration of classification processes;**
- d. **Administration of the hiring process and procedures;**
- e. **Implementation of terms and conditions of employment as may be established from time to time through the collective bargaining process;**
- f. **Administration of employee performance review plans and recommendation of modifications to employee performance review plans or procedures;**
- g. **Administration of employee discipline and separation in accordance with collective bargaining agreements and Town personnel policies.**
- h. **Development of personnel training, employee development and retention processes;**
- i. **Maintenance of personnel records and documents;**
- j. **Compliance review as to all applicable laws in the area of personnel.**

(iii) The Board of Education shall be responsible for administration of all employment functions for managerial, confidential, certified and instructional staff of the Board of Education.

(iv) Except for the Town's Retirement System, the Director of Human Resources shall administer the Town's benefits program and related budgets for all active and retired Town employees.

(b) The Director of Human Resources shall be appointed and may be removed by the Board of Selectmen upon recommendation of the First Selectman as provided in Sec. 218.

(c) Nothing contained in this section shall affect the powers of the Board of Estimate and Taxation under this Charter to administer the financial affairs and budget of the Town of Greenwich.

(d) For the purposes of this section, "appointing authorities" shall include the First Selectman, the Board of Estimate and Taxation, the Board of Health, the Board of Social Services, the Planning and Zoning Commission, the Board of Education, the Retirement Board, the Conservation Commission, the Board of Nathaniel Witherell, the Boards of the Greenwich Library and the Perrot Memorial Libraries, the Inland Wetlands and Watercourses Agency, the Commission on Aging, and heads of Town departments.

(additions **bold**; deletions within [brackets])

Sec. 217. First Selectman; powers and duties.

(a) All administrative functions relative to police, fire, highways, sewers and other public works, building inspection, parks, recreation, law, **human resources**, fleet management and purchasing for such purposes, shall be divided, under the supervision and control of the First Selectman, among administrative departments, which shall include the Department of Police, Fire, Public Works, Parks and Recreation, Law, **Human Resources** and Fleet Maintenance. The First Selectman shall have the supervision and control, and shall be responsible for the administration, of all the affairs of the Town in respect to such departments, and may fix and determine the internal organization of such departments, the number and kinds of offices and positions, the methods of procedure and, subject to appropriation as otherwise provided by law, the rates of compensation.

(b) First Selectman and board of selectmen. The First Selectman shall be the chief executive officer of the town and the town agent and shall devote his full time to the duties of his office. The two selectmen other than the First Selectman who are elected as provided in this act shall, together with the First Selectman, constitute the board of selectmen. The First Selectman shall chair the board of selectmen. The First Selectman shall hold at least one meeting each month with the other selectmen for the purpose of keeping them generally informed of the business of the town. Upon five days' written notice to the First Selectman, either of the two selectmen may place an item on the agenda of a meeting, which item shall be germane to the duties and responsibilities of the board of selectmen. Minutes of such meetings shall be taken and made available for public inspection. The First Selectman shall designate one of the other selectmen to act in his place and stead during his absence. Such Selectman when so acting shall have all of the powers and duties of the First Selectman.

(c) Compensation of First Selectman and selectmen. The First Selectman shall be paid a salary appropriate for the chief executive officer and town agent, and the other two selectmen shall be paid salaries commensurate with their duties and responsibilities, but the salary of each of the two selectmen shall be no less than ten percent of the salary of the First Selectman, subject to the approval of appropriations by the Representative Town Meeting pursuant to Section 23 of the Charter. Provision for such salaries shall be included in the budget report submitted annually by the First Selectman to the board of estimate and taxation.

(S.A. 444 § 23, 1939; as amended by S.A. 71 § 1, 1955; RTM, 4/27/1970; RTM, 3/13/1972.) (Char. Rev. 11/4/1975, eff. 1/1/1978.) (RTM, 1/21/1985.) (Board of Selectmen 9/17/1997.)

(additions **bold**; deletions within [brackets])

Sec. 223. Administrative regulations.

(a) The First Selectman, the Board of Estimate and Taxation, the Board of Health, [and] the Board of Social Services, **and the Board of Education** may prescribe such general rules and regulations as they may, respectively, deem necessary or expedient for the conduct of the departments **and staff** under their respective direction and control, not inconsistent with this Article **or Town personnel policies**, and except as otherwise provided by law.

(b) The head of each department may likewise prescribe such rules and regulations as he may deem necessary or expedient for the proper conduct of the department and for making effective the provisions of law not inconsistent with **Town personnel policies or** the general rules and regulations prescribed by such boards. (S.A. 444 § 13, 1939.)(Char. Rev. 11/4/1975, eff. 1/1/1978.)

(additions **bold**; deletions within [brackets])

The foregoing proposal for home rule action requires an affirmative vote of seven members of the Board of Estimate and Taxation, followed by approval at a referendum requiring, if at a regular election, a vote of a majority of the electors voting therein.

Douglas Wells, chairman of the Legislative & Rules Committee, offered the following technical corrections to Item No. 2, on behalf of the committee.

In Sec. 217B(ii _– part of the sentence was left out- insert the following after the word “of” “the Director of Human Resources shall exclude the negotiation and administration of collective bargaining agreements and shall include, without limitation, the following functions:”

In Sec. 217(ii) G – at the end of the sentence, change the period to a semi-colon.

In Sec. 217 (a), sixth line change the word Maintenance to Management.

In Sec 217(c) , fourth line change the word “no’ to not.

The corrections were adopted by unanimous consent.

Charles Edwards of District 8 made a motion, which was seconded, to delete the words “and staff” in Sec. 223 (a).

The vote was now on Mr. Edward’s motion to delete.

In Favor	-	41
Against	-	126
Abstentions	-	20

Motion Lost

The vote was now on Item No. 2. (This being a proposal for home rule action, it requires an affirmative vote of a majority (i.e., 115 votes) of the entire membership of the RTM.)

In Favor	-	125
Against	-	41
Abstentions	-	18

Item Carried

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

Town Administrator Ed Gomeau offered the following resolution, which was duly moved and seconded, regarding Item No. 3.

RESOLVED, that Sections 122, 123, 124, 128, 129, 142, 143, 144, 145, 150, 217 and 238 of the Town of Greenwich Charter be amended to read as follows effective July 1, 2007.

Sec. 122. Department of Parking Services; Director.

(a) There shall be a Department of Parking Services under the supervision and control of the First Selectman. The Department of Parking Services shall have charge of administrative and managerial services relating to the parking areas and facilities of the Town including supervision of planning, development, operation, regulation, collection of revenue and use of public parking areas owned, leased with or otherwise subject to the jurisdiction of the Town and, as provided in this section, with supervision of the construction and furnishing of same with necessary equipment, signs, buildings, appurtenances and other structures and the maintenance thereof. In such manner as the First Selectman may prescribe, the Department of Parking Services shall assist the Board of Selectmen, Board of Estimate and Taxation, Condemnation Commission, Planning and Zoning Commission and Representative Town Meeting in carrying out their responsibilities under this Article.

(b) The head of the Department of Parking Services shall be the Director of Parking Services who shall be experienced in matters of public parking administration and management. The Director shall perform the duties set forth in this Article and shall supervise public parking projects. The Director shall select and employ architects and professional engineers for projects requiring structural analysis, design, development and construction management, except that no architect or engineer shall be selected or employed without the prior approval of the Commissioner of Public Works and the Selectmen. No documents shall be issued

for bidding for the construction of parking structures unless and until the final project plans and specifications have been sealed and approved by a professional engineer and approved by the Commissioner of Public Works and the Selectmen. The Director shall obtain written statements from the architect and engineer of record and general contractor involved in any project affirming that the completed construction is in compliance with the approved plans and design specifications. The Director shall superintend the issuance of all permits, licenses, assignments and scheduling of maintenance of public parking areas and facilities.

(c) The Director may make joint applications with the Commissioner of Public Works for appropriations for parking related activities including construction, maintenance and design professional work in order that they may be carried out by the Department of Public Works and shall obtain the approval of the Commissioner of Public Works for any on street parking activity that affects a Town highway. Such appropriations and appropriations for the parking administrative and managerial services shall be charged to the Department of Parking Services and may be made first from the parking fund and then, as necessary, from the general fund and shall be submitted and approved separately from appropriations for the acquisition and improvement of parking areas as otherwise provided by this Article. Determination of joint, administrative and managerial appropriation requests related to parking services shall be made by the First Selectman.

Sec. 12[2]3. Acquisition of land for public parking.

The Town is authorized to acquire real property, which shall include improvements, easements, hereditaments and every estate and interest therein, by purchase, lease, gift or condemnation, and to improve the same, for the purpose of providing for the public parking of vehicles, after funds to cover the estimated cost of acquisition and improvement have been appropriated and allotted as hereinafter provided and as provided by law in the Town.

(S.A. 177 § 1, 1957.)

Sec. 124. Appropriations for parking areas; initiation of projects.

[Sec. 123. Appropriations for parking areas.]

(a) The Town may make appropriations for, and provide out of the general fund and through borrowing, funds to pay the cost of the acquisition and improvement of parking areas, whether or not any part of such cost is to be reimbursed to the Town as hereinafter provided, and may allot such funds in the manner hereinafter provided.

(S.A. 177 § 2, 1957.)

[Sec. 124. Initiation of projects.]

(b) If in the judgment of the Board of Selectmen it is necessary to acquire or improve any area for the public parking of vehicles, it shall submit to the Board of

Estimate and Taxation plans showing the area to be acquired or improved, together with a request for an allotment from funds appropriated for this purpose to meet the estimated cost of acquisition or improvement and, if necessary, an application for the appropriation of such funds as may be required for any such allotment.

(S.A. 177 § 3, 1957.)

Sec. 128. Acquisition of real property; procedure.

(a) After funds have been appropriated and allotted for the acquisition of any area for public parking, the **Director of Parking Services** [Commissioner of Public Works] may acquire such area by negotiation and, upon authorization of the Representative Town Meeting, may apply to the Condemnation Commission appointed under the provisions of Section 157 hereof, hereinafter called "the Commission," for the condemnation of such real property required for such purpose and for an assessment of damages. The Commission shall not take by eminent domain, for the purposes of this Article, any property of a corporation which has the right of eminent domain. This Article shall not affect the powers of eminent domain of such corporation.

(b) The Commission shall notify all persons claiming interest in such real property of a hearing on such proposed taking, notice of which shall be given to such persons at least ten (10) days before such hearing by leaving copies of such notice with them or at their places of abode in the Town, if they reside therein, or, if they do not reside in the Town, by registered or certified mail addressed to their last-known addresses, and by publication in a newspaper published or having circulation in the Town at least ten (10) days before such hearing. After such hearing the Commission shall determine whether or not such taking is necessary and, upon finding that it is necessary, shall determine and assess damages resulting from such taking and shall file in the office of the Town Clerk a certificate as to its determination of such necessity of taking and shall therein designate by number each lot or parcel taken, the owner thereof, if known, and the damages assessed in each instance.

(c) The Commission, within five (5) days after the filing of the certificate, shall give written notice of such determination of necessity and assessment and the amount thereof in each case to each person claiming interest in each lot or parcel taken, addressed to him at his last-known post-office address, and by publishing in a newspaper published or having circulation in the Town, within five (5) days after such filing, a notice of the filing in the office of the Town Clerk of the certificate of necessity and assessment of damages. Upon the filing of such certificate, title to the real property to be acquired shall vest in the Town.

(d) The assessment of damages shall be deemed final and conclusive upon such filing, without other notice to any person, subject to the right of appeal as provided in Section 149 hereof. The Town shall pay the amounts thus assessed to the persons claiming interest in each lot or parcel upon acceptance thereof. After the Town obtains title to real property acquired for public parking, the **Director of Parking Services** [Commissioner of Public Works] shall **cause** [improve] the same **to be improved** for

public parking of vehicles after the allotment of funds therefor as herein provided.
(S.A. 177 § 7, 1957.)

Sec. 129. Certification of cost of acquisition or improvements.

(a) The **Director of Parking Services** [Commissioner of Public Works] shall advise the Comptroller when such public parking areas have been acquired or improved. The Comptroller shall thereupon compute and ascertain the total cost of acquisition or improvement thereof. In such total cost shall be included all expenses in connection with the acquisition of land, buildings, easements and other property, or in the improvement thereof, all sums paid by the Town to surveyors, engineers, architects, inspectors, attorneys and other persons in connection therewith, the cost of any work done by the Town, all expenses in connection with any assessment of benefits, and the interest on notes or bonds issued by the Town, or on funds advanced by the Town at a rate not to exceed six percent (6%) per annum, to pay the expense of such acquisition or improvement computed to the time at which the first installment of any assessment or tax becomes due, but not in excess of four (4) years interest.

(b) The Comptroller shall certify such total cost. The part of such cost which has been determined shall be assessed or taxed against the property within a parking district in accordance with the provisions of this Article. Where such cost is to be assessed, such certification shall be to the Condemnation Commission, and where such cost is to be taxed, such certification shall be to the Board of Estimate and Taxation.
(S.A. 177 § 8, 1957.)

Sec. 142. Parking Fund; use.

(a) A separate fund shall be established and maintained by the Town to account for:

- (1) All amounts appropriated by the Town for the **Department of Parking Services** operation and maintenance of public parking areas and all amounts allotted by the Town for the acquisition and improvement of public parking areas;
- (2) All amounts collected as parking assessments, including interest;
- (3) All taxes levied under the provisions of this Article, including interest;
- (4) All parking revenues;
- (5) The proceeds of all notes and bonds issued under this Article; and
- (6) All interest received on moneys in this Fund.

(b) The amounts received shall be used:

- (1) For the acquisition or improvement of public parking areas;
- (2) To reimburse the Town for any amounts advanced from the general fund for such purposes to the extent of funds not contributed by the Town for such purposes;
- (3) To pay the **Department of Parking Services** expenses of operation and maintenance of the parking areas; and
- (4) To pay the principal of and interest on any notes and bonds issued pursuant to the provisions of this Article.

(c) An allotment for any such acquisition or improvement shall continue in force until the cost thereof has been certified by the Comptroller. At that time the unencumbered balance of any such allotment shall be returned to the unappropriated surplus of the Parking Fund.

(S.A. 177 § 21, 1957; as amended by RTM. 9/9/57.)

Sec. 143. **Regulations and enforcement.** [Maintenance and operation of parking facilities.]

[The Commissioner of Public Works is authorized to maintain public off-street automobile parking facilities acquired and improved under this Article] Reasonable regulations for the orderly use of **the public parking areas** [such facilities], including the payment of reasonable fees for [the] use **and fines for violation** thereof, may be prescribed by the Selectmen. [and shall be enforced by the Police Department.] **Personnel of the Department of Parking Services, designated by the Director as Parking Control Officers and sworn to perform such duties before the Board of Selectmen, shall have authority to issue notices of violation of parking regulations of the Town as shall the Police Department and such other authorized officials as may be designated by the Selectmen pursuant to CGS Chapter 835 Section 48-13.** (S.A. 177 § 22, 1957.) (as amended by RTM 9/13/76.)

Sec. 144. Entry upon property.

The Selectmen, **Director of Parking Services**, the Commissioner of Public Works, members of the **Condemnation** Commission and their respective agents, engineers and surveyors and such other persons as may be necessary to enable them to perform their duties **under this Article are authorized to enter upon any property in accordance with the provisions of General Statutes Section 48-13 for the purpose** of making surveys, examinations or investigations and preparing maps, and for such other purposes as may be necessary in the performance of their duties under this Article.

(S.A. 177 § 23, 1957.)

Sec. 145. Parking **revenue collection equipment** [meters]; revenues.

(a) For purposes of traffic control and to provide adequate parking both on and off street, **the Department of Parking Services upon approval of** the Board of Selectmen shall have authority to acquire parking **revenue collection equipment** [meters] by purchase or lease, upon such terms as the Board shall **approve as** [seem] best, and to install, maintain, repair and operate such parking **revenue collection equipment** [meters] on such public highways within the Town and parking lots and other areas owned by the Town which the Board shall **approve as** [seem] necessary, and to establish such rates in the operation of any such **equipment** [meters] in furtherance of the purposes above set forth which the Board shall **approve as** [seem] proper.

(b) Parking [meter] revenues **from such equipment** shall first be used to pay the cost of acquiring, operating, maintaining and repairing the parking [meters] **revenue collection equipment** and any surplus shall be used **as parking revenue pursuant to this Article**. [to pay other expenses in aid of traffic control, including the acquisition and operation of other parking and traffic control devices and the acquisition, improvement and maintenance of parking lots or other off-street parking areas.]
(S.A. 177 § 24, 1957.)

Sec. 150. Department of Public Works; Commissioner's powers and duties; Deputy.

(a) There shall be a Department of Public Works under the direction and control of the First Selectman. The head of the Department shall be the Commissioner of Public Works, who shall have charge of all matters involved in the construction, development and maintenance of the physical properties of the Town, except the design and maintenance of school property and property under the control of the Department of Parks and Recreation **and Department of Parking Services**. He shall be the Town Engineer and shall be a civil engineer and experienced in the management of engineering and construction projects, including such projects as are involved in municipal engineering.

(b) The functions of the Department of Public Works shall be distributed under the Commissioner of Public Works among divisions and offices which shall include the divisions of highways, sewers building construction and maintenance, and recycling and waste collection and disposal. Subject to the direction of the Planning and Zoning Commission, the Commissioner of Public Works shall have charge of the physical planning and development of the Town as a whole. The Commissioner of Public Works shall, subject to the provisions of this Article, have all the powers and duties formerly conferred and imposed by law upon the Superintendent of Highways, and all the powers and duties formerly conferred and imposed by law upon the Sewer Commissioners, except such powers and duties as relate to the collection of taxes and assessments.

(c) The Commissioner of Public Works shall be the Town's chief technical adviser in all matters involved in the physical development of the Town and the design and construction of its physical plan. All construction of public buildings and other public

improvements of the Town, including repairs and reconstruction, shall be done according to plans prepared or approved by the Commissioner of Public Works, and be subject to his supervision and acceptance, provided the Board of Education [and], the Department of Parks and Recreation **and the Department of Parking Services** have supervision and control over the design of buildings under their jurisdiction.

(d) There shall be a Deputy Commissioner of Public Works who shall be appointed by the Commissioner of Public Works with the prior approval of the Selectmen. Said Deputy Commissioner shall have the same qualifications as the Commissioner of Public Works. In the absence or disability of the Commissioner of Public Works or if the office becomes vacant for any reason, the Deputy Commissioner of Public Works shall perform the duties and exercise the powers of the Commissioner of Public Works for a period not to exceed ninety (90) days or for such longer period as the Selectmen may determine. The salary of the Deputy Commissioner shall be fixed by the Town on the recommendation of the Board of Estimate and Taxation in the same manner as other appropriations are determined.

(S.A. 444, § 27, 1939; as amended by RTM 4/27/1970; RTM 4/10/1972; as amended by RTM 4/12/1976; RTM 12/10/1990; RTM 1/17/1995.)

Sec. 217. First Selectman; powers and duties.

(a) All administrative functions relative to police, fire, highways, sewers and other public works, building inspection, parks, recreation, law, **parking services**, fleet management and purchasing for such purposes, shall be divided, under the supervision and control of the First Selectman, among administrative departments which shall include the Department of Police, Fire, Public Works, Parks and Recreation, Law, **Parking Services** and Fleet Management. The First Selectman shall have the supervision and control, and shall be responsible for the administration, of all the affairs of the Town in respect to such departments, and may fix and determine the internal organization of such departments, the number and kinds of offices and positions, the methods of procedure and, subject to appropriation as otherwise provided by law, the rates of compensation.

(b) First Selectman and board of selectmen. The First Selectman shall be the chief executive officer of the town and the town agent and shall devote his full time to the duties of his office. The two selectmen other than the First Selectman who are elected as provided in this act shall, together with the First Selectman, constitute the board of selectmen. The First Selectman shall chair the board of selectmen. The First Selectman shall hold at least one meeting each month with the other selectmen for the purpose of keeping them generally informed of the business of the town. Upon five days' written notice to the First Selectman, either of the two selectmen may place an item on the agenda of a meeting, which item shall be germane to the duties and responsibilities of the board of selectmen. Minutes of such meetings shall be taken and made available for public inspection. The First Selectman shall designate one of the other selectmen to act in his place and stead during his absence. Such Selectman when so acting shall have all of the powers and duties of the First Selectman.

(c) Compensation of First Selectman and selectmen. The First Selectman shall be paid a salary appropriate for the chief executive officer and town agent, and the other two selectmen shall be paid salaries commensurate with their duties and responsibilities, but the salary of each of the two selectmen shall be not less than ten percent of the salary of the First Selectman, subject to the approval of appropriations by the Representative Town Meeting pursuant to Section 23 of the Charter. Provision for such salaries shall be included in the budget report submitted annually by the First Selectman to the board of estimate and taxation.

(S.A. 444 § 23, 1939; as amended by S.A. 71 § 1, 1955; RTM, 4/27/1970; RTM, 3/13/1972.)(Char. Rev. 11/4/1975, eff. 1/1/1978.)(RTM, 1/21/1985.)(Board of Selectmen 9/17/1997.)

Sec. 238. Traffic Authority; penalties.

The Board of Selectmen, acting as the Police Commission, shall have authority by ordinance to provide that any person, firm or corporation violating any ordinance or by-law, or any rule or regulation adopted pursuant thereto, relating to traffic or parking in the Town, shall be fined such amount as may be specified therein, not exceeding One Hundred Dollars (\$100.00). In any case involving a vehicle parked in violation of any such prohibition or restriction of parking, a police officer **or such other official sworn to perform such duties by the Board of Selectmen** shall serve upon the operator of the vehicle, by delivering to him personally, or by attaching to such vehicle, a notice **of parking violation** directing such operator to **pay the fine authorized by ordinance, by-law, rule or regulation** [appear at police headquarters] within such time as may be specified in such **notice**. [ordinance and there exhibit the notice and his operator's license.] When any person receives such notice, he may comply therewith and pay to the Town, at **the Department of Parking Services** [police headquarters,] such sum [not exceeding Five Dollars (\$5.00)] as may be specified in such [ordinance and] notice, and that no summons or warrant for arrest shall be issued for any such violation prior to the expiration of such period, nor thereafter, if such operator has complied with such notice and paid the sum within the period.

(S.A. 406 § 3, 1953.)

(additions **bold**; deletions within [brackets])

Douglas Wells, chairman of the Legislative & Rules Committee, offered the following corrections to Item No. 3, on behalf of the committee.

In Sec. 150a, sixth line, insert the word “the” before Department of Parking Services.

In Sec. 144, take the bold face off of the word “Condemnation

In Sec. 143, last sentence, delete the phrase “pursuant to CGS Chapter 835 Sec. 48-13.

The corrections were adopted by unanimous consent.

Richard Kral of District 8 made a motion, which was seconded, to amend the item in Sec. 145b by deleting the words in bold “as parking revenue pursuant to this Article” and adding back in the phrase in the brackets.

The vote was now on the Kral motion to amend.

In Favor	-	159
Against	-	22
Abstentions	-	6

Motion Carried

The vote was now on Item No. 3 as amended. (This being a proposal for home rule action, it requires an affirmative vote of a majority (i.e., 115 votes) of the entire membership of the RTM.)

In Favor	-	132
Against	-	40
Abstentions	-	14

Item Carried

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

H. Franklin Bloomer, chairman of the Land Use Committee, offered the following resolution, on behalf of the committee.

RESOLVED, that it is the sense of the Representative Town Meeting that tractor trailer car carriers and other commercial vehicles not serving Town purposes at Grass Island be prohibited from entering or using Grass Island for the offloading or storage of cargo, equipment or other property for any purpose not contemplated in the Grass Island Master Plan as adopted by the Representative Town Meeting on June 10,1991.

Karen Sadik-Khan, chairman of the Parks & Recreation Committee, made a motion, on behalf of the committee, to amend the item as follows:

Starting at the end of the second line, delete the words “at Grass Island” and in the fourth line delete all the wording after the word “property” and insert the wording “or for any other commercial purposes.”

The vote was now on the Parks & Recreation Committee motion.

In Favor	-	49
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Against	-	125
Abstentions	-	4

Motion Lost

The vote was now on Item No. 4 .

In Favor	-	163
Against	-	8
Abstentions	-	4

Item Carried

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

Town Administrator Ed Gomeau offered the following resolution, which was duly moved and seconded, regarding Item No. 6.

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Commission on Aging for a term expiring 3/31/09.

RUTH SUH

Gerald Isaacson, chairman of the Health & Human Services Committee, made a motion, on behalf of the committee, to postpone this item until the September meeting.

Motion Carried

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

Town Administrator Ed Gomeau offered the following resolution, which was duly moved and seconded, regarding Item No. 10.

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 expiring 3/31/09.

LLOYD N. HULL

The vote was now on Item No. 10.

In Favor	-	167
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Against	-	5
Abstentions	-	2

Item Carried

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

David D'Andrea, Operations Manager of the Bruce Golf Course, offered the following resolution, which was duly moved and seconded, regarding Item No. 16.

RESOLVED, that the Town of Greenwich authorize the First Selectman to execute a lease with the New Cingular Wireless PCS, LLC for a portion of the Town of Greenwich property located on the Griffith E. Harris Golf Course, 1323 King Street under the terms and conditions described in such lease between the Town of Greenwich and New Cingular Wireless PCS, LLS dated April 13, 2006.

Douglas Wells, chairman of the Legislative & Rules Committee, made a motion, on behalf of the committee, to amend the lease in section 3B – at the beginning of the seventh line add the word “legal” before the word “steps”.

The amendment was adopted by unanimous consent.

James Boutelle of District 8 made a motion, which was seconded, to amend the resolution in the second line, delete the “a” and insert the word “the” and insert after the word “lease, “as attached thereto and made a part hereof” and delete the date of April 13, 2006.

The amendment was adopted by unanimous consent.

Robert Brady of District 5 made a motion to amend the resolution, which was seconded, by adding the following wording at the end, “ and the revenue derived thereunder be deposited in the general fund.

The vote was on Mr. Brady’s motion to amend Item # 16.

In Favor	-	30
Against	-	141
Abstentions	-	0

Motion Lost

The vote was now on Item No. 16 as amended.

In Favor	-	169
Against	-	0
Abstentions	-	1

Item Carried

The Moderator announced that Item No. 18 on the call was now before the meeting.

Pamela Frederick, chairman of the RTM Special Committee on Retirement, offered the following resolution, which was moved and seconded, regarding Item No. 18.

NOW THEREFORE BE IT RESOLVED that the Moderator appoint a task force, of no more than five members of the RTM, to consult and work with the Retirement Board, the Board of Selectmen, the Board of Estimate & Taxation, and the Law Department of the Town of Greenwich in regard to determining the feasibility of, and facilitating the implementation of the recommendations of the Special Committee on Retirement Benefits contained in its report of April 2006 that are determined to be legally and administratively feasible and practicable. Such task force will be of such duration and report on the results of its activities to the Moderator and the RTM at such intervals as the Moderator in his discretion shall establish.

The vote was now on Item No. 18.

In Favor	-	156
Against	-	1
Abstentions	-	4

Item Carried

The Moderator announced that Item No. 23 was back before the meeting.

RESOLVED, that the sum of \$663,670 be and is hereby appropriated to be added to account 0680 43406 – State Building Aid. Said appropriation to come from Capital and Non-Recurring Fund.

The vote was now on Item No. 23.

In Favor	-	128
Against	-	29

Abstentions - 4

Item Carried

The Moderator announced that Item No. 24 on the call was now before the meeting.

Selectman Peter Crumbine offered the following resolution, which was duly moved and seconded, regarding Item No. 24.

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 expiring 3/31/10.

NANCY O'BRIEN CAPLAN

Coline Jenkins, chairman of the Appointments Committee, made a motion, on behalf of the committee, to postpone Item 24 until the September meeting. She also made a motion to postpone Items 25-29 until the September meeting.

Motion Carried

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

Selectman Peter Crumbine offered the following resolution, which was duly moved and seconded, regarding Item No. 30.

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Nathaniel Witherell Board for a term expiring 3/31/07.

PAUL TORETTA

The vote was now on Item No. 30.

In Favor - 143
Against - 4
Abstentions - 5

Item Carried

The Moderator announced that Item No. 32 on the call was now before the meeting.

Selectman Peter Crumbine offered the following resolution, which was duly moved and seconded, regarding Item No. 32.

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed an alternate member of Planning and Zoning Commission for a term expiring 3/31/08.

HERBERT SCHECTMAN

Roger Lourie of District 7 moved the previous question.

Motion Carried

The vote was now on Item No. 32.

In Favor	-	31
Against	-	100
Abstentions	-	13

Item Lost

The Moderator announced that Item No. 33 on the call was now before the meeting.

Selectman Peter Crumbine offered the following resolution, which was duly moved and seconded, regarding Item No. 33.

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

LAWRENCE LARSON

Coline Jenkins, chairman of the Appointments Committee, made a motion on behalf of the committee, to postpone this item until the September meeting.

Motion Carried

There being no further business, the Moderator adjourned the meeting, upon unanimous consent, at 11:30 P.M.

**CARMELLA C.BUDKINS
TOWN CLERK**

