Pursuant to the foregoing notice, a regular Representative Town Meeting of the Town of Greenwich was held in the Moderator’s Hall at Central Middle School on Monday, September 15, 2008 at 8:00 P.M.(E.D.T.)

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

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.

Dan Kelly, a student at Greenwich High School and delegate to the 2008 Boys’ and Girls’ State program, led the members in the pledge of allegiance to the flag.

Town Clerk Carmella C. Budkins swore in three new members: Ronald Lenihan in District 5, Charlene Ginste and Jacqueline Hammock in District 6.

Attendance cards were presented showing 186 present, 42 absent and 2 vacancies.

The members who were absent in District 1- Julie Ray; District 2- J. Suzanne Geiss-Robbins, Mark Schroeder; District 3 – Mercedes Blackson; District 4 – Alexander J. Popp, Jr.; District 5 – Laura B. Erickson; District 6- Joseph Stroll; District 7- Eleanor S. Bloom, Donald E. Hamilton, Timothy P. Harkness; District 8 – John E. Beckwith, James G. Boutelle, Vincent J. DeVito, Jay T. Hahn, Anthony Tod Laudonia, Peter E. Pellerzi; District 9 – Jane W. Arnone, Robert L. Beerman, J. Michael Dunne, Gregory H. Skidmore, Juan Sosa; District 10-John H. Blankley, Carol M. Caroll, David W. Detjen, Lawrence E Larson, Dora Williamson; District 11- Michael R Chait, James M. Hesburgh, Corinne A. Hughes, Harry A. LeBien, Neal E. Neilinger, Charles B. Seelig, Michael G. Wacek, Mary S. Waldron; District 12- Bill Bambrick, Harris William Davidson, David L. DeMilhau, Dolores A. McCollom, Hope Polidoro, Sandra A. Romaniello, Mary Romeo, Jane S. Sulich.

The Moderator announced that as all members had received a copy of the minutes of the June 9, 2008 meeting, the reading of the minutes would be omitted. He noted that on page 8, Item 17 was a substitute resolution.

Genny Krob of District 8 questioned the vote recorded on Item 2 on page 8. The Moderator said that the voting cards were checked and the vote was correct.

The Moderator recognized Erford Porter, II, who introduced the delegates to the Boys and Girls State program, a week long “learn by doing program” in civics and government held in Hartford. The delegates were selected by the American Legion and the co-chairmen for Greenwich were Mr. Porter and Livvy Floren, State Representative for the 149th District. The delegates for 2008 were Susanna Barron, Courtney Brand, Eliana Carmona, Marcia Foti, Jacquelyn Hay, Katherine Lund, Padmini Parthasarathy, Michael Drittel, Daniel Kelly, David Goldstein, Scott Marschall, Leighton Moskowitz, Collin Peck-Gray, Thomas Sassos.

The Moderator suggested a motion, which was moved and seconded, to suspend the rules and combine items 3,5,6,7,9,11,13,& 14 and consider separately items 1,2,4,8,10 & 12.

Motion Carried

The Moderator announced that the combined items were now before the meeting.
Christopher vonKeyserling, chairman of the Appointments Committee, offered the following resolution regarding Item No. 3:

RESOLVED, that the following named persons be appointed as alternate members of the Labor Contracts Committee for a term ending 12/31/09:

JILL OBERLANDER
M. MICHAEL WARNER

Joseph Siciliano, Director of Parks & Recreation, offered the following resolution, which was duly moved and seconded, regarding Item No. 5:

RESOLVED, that the Town of Greenwich accept a gift totaling $600,000 from the Junior League of Greenwich, Connecticut, Inc. for the renovation of the Bruce Park playground.

Town Administrator John Crary offered the following resolutions, which were duly moved and seconded, regarding Items 6 and 7:

6. Substitute Resolution

Reconstruction of Riversville Road Bridge and possible road realignment, from Sherwood Avenue to 700 ft. south of bridge.

WHEREAS, the Town of Greenwich has published a legal notice display ad, mailed a news release to a number of officials and agencies, and mailed a formal letter to abutting property owners, announcing a public information meeting on the proposed STP Rural Minor Transportation project known as Riversville Road Bridge Reconstruction, Town Project No. 05-13; and

WHEREAS, a public informational meeting was held on June 14, 2007, at Greenwich Town Hall from 7:00 PM to 8:30 P.M., at which meeting residents had an opportunity to voice their concerns; and

WHEREAS, the Southwestern Regional Planning Agency has selected this project as a regional priority and to utilize federal funds for right-of-way, preliminary engineering and construction activities; and

WHEREAS, the Representative Town Meeting (RTM) has considered the concerns of the residents from the public informational meeting and finds that the proposed Riversville Road Bridge Reconstruction is in the best interest of the Town of Greenwich, and will promote the health, safety and general welfare of its residents and provide for convenience and safety of the motoring public.
NOW THEREFORE BE IT RESOLVED, the Town of Greenwich, based on the above information, and by virtue of this resolution, hereby fully supports the proposed project.

7. RESOLVED, that the sum of $200,000 be and the same is hereby appropriated to be added to Capital Account Number Z345-59560-28023, known as “Art Barn (GEMS Station)”. 

First Selectman Peter Tesei offered the following resolution, which was duly moved and seconded, regarding Item No. 9:

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

BRIAN M. KELLY

Town Administrator John Crary offered the following resolution, which was duly moved and seconded, regarding Item No. 11:

RESOLVED, that the Greenwich Police Department accept a monetary donation from Greenwich Emergency Medical Services in the amount of $8,000. This donation will be used towards the purchase and installation of a boat crane to be used for rescues.

Assistant Town Attorney Aamina Ahmad offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 13:

PROPOSED RTM RESOLUTION ADOPTING AN ORDINANCE TO PROVIDE TAX ABATEMENTS FOR PROPERTY CONVEYED TO A NONPROFIT LAND CONSERVATION ORGANIZATION

RESOLVED, TO ADOPT AN ORDINANCE PURSUANT TO PUBLIC ACT 07-170 APPROVED ON JUNE 29, 2007.

WHEREAS, Public Act 07-170 was approved on June 29, 2007; and

WHEREAS, Public Act 07-170 permits any municipality to abate real or personal property taxes due with respect to any tax paid or payable by a nonprofit land conservation organization; and
WHEREAS, such an ordinance must be approved by the legislative body of the municipality; and

WHEREAS, the Town desires to adopt such ordinance pursuant to Public Act 07-170 and to make it applicable to property transfers that occur on or after July 1, 2008.

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Representative Town Meeting of the Town of Greenwich hereby approves the ordinance attached hereto and made a part hereof to abate certain real and personal property taxes due by a nonprofit land conservation organization.

TAX ABATEMENT ORDINANCE FOR NONPROFIT LAND CONSERVATION ORGANIZATIONS

For transfers on or after July 1, 2008, of property exempt or that became exempt by reason of its acquisition by a nonprofit land conservation organization, under § 12-81(7) of the Connecticut General Statutes and Section 12-1 of the Municipal Code of the Town of Greenwich, the real and personal property taxes due for any portion of a tax year paid or payable by a nonprofit land conservation organization shall be abated, even if the real and personal property taxes were due for a period before the date of acquisition but were paid or became payable subsequent to the date of acquisition, but in no case shall delinquent taxes or interest thereon be abated.

Conservation Director Denise Savageau offered the following resolution, which was duly moved and seconded, regarding Item No. 14:

RESOLVED, that the Conservation Commission may accept and use a grant award of $5,000 from Audubon Connecticut and;

FURTHER RESOLVED, to amend the Conservation Commissions budget resolution as follows (changes underlined):

That the Conservation Commission is authorized to accept grants and donation of monies and to collect monies from the sales of its publications that all monies received may be added to the appropriate account upon appropriation by the Board of Estimate and Taxation and the Representative Town Meeting, if necessary under Section 30 of the Charter, to be used by the Commission to publish natural resource books, maps, reports, and pamphlets, to erect bird nest-boxes, to manage nesting habitats of endangered and threatened species, and to undertake other appropriate habitat management pursuant to C.G.S. §7-131 a(b); and

The vote was now on the combined items.
In Favor - 180
Against - 2
Abstentions - 0

Items Carried

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

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

PAUL S. MARCHESE

The vote was now on Item No. 1.

In Favor - 148
Against - 15
Abstentions - 15

Item Carried

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

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

FRANK FARRICKER

The vote was now on Item No. 2.

In Favor - 146
Against - 19
Abstentions - 9

Item Carried

The Moderator announced that Item No. 4 on the call was now before the meeting.
Frank Mazza, Chairman of the Hamilton Avenue School Building Committee, offered the following resolution, which was duly moved and seconded, regarding Item No. 4:

RESOLVED, that the sum of $700,000 be and the same is hereby appropriated to be added to Capital Account Number Z6801792 59550 25110, known as Hamilton Avenue School Reconstruction. Said appropriation to come from the Capital and Non-Recurring Fund.

The vote was now on Item No. 4.

In Favor - 137
Against - 20
Abstentions - 15

Item Carried

The Moderator announced that Item No. 8 on the call was now before the meeting.

Ellen Flanagan, Director of Human Resources for the Board of Education, offered the substitute resolution, which was duly moved and seconded, regarding Item No. 8.

RESOLVED THAT, in accordance with Section 7-474 of the General Statutes, which requires the approval of any contract provision which modifies a municipal charter provision, the Representative Town Meeting approves the provision of the collective bargaining agreement between the Greenwich Board of Education and LIUNA Local 136 for Instructional Aides which changes the years of service for vesting in the Greenwich Retirement System from 10 years to 5 years.

Sense of the Meeting Resolution

WHEREAS, Connecticut statutes confer upon the Board of Education the exclusive authority to approve a collective bargaining agreement with Public Service Employees Local, 136, of Laborers International Union of North America AFL-CIO (“LIUNA BOE”), and

WHEREAS, in order to provide the RTM the opportunity to both comment upon the tentative agreement for the period covering July 1, 2007 through June 30, 2010, and to express its approval or disapproval prior to the Board’s acting on the agreement, the Board proposes the following RTM sense of the meeting resolution:
NOW THEREFORE, BE IT RESOLVED that it is the sense of the Representative Town Meeting of the Town of Greenwich that it supports the Board’s tentative collective bargaining agreement with LIUNA BOE.

The vote was now on Item No. 8.

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<thead>
<tr>
<th>In Favor</th>
<th>133</th>
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<tr>
<td>Against</td>
<td>19</td>
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<td>Abstentions</td>
<td>10</td>
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Item Carried

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

Joseph Siciliano, Director of Parks & Recreation, offered the following resolution, which was duly moved and seconded, regarding Item No. 10:

Be it Ordained and Enacted by the Representative Town Meeting that:

RESOLVED, that the Greenwich Ordinance entitled Chapter 13, “Trees and Vegetation” of the Greenwich Municipal Code is hereby amended in the following sections as submitted herewith.

CHAPTER 13. TREES AND VEGETATION.

§13-1. Purpose.
§13-4. Tree Warden as Liaison to other municipal departments.

§13-11. Permits
§13-12. Work
§13-13. Emergencies
§13-14. No Exemption
§13-15. Interfering with planting, maintenance and removal
§13-16. Tree protection during construction
§13-17. Hazardous tree management

Sec. 13-1. Purpose

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 the removal of trees, shrubs and other 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’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 and shrubs located within the Town of Greenwich. To protect property values by maintaining a healthy and vigorous community forest.

Sec. 13-2. Definitions

a) Tree Warden (aka Town Forester): 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 Connecticut Public Shade Tree as may be amended and Town of Greenwich Tree Ordinance. The term Tree Warden may also refer to any appointed Deputy Tree Warden working for or reporting to the Tree Warden.

b) Deputy Tree Warden (aka Assistant Town Forester): The Greenwich Deputy Tree Warden shall be appointed by the Tree Warden. The Deputy Tree Warden may be the Tree Operations Manager of the Parks and Trees Division and/or any other suitable person the Tree Warden deems reasonable and appropriate.

c) Urban / Community Forest: The natural and dynamic resource of all Town-owned trees upon street right-of-ways, parks, school campuses, open space properties, and grounds of Town facilities taken collectively comprise the Town’s Urban / Community Forest.

d) Town-owned Property: Any and all property owned by the Town of Greenwich.
e) Hazard Tree, Hazardous Tree: in relation to a tree or tree part, shall mean defective, diseased or dead, and posing an unreasonable risk of failure or fracture with the potential to cause injury to people or damage to property.

f) Property Owner: The owner of record or contract purchaser of any parcel of land.

g) Tree: A woody plant, usually with one main trunk, reaching a height of at least fifteen feet when mature.

h) Shrub: A woody plant, branched from the base, generally less than fifteen feet in height when mature.

i) Vegetation: all other plants and vines not defined as trees or shrubs

i) Arboricultural Specifications and Standards of Practice (hereinafter, “Arboricultural Specifications and Policy Manual”). A manual prepared by the Tree Warden pursuant to the ordinance containing regulations and standards for the planting, maintenance, removal and the protection of trees, shrubs and other plants upon Town-owned property

j) Person: Any person, firm or corporation including any public utility.

k) Urban / Community Forestry Plan: The long range management plan and resulting annual work plans prepared by the Tree Warden from data collected by the Urban /Community Forestry Inventory.

l) Public Nuisance: 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” (as defined in Town of Greenwich Nuisance Ordinance).

m) Forest Management: Management: to maintain and enhance long-term health of forest ecosystems, while providing economic, social and cultural opportunities for the benefit of present and future generations

Sec. 13-3 Urban / Community Forestry Management Plan

a) The Tree Warden shall prepare, in coordination with the Conservation Commission, a long-range, comprehensive strategic plan for the administration and management of a community forestry program.

b) The Tree Warden shall prepare and implement The Urban Forestry Management Plan based on a detailed tree inventory on Town-owned property. The management plan will identify and prioritize site-specific tree planting, maintenance and removal
activities within a multi-year time frame.

Sec. 13-4 Tree Warden as Liaison to other municipal departments:

a) The Tree Warden shall serve as liaison to the Board of Selectmen, Land Use Department, Planning, Conservation Commission, Inland Wetlands Agency, Architectural Review Committee, and the Department of Public Works on all matters relating to individual trees and forest resources, and may provide technical assistance as appropriate.

b) Any Town department 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.

Sec 13-5 Public Utilities:

a) Any public utility maintaining any overhead wires or underground pipes or conduits shall obtain permission from the Tree Warden before performing any maintenance work on the wires, pipes, or conduits which would cause injury to street trees. The public utility shall in no way injure, deface, prune, or scar any street tree until their plans and procedures have been approved by the Tree Warden.

b) When maintaining street trees, a public utility must observe good arboricultural practices, as specified by the Pruning Standards located in the current version of the Greenwich Arboricultural Specifications and Policy Manual.

Sec. 13-6. Trees on Town-owned property; permit; grant.

(a) No person shall plant any tree or shrub 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 or shrub, for which such permission is requested.

(b) The Tree Warden shall consider the effect of planting the specified trees or shrubs 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.

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., §7-2, 8/17/48.)

Sec. 13-6. Trees on Town-owned property; permit; grant.
(a) No person shall plant any tree or shrub 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 or shrub, for which such permission is requested.

(b) The Tree Warden shall consider the effect of planting the specified trees or shrubs 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.

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., §7-2, 8/17/48.)

Sec. 13-7. Trees; property of town.

Any tree or shrub planted within the limits of town-owned property shall become the property of the town. (Ords. & Reg., §7-2, 8/17/48.)

Sec. 13-8. Penalty for planting without permit.

If any person plants any tree or shrub 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. (Ords. & Reg., §7-3, 8/17/48.)


Nothing in this Article and no permit granted pursuant to this Article shall be deemed to prejudice any rights which the town may now or hereafter have with respect to trees and shrubs planted within the limits of town-owned property. (Ords. & Reg., §7-4, 8/17/48.)

(10/15/1990.)

Sec. 13-10. Prohibition

Except as otherwise provided herein, no person shall cut, trim, prune, remove, injure or interfere with any tree, shrub or cultivated plant, including the branches, trunk root system or crown thereof, in whole or in part, within the limits of any public road, park or public grounds in the Town of Greenwich without a permit from the Tree Warden.

Permits are issued in conformity with the General Statutes. Application 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. 13-12. Work.

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

Sec. 13-13. 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. 13-14. 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, firm or corporation 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 plant on Town-owned property.

Sec. 13-16 Tree Protection During Construction Activities

All trees on public property that are designated for preservation shall be protected in accordance with the Tree Protection Specifications section of the Arboricultural Specifications and Policy Manual.

Sec. 13-17 Hazardous Tree Management

a. Public Property: The Parks and Trees Division shall evaluate the dead, diseased or structurally damaged tree as to the degree of hazard. This evaluation may be
made by using the standards as set out in the Arboricultural Specifications and Policy Manual. Dead, diseased or structurally damaged public trees that pose a safety or health risk to the public or to other trees shall be removed by the Department of Parks & Recreation, Parks and Trees Division in a timely manner.

Private Property: Any tree or part of tree that poses an unreasonable risk to the public right-of-way or public property and is determined to pose imminent threat to the public health, safety or welfare by the Tree Warden shall be determined to be a ‘public nuisance’ and is to be abated by the Town in accordance with the Town of Greenwich Nuisance Ordinance as stated in Chapter 6C of the Town of Greenwich Municipal Code.

Deletions: strike thru
Additions: underlined

Douglas Wells, Chairman of the Legislative & Rules Committee, made a motion, on behalf of the committee, to refer this item back to the Legislative & Rules Committee.

Motion Carried

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

Mary Ferry, one of the petitioners, offered the following resolution, which was duly moved and seconded, regarding Item No. 12.

WHEREAS the town faces a challenge in holding the mill rate increase to the 3.5% range while addressing a large and growing want for infrastructure replacement and enhancements, and doing these within a five year pay-as-you-go debt constraint, and

WHEREAS, RTM members are concerned about fiscal restraint, and

WHEREAS the RTM desires to inform the BET regarding its thinking insofar as operating and capital expenditures and their effect on the mill rate and borrowing,

NOW THEREFORE, the RTM recommends that the BET:

• maintain the annual mill rate increases in the 3-4% range over the next several years;
• limit borrowing for capital expenditures payable from taxes (including revenue bonds) to maturities not greater than 5 years in total, including bond anticipation
notes issued to fund the project during construction; and

- not capitalize BAN interest for general obligation bonds.

This resolution does not apply to borrowing which is outside the General Fund, such as Nathaniel Witherell and Sewers.

Douglas Wells, Chairman of the Legislative & Rules Committee, made a motion, on behalf of the committee, to postpone this item until the October RTM meeting.

Motion Carried

There being no further business, the Moderator adjourned the meeting, upon unanimous consent, at 10:55 P.M.

ATTEST:
CARMELLA C. BUDKINS
TOWN CLERK