



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, September 21, 2009 at 8P.M.(E.D.T.)

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

The members pledged allegiance to the flag.

Town Clerk Carmella C. Budkins swore in two new members: Robert Allen in District 3 and John Rosenberg in District 9.

Attendance cards were presented showing 185 present, 41 absent and 4 vacancies. District 6 had perfect attendance. The members who were absent in District 1- Richard Holleran, Patrick Maher, Julie Ray; District 2 – Kevin Brogan; District 3 – Murray Paroly; District 4 - James Bonney, Russell Bowman, Steven Bozzuto, Brian Harrod, Alexander J. Popp, Jr., Maria Popp; District 5 – H. Franklin Bloomer, Jr., Daniel Faryniaz; District 7 – Ellen Brennan-Galvin, Mary Jacobson, Janet Lockton; District 8 – John Beckwith, Joshua Brown, Vincent DeVito, Jay Hahn, Peter Pellerzi; District 9 – Jennifer Nacewicz, Frank Rota, Juan Sosa, John Toner, Ralph Vizzari; District 10 – Jean Aloe, Robert Byrnes, Swan Grant, Robert Lardon, Sabine Schoenberg; District 11 – Michael Chait, Neal Neilinger, Dana Neuman, Vinay Pande, Joseph Pellegrino, Charles Seelig; District 12 – Richard DePreta, Dolores McCollem, Robert Perri, David Roberson.

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.

The Moderator announced that, as all members had received a copy of the minutes of the June 8, 2009 meeting, the reading of the minutes would be omitted. He asked if there were any corrections or comments. There being none, the minutes were adopted by unanimous consent.

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 2009 were Jack Applebaum, David Blumenthal, Kristina Byrne, Kate Centofanti, Victor Cerio, David Finkelstein, Jacqueline Kalan, William Newberry, Yaelle Nisinzweig, Jessica Strasser and Jack Zimmerman.

The new Superintendent of Schools, Dr. Sidney Freund, introduced himself to the membership and noted he looks forward to working with them.

Fleet Director Betty Linck, upon her retirement from the Town of Greenwich, thanked the membership for the support and co-operation over the years.

Pursuant to the RTM rules, the Moderator designated the following items be placed on the consent calendar - 1-2-3-5-6-7.

The items on the consent calendar are as follows:

1. **RESOLVED, that the sum of \$40,000 be and the same is hereby appropriated to be added to Capital Account Number Z312-59620-28007, known as “Round Hill Road Bridge”.**

2. **RESOLVED**, that the “Building Permit Fee Schedule” be amended as follows to take effect October 1, 2009.

Revenue Code	Permit Type	Last Revised	To be Implemented	Current Fees	Proposed Fees
A351-42165	Building Residential	2004	10/01/09	\$12.00/\$1000	\$13.00/\$1000
A351-42165	Building, Commercial	2004	10/01/09	\$12.00/\$1000	\$15.00/\$1000
A351-42165	Demolition, Residential	2004	10/01/09	\$12.00/\$1000	\$13.00/\$1000
A351-42165	Demolition, Commercial	2004	10/01/09	\$12.00/\$1000	\$15.00/\$1000
A351-42167	Special Event Electrical	2004	10/01/09	\$50.00	\$100.00
A351-42169	Special Event, HVAC	2004	10/01/09	\$50.00	\$100.00

3. **RESOLVED**, that the sum of \$24,692 be and the same is hereby appropriated from RESERVED for CAPITAL & NON-RECURRING FUND to the Department of Parks and Recreation account Z834-59700-21961 for a Marine Sewage Disposal Facility (MSDF).

FURTHER RESOLVED, that the First Selectman is authorized to accept a grant of \$18,519.00 from the State of Connecticut, Department of Environmental Protection, for the construction and installation of a Marine Sewage Disposal System at Grass Island marina. The grant is funded through the State of Connecticut Clean Vessel Act and such grant shall be appropriated to account Z834-59700-21961.

5. **RESOLVED**, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Nathaniel Witherell Building Committee:

LISA MORE BIENSTOCK

6. **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:**

JOSEPH E.L. ROGERS

7. **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 beginning 4/1/09 and expiring 3/31/12.**

CHRISTINE J. CHAO

The vote was now on the consent calendar.

In Favor	-	170
Against	-	0
Abstentions	-	2

Items Carried

The Moderator suggested a motion, which was moved and seconded, to suspend the rules and combine items 4 and 8 and consider separately items 9 thru 22.

Motion Carried

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

Amy Seibert, Commissioner of Public Works, offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 4:

RESOLVED, that the Town of Greenwich accept a gift from Greenwich Green and Cleran for thirty-four (34) decorative waste receptacles for placement on Greenwich Avenue, having a value of \$25,562.09

Denise Savageau, Conservation Director offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 8.

RESOLVED, that (a) the Conservation Commission of the Town of Greenwich is hereby authorized to accept receipts from the Atlantic Center for the Environment

in the amount of \$500 and (b) these receipts to become appropriations in appropriate accounts upon approval of the Board of Estimate and Taxation.

The vote was now on the combined items.

In Favor	-	175
Against	-	0
Abstentions	-	0

Items Carried

J. Robert Tuthill of District 4 made a motion, which was seconded, that would limit the time for each speaker to three minutes per motion for the remaining items on the agenda.

Motion Carried

The Moderator announced that Item No. 9 on the call was now before the meeting.

Amy Seibert, Commissioner of Public Works, offered the following resolution, which was duly moved and seconded, regarding Item No. 9.

RESOLVED, that Chapter 9 of the Town Code, REFUSE, be amended as follows to WASTE AND LITTER.

CHAPTER 9. WASTE AND LITTER [REFUSE].

ARTICLE 1. WASTE COLLECTION AND [REFUSE AND GARBAGE] DISPOSAL.

Sec. 9-1. Definitions.

(a) As used in this **article** [chapter]:

(1) *Acceptable solid waste* shall mean unwanted or discarded materials, garbage and refuse that the town is permitted by the state to collect, store and transport from the town disposal area to resource recovery combustion facilities or landfills that are licensed to accept municipal solid waste but shall not include recyclable materials, bulky waste or hazardous waste.

(2)[(1)] *Approved containers* shall mean covered, watertight containers.

(3)[(2)] *Approved vehicles* shall mean a conveyance equipped with fully enclosed metal bodies of the type **designed and maintained to promote the absence of leakage or spillage approved by the **Superintendent** [Director of Health].**

[(3) *Combustible refuse* shall mean paper, cartons, rags, old clothes, small pieces of wood, leather and metal containers of not over one (1) quart's capacity.]

(4) ***Bulky waste* shall mean land clearing, demolition and construction debris, discarded machinery and equipment, and other unwanted materials that cannot be feasibly disposed of at resource recovery combustion facilities and landfills as acceptable solid waste because of size or non-combustibility but which can be disposed of at specially permitted and available landfills as determined by the Superintendent.**

(5) ***Commissioner* shall mean the Commissioner of Public Works or by the designation of the Commissioner the Deputy Commissioner of Public Works.**

(6) [(4)] *Garbage* shall mean every accumulation of animal, vegetable or other matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, birds, fruit, vegetables, beverages or other edibles, including the [cans,] **non-recyclable materials** of containers or wrappers disposed of along with such materials.

(7) ***Hazardous waste* shall mean pathological and biomedical discarded items, sewage sludge, gunpowder, dynamite, cartridges, shells, gasoline, naphtha, benzene, ether and other refuse materials that have flammable, explosive, corrosive, toxic, infectious or reactive characteristics that when present in significant quantities require special handling for collection, transport and disposal in accordance with applicable state or federal law.**

(8) ***Recyclable materials* shall mean the materials defined in Sections 8A-2 and 8A-3 of the Code.**

(9) ***Superintendent* shall mean the Superintendent of the Department of Public Works Recycling, Waste Collection and Disposal Division.**

[(5) *Waste material* shall mean bricks, plaster, furniture and all other noncombustible refuse which has been discarded.]

(Ords. & Reg., § 2-11.1, 2/1/1940.)

Sec. 9-2. Accumulation prohibited.

The accumulation of **acceptable solid waste** [garbage, combustible refuse] or waste material of any kind not otherwise provided for in this chapter except in approved containers is prohibited.

(Ords. & Reg., § 2-11.2, 2/1/40.)

Sec. 9-3. [Garbage and refuse] **S[s]torage containers.**

Acceptable solid waste [Garbage and combustible refuse] shall be stored in approved containers. All garbage shall be drained and wrapped [in paper] before it is placed in the containers. The containers shall be kept in a clean and sanitary condition.
(Ords. & Reg., § 2-11.3, 2/1/40.)

Sec. 9-4. [Garbage and refuse] C[c]ollection.

All acceptable solid waste [With the exception of recyclables as defined in Section 8A-2 of the Greenwich Municipal Code, all garbage and refuse, in approved containers,] shall be removed **in approved containers or approved vehicles** at least once a week unless **more frequently** [otherwise] required by the **Superintendent or** Director of Health.
(Ords. & Reg., § 2-11.4, 2/1/1940; 8/26/1991.)

Sec. 9-5. **Transport and disposal** [Incineration] required; [permit; exceptions].

[(a)] All **acceptable solid waste** [garbage and refuse] shall be transported to the town disposal area. All **bulky waste** [material] shall be **loaded and** transported to any place **as directed and** designated by the **Superintendent** [Director of Health].

[(b)] The Director of Health may in special instances grant permits for the disposal of garbage and combustible refuse by burial or incineration upon the premises where it originates. The Director of Health may in special instances grant permits for installation and maintenance of garbage grinders for the disposal of garbage into a septic tank.]
(Ords. & Reg., § 2-11.5, 2/1/40.)

Sec. 9-6. Delivery from outside town.

No **acceptable solid waste, bulky waste or hazardous waste** [garbage, combustible refuse or waste materials] shall be transported **for disposal** into the town from any place beyond the limits of the town[.] **unless otherwise approved in writing by the Commissioner as part of a reciprocal municipal cooperative aid agreement.**
(Ords. & Reg., § 2-11.7, 2/1/40.)

Sec. 9-7. License to transport; application.

(a) No person shall engage in the business of transporting **acceptable solid waste to the town disposal area** [garbage, combustible refuse or waste material] without having a valid license from the **Superintendent** [Director of Health] and without using an approved vehicle.

(b) The application for a license valid for one (1) year shall be on a form furnished by the **Superintendent** [Director of Health].
(Ords. & Regs., §§ 2-11.9.1, 2-11.9.2, 2/1/1940.)

Sec. 9-8. License revocation; hearing.

(a) The **Commissioner** [Board of Health] shall have power to revoke the license of any **waste** [refuse] collector found not to be operating in compliance with the provisions of this Code.

(b) No order of revocation shall be made except after a hearing. When a license has been revoked another license shall not be issued except with the approval of the **Commissioner** [Board of Health].
(Ords. & Reg., § 2-11.9.3, 2/1/1940.)

Sec. 9-9. **Approved** [Refuse] vehicles; numbers; maintenance.

(a) Every approved vehicle of a licensed **waste** [refuse] collector under these regulations shall have conspicuously displayed on each side a number issued by the **Superintendent** [Director of Health].

(b) Every approved vehicle used in the transportation of **waste** [refuse] shall be kept in a sanitary condition.
(Ords. & Reg., §§ 2-11.9.4, 2-11.9.5, 2/1/1940.)

Sec. 9-10. Delivery of **acceptable solid waste** [refuse].

All **acceptable solid waste** [garbage and combustible refuse] shall be promptly delivered at the **town disposal area** [incineration plant] on the same day that it is placed into the **approved vehicle** [truck].
(Ords. & Reg., § 2-11.9.6., 2/1/1940.)

Sec. 9-11. Prohibited substances.

No **hazardous waste** [gunpowder, dynamite, cartridge, shell, gasoline, naphtha, benzene, ether or any other explosive or similarly dangerous substances or material] shall be cast into any approved container or transported to the **town disposal area** [incinerator] **but shall be handled and disposed of in accordance with state and federal law.**
(Ords. & Reg., § 2-11.6, 2/1/1940.)

Sec. 9-11.1. **Penalty; appeal; hearing**

(a) For dumping more than one cubic foot in volume of waste in violation of the provisions of this article the Superintendent may impose civil penalty fines of up to (i) one thousand dollars (\$1,000) for a first violation, two-thousand five hundred dollars (\$2,500) for a second violation and ten thousand dollars (\$10,000) for each subsequent violation by a commercial waste collector and (ii) one hundred dollars (\$100) for a first violation, two hundred fifty dollars (\$250) for a second violation and one thousand dollars (\$1,000) for each subsequent violation by any other person.

(b) For any other violation of this article the Superintendent may impose civil

penalty fines of up to two hundred fifty dollars (\$250), with each day of violation constituting grounds for a separate fine.

(c) Fines shall be payable to the town and may be appealed within ten days to the Commissioner who shall conduct a hearing and render a decision thereon.

ARTICLE 2. LITTER.

Sec. 9-12. Definitions.

(a) As used in this Article:

- (1) *Authorized Private Receptacle* shall mean a litter storage and collection receptacle as required and authorized **by the town** [in the Refuse Ordinance of the Town Sanitary Code].
- (2) *Garbage* shall mean and include all putrescible wastes, including vegetable and animal offal and carcasses of dead animals, but not sewage and body wastes.
- (3) *Litter* shall mean garbage and/or rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
- (4) *Park* shall mean a park, reservation, playground, beach, recreation center or any other public area in the town, owned or used by the town and devoted to active or passive recreation.
- (5) *Public Place* is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.
- (6) *Rubbish* shall mean and include all nonputrescible waste materials (except ashes), including but not limited to paper, cardboard, tin cans, wood, glass, bedding, crockery, refrigerators, junk automobiles, demolition material, tree limbs and industry wastes.
- (7) *Vehicle* shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway or sidewalk, including devices used exclusively upon stationary rails or tracks.
- (8) *Handbill* shall mean any advertisement, sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature.

(Ords. & Reg., § 2-11.8; as amended 11/10/1971; RTM 6/10/1991.)

Sec. 9-13. Litter in public places; use of receptacles.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the town except in public receptacles, in authorized private receptacles for collection or in official town disposal areas.

(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

Sec. 9-14. Manner of placing litter in receptacles.

Persons placing litter in public receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

Sec. 9-15. Sweeping litter into gutters prohibited.

(a) No person shall sweep into or deposit in any gutter, street or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

(b) Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

Sec. 9-16. Throwing litter from vehicle.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the town or upon private property.

(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

Sec. 9-17. Transporting litter; trucks to be covered.

No person shall drive or move any truck or other vehicle within the town unless such vehicle is so constructed, covered or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

Sec. 9-18. Depositing litter in water prohibited.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other public body of water in the town.

(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

Sec. 9-19. Littering occupied private property.

No person shall throw or deposit litter on any occupied private property within the town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a

manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.
(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

Sec. 9-20. Owner to maintain premises free of litter.

(a) The owner or person in control of any private property shall at all times maintain the premises free of litter.

(b) This section shall not prohibit the storage of litter in authorized private receptacles for collection or prevent the storage of wood or branches on the owner's premises that do not constitute a nuisance to neighbors' properties.
(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

Sec. 9-21. Depositing litter on vacant property.

No person shall throw or deposit litter on any open or vacant private property within the town whether owned by such person or not.
(Ords. & Reg., § 2-11.8; as amended 11/10/1971.)

Sec. 9-21.1. Placing handbills on vehicles.

(a) Purpose. The public interest, convenience and necessity require regulating the placement upon vehicles of handbills, to protect the people against litter and the detriment and danger to public health and safety incident to such placement. To that end, the purposes of this section are specifically declared to be as follows:

- (1) To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the placement of handbills on vehicles.
- (2) To preserve to the people their constitutional right to receive and disseminate information by delivering handbills to all who are willing to receive the same.

(b) No person, organization, association or business shall distribute, deposit or throw or cause the distribution, deposit or throwing of any handbill in or upon any vehicle in any public place. The provisions of this section shall not prohibit a person, organization, association or business from handing, transmitting or distributing, without charge to the receiver thereof, a handbill to the owner or other occupant of any vehicle who is willing to accept it.
(RTM 6/10/1991.)

Sec. 9-21.2. Severability.

If any subsection, paragraph, sentence, clause or phrase of this section should be declared invalid by a court of competent jurisdiction, for any reason whatsoever, such

decision shall not affect the remaining portions of this section, which shall remain in full force and effect, and to this end the provisions of this section are hereby declared severable.

(RTM 6/10/1991.)

[ARTICLE 3. VIOLATIONS]

Sec. 9-22. Penalty.

Any person violating any of the provisions of this **article** [chapter] shall, upon conviction, be fined not more than **two hundred fifty dollars (\$250)**. [one hundred dollars (\$100.)]

ARTICLE 3. BOARD OF HEALTH; DIRECTOR OF HEALTH

Sec. 9-23.

Nothing in this chapter shall be construed to limit the power of the Board of Health or the Director of Health as it relates to public health.

Additions **bold**

Deletions in [brackets]

Douglas Wells, Chairman of the Legislative and Rules Committee, made a motion, on behalf of the committee, to amend the item as follows:

Sec. 9-1 Definitions – Sec 3 - after the word “spillage” insert the word “and”.

Sec. 9-11.1 Penalty - (a) – third line – take out the hyphen between two and thousand

The motion was adopted by unanimous consent.

Louisa Stone of District 10 noted that in Sec 7 – word naphtha is spelled wrong, should be “naphtha”.

The motion was adopted by unanimous consent.

C. Nick Edwards of District 8 made a motion, which was seconded, to refer Item No. 9 back to the Legislative and Rules Committee.

Motion Carried

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

Town Administrator John Crary offered the following resolution, which was duly moved and seconded, regarding Item No. 10:

RESOLVED, that the Representative Town Meeting hereby approves the sale of a 4,083 square feet portion of a Town owned right of way adjacent to Holly Hill Lane to 644 West Putnam Avenue Associates, LLC for the sum of \$300,000.00.

FURTHER RESOLVED, that the First Selectman is hereby authorized to execute on behalf of the Town any contract documents necessary to effectuate the sale of the above referenced property.

Michael Petrucelli of District 12 moved the previous question, which was moved and seconded. The Moderator stated he would not accept the motion at the time. Mr. Petrucelli appealed the ruling of the chair. Upon a voice vote, the appeal failed.

After discussion Edward Dadakis of District 1 moved the previous question, which was moved and seconded.

Motion Carried

The vote was now on Item No. 10

In Favor	-	92
Against	-	85
Abstentions	-	5

Item Carried

The Moderator announced that Item No. 11 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. 11.

RESOLVED, that the Representative Town Meeting enacts the following Child Safety Zone ordinance.

Child Safety Zone Ordinance

1. Purpose.

The Connecticut Legislature has determined that persons convicted or found not 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 the 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 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 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' 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 sex offender entering into a facility in a Child Safety Zone for the sole purpose of voting in any municipal, state or federal election or referendum, or attending or participating in a municipal public meeting, including but not limited to, public meetings of the Board of Selectmen, municipal departments, or the Representative Town Meeting, provided that the sex offender leaves the facility immediately after voting or after the conclusion of said meeting.

c. Any sex offender who is a custodial parent and enters a school or educational facility designated as a Child Safety Zone for the purpose of dropping off or picking up his or her child, provided the sex offender leaves the zone immediately after dropping the child off or picking the child up.

d. Any sex offender who is a custodial parent and enters a Child Safety Zone for the sole purpose of meeting with an adult to discuss such child's medical care or condition or educational program, including, without limitation, meeting with such child's teachers, faculty members and/or school staff members, provided such Sex Offender leaves the facility immediately upon completion of such meeting.

e. 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 of 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 sex offender is in a Child Safety Zone in violation of this Ordinance, the officer shall require the suspected 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 this 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 forth in subsection 6 of this Ordinance shall apply.

6. Penalties.

Any person issued a citation because of a 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 that 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 term of parole or probation.

Douglas Wells, chairman of the Legislative & Rules Committee, made a motion, on behalf of the committee, to refer Item No. 10 back to the Legislative & Rules Committee for further work.

Motion Carried

The Moderator announced that Item No. 21 had been withdrawn.

The Moderator suggested a motion to suspend the rules to allow for a first reading of Items 12 thru 22, without a final vote.

Motion Carried

After some discussion, the Moderator announced that Item No. 12 on the call was now before the meeting.

Joan Caldwell of District 10 offered the following resolution, which was duly moved and seconded, regarding Item No. 12.

RESOLVED, that, effective December 31, 2009, the RTM Transportation Committee be dissolved, and that its responsibilities be assigned to the Public Works, Land Use, and Town Services Committees as outlined in the revised APPENDIX B, Descriptions of Standing Committees, and that the words “Transportation Committee” be deleted from paragraph V.B.2 of the *Rules of the RTM*.

APPENDIX B

F. LAND USE COMMITTEE

Operational Responsibility:

- * Reviews all matters concerning land use and planning and zoning submitted for RTM approval.
- * Reviews operations of Planning & Zoning Commission and the Planning & Zoning Board of Appeals.
- * Reviews operations of Inland Wetlands and Watercourses Agency.
- * Reviews all items of municipal improvement status.
- * **Reviews planning of transportation initiatives.**
- * **Reviews all items of the Conservation Commission.**
- * Reviews purchases, sales or leases of Town real property.
- * Reviews any updates of the Town’s “Plan of **Conservation and Development**” and ~~annual~~ amendments **thereto**.
- * Reviews all grants of easements.
- ~~* Reviews all matters regarding condemnation and condemnation awards.~~
- * Reviews all gifts of real property to the Town.

- * Studies and debates acceptance or abandonment of private roads by the Town.
- * Reviews demolition or renovation or any change in use of Town-owned property.

Budget Responsibility:

- * Reviews all appropriations and budgets for:
 - Planning & Zoning Commission, and Planning & Zoning Board of Appeals.
 - Inland Wetlands and Watercourses Agency.
 - Conservation Commission.
 - Historic District Commission.
 - Architectural Review Board.
 - ~~- Condemnation Commission.~~
 - Flood and Erosion Control Board.

Overlapping Responsibility:

- * For financial items over \$50,000: with the Finance Committee.

I. PUBLIC WORKS COMMITTEE

Operational Responsibility:

- * Reviews operations of all branches of Town government relating to public works and recycling.
- * Reviews the planning, construction, modification, maintenance, renovation of Town buildings and highways.
- * **Provides ex officio representation on school building committees.**
- * **Reviews transportation issues such as traffic control, traffic flow, and highways and parking.**

Budgetary Responsibility:

- * Reviews all appropriations and budgets for:
 - Public Works Department including all programs, divisions and personnel.
 - Sewer Improvement and Maintenance Fund
 - **Fleet Department**

Overlapping Responsibility:

- * For financial items over \$50,000: with the Finance Committee.

J. TOWN SERVICES COMMITTEE

Operational Responsibility:

- * Reviews operations of departments concerned with public safety.
- * Reviews operations of Purchasing Department.

- * Reviews communications matters: data processing, network services, information planning.
- * Reviews risk reduction programs, such as training personnel in the safe and proper use of equipment, enforcing safety rules, and the contract obligations of Town vendors.
- * **Reviews Board of Ethics.**
- * **Reviews Shellfish Commission.**
- * **Reviews Fleet Department operations.**
- * **Reviews traffic control, traffic flow, highways and parking and other transportation issues**

Budgetary Responsibility:

- * Reviews all appropriations and budgets ~~for~~ **including all programs, divisions and personnel for:**
 - Fire Department ~~including all programs, division and personnel~~
 - **Fleet Department**
 - Police Department ~~including all programs, divisions and personnel~~
 - Purchasing Department
 - ~~- Consumer Affairs Coordinator~~
 - ~~- Board of Ethics~~
 - Administrative Services Center
 - Representative Town Meeting
 - Office of First Selectman and Board of Selectmen
 - Town Clerk
 - ~~- Shellfish Commission~~
 - Alarms Appeal Board
 - General government areas not specifically covered by other RTM committees

Overlapping Responsibility:

- * For financial items over \$50,000: with the Finance Committee.

~~K. TRANSPORTATION COMMITTEE~~

~~Operational Responsibility:~~

- ~~- Reviews all transportation related issues, including mass transportation facilities (bus, rail, air).~~
- ~~- Other transportation concerns, including traffic control, traffic flow, highways, parking, parking fund.~~
- ~~- Reviews Fleet Department operations.~~

~~Budgetary Responsibility:~~

- ~~- Fleet Department, including all programs, divisions and personnel.~~

~~Overlapping Responsibilities:~~

~~* For financial items over \$50,000: with Finance Committee.~~

~~* For parking and parking structure items: with Public Works Committee.~~

The Moderator announced that Item No. 13 on the call was now before the meeting.

Robert Brady of District 5 offered the following resolution, which was duly moved and seconded, regarding Item No. 13:

RESOLVED, that section VI.C of the *Rules of the Representative Town Meeting* be re-captioned VI.D and a new section VI.C be inserted.

The new VI.C. reads as follows:

C. CAPITAL PROJECTS REVIEW COMMITTEE

1. Function:

The Capital Projects Review Committee (“CPRC”) shall:

- a) **Identify and report on the long term financial obligations associated with First Selectman's Capital Improvement Projects Budget (“CIP”);**
- b) **Evaluate and report on the comparative advantages of pay as you go versus short term bonding or other financing for CIP;**
- c) **Evaluate and report on the estimated project costs for the current and out-year appropriations to ascertain whether they include adequate provisions for cost increases, contingencies and soft costs;**
- d) **Evaluate and report on the effect of an unanticipated capital requirement on the capital budget;**
- e) **Analyze the capital budget approved by the First Selectman each year and report on the status of major projects previously appropriated including current estimated completion costs and dates;**
- f) **Evaluate and report on proposed new projects with special attention to those over \$1,000,000;**
- g) **Identify for the RTM new projects for which costs will be appropriated in more than one year and whether the first year's appropriation effectively obligates the Town to appropriations in subsequent years;**
- h) **Review and report on proposed projects' consistency with the Plan of Conservation and Development;**
- i) **Identify for the RTM projects that should be eliminated from the capital budget and the reasons therefore;**
- j) **Identify for the RTM projects that were in the prior year's CIP but eliminated from the current CIP and the reasons therefore;**

- k) Identify for the RTM projects for which there were significant changes in scope, cost estimates or completion dates since appropriation;**
- l) Identify for the RTM projects which should be but are not included in the CIP;**
- m) Provide a delegate and alternate nonvoting member to the First Selectman's CIP committee.**

2. Composition:

The CPRC shall consist of 7 members, all of whom shall be members of the RTM and who shall be appointed by the RTM on nomination of the Appointments Committee for terms expiring at the end of the term of the RTM during which they are appointed, provided that the term of each member shall continue thereafter until a successor shall have been appointed, and further provided that said members continue to be members of the RTM.

3. Election of Officers:

Officers shall be elected by the members of the CPRC from among their number as soon as convenient following their appointment. Votes shall be by written ballot, and a majority of the committee members shall constitute a quorum. The newly elected chairman shall promptly notify the Town Clerk of such elections, and the Moderator shall announce the election of the committee officers at the next meeting.

4. Meetings:

The chairman shall convene CPRC meetings to plan and carry out the work of the committee. All meetings shall be posted in compliance with the Freedom of Information Act.

5. Reports:

The CPRC shall report to the RTM at its April meeting (or May if there is no April meeting) on its findings with regards to the proposed CIP appropriations and bonding, and shall recommend such action as it deems necessary to protect the Town's fiscal stability and interests. It shall also review the CIP process and recommend such changes as it considers advisable at the June RTM. It shall report to the RTM at such other times as it deems appropriate.

6. Minutes:

The minutes of all meetings of the CPRC shall be filed with the Town Clerk in compliance with the Freedom of Information Act. Such records shall be public records and shall be maintained for three terms after the end of the term to which they apply.

Mark Pruner of District 10 made a motion, which was seconded, to postpone the remaining 8 items on the call (items 14 thru 20 and 22) to the October 2009 meeting.

Motion Passed

There being no further business, the Moderator adjourned the meeting, upon unanimous consent, at 11:00 P.M.

ATTEST:

CARMELLA C. BUDKINS

TOWN CLERK