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 and also via Zoom Webinar on Monday, September 27, 2021 at 8:00 P.M. (E.D.T.)

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

The members pledged allegiance to the flag.

As September was the 20th anniversary of the 9/11 attacks on our country, the RTM acknowledged that solemn occasion by welcoming on Zoom at the start of the meeting two individuals who had participated in the September 2001 RTM meeting when they were seniors at Greenwich High School. Major Matthew Carstensen, United States Army, and LCDR Timothy (Ned) Breen, United States Navy, were members of a premier singing group at GHS in 2001-02. They, and three of their classmates, sang the National Anthem at the start of the September 2001 meeting. They have spent approximately the last 20 years serving on active duty in their respective services. LCDR Breen is currently the United States Naval Attache in Honduras, having previously deployed multiple times to the Middle East and the western Pacific as a fighter pilot flying the F/A - 18 C Hornet. Major Carstensen, who has spent his entire Army career in high readiness parachute units, deployed twice to Afghanistan and once to Iraq in connection with the war on terror that resulted from the 9/11 attacks. The Moderator thanked both men for helping to make the September 2001 RTM meeting opening ceremony a memorable one, and for their service to the nation over the past 20 years. Major Carstensen and LCDR Breen shared their thoughts on the 2001 attack and their experiences in the last 20 years. Major Carstensen's parents, Sheila and Peter Carstensen, joined us in person at Central Middle School. LCDR Breen's parents, Jane and Tim Breen, joined us on Zoom.

Carmella C. Budkins, Town Clerk had previously sworn in new members in District 1 – Brigitte Lee; District 7 – Valerie Stauffer and District 8 – Konstantinos Katsigiannakis.

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 216 present, 13 absent and 1 vacancy. District 2, 3, and 6 had perfect attendance.

Those members attending In Person in District 1 – Andrea Edwards Anthony; District 2 – Katherine L. LoBalbo; District 5 – Joseph H. Benoit, Jr., Edward T. Broadhurst,III; District 6 – Thomas J. Byrne, Arline Lomazzo, Alexis Voulgaris; District 7 – Kimberly Morgan Blank, Lucia D. Jansen; District 8 – Hector E. Arzeno, Peter E. Berg, M. Irene Dietrich, Konstantinos Katsigiannakis, Linda A. Moshier, Mary M “Molly” Saleebey; District 10 – P. Jude Collins, Louisa H. Stone; District 11 – Ralph E. Penny;
All other members present attended via Zoom.

Those absent in District 1 – Joshua H. Brown, Alanna M. Hynes; District 4 – Josiane M. Schaffner-Parnell, John J. Thompson; District 5 – Peter G. Van Duyne; District 7 – William W. Galvin, III, Mike Warner; District 8 – Neil A. Caton; District 9 – Lillian B. “Sharon” Shisler; District 10- Katherine V. Hynes, John Mastracchio; District 11 – Elisabeth G. “Lisa” Stuart; District 12 – Miriam Mennin.

The Moderator announced that as all members had received a copy of the minutes of the June 14, 2021 meeting, the reading of the minutes would be omitted. He asked if there were any corrections or comments. There being none, minutes were adopted by unanimous consent.

The Moderator announced that Item No. 6 on the Call had been withdrawn.

6. RESOLVED, that a new Section 11-1.1 of Chapter 11, Streets, Article 1 – Public Highways, as noted below, be added to the Code of Ordinances of the Town of Greenwich with the numbers of all existing sections in this Article 1 to be increased as appropriate.

Sec. 11-1.1 – Safety Requirements.

(a) Preamble. The Town of Greenwich (the “Town”) recognizes that protecting municipal employees and safeguarding the general public from the hazards associated with work in or around highways or public roads is critical for any planned construction project or maintenance program. Following established work-zone safety protocols, including adequate and appropriate traffic control personnel, is essential to the safe completion of any work. Only proper planning and the commitment of adequate resources can minimize the potential for an unsafe condition while permitting the safe interruption or encumbrance of normal traffic and pedestrian flow on any road.

(b) Requirements for Traffic Control by Police. Any party, including but not limited to a public utility or independent contractor (the “Contractor”) shall be required to take all measures including but not limited to obtaining all permits as required by the Department of Public Works (“DPW”) and or the Greenwich Police Department (the “Police Department”).

(1) When, in the opinion of the Chief of Police, or their designee, it is deemed necessary for the safety of the public and/or workers at the scene for any work site within the Town’s right-of-way, the Contractor shall arrange and pay for a uniformed police officer(s) as required by the Police Department or DPW. If no off-duty police officers are available, the Contractor shall be required to utilize, subject to the approval of the Police Department, certified flaggers.

Pursuant to the RTM Rules, the Moderator designated that the following items be placed on the consent calendar – 1, 2, 3, 7, 10, 13, 14 & 15.

The items on the consent calendar are as follows:
1. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed an Alternate Member of the Alarm Appeals Board (A1) for a term expiring June 30, 2025.

   STEFANIE LACOFF

2. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Board of Ethics (R2) for a term expiring June 30, 2024.

   JENNIFER PAUL COHEN

3. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of The Nathaniel Witherell Board (R3) for a term expiring June 30, 2024.

   NIRMAL ‘NIM’ PATEL

7. RESOLVED, that the RTM approves the lease with Neighbor to Neighbor Inc. for the property located at 1 Horseneck Lane, Greenwich. The lease will be for a period beginning September 28, 2021, and ending on November 30, 2021, with options to renew through March 31, 2022.

10. RESOLVED, that the Greenwich Representative Town Meeting hereby authorizes at least the preparation of schematic drawings and outline specifications for the Greenwich High School Entryway project at the Greenwich High School.

13. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed an Alternate Member of the Planning and Zoning Commission (A3) for a term expiring October 31, 2022.

   ARNOLD WELLES

14. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Planning & Zoning Board of Appeals (R5) for a term expiring October 31, 2025.

   WAYNE SULLIVAN
15. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a Regular Member of the Inland Wetlands and Watercourses Agency (R7) for a term expiring October 31, 2023.

ELLIOt BENTON

The vote was now on the Consent Calendar.

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Items Carried

The Moderator announced that Item No. 4 on the Call that was from the June 2021 meeting due to RTM Rules section III.I.6 “Second Reading” was now before the meeting.

4. Greenwich Affordable Housing Trust Fund

Greenwich Code of Ordinances

CHAPTER 6. LAND USE

ARTICLE 8. – GREENWICH AFFORDABLE HOUSING TRUST FUND. Sec. 6-324. - Findings; Purpose; Legislative Authority; Definitions

Findings:
1. It is hereby found that the Town of Greenwich ("Town") has an objective to provide ten percent (10%) affordable housing as defined under Title 8, Chapter 126a, Section 8-30g of the General Statutes of Connecticut (Section 8-30g).

2. It is hereby further found that, should State Statutes, including but not limited to Section 8-30g, be modified, amended or enacted in the future, the Town of Greenwich may modify or amend its adopted Affordable Housing Plan to provide an affordable housing level different than the ten percent (10%) currently set forth in Section 8-30g.

3. It is hereby further found that the Town may, by vote of the Representative Town Meeting, and consistent with the General Statutes of Connecticut, redefine what is meant by Affordable Housing.

Purpose:

The purpose of the Greenwich Affordable Housing Trust Fund (GAHTF or Trust or Fund) is the preservation of existing and the creation of new affordable rental and home ownership housing in the Town, pursuant to the current Town and Regional Plans of Conservation &
Development, Affordable Housing Plan and any General Statutes of Connecticut applicable now or in the future.

**Legislative Authority:**

This article is enacted pursuant to the authority granted to the Town by Title 7, Chapter 98, Section 7-148(c)(2)(K) of the General Statutes of Connecticut to ‘to create a sinking fund or funds or a trust fund or funds or other special funds, including funds which do not lapse at the end of the municipal fiscal year’.

**Definitions:**

All definitions below shall be considered automatically amended to comply with any future revisions in the Connecticut General Statutes as they may be relevant to housing or municipal zoning authority and consistent with the requirements of this ordinance.

1. “Affordable housing development” means a proposed housing development which is any of the following: (A) assisted housing, or (B) a set-aside development or (C) includes housing for households earning incomes of no more than eighty (80) percent of the median family income for the Stamford-Norwalk HUD Metropolitan Fair Market Rent Income Area, adjusted for household size as published annually by the U.S. Department of Housing and Urban Development, or other such equivalent income standard as may be established by a majority vote of the Town of Greenwich Planning & Zoning Commission. Affordable rent and home ownership cost shall not exceed thirty (30) percent of the eligible household income.

2. “Affordable housing rental and home ownership units” shall mean any dwelling unit for which the rent (including utilities) does not exceed thirty (30) per cent of the gross income of the renting household or for which the mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty (30) per cent of the gross income of the purchasing household or other standards as may be established pursuant to any municipal, state or federal housing program designed to assist low and moderate income households.

3. “Assisted housing” means housing which is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low or moderate income housing, and any housing occupied by persons receiving rental assistance under Title 42, Chapter 8, Subchapter I, Section1437f of the United States Code;

4. “Median income” means, after adjustments for family size, the state median income or the area median income for the area in which the municipality containing the affordable housing development is located, as determined by the United States Department of Housing and Urban Development.
5. “Set-aside development”, pursuant to State Statute 8-30g, means a development in which not less than thirty per cent of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to eighty per cent of the state median income. In a set-aside development, of the dwelling units conveyed by deeds containing covenants or restrictions, a number of dwelling units equal to not less than fifteen per cent of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to sixty per cent of the state median income and the remainder of the dwelling units conveyed by deeds containing covenants or restrictions shall be sold or rented to persons and families whose income is less than or equal to eighty per cent of the state median income;

6. “Developer(s)” shall mean any individual, corporation, business trust, estate trust, limited liability company, partnership or association, or any other entity or combination thereof involved in the development of construction projects. For the purpose of this article, the Town of Greenwich Housing Authority shall be considered a “developer”.
Sec. 6-325. - Board of Trustees: Members and Meetings

Members
1. As stipulated herein, the Greenwich Affordable Housing Trust Fund shall have a Board of Trustees (“Board” or “Trustees”) comprising seven (7) total members as outlined below.

2. The seven (7) Trustees shall be:
   a. Town of Greenwich Planning & Zoning Director or such Director’s designee;
   b. Chair of the Planning & Zoning Commission or a member designated by the Chair of the Planning & Zoning Commission,
   c. Two (2) members of the public with a background and expertise in finance, both of whom shall be Town residents nominated by the Board of Selectmen and appointed by the Representative Town Meeting;
   d. One (1) member of the public with legal expertise who shall be a Town resident, nominated by the Board of Selectmen and appointed by the Representative Town Meeting;
   e. Two (2) additional at large members of the public who shall also be Town residents, nominated by the Board of Selectmen and appointed by the Representative Town Meeting.

   i. Establishment of Unique Designations (R1 through R5) for appointed positions: Each of the five (5) appointed positions on this Trust Fund is assigned a unique designation to facilitate auditing of the appointment process over the course of time. Terms for appointed public members shall be for a period of three (3) years except for the shorter one-time Interim Terms for one (1) public member with expertise in finance and one (1) at large public member to a single term of two (2) years which is used once, to accomplish a staggering of the term expiration years of the position for the purpose of limiting the scheduled turnover of public members in a single year. When appointing a new member to this Trust Fund, the new member will receive the position designation previously assigned the person she or he is succeeding and such designation will be indicated on all notices of nomination and appointment including, but not limited to, the Call and the minutes of the Representative Town Meeting, the agenda of the committees of the Representative Town Meeting and, where appropriate, the agenda and minutes of the Board of Selectmen. Appointed members of the Commission shall hold office until their successors shall have been appointed and shall qualify.
3. At its first meeting, the Board shall elect a chairperson, vice-chairperson and secretary for one (1) year terms. Elections shall be held once per year.

4. Administrative support for the Board shall be provided by the staff of the Planning & Zoning Commission.

5. No Trustee shall receive a salary or other remuneration for serving on the Board.

6. No person may serve as a member of the Board who then has or within the previous year has had an economic interest in or management control over a proposed project or existing property within the Town with an affordable housing component. Residing in affordable housing shall not be considered an economic interest.

7. Any Board member who resides in an affordable housing development or unit shall not participate in any expenditure decision affecting the property in which he/she resides.

**Advisory Council**

The Board shall be assisted by an Advisory Council comprising persons with professional or other expertise in affordable housing and persons who are able to offer the Board a valuable perspective on affordable housing. Members of the Advisory Council shall serve ex officio and shall have no voting rights. The following persons shall serve on the Advisory Council:

1. Two (2) members of the Representative Town Meeting nominated by the Nominations Committee of the Representative Town Meeting and appointed by the Representative Town Meeting each serving a two (2) year term;
2. The Commissioner of the Department of Human Services or a designee;
3. A member of the Board of Selectmen;
4. The Chairman of the Planning and Zoning Board of Appeals or a designee;
5. The Town’s Housing Analyst;
6. One (1) representative from the Board of Greenwich Communities or a designee;
7. Two (2) residents of affordable housing rental or home ownership units located in Town identified and invited by the Board;
8. A Town resident with expertise in fundraising and marketing, identified and invited by the Board; and
9. A representative of a Town charitable organization, identified and invited by the Board.

**Meetings of the Board**

1. The Board shall meet at least quarterly. All Board meetings and decisions shall be open to the public and duly advertised and conducted pursuant to the requirements of the Connecticut Freedom of Information Act, Chapter 14, Sections 1-200 to 1-242 of the General Statutes of Connecticut.
2. Each member of the Board shall have one vote. Affordable Housing Development funding decisions shall be made by a super majority of five (5) voting members of the Board. All other decisions of the Board shall be made by simple majority of four (4) voting members of the Board.

3. The presence of four (4) voting Board members constitutes a quorum.

4. The Advisory Council shall participate in all meetings of the Board.

Sec. 6-326. - Declaration of Trust.

1. The terms of the GAHTF, which shall be consistent with the provisions of this Article, shall be set forth in a Declaration of Trust, which shall be subject to the approval of the Representative Town Meeting.

2. The Declaration of Trust shall:
   a. Appoint a trustee to oversee the assets of the GAHTF.
   b. Contain all relevant and necessary details regarding the GAHTF’s purpose, beneficiaries and ongoing administration.
   c. Outline provisions for the disposition of existing assets should the GAHTF be terminated at a future date.

3. The Declaration of Trust shall be submitted to the Representative Town Meeting by the Planning & Zoning Director within ninety (90) days after the passage of this Ordinance for review and approval or as near thereafter as can be accommodated on the Representative Town Meeting Call.

Sec. 6-327. - Sources of Funding, Investments, and Limitations on Use of Fund.

1. There is hereby established a GAHTF Account to be maintained by the Board. All funds received by the Town, all interest earnings and all other income from Fund activities shall be deposited in the GAHTF Account. All interest earnings from the GAHTF Account shall be reinvested in and dedicated to the Fund.

2. In addition to such sums as may be appropriated by the Town for deposit into the Fund, the Town is authorized to and shall deposit all monies received by it, from whatever source, for the provision of affordable housing, including fees received pursuant to Title 8, Chapter 124, Section 8-2i of the General Statutes of Connecticut, and other fees, monetary gifts and grants, unless otherwise restricted, into the Fund.

3. No monetary gift or grant from any anonymous source is to be accepted by the Trust.

4. By vote of the Representative Town Meeting, a development fee or surcharge on Town fees for permits of any kind may be approved as a source of funding for the GAHTF.
5. The Planning & Zoning Commission may approve and implement a fee ‘in lieu’ of inclusionary housing unit program for funding the GAHTF pursuant to the authority granted to the Planning & Zoning Commission by the provisions of Title 8, Chapter 124, Section 8-2i of the General Statutes of Connecticut (Section 8-2i).

6. The Comptroller of the Town shall be the custodian of the Trust’s funds and shall maintain separate accounts and records for said funds. The Comptroller, working with the Town Treasurer, shall invest the Trust’s funds in the manner authorized by Title 7, Chapter 112, Sections 7-400 to 7-403 of the General Statutes of Connecticut. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust. As custodian, the Comptroller shall issue checks or transfer moneys as directed by the Trustees and approved by the Comptroller in accordance with the Trust’s Annual Operating Expense Budget or the Trustees’ formal vote on Affordable Housing proposals.

7. No monies held in the GAHTF Account, including interest and dividends earned, shall be transferred to any other account within the Town’s operating or capital budgets. Any applicant who has paid a fee in lieu pursuant to the Town of Greenwich Building Zone Regulations and Section 8-2i shall not be eligible to apply for funds from the Trust for the same project. No expenditures shall be made from the Trust except as authorized in accordance with the provisions of this ordinance.

**Sec. 6-328. - Affordable Housing Plan Required**

1. The Town’s Planning & Zoning Director shall prepare a Greenwich Affordable Housing Plan (GAHP) pursuant to the requirements of CGS Title 8 Chapter 126a Section 8-30j while it remains effective and pursuant to the below or any other relevant State statutes, should such statute expire, be revised or substituted.

2. The GAHP shall be based upon and specify the Plan of Conservation & Development and for the Town and that of its Region with regard to housing goals and strategies, and shall be prepared at least every five (5) years or as required by applicable State law or municipal regulation. The Affordable Housing Plan shall be completed and adopted no later than nine (9) months after adoption of this Ordinance.

3. Pursuant to guidelines issued by the CT Department of Housing (DOH), and as may be subsequently revised by DOH, the GAHP shall include the following:
   a. Community Values Statement
   b. History of Affordable Housing in Greenwich
   c. Housing Needs Assessment which shall include an analysis of the following data for the Town and its Region:
i. Demographics for the Town including current population, changes over time and projections for the future

ii. Housing Supply in Greenwich by operator and program and affordability level, and trends in the development of affordable housing options;

iii. Economic Indicators especially resident income and proportional spend on housing costs

iv. Gap Analysis which shows the difference between the housing available in town and what residents of the town and region can afford to pay.

d. Land Use and Zoning Assessment providing information on how the Town uses its land and what types of housing can be built where.

e. Housing Market Analysis for both rental and homeownership units including trends and developments with particular regard to housing cost and affordability

f. Plan Principles, Goals and Actions with prioritization of affordable housing needs in Greenwich, taking into consideration, among other factors, affordability levels, demographic characteristics and specific conditions in individual neighborhoods;

g. Both Short as well as Long Term Strategies to address prioritized needs, including benchmarks for assessing the success in addressing those needs

4. The GAHP shall be adopted by the Greenwich Planning & Zoning Commission and the Representative Town Meeting. The Plan shall also be posted on the Town of Greenwich website for public inspection and shall be available in hardcopy at the Town Planning & Zoning Department and Town Clerk office for review during normal business hours.

**Sec. 6-329. - Budgeting, Reporting and Audit Requirement.**

1. The Board shall prepare an annual operating expense budget for the Trust. Said budget shall be incorporated into the Planning & Zoning’s budget and submitted to the Office of the First Selectman, the Board of Estimate and Taxation and the Representative Town Meeting in compliance with Town of Greenwich mandated deadlines and requirements.

2. No liability or operating expense shall be incurred by the Trust which is not provided for in its annual budget, nor shall the Comptroller pay out any money for any purpose not authorized.

3. The Trust’s accounts and records shall be included in the Town’s Comprehensive Annual Report and shall be subject to annual independent audit by the independent auditor selected by the Town.

**Sec. 6-330. - Expenditures from Affordable Housing Trust Fund.**
1. The continuation of the Fund shall be perpetual, notwithstanding that from time to time said Trust may be unfunded.

2. Affordable housing funding decisions by the Trust must be approved by a super majority of five (5) members of its Board, as required above.

3. Expenditures shall be made from the Trust only in accordance with the following procedures and requirements:

   a. All expenditures listed below shall be based on and as prioritized by the Greenwich Affordable Housing Plan. Funds from the Trust shall only be used for the following authorized purposes:

      i. Creation of affordable rental or homeownership housing units. To encourage the development of affordable housing through a variety of means including, but not limited to, the provision of favorable financing to developers of affordable housing, or by means of the direct write-down of costs for non-profit developers of affordable housing, or to subsidize the acquisition of sites, existing structures or designated affordable housing units which comprise a portion of a larger development containing housing which is not deemed affordable to persons of low and moderate income.

      ii. Multi-family rehabilitation program. To finance the rehabilitation, repair, renovation or alteration of existing and deteriorated multi-family residential properties in a manner that preserves or enhances the affordability of dwelling units within such properties through interest rate subsidies, or the direct subsidy of project costs.

      iii. Limited Equity Cooperative or Condominium Conversion Properties. To assist in the acquisition, rehabilitation, repair, alteration or renovation of residential properties deemed appropriate for conversion to a "common interest community" as defined pursuant to CGS 47-202(7) and consistent with the Town’s current Affordable Housing Plan.

      iv. Studies to determine the affordable housing needs of Greenwich residents and for the preparation of the Greenwich Affordable Housing Plan. Selection of vendors for such service shall be compliant with Greenwich Purchasing Department standards and requirements.

      v. Administrative expenses arising pursuant to the execution of Trust purposes and goals.

   b. Except for payments related to preparation of the GAHP, affordable housing needs studies and administrative expenses, no Expenditures shall be made from
the Fund in absence of an approved GAHP and all expenditures must demonstrate how they meet the goals and priorities established therein.

4. Once the Fund has, for the first time, reached a level of three hundred thousand dollars ($300,000.00) and all other relevant conditions have been met, the Board of Trustees shall thereafter accept, on a continuous basis, requests for funds for authorized purposes from eligible parties. Eligible parties include, but are not limited to, for-profit and not-for-profit housing developers or not-for-profit organizations with the goal of furthering affordable housing, along with the Housing Authority of the Town of Greenwich (Greenwich Communities). Individuals shall not be considered eligible parties. The Board shall review and make a determination whether or not to grant such requests.

5. Whenever two million dollars ($2,000,000.00) or more are available in the Trust, the Board of Trustees shall issue a Notice of Funds Available (NoFA) to solicit proposals for how to further the Town's Affordable Housing Plan. Such NoFA shall be issued no later than two (2) weeks after the first Board meeting after the monies in the Trust reach the above threshold. No later than seven (7) months after the issuance of the NoFA, the Board of Trustees shall render a decision on whether or not and how to fully or partially disburse the monies of the Fund.

6. Any proposed expenditure over five hundred thousand dollars ($500,000.00) approved by the Board of Trustees shall be submitted as a recommendation to the Board of Selectmen and the Representative Town Meeting. The Representative Town Meeting may reject such recommended expenditure within forty-five (45) days of receipt by a vote of two-thirds (2/3) of its members present and voting. If, within forty-five (45) days of receipt of the recommendation, the Representative Town Meeting fails to reject such recommendation, it shall be considered approved.

7. The Board shall, at the end of each Fiscal Year, prepare a Report listing all projects supported, the expenditures approved, and a description of how the affordable housing needs and priorities complied with the Greenwich Affordable Housing Plan. Said report shall be completed and submitted to the Planning & Zoning Commission, the Representative Town Meeting, the Board of Estimate and Taxation and the Comptroller no later than September 15 of the following Fiscal Year. The chairperson of the Board shall present such Report at the next regularly scheduled meeting of the Representative Town Meeting the Report shall also be posted on the Town’s website for public inspection and shall be available in hardcopy at the Town of Greenwich Planning & Zoning Department and Town Clerk’s office for review during normal business hours.

Sec. 6-331. - Interpretation.
Nothing in this Chapter shall be construed to limit any powers lawfully exercised by the Planning & Zoning Commission exercising the powers of such Commission pursuant to State Statute or Special Acts or to Article 9, Section 83 of the Greenwich Town Charter.

Francis J. “Kip” Burgweger, Jr., Chairman of Legislative & Rules Committee, made a motion to amend Item No. 4 as follows:

6. Any proposed expenditure over five hundred thousand dollars ($500,000.00) approved by the Board of Trustees shall be submitted as a recommendation to the Board of Selectmen and the Representative Town Meeting. The Representative Town Meeting may reject such recommended expenditure within forty-five (45) days of receipt by a vote of two-thirds (2/3) a simple majority of its members present and voting. If, within forty-five (45) days of receipt of the recommendation, the Representative Town Meeting fails to reject such recommendation, it shall be considered approved.

The vote was now on Legislative & Rules Committee’s Motion.

| In Favor | - | 73 |
| Against | - | 130 |
| Abstentions | - | 4 |

Motion Failed

Lucia D. Jansen, Chairman of the Budget Overview Committee, made a motion to amend Item No. 4 to include a Sunset Clause as:

Sec. 6-332 – Sunset Clause.

The entire section shall cease to be effective on October 1, 2027 unless sooner amended or extended by the RTM.

The vote was now on Budget Overview Committee’s Motion.

| In Favor | - | 54 |
| Against | - | 145 |
| Abstentions | - | 6 |

Motion Failed

The vote was now on Item No. 4.

| In Favor | - | 176 |
| Against | - | 22 |
| Abstentions | - | 5 |
Item Carried

The Moderator announced that Item No. 5 on the Call was now before the meeting.

Patricia Sesto, Director of Environmental Affairs, offered the following resolution, regarding Item No. 5 which was duly moved and seconded.

5. RESOLVED, that the Conservation Commission is authorized to accept $25,000 from the Greenwich Botanical Society, a 501(c)(3) corporation, for the purpose of raising public awareness on the value of pollinators by way of a “Pollinator Pathway” mural on East Putnam Avenue and its supporting educational material.

Edward T. Broadhurst, III, Member of District 5, made a motion to limit debate to a total of one (1) hour for Item No. 5, which was duly moved and seconded.

On a vote by Raised Hands, the motion to limit debate carried by a 2/3rds vote in favor Edward T. Broadhurst, III, Member of District 5, made a motion to limit two (2) minutes per speaker for Item No. 5, which was duly moved and seconded.

The Motion was adopted upon unanimous consent.

The vote was now on Item No. 5.

| In Favor | - | 121 |
| Against | - | 68 |
| Abstentions | - | 5 |

Item Carried

Susan Fahey, Chairman of District 11, made a motion which was duly seconded, to adjourn the meeting at midnight 12am and reconvene at 8 p.m. on September 28, 2021 at Central Middle School and via Zoom.

On a vote by Raised Hands, the motion to adjourn carried by a 2/3rds vote in favor

The Moderator suggested a motion, which was moved and seconded, to suspend the rules and combine Items No. 11 & 12 for voting purposes.

The Motion was adopted upon unanimous consent.

Robert J. McKnight, Jr., Chairman of Appointments Committee, offered the following resolution for Item No. 11 and substitute resolution for Item No. 12.
11. RESOLVED, that the following named person, nominated by the Board of
Selectmen, be appointed a Regular Member of the Planning and Zoning Commission (R1)
for a term expiring October 31, 2021.

  PETER LOWE

12. RESOLVED, that the following named person, nominated by the Board of
Selectmen, be appointed a Regular Member of the Planning and Zoning Commission (R1)
for a term beginning on November 1, 2021 and expiring October 31, 2024.

  PETER LOWE

The vote was now on the combined items.

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Items Carried

The Moderator adjourned the meeting at 12:07 p.m.

Pursuant to the foregoing notice a continuation of regular Representative Town Meeting of the
Town of Greenwich was held in the Moderator’s Hall of Central Middle School and via Zoom on
Tuesday, September 28, 2021 at 8:00 P.M. (E.D.T.)

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

The members pledged allegiance to the flag.

Attendance cards were presented showing 166 present, 63 absent and 1 vacancy.

Those members attending In Person in District 2 – Katherine L. LoBalbo; District 6 – Thomas
J. Byrne, Alexis Voulgaris; District 8 – Hector E. Arzeno; District 9 – Brian J. Malin; District
10 – P. Jude Collins; District 11 – Ralph E. Penny. All other members present attended via Zoom.

Those absent in District 1 – Andrea Edwards Anthony, Alison W. Ghiorse, Dean C. Goss,
Alanna M. Hynes, Jaysen Medhurst, Ryan C. Oca; District 2 – Nancy B. Burke, Jessica B.
DelGuercio, Laura P. Gladstone; District 3 – Louise T. Bavis, Adam A. Rothman; District 4 –
Elizabeth J. “Liz” Eckert, Maria Madeleine Popp, Josiane M. Schaffner-Parnell, John J.
Thompson, J. Robert Tuthill, Donald R. Vitti; District 5 – Joseph H. Benoit, Jr., Edward T.
Broadhurst, III, Nancy E. Cooper, Christopher “Skip” Parker, Jr., Patricia H. “Patty” Roberts,
Felice “Felix” Rovelli, Peter G. Van Duyne; District 6 – Victoria B. Quake; District 7 –
Kimberly Morgan Blank, Ellen M. Brennan-Galvin, Mary G. “Nanette” Burrows, Thomas J.
Cahill, Jill S. Cobbs, William W. Galvin, III, Lucia D. Jansen, Henry A. Orphys, Elizabeth A.
The Moderator announced that Item No. 8 on the Call was now before the meeting.

Michael E. Basham, Co-Chair of Selectman’s Special Waste Management Committee, offered the following resolution, regarding Item No. 8 which was duly moved and seconded.

**RESOLVED, that Sections 9-1 and 9-5 of Chapter 9, Waste and Litter, Article 1 – Waste Collection and Disposal of the Code of Ordinances of the Town of Greenwich are amended as follows:**

**Sec. 9-1. Definitions.**

(a) As used in this article:

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. **Approved containers** shall mean covered, watertight containers.

3. **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 and approved by the Superintendent.

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 noncombustibility 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. **Garbage** shall mean every accumulation of animal, vegetable or other putrescible matter including that attending the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, birds, fruit, vegetables, beverages or other edibles, including the nonrecyclable 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.

(10) Town disposal area shall mean the Holly Hill Resource Recovery Facility.

(RTM, 9/21/2009; RTM, 9/20/2010; RTM _____2021.)

Sec. 9-5. Transportation and disposal required; fees.

All acceptable solid waste shall be transported to the Town disposal area. All bulky waste shall be loaded and transported to any place as directed and designated by the Superintendent.

Each licensed waste collector transporting acceptable solid waste to the Town disposal area shall pay a tipping fee on each ton of acceptable solid waste delivered by such licensed waste collector to the Town disposal area. The amount of such tipping fee and the method of payment shall be established by the Commissioner after consultation with and approval by the Board of Selectmen.

Town residents who wish to directly dispose of any waste or materials at the Town disposal area shall be subject to an annual permit fee of twenty-five dollars ($25.00) per household.

Town residents without a permit who wish to directly dispose of any material at the Town disposal area shall be subject to an entry fee of ten dollars ($10.00) for each time they wish to so enter the town disposal area. All other disposal fees will apply as appropriate.

All Town residential non-passenger vehicles entering the Town disposal area to directly dispose of bulky waste, yard waste, construction debris or scrap metal, will be required to be weighed and will be subject to fees for that material. The Commissioner, after consultation with and approval by the Board of Selectmen, will develop a fee structure for said waste materials, and a fee schedule, including the definition of resident non-passenger motor vehicles, to be posted on the town website.

Town residents directly disposing of select items such as refrigerators, air conditioners, etc., will be subject to a fixed fee per item. The Commissioner, after consultation with and approval by the Board of Selectmen, will develop a fee schedule for disposal of said select items, and the fee schedule will be posted on the town website.

The Commissioner is authorized to develop, operate, administer, and enforce the program established herein consistent with this section.


Francis “Kip” J. Burgweger, Jr., Chairman of Legislative & Rules Committee, made a motion to amend Item No. 8 Section 9-5, paragraph three as follows in parenthesis:

Town residents who wish to directly dispose of any waste or materials at the Town disposal area shall be subject to an annual permit fee of twenty-five dollars ($25.00) per household. (Senior town residents (age 65+) will not be subject to the permit fee.)

The vote was now on Legislative & Rules Committee’s Motion.

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Motion Carried

Michael E. Basham, Chairman of Finance Committee, made a motion to amend Item No. 8 Section 9-5, paragraph four as follows in parenthesis:

Town residents without a permit who wish to directly dispose of any material at the Town disposal area shall be subject to an entry fee of ten dollars ($10.00) for each time they wish to so enter the town disposal area. (All other disposal fees will apply as appropriate.)

The vote was now on Finance Committee’s Motion.

| In Favor | 48 |
| Against  | 110 |
| Abstentions | 0 |

Motion Failed

Francis “Kip” J. Burgweger, Jr., Chairman of Legislative & Rules Committee, made a motion to amend Item No. 8 Section 9-5, paragraphs five and six as follows.

All Town residential non-passenger vehicles entering the Town disposal area to directly dispose of bulky waste, yard waste, construction debris or scrap metal, will be required to be weighed and will be subject to fees for that material. The Board of Selectman, after consultation with the Commissioner, will set a fee structure for said waste materials, and a fee schedule, including the definition of resident non-passenger motor vehicles, to be posted on the town website.

Town residents directly disposing of select items such as refrigerators, air conditioners, etc., will be subject to a fixed fee per item. The Board of Selectman, after consultation with the Commissioner, will set a fee schedule for disposal of said select items, and the fee schedule will be posted on the town website.

Motion adopted upon unanimous consent.

Pursuant to the Second Reading requirement of the RTM Rules, Item No. 8 was continued to the October 2021 meeting.

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

Peter Bernstein, Chairman of Board of Education, offered the following resolution, regarding Item No. 9 which was duly moved and seconded.

9. **RESOLVED, that the RTM approves the grant of an easement from the Town of Greenwich to Connecticut Light and Power Company d/b/a Eversource Energy for property located at 10 Hillside Road for the purpose of providing upgraded electric service for the reconstructed Cardinal Stadium located at 10 Hillside Road. Be it further resolved that the First Selectman is hereby authorized to execute such easement on behalf of the Town of Greenwich.**
Francis J. “Kip” Burgweger, Jr., Chairman of Legislative & Rules Committee, made a motion to substitute Item No. 9 with the following:

RESOLVED, that the RTM approves the grant of an easement from the Town of Greenwich to Connecticut Light and Power Company d/b/a Eversource Energy for property located at 10 Hillside Road for the purpose of providing upgraded electric service for the reconstructed Cardinal Stadium located at 10 Hillside Road. Be it further resolved that the First Selectman is hereby authorized to execute such easement on behalf of the Town of Greenwich in substantially similar form as presented to the RTM at its September 28, 2021 meeting and attached to the minutes of the meeting.

ELECTRIC DISTRIBUTION EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, THE TOWN OF GREENWICH, hereinafter called Grantor, hereby grants to THE CONNECTICUT LIGHT AND POWER COMPANY d/b/a EVERSOURCE ENERGY, a specially chartered Connecticut corporation with offices in Berlin, Connecticut, its successors and assigns, hereinafter called Grantee, with WARRANTY COVENANTS the non-exclusive perpetual right to construct, operate, maintain, repair, replace, relocate and rebuild on, across, over, through and under the land hereinafter described herein (Easement Area(s)), an electric distribution system consisting of poles, guys, braces, wires, cables, conduits, transformers, transformer pads, pedestals, meters, structures for street lights and other appurtenances useful for providing electricity and communication (including wires, cables and conduits running from the poles, transformers and pedestals to any structures erected on the Grantor’s lands); the right to provide electric and communication service by means of the same; and the right to access and to enter the Grantor’s lands for the purpose of installing, inspecting, maintaining, repairing, relocating or removing same and the right, after consultation with the Grantee when practicable, to trim and keep trim, cut and remove such trees or shrubbery as in the judgment of the Grantee are necessary to maintain its services.

Said Easement Area is located on the Grantor’s lands on the north side of East Putnam Avenue in the Town of Greenwich, Connecticut, as more particularly described on a map entitled “Easement Map Showing, Easement Area to be Granted to The Connecticut Light and Power Company d/b/a Eversource Energy Across the Property of The Town of Greenwich Board of Education, 10 Hillside Road, Greenwich, Connecticut” Scale: 1” = 30’. August 2, 2021, File No. W21134, Prepared by Rocco V. D’Andrea, Inc., which map has been filed in the office of the Town Clerk of said Town of Greenwich, Connecticut, as Map No. _______.

The Grantor agrees and acknowledges that Grantee shall have the right, with the necessary materials, vehicles, personnel and equipment, to access Grantor’s lands and to locate, install maintain, repair, replace and operate its Facilities and Services within and from the aforementioned Easement Areas. However, unless in an emergency access shall be limited to drives, roads, and parking areas on Grantor’s lands.

The Grantor agrees, except with the written permission of the Grantee, that: and except for those improvements shown on the above-referenced plan; provided, however, that said improvements do not interfere with Grantee’s access to or operation and maintenance of Grantee’s facilities (“Permitted Improvements”), that: (i) no building, structure, or other improvement or obstruction shall be located upon, there shall be no excavation, filling, flooding or grading of, and there shall be no permanent parking of vehicles or planting of trees or shrubbery upon the Easement Area or outside the Easement Area within five (5) feet from any facilities or appurtenance installed to provide services to any structures erected on the Grantor’s premises; and (ii) unless agreed to by both parties, such agreement shall not be unreasonably withheld, nothing shall be attached, temporarily or permanently, to any property of the Grantee installed by virtue of this easement. The Grantee may, without liability to the Grantor and at the expense of the Grantor, remove and dispose of any of the aforesaid made or installed in violation of the above and restore said land to its prior condition. In the event of damage to or destruction of any of said facilities of the Grantee by the Grantor or agents or employees thereof, all costs of repair or replacement shall be borne by the
Grantor. Grantor, its heirs, successors, assigns and agents, shall contact Call Before You Dig prior to commencing installation of said Permitted Improvements.

The Grantee further agrees, by the acceptance of this Easement, that as long as and to the extent that the electric distribution system together with all appurtenances, located on said land pursuant to this easement are used to provide electric, communication, signal or street lighting service, the Grantee will repair, replace and maintain such facilities at its own expense (except as otherwise provided herein) and in connection with any repair, replacement or maintenance of said system the Grantee shall promptly restore the premises to substantially the same condition as existed prior to such repair, replacement or maintenance, provided, however, that such restoration shall not include (a) any structures, other improvements or plantings made by the Grantor contrary to the provisions of this easement. and (b) any damage to any Permitted Improvements resulting from the Grantee’s exercise of its rights hereunder to access the Easement Area and/or to construct, maintain, replace, relocate, remove and rebuild Grantee’s facilities, excluding paved areas which will be restored to substantially the same condition.

If any portion of the above described land upon or under which said facilities or appurtenances thereto shall be located, is now or hereafter becomes a public street or highway or a part thereof, permission, as set forth in Section 16-234 of the General Statutes of Connecticut relating to adjoining landowners, is hereby given to the Grantee and to its successors and assigns, to use that portion of the land for the purposes and in the manner above described.

Grantee further agrees, by acceptance of this easement, that it shall, upon written notice from Grantor to the Grantee, release this easement at Grantor’s sole cost and expense, including but not limited to recording costs and Grantee’s legal and administrative fees, so long as Grantee determines in its sole discretion that easement is no longer needed or useful to provide electric distribution service.

Any right herein described or granted, or any interest therein or part thereof, may be assigned by the Grantee to any communication or signal company or other contractor of the Grantee and the Grantor hereby agrees to and ratifies any such assignment and agrees that the interest so assigned may be used for the purposes described therein for communication or signal purposes.

The words “Grantor” and “Grantee” shall include lessees, heirs, executors, administrators, successors and assigns where the context so requires or permits.

TO HAVE AND TO HOLD the premises unto it, the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has hereunto caused (set) _______________ hand(s) and seal(s) to be affixed this ________ day of ______________________ 2021.

Signed, sealed and delivered in the presence of:

THE TOWN OF GREENWICH

__________________________
Witness  Print/Sign

__________________________ (L.S.)
By

It’s
ACKNOWLEDGMENT

STATE OF CONNECTICUT

COUNTY OF ______________________________

S.S. ______________________________

On this _____ day of ___________, 2021 before me, the undersigned officer, personally appeared
___________________for THE TOWN OF GREENWICH who acknowledged him/herself to be the person whose
name is subscribed to the within instrument and acknowledged that they, being duly authorized to do so, executed
the same for the purposes therein contained as their and said Grantor’s free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and the official seal.

____________________________________
Notary Public Seal Required
My Commission Expires _______________

PRELIMINARY CERTIFICATE OF TITLE

____________________, Connecticut

__________,2021

TO: THE CONNECTICUT LIGHT AND POWER COMPANY d/b/a EVERSOURCE
ENERGY

This is to certify that as of the date set forth and as disclosed by the land records of the Town of
Greenwich , Connecticut, title to the premises owned by THE TOWN OF GREENWICH
situated on the north  side of East Putnam Avenue, in the Town of Greenwich , which are more
particularly shown on a certain map entitled “Easement Map Showing, Easement Area to be
Granted to The Connecticut Light and Power Company d/b/a Eversource Energy Across
the Property of The Town of Greenwich Board of Education, 10 Hillside Road, Greenwich,
Connecticut” Scale: 1” = 30’. August 2, 2021, File No. W21134, Prepared by Rocco V. D’
Andrea, Inc., a copy of which is attached hereto and made a part hereof, is vested in:

________________________________
________________________________
free and clear of all encumbrances except:

1. Any and all provisions of any ordinance, municipal regulation or public or private law.

2. Installments of real property taxes to municipal authorities which are not yet due and payable.

3. 

   _______________________________________________________________________
   _______________________________________________________________________
   _______________________________________________________________________
   _______________________________________________________________________

Counsel to Grantor has reviewed the above-mentioned exceptions to the title identified herein as item numbers __________________________________________, and, based upon such review hereby represents and certifies that each such easement/agreement/encumbrance/lien does not adversely impact, impair, conflict with or limit any of the rights and easements to be granted to The Connecticut Light and Power Company in the electric distribution easement to which this Certificate of Title pertains.

______________________________
Attorney-at-law
State of Connecticut
CT Juris No. _________________
Motions were adopted upon unanimous consent.

The vote was now on Item 9 as amended.

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Item Carried

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

Peter Bernstein, Chairman of Board of Education, offered the following resolution, regarding Item No. 16 which was duly moved and seconded.

**RESOLVED, that the Representative Town Meeting of the Town of Greenwich hereby approves the agreement between the Board of Education and the Greenwich Education Organization of School Administrators, representing administrators, for period of July 1, 2022, to June 30, 2025.**

Danyal Ozizmir, Chairman of Labor Contract Committee, made a motion to amend the resolution as follows:
RESOLVED, that the Representative Town Meeting of the Town of Greenwich hereby rejects the agreement between the Board of Education and the Greenwich Education Organization of School Administrators, representing administrators, for period of July 1, 2022, to June 30, 2025.

Motion adopted upon unanimous consent.

Danyal Ozizmir, Chairman of Labor Contract Committee, made a motion to postpone indefinitely Item No. 16.

The vote was now on Labor Contract’s Motion.

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Motion Carried

Susan Fahey, Chairman of District 11, made a motion to take up a non-agenda Item.

On a vote by Raised Hands, the motion to take up a non-agenda item failed for lack of a 2/3rds vote in favor

There being no further business, the Moderator adjourned the meeting, upon unanimous consent, at 9:45 P.M.

ATTEST:
CARMELLA C. BUDKINS
TOWN CLERK