

Town of Greenwich

Board of Selectmen Meeting

September 28, 2017

10:00 A.M.

Town Hall Meeting Room

APPROVED MINUTES

1. The meeting opened at 10:11 A.M. with the Pledge of Allegiance.

- a. Attendance:
 - I. First Selectman Peter J. Tesei - Present
 - II. Selectman John Toner - Present
 - III. Selectman Drew Marzullo – Present

The First Selectman greeted and welcomed attendees commenting that it was a Public Meeting of the Board of Selectmen who reserve the right to call on people to pose questions and make comments.

2. Approval of Minutes

- a. Minutes of the Regular Board of Selectmen meeting held on August 31, 2017 were moved for approval by Mr. Toner, seconded by Mr. Marzullo. The motion passed unanimously.

3. First Selectman's Updates

- a. Before presenting his updates, Mr. Tesei gave the floor to Selectman Marzullo who read the following statement regarding his recent arrest.

“I want to express how grateful I am for the kindness, thoughtfulness and encouragement I have received this week.” I say this because it has sustained me and has helped me and comforted me in many ways. Time in office is solely dependent on such. This journey for me, life’s journey has been one of joy, humility, pride, excitement, regret and sincere appreciation. I want to continue this role as long as you want me trying to do some good in a town I love, for people I care about deeply. I have tried to do some good, trying to get it right. I did so by sometimes offering a different opinion, sometimes with a convincing argument, sometimes with a sense of humor.”

- b. Mr. Tesei said the updates provide a method of informing the other Selectmen of events and happenings in Town. On Sept. 5, he held the First Selectman’s Staff monthly meeting which included discussion of the direction of the 2018-19 budget and what is happening with the budget delay in Hartford.
- c. On Sept. 6, Mr. Tesei met with members of the Byram business community to discuss parking issues and concerns. Byram, just like the other Greenwich villages

of Old Greenwich and Cos Cob, does not have meters or formalized parking enforcement. He said that there has been a migration of parkers to Greenwich from Port Chester where parking rates were recently increased. The discussion included possible installation of meters. Regarding traffic flow between Port Chester and Byram, there also was discussion of possible installation of a stanchion at the intersection of Mill and Henry streets.

- d. On Sept. 8, Mr. Tesei attended the open house and ribbon cutting ceremony at the Child Guidance Center offices now located at 81 Holly Hill Lane. There are five clinicians providing treatment at the new facility.
- e. Also On Sept. 8, Mr. Tesei attended the Greenwich Point Conservancy dinner where more details about the restoration/renovation of the Feake-Ferris House were discussed by the Conservancy's president, Chris Franco. The Feake-Ferris House is considered to be site of the origins of the Town's birth, Mr. Tesei said.
- f. On Sept. 9, Mr. Tesei it was a first for him as he attended a 'ribbon-chewing' ceremony at the new Pet Pantry store on East Putnam Avenue in Riverside.
- g. Also on Sept. 9, The Byram Fire Department held an open house. The 100-year-old department's current facility is on the docket for renovation and Mr. Tesei said that hopefully the BET (Board of Estimate and Taxation) will release the money. He also said there is an interest to create a community green with a new New Lebanon school, the firehouse and the library.
- h. On Sept. 13, the First Selectman's Economic Advisory Committee met and received an update on the branding/marketing effort.
- i. Also on Sept. 13, Mr. Tesei helped to kick off the Greenwich United Way campaign. He said that money for nonprofits continues to be tight.
- j. The Town of Greenwich Leadership Institute held its commencement for 30 Town employees who completed the year-long program on Sept. 14. The Institute helps build employee skills and improve service.
- k. On Sept. 15 Mr. Tesei participated in the annual Employee of the Year awards ceremony for both the Town and the Board of Education. And Mr. Tesei and Mr. Toner both attended the BioBlitz effort between the Conservation and Shellfish commissions, and the University of Connecticut. There were many scientists from throughout the region to survey the species in and around Greenwich Point.
- l. The annual Puttin' on the Dog show for Adopt-a-Dog was held Sept. 17 and once again Mr. Tesei agreed to be a judge.
- m. On Sept. 18, Mr. Tesei issued a proclamation for National Day Care Services Day during a visit to River House, a facility that provides care for our most vulnerable adults.
- n. The Greenwich Police promotional ceremony was held Sept. 21 at Police headquarters. Mr. Tesei, who also serves as Police Commissioner, said the promotions of Lt. Eric Scorca and Sgt. Richard B. Stook, exemplified excellence in police work.
- o. Mr. Tesei participated in the 2017 Greenwich YWCA Spirit of Greenwich Awards on Sept. 27. He offered congratulations to all of the awardees: Kim Augustine, Jenny Adams Baldock, Vicki Craver, Cathy Dann, Laura Holland Geffs, Eileen Grasso, Lynn VK Hagerbrant, Wendy Stapleton Reyes, Heidi Brake Smith and Jill Weiner.

4. Old Business

Mr. Tesei said that to accommodate a scheduling request, he would like a motion to take out of order, Agenda item 4c: Harbor Management Plan ordinance and RTM resolution.

On a motion by Mr. Toner, seconded by Mr. Tesei, the motion was unanimously approved.

C. Harbor Management Plan ordinance and RTM resolution.

Harbor Management Commission Vice Chair Lile Gibbons explained that on July 12, the Harbor Management Commission (HMC) unanimously approved the ordinance. On July 13, the Board of Selectmen also unanimously approved the ordinance. Ms. Gibbons said that during a telephone call with the Connecticut Department of Energy and Environmental Protection, it was noted that there were two typos and minor corrections needed to the approved document. A member of the RTM wrote the Commission with the concern that that document would be out of order if any changes were made. For the good of the order, Ms. Gibbons said she was asking the Selectmen to reaffirm its July 13 vote so the document could now be forwarded to the RTM for the October call.

Mr. Toner made a motion to reaffirm the July 13 vote. Following a second by Mr. Marzullo, the motion was approved unanimously.

a. Amendments to Town Charter regarding term expiration dates for certain boards/commissions.

RTM Appointments Committee Chair John Eddy explained that the proposed amendments are part of a larger plan of the Committee to even out the workload of both the Board of Selectmen and the RTM Appointments Committee by staggering the expiration years of appointments to various boards and commissions. To preserve institutional knowledge of the RTM members serving on the Committees, expiration of terms for boards and commissions would not occur during the first two months of a new RTM term. The process of change will become by the Selectmen approving the proposed changes. Mr. Eddy also recommended making two separate recommendations to the RTM – one for the October call, the second for the December call.

Mr. Tesei complimented Mr. Eddy as well as fellow RTM members Stuart Reider and Judy Goss, who were in attendance, for the exceptional job they have done in revamping the appointments process.

Mr. Tesei made a motion that was seconded by Mr. Toner, to approve amendments to Article 12 – Public Works, Sec. 157a. the Condemnation Commission. The motion passed unanimously.

Mr. Tesei made a motion that was seconded by Mr. Toner, to approve amendments to Article 5 – Health, Sec. 50a. the Health Department; Board of Health. The motion passed unanimously.

Mr. Tesei made a motion that was seconded by Mr. Toner, to

approve amendments to Article 5 – Health, Sec. 62. - Department of Human Services; Board of Human Services. The motion passed unanimously.

Mr. Tesei made a motion that was seconded by Mr. Toner, to approve amendments to Article 5 – Health, Sec. 58. - Nursing home administration. The motion passed unanimously.

Mr. Toner made a motion that was seconded by Mr. Marzullo, to approve amendments to Article 8 – Parks and Recreation, Sec. 80. – Board of Parks and Recreation. The motion passed unanimously.

Mr. Tesei made a motion that was seconded by Mr. Toner, to approve amendments to Article 9 – Planning and Zoning, Sec. 85. - the Planning and Zoning Board of Appeals. The motion passed unanimously.

Mr. Tesei made a motion that was seconded by Mr. Toner, to approve amendments to Article 9 – Planning and Zoning, Sec. 85. – (Planning and Zoning) Commission membership. The motion passed unanimously.

b. ADA Policy and Procedures

Assistant Town Attorney Aamina Ahmad explained that this item came before the Board last year as a means to have a formalized policy to deal with people who have experienced impediments. This will tighten up the application of the Americans with Disabilities Act *(ADA) by establishing a grievance procedure with Human Services Commissioner Dr. Alan Barry being the ADA Coordinator and the Board of Selectmen hearing appeals of the grievances.

On a motion by Mr. Toner that was seconded by Mr. Marzullo, the grievance procedures were approved unanimously.

d. Consideration of the proposed changes to the second amendment to the Bruce Museum Management agreement.

Mr. Tesei explained that this matter has been before the Board of Selectmen previously as well as the RTM; however, it was withdrawn after the Board of Estimate (BET) voiced some concerns. He also provided an overview of the Museum’s history beginning with the bequest of Robert Bruce and up to 1992 when the Town moved operation and management of the Museum to an independent board. Mr. Tesei explained the significant concerns over the agreement amendment which include finances – that the Museum have raised the \$40 million in construction costs and a \$15 million endowment; environmental – that there are protections in place for potential mitigation; increased costs – increased

operational costs related to the expansion. He also said that the BET, while not involved in the approval process because there isn't any Town money involved in the expansion project, it has become involved because of the potential for financial involvement. Ultimately, the RTM will decide but the Selectmen want to make sure what is presented to the RTM has been fully vetted, Mr. Tesei said.

Town Attorney Wayne Fox said the RTM has raised many questions, along with the BET and that he has attempted to address them. Mr. Fox described the Bruce Museum as being cooperative in this process, including language changes made yesterday (Sept. 27). He said that the Town is not incurring obligations.

Mr. Tesei said that at a Sept. 18 meeting, the question was raised on whether the Museum can wait to put a shovel into the ground until it has raised all of the money. The Selectmen can approve the amendments, but the questions will come up on whether the money is in the bank, Mr. Tesei said.

Mr. Tesei raised questions regarding the enforceable donor pledge section contained within the amendment and said that that could impact the Museum's ability to attract donors. Mr. Marzullo asked whether there could be a discussion of the Museum's finances which was a concern of Selectman Toner last year. Mr. Tesei said the Museum has raised \$24 million and has spent about \$2-3 million on the project so far. Mr. Fox said the Museum has had good success in collecting donations and that they have many donors waiting to make significant donations once this is finalized.

Mr. Fox also stated that with an enforceable pledge, per contract law, the project would not go forward until all the money is collected. Mr. Marzullo questioned the impact upon the Town. Mr. Fox replied that if the Museum is half completed and there was a total economic meltdown, the Town of Greenwich would not be obligated to complete the project. Mr. Marzullo asked whether an unfinished museum would impact local businesses. Mr. Fox replied affirmatively and said that could be the reason why the Town would want to consider assuming an incomplete project. Mr. Tesei observed there were three RTM members present and asked them for their opinions. John Eddy, of District 8, said the RTM has been very supportive of the Museum, however, he thinks there will be many questions regarding alternative funding and the selling of the Museum collections. Judy Goss of District 1 said she sees ongoing expenses being a concern for the RTM but that the Bruce Museum has never come asking 'Bail us out.' She said she was confident the Museum would be able to raise the \$45 million for construction.

Mr. Fox said that there should be an addition/correction to the second sentence in Paragraph 9 of the proposed amendment. It shall now read "The first sentence of Paragraph 7 of said agreement calls for the Town to provide reasonable maintenance and repair of the museum building and the museum premises, as more particularly described within said paragraph."

Upon a motion by Mr. Toner that was seconded by Mr. Marzullo, the amendment was approved unanimously.

5. New Business

Mr. Tesei stated that he would accept a motion to take Item 5 d. out of order of the agenda.

Mr. Toner moved that the road closure request from Aquarion be taken out of order. With a second by Mr. Marzullo, the motion was approved unanimously.

- d. Road closure on Hassake Road.
Zachary Kuegler of Snyder Civil Engineering and Kevin Lott, Aquarion Water Co. pipeline coordinator, presented the plans to replace a 100-year-old six-inch water main with a 12-inch main. The requested road closure would allow the work to be completed more quickly and improve worker safety on the narrow road. With an anticipated mid-October start date, the work should be done in mid-November. Local traffic and emergency access would be allowed. Mr. Kuegler said iron pipe, an excavator and front-end loader would be stored on site during the project. Mr. Toner asked whether the main strictly supplies Hassake. Mr. Kuegler said the line is a feeder to the area. In response to a question from Mr. Tesei, Mr. Lott said he would handle communications with neighborhood residents after the bidding process is complete.

Upon a motion by Mr. Toner that was seconded by Mr. Marzullo, the road closure was approved unanimously.

- a. Municipal Improvement request for the Old Greenwich Yacht Club lease. Parks & Recreation Director Joe Siciliano said he and Assistant Town Attorney Abby Wadler worked on the lease. There aren't any substantive changes other than updated insurance. Mr. Toner questioned the need for an MI on a lease. Mr. Siciliano said it required by the Town Charter for all new leases, which this is.

Upon a motion by Mr. Tesei and a second by Mr. Toner, the MI request was approved unanimously.

- b. Municipal Improvement request for the Greenwich Boat & Yacht Club lease. Mr. Siciliano stated that the club has been in business for more than 75 years and that they have maintained their end of the agreement with maintenance and dredging.

Upon a motion by Mr. Toner and a second by Mr. Marzullo, the MI request was approved unanimously.

C. Municipal Improvement request for the American Legion lease. Mr. Siciliano said Legion has been renting the building on the Glenville Green for about 20 years and have opened their doors to other community organizations as well.

Upon a motion by Mr. Toner and a second by Mr. Marzullo,

the MI request was approved unanimously.

A motion by Mr. Toner to approve the detour and road closure was seconded by Mr. Marzullo and unanimously approved.

- e. Renaming New Lebanon Avenue to Veterans Way. A distance of 300 feet from Delavan Avenue to Wessels Place shall be renamed Veterans Highway, at the request of Angelo 'Butch' Bozzuto of the Byram Veterans Association.

A motion by Mr. Tesei to approve the name change was seconded by Mr. Toner and unanimously approved.

6. Appointments and Nominations

- a. Mr. Toner nominated Kirk Schubert to the Board of Parks & Recreation for a term ending 3/31/18. Following a second by Mr. Marzullo, the vote was unanimous.
- b. Mr. Toner nominated Cynthia Smith as an alternate member of the Historic District Commission for a term expiring 3/31/19. Following a second by Mr. Tesei, the vote was unanimous.
- c. Mr. Toner nominated Carrie Pryor to the Selectmen's Nomination Advisory Committee to a term expiring 6/30/20. Following a second by Mr. Tesei, the vote was unanimous.

7. Executive Session

Mr. Toner motioned to enter into executive session at 11:58 A.M., seconded by Mr. Marzullo, the Board voted 3-0 in favor.

Present in Executive Session were Assistant Town Attorneys Fred deArango and Gene McLoughlin; Town Attorney Wayne Fox; Human Resources Director Mary Pepe, Workers Compensation Administrator Tiffany Navarro; attorney Heather Porto.

Mr. Tesei moved to exit Executive Session at 12:51 P.M., seconded by Mr. Toner, the Board voted 3-0 in favor.

- a. Settlement of Workers Compensation Claim No. 0080158; 0124835; 0135230 in the amount of \$198,324.

Upon a motion by Mr. Toner seconded by Mr. Marzullo, the Board voted 3-0-0 in favor of the settlement.

- b. Settlement of Workers Compensation Claim No. 0120800 in the amount of \$65,000.

Upon a motion by Mr. Toner seconded by Mr. Marzullo, the Board voted 3-0-0 in favor of the settlement.

- c. Settlement of Docket No. FST CV 16-6028943S-Parcel No. 01-2538/S v. Town of Greenwich for a tax credit of approximately \$1,873.

Upon a motion by Mr. Toner seconded by Mr. Marzullo, the Board voted 3-0-0 in favor of the settlement.

- d. Settlement of Marion Milazzo v Town of Greenwich in the amount of \$40,000.

Upon a motion by Mr. Toner, seconded by Mr. Marzullo, the Board voted 3-0-0 in favor of the settlement.

- e. Settlement of Minerva Lachira v Town of Greenwich in the amount of \$12,000.

Upon a motion by Mr. Toner, seconded by Mr. Marzullo, the Board voted 3-0-0 in favor of the settlement.

- f. RE: DiBella, etal v Town of Greenwich: Be it resolved that \$165,000 received by the Town will be distributed Equally, half to the Town and one half to the insurance company to be used for possible settlement of outstanding claims.

Upon a motion by Mr. Toner, seconded by Mr. Marzullo, the Board voted 3-0-0 in favor of the settlement.

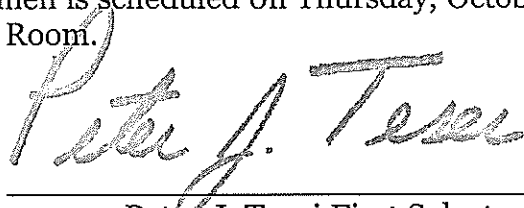
- g. RE: DiBella, etal v Town of Greenwich: The Town authorizes payment of \$80,000 to meet the SIR deductible, which sum is to be used by the insurance company in settlement of outstanding claims.

Upon a motion by Mr. Toner, seconded by Mr. Marzullo, the Board voted 3-0-0 in favor of the settlement.

8. Adjournment

Mr. Toner motioned to adjourn at 12:56 P.M.; seconded by Mr. Marzullo, the Board voted 3-0 in favor.

The next Regular Meeting of the Board of Selectmen is scheduled on Thursday, October 12, 2017 at 10:00 A.M. in the Town Hall Meeting Room.



Peter J. Tesei First Selectman



Prepared by Barbara A. Heins
Recording Secretary