



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, October 28, 2013 at 8:00 P.M. (E.D.T.).

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

Bruce Winningham, leader of the Greenwich Military Covenant of Care, led the members in the pledge of allegiance to the flag.

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

Attendance cards were presented showing 181 present, 46 absent and 3 vacancies.

District 3 had perfect attendance. The members absent in District 1 – George F. Chelwick, John A. Duge, Jr., Margaret W. Frey, Ennala Ramcharandas, Marla M. Weston; District 2 – Duncan G. Burke, Nancy B. Burke, Cecilia H. Morgan, Jill K. Oberlander, Douglas J. Wells; District 4 – James M. Bonney, Russell Bowman, Steven J. Bozzuto, John M. Hartwell, III, Samarpana Tamm, John J. Thompson; District 5 – James H. Daine, Timothy D. Oberweger, Danyal Ozizmir, Karen S. Oztemel; District 6 – Joel H. Kagan, George S. McBride, John E. Norrgard; District 7 – Amy H. Bibb, Mary G. "Nanette" Burrows, Karen Dewahl, Alice B. Duff, William G. Galvin, III; District 8 – Dennis E. Arrouet, Gerald R. Boyle, Jennifer L. Freitag, Martin G. Mattler, Stephen Ng; District 9 – George R. Finn, Jr., Eric Lindberg, Adrian L. Pasternak; District 10 – Frank Denicola, Hans Isbrandtsen; District 11 – A. Bruce Dixon, Susan Fahey, Joseph Fahys, Robert Algood Maddux, Daniel J. Natale, Jr., William P. Richardson, Jr.; District 12 – Janet Lynn De Luca, Robert H. Stafford, III.

The Moderator announced that as all members had received a copy of the minutes of the September 16, 2013 meeting, the reading of the minutes would be omitted. He noted corrections in the attendance "189 present, 39 absent and 2 vacancies" should read "190 present, 38 absent and 2 vacancies". Also "David F. Alfano" should be excluded from the absent list. The minutes, as amended, were adopted by unanimous consent.

Pursuant to the RTM rules, the Moderator designated that the following items be placed on the consent calendar – 4, 5 & 15.

The Moderator made a motion to consider the following items separately – 1, 6 – 13, which was duly moved and seconded. Item No. 14 had been withdrawn.

Motion Carried

The Moderator announced that the consent calendar was now before the meeting.

The items on the consent calendar are as follows:

4. RESOLVED, that the sum of \$131,681 be transferred from CDBG PY2013

Contingency Funds (Q19713-59900) and added to PY2013 CDBG Projects known as:

Q19713-59900-13322 ---- "HATG Kitchen Renovation at Adams Garden" --- \$121,681

Q19713-59900-13313 --- "Shelter for the Homeless Food Service Program" --- \$10,000

Total amount to be transferred --- \$131,681

5. RESOLVED, that the Board of Education be authorized to accept a two year grant by the University of Connecticut Foundation in the amount of \$87,000 to ensure GPS's participation in a statewide effort to improve the quality of STEM (Science ,Technology Engineering and Math) education in secondary schools (middle schools and high schools).

15. RESOLVED that the sum of \$60,000 be and the same is hereby appropriated from RESERVED for CAPITAL & NON-RECURRING FUND to the Department of Parks and Recreation account Z816-59300-XXXXX for the replacement of Compressor Unit.

The vote was now on the consent calendar.

In Favor-	163
Against-	0
Abstentions-	0

Items Carried

The Moderator suggested a motion, which was moved and seconded, to suspend the rules and combine items 2 & 3 for voting purposes.

Motion Carried

The Moderator announced that Item No. 2 was now before the meeting.

Princess Erfe, Director of Community Development, offered the following resolution, which was moved and seconded, regarding Item No. 2.

**2. RESOLUTION BY THE BOARD OF ESTIMATE AND TAXATION IN PASSING
UPON THE REPORT AND THE RECOMMENDATIONS OF THE BUDGET
COMMITTEE
FOR THE 2014 (January 1, 2014 through December 31, 2014) BUDGET YEAR
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROPOSED BUDGET
AND EXPENDITURE HISTORY FOR YEAR 2014**

WHEREAS, the Policy of the Town of Greenwich requires that the Board of Estimate and Taxation shall annually make and file in the Office of the Town Clerk a Detailed Statement of the Appropriations, with its reasons for said Appropriations which it deems necessary to meet the expenses and to conduct the affairs of the Community Development Block Grant Program of the Town of Greenwich for the ensuing Fiscal Year, that is to say, for the Year January 1, 2014 to December 31, 2014 inclusive; and

WHEREAS, the said Board has so filed in the Office of Town Clerk a Detailed Statement of such Appropriations contained in a document designated as the Proposed 2014 CDBG Annual One-Year Action Plan, Program Year 2014 (January 1, 2014 – December 31, 2014) pages 1, 3 through 4, 43 through 94, and 105 through 106, and it will also forward a copy of this resolution indicating approval of the Community Development Block Grant Plan and Budget for the Fiscal Year January 1, 2014 – December 31, 2014 by the Board of Estimate and Taxation; and

WHEREAS, the said Policy provides that the Board of Estimate and Taxation shall submit proposed Appropriations and the RTM shall make such Appropriations as may appear advisable, except that no Appropriations shall be made exceeding an amount for the same purpose recommended by the said Board; and

WHEREAS, said Proposed 2014 CDBG Annual One-Year Action Plan, Program Year 2014 shall be forwarded to the members of the Representative Town Meeting on or before September 5, 2013 for action by the Representative Town Meeting at its Meeting to be held October 28, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the recommendations of the Board of Estimate and Taxation as contained in the said Community Development Block Grant Proposed Budget and History Year 2014 filed, as stated, in the Office of the Town Clerk and submitted at the meeting of the Representative Town Meeting be and the same hereby are approved as the Appropriations for the ensuing Calendar Year 2014, except that the following items shall be increased, decreased, modified or omitted as follows:

Appropriations Recommended

By Budget Increase (+) or Reason for

Department Code Number Committee By Board Decrease (-) Increase/Decrease

Total Increase (+)/Decrease (-).....

FURTHER RESOLVED, that the Appropriations of \$680,000 (+/-), set forth, are hereby approved, made and adopted for the Fiscal Year January 1, 2014 to December 31, 2014, inclusive and conditioned on the U. S. Department of Housing and Urban Development approval of the projected entitlement of approximately \$680,000 (+/-),

FURTHER RESOLVED, that in the event the entitlement amount should be more than anticipated or if there should be any program income due during program year 2014, the additional funds will be appropriated to a contingency line item, or if the entitlement is less than the projected \$680,000, the priority for funding after the staff salaries will be based on an equal percentage reduction within each category, starting with funding decreases in the public service activities in order to comply with the 15% CAP followed by funding decreases in the capital projects (with a minimum grant allocation of \$5,000), of the activities listed in the “First Selectman’s Funding Recommendations – CDBG PY2014”; and

FURTHER RESOLVED, that the First Selectman, under the provisions of Title 8 of the Connecticut General Statutes, Chapter 130, Part VI, Community Development and Title 1 of the Housing and Community Development Act of 1974, Public Law 93-383, as amended (42 U.S.C. §5301 et seq.); the Department of Housing and Urban Development Act, as amended (42 U.S.C. §3531 et seq.), be hereby authorized to accept grants for the purpose of carrying out an approved Community Development Block Grant Program for the Town of Greenwich; and

FURTHER RESOLVED, that the Department of Community Development of the Town of Greenwich, for purposes set forth in this Budget, is authorized to accept grants or funds made available through the Community Development Block Grant Fund.

Francis J. (Kip) Burgweger, Jr., Vice Chairman of Legislative & Rules Committee, made a motion on behalf of the committee to amend the item to include “to the Representative Town Meeting” in the second “Whereas” paragraph, fifth line after “copy of this resolution”.

Amended upon unanimous consent

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

Princess Erfe, Director of Community Development, offered the following resolution, which was moved and seconded, regarding Item No. 3.

3. RESOLVED, that the Representative Town Meeting does hereby approve and adopt the Proposed 2014 CDBG Annual One-Year Action Plan, Program Year 2014 (January 1, 2014 – December 31, 2014), for the Town of Greenwich, Connecticut as on file in the Office of the Town Clerk, and as it may be modified by adoption of the Resolution of the Board of Estimate and Taxation; and that the Representative Town Meeting does hereby authorize the First Selectman to prepare the Final 2014 CDBG Annual One-Year Action Plan, Program Year 2014 (January 1, 2014 – December 31, 2014), for the Town of Greenwich and to apply for and accept funds for the purpose of carrying out housing and community development programs, as approved for fiscal year 2014 (January 1, 2014 – December 31, 2014); and

RESOLVED, that in approving and adopting said Proposed 2014 CDBG Annual One-Year Action Plan, Program Year 2014 (January 1, 2014 – December 31, 2014), to become the Final Plan, the Representative Town Meeting finds and determines that by following the plan, the Community Development Block Grant program will be conducted and administered in compliance with Title 8 of the Connecticut General Statutes, Chapter 130, Part VI, Community Development and Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended (42 U.S.C 5301 et seq.); of the Department of Housing and Urban Development Act, as amended (42 U.S.C 3531 et seq.); and

FURTHER RESOLVED, that the First Selectman, under the provisions of Title 8 of the Connecticut General Statutes, Chapter 130 Part VI, Community Development and Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended (42 U.S.C. §5301, et seq.); of the Department of Housing and Urban Development Act, as amended (42 U.S.C. §3531, et seq.), be hereby authorized to accept grants for the purpose of carrying out an approved Community Development Block Grant program for the Town of Greenwich.

The vote was now on the combined items.

In Favor-	168
Against-	0
Abstentions-	1

Items Carried

The Moderator announced that Item No. 1, which was postponed from the September meeting was now before the meeting.

1. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Inland Wetlands Watercourse Agency for a term expiring 3/31/17.

SCOTT A. SALISBURY

William J. Clark, Member of District 4, made a motion to amend Item No. 1 to include an “&” after Wetlands and “s” on Watercourse.

Amended upon unanimous consent

Peter E. Berg, Chairman of Land Use Committee, made a motion on behalf of the committee to postpone Item No. 1 indefinitely.

The vote was now on Berg’s motion.

In Favor-	101
Against-	66
Abstentions-	9

Motion carried

J. Robert Tuthill, Member of District 4, made a motion to limit debate to three (3) minutes per speaker per motion on remaining items of the call, which was duly moved and seconded.

The vote was now on the Tuthill motion.

In Favor- 112
Against- 59
Abstentions- 3

Motion failed due to lack of 2/3rd majority vote

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

Francis J. (Kip) Burgweger, Jr., Vice Chairman of Legislative & Rules Committee, offered the following resolution, on behalf of the committee, regarding Item No. 6.

6. RESOLVED, that RTM Rules Part IIIC, Section 2a shall be amended as set forth below:

RTM Rules Part IIIC, Section 2:

Regular Meetings.

a. Regular meetings shall be held according to the following schedule:

**January Tuesday after MLK Day
March Second Monday
April Second Monday
May Second Monday
June Second Monday
September Third Monday
October Fourth Monday
December Second Monday**

Notwithstanding the schedule described above, if a regular Monday meeting falls on either the day before or the day of a religious holiday for which the Greenwich Public Schools are closed, the regular meeting will be scheduled on the next available date.

Francis J. (Kip) Burgweger, Jr., Vice Chairman of Legislative & Rules, made a motion on behalf of the committee to amend Item No. 6 so the last paragraph now reads:

Notwithstanding the schedule described above, if the September meeting date falls on either the day before or the day of a holiday for which the Greenwich Public Schools are closed, the September meeting will be scheduled on the next available date.

Amended was adopted by unanimous consent

The vote was now on Item No. 6.

In Favor- 129

Against- 36
Abstentions- 10

Item Carried

The Moderator announced that Item No. 7 was now before the meeting.

Joan Sullivan, Director of Purchasing, offered the following resolution, which was duly moved and seconded, regarding Item No. 7.

7. RESOLVED, that the sum of \$150,000 be appropriated and added to the following account: Z106 59250 14214 for a new telephone communications system. Said appropriation to come from the Capital and Non-Recurring Fund and was approved by the Board of Estimate and Taxation (with conditions) at its meeting on September 24, 2013.

Joan E. Caldwell, Member of District 10, made a motion, to postpone Item No. 7 indefinitely, which was duly moved and seconded.

The vote was now on Caldwell's Motion.

In Favor- 77
Against- 92
Abstentions- 3

Motion failed

The vote was now on Item No. 7.

In Favor- 118
Against- 40
Abstentions- 5

Item Carried

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

Alfred Cava, Director of Labor Relations, offered the following resolution, which was duly moved and seconded, regarding Item No. 8.

8. RESOLVED, that the Representative Town Meeting, in exercising its authority pursuant to Connecticut General Statutes, Section 7-474(b), hereby approves the funds necessary to implement the terms of the Town-Greenwich Municipal Employees Association collective bargaining agreement covering FY 13/14; said funds having previously been appropriated in the adopted FY 13/14 budget. In addition thereto, the Representative Town Meeting approves the funds necessary to implement the terms of the Town-Greenwich Municipal Employees Association collective bargaining agreement

covering the period FY 14/15 and FY 15/16, subject to the budgetary process as prescribed in the Town Charter.

BE IT FURTHER RESOLVED that the Representative Town Meeting approves any terms of such agreement which may be in conflict with the Town Charter, special act, ordinance, rule or regulation adopted by the municipal employer or its agents of the Town.

The vote was now on Item No. 8.

In Favor-	139
Against-	8
Abstentions-	7

Item Carried

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

Alfred Cava, Director of Labor Relations, offered the following resolution, which was duly moved and seconded, regarding Item No. 9.

9. RESOLVED, that the Representative Town Meeting, in exercising its authority pursuant to Connecticut General Statutes, Section 7-474(b), hereby approves the funds necessary to implement the terms of the Town-LIUNA Local 136 collective bargaining agreement covering FY 13/14; said funds having previously been appropriated in the adopted FY 13/14 budget. In addition thereto, the Representative Town Meeting approves the funds necessary to implement the terms of the Town-LIUNA Local 136 collective bargaining agreement covering the period FY 14/15 and FY 15/16, subject to the budgetary process as prescribed in the Town Charter.

BE IT FURTHER RESOLVED that the Representative Town Meeting approves any terms of such agreement which may be in conflict with the Town Charter, special act, ordinance, rule or regulation adopted by the municipal employer or its agents of the Town.

The vote was now on Item No. 9.

In Favor-	134
Against-	9
Abstentions-	9

Item Carried

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

David N. Theis, Selectman, offered the following resolution, which was duly moved and seconded, regarding Item No. 10.

10. RESOLVED, that the RTM approves the renewal of the lease with the Mianus River Boat and Yacht Club for the property located at 98 Strickland Road, Cos Cob, for a period of ten (10) years with a term ending March 31, 2023.

Francis J. (Kip) Burgweger, Jr., Vice Chairman of Legislative & Rules, made a motion on behalf of the committee to delete section 14 from Item No. 10 Mianus River Boat Club Lease.

The vote was now on Burgweger, Jr's Motion.

In Favor-	48
Against-	95
Abstentions-	4

Motion failed

Francis J. (Kip) Burgweger, Jr., Vice Chairman of Legislative & Rules, made a motion on behalf of the committee to amend Item No. 10 Mianus River Boat Club Lease.

- Under “1.PREMISES:” in the first paragraph insert an “r” to make “pemises” “premises”.
- Under “8. INSURANCE AND PROPERTY LOSS” Section C. in sub section (i) and sub section (ii) insert “shareholders, members,” after CORPORATION’s.
- Under “8. INSURANCE AND PROPERTY LOSS” Section C. in sub section (ii) delete “affirmative or” after the words “due to the”.
- Under “9. INDEMINIFICATION” insert in the first paragraph insert “shareholders, members” after “CORPORATION, its” and “its officers” in two places.
- Under “9. INDEMINIFICATION” insert in the second paragraph insert “shareholders, members” after “its officers”.
- Under “12.TERMINATION” Section A 2(c), replace “loss” with “against” after the wording “party claiming”.
- Under “12.TERMINATION” Section D first paragraph insert “or in addition to” after the wording “CORPORATION in lieu of”.
- Under “17. RECORDS” second paragraph, replace “and within 120 days of each such date” with “by April 30 of the following year”
- Under “17. RECORDS” at the end of the second paragraph include “The CORPORATION further agrees to submit to the First Selectman a true and correct copy of it bylaws and all amendments thereto”.

Motion adopted by unanimous consent

The vote was now on Item No 10 as amended.

In Favor-	123
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Against- 11
Abstentions- 2

Item Carried

The Moderator announced that Item No. 11 was now before the meeting.

Drew Marzullo, Selectman, offered the following resolution, which was duly moved and seconded, regarding Item No. 11.

11. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed an alternate member of the Planning and Zoning Commission for a term expiring 3/31/14.

H. ANDREW FOX

The vote was now on Item No 11.

In Favor- 120
Against- 1
Abstentions- 3

Item Carried

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

Peter J. Tesei, First Selectman, offered the following resolution, which was duly moved and seconded, regarding Item No. 12.

12. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed an alternate member of the Planning and Zoning Board of Appeals for a term expiring 3/31/16.

STEVEN A. CERTILMAN

Peter E. Berg, Chairman of Land Use Committee, made a motion on behalf of the committee to postpone Item No. 12 to December 9, 2013 meeting.

Motion Carried

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

Peter J. Tesei, First Selectman, offered the following resolution, which was duly moved and seconded, regarding Item No. 13.

13. RESOLVED, that the RTM approves the lease with the Greenwich Community Gardens for a portion of the property located at the Montgomery Pinetum, 129 Bible Street, Cos Cob, to create garden plots for the use of Greenwich residents. The lease will be for a period of ten (10) years with a term ending December 1, 2023.

Francis J. (Kip) Burgweger, Jr., Vice Chairman of Legislative & Rules, made a motion on behalf of the committee to amend Item No. 13 Greenwich Community Gardens, Inc. Lease.

- On “Table of Contents” replace page number of “5. Condition of Premises” page “5” with page “6”.
- On “Table of Contents” replace page number of “13.Termination” page “13” with page “14”.
- On “Table of Contents” replace page number of “14.Holding Over” page “16” with page “17”.
- On “Table of Contents” replace page number of “17. Quiet Enjoyment” page “17” with page “18”.
- On “Signature Page” replace page number of “19” with “20”.
- Under Numerical “1. DESCRIPTION OF PREMISES” insert “an” after the word “GCGI”.
- Under Numerical “2.TERM” replace “September 15, 2013 or as approved by the Representative Town Meeting” with “the date first above written”.
- Under Numerical “4. USE” in first paragraph delete “approximately” after the wording “community garden on” and hyphenate “eighty-eight” and insert “,” after “spaces”.
- Under Numerical “4. USE” in second paragraph insert “annually” after the word “available”.
- Under Numerical “4. USE” in third paragraph insert “creed,” after “color”.
- Under Numerical “4. USE” after the fourth paragraph add the following paragraph before the next paragraph: “GCGI agrees that the reasonable fees for the use of plots shall be set by GCGI and be reasonably acceptable to the Director of Parks and Recreation. The responsibility for the collection of said fees shall be solely that of GCGI, which shall apply the same procedure for their collection for all gardeners at the Premises. The rules governing the activities of gardeners shall be reasonably acceptable to the Director of Parks and Recreation.”
- Under Numerical “9. INSURANCE AND PROPERTY LOSS” in A(1) delete “and” after the word “and”.
- Under Numerical “9. INSURANCE AND PROPERTY LOSS” in A(2) delete “reasonably require” after the wording “TOWN may” and insert “reasonably require on any of the above coverages” after the wording “time to time”.
- Under Numerical “9. INSURANCE AND PROPERTY LOSS” in A(6) in the second paragraph delete “as” after the wording “time to time.”
- Under Numerical “9.INSURANCE AND PROPERTY LOSS” in A(6) in the third paragraph insert “to any” after “excess”.
- Under Numerical “9. INSURANCE AND PROPERTY LOSS” in B(3) insert “of” after the first “GCGI”.

- Under Numerical “11.SUBLETTING AND ASSIGNMENT” delete “demised” after the wording “GCGI shall not sublet the”, insert “the” after “without”, Insert “GCGI shall license garden plots to gardeners using a form of license reasonably acceptable to the Director of Parks and Recreation.” After the sentence ending with “agency.”
- Under Numerical “13. TERMINATION” in A(iii), in the first paragraph insert “or in addition to” after the wording “in lieu of”, in second paragraph delete “in connection with” after “money” insert ”connection with” after the wording “attorney’s fees in”.

Motion adopted upon unanimous consent

The vote was now on Item No. 13 as amended.

In Favor-	114
Against-	0
Abstentions-	1

Item Carried

There being no further business, the Moderator adjourned the meeting, upon unanimous consent at 11:40P.M.

ATTEST:
 CARMELLA C. BUDKINS
 TOWN CLERK