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

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

The members pledged allegiance to the flag.

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.

Town Clerk Carmella C. Budkins swore in Daniel G. Farynjarz, a new member in District 5.

Attendance cards were presented showing 185 present, 43 absent and 2 vacancies. District 3 had perfect attendance.

The members who were absent in District 1- Mary Ambrogio, George F. Chelwick, Richard P. Holleran, Mary Pellegrino, Julie L. Ray; District 2 – Duncan G. Burke, Carlo F. Cantavero, Nancy H. Marshall, Jill K. Oberlander; District 4 – Brian Harrod, Alexander J. Popp, Jr, Maria M. Popp, James T. Wahba, John B. Wahba; District 5 – Samuel T. Telerico, Anne F. Wichman; District 6 – Michael C. Carter, Walter K. Howe, Joseph Stroll; District 7- Janet K. Lockton, Valerie Stauffer; District 8 – John E. Beckwith, Mary H. Bruce, Richard D. Bruce, Jonathan Irvine, Peter E. Pellerzi, Alicia Shreders; District 9 – J. Michael Dunne, Susan M. Morton, Juan Sosa, Ralph Vizzari; District 10 – Alan Small; District 11- Michael R. Chait, James M. Hesburgh, Neal E. Neilinger, Vinay S. Pande; District 12 – Harris William Davidson, Barbara G. Hindman, Dolores A. McCollum, Hope Polidoro, Sandra A. Romaniello, Mary B. Romeo, Jane S. Sulich.

The Moderator announced that, as all members had received a copy of the minutes of the October 27, 2008 meeting, the reading of the minutes would be omitted. He noted that on page 1, under the attendance records for District 11, Adam Savitz was listed as absent, but after checking the voting records, he was found to have been present. The attendance records are revised to 195 present, 33 absent and 2 vacancies. The Moderator asked if there were any other corrections or comments. There being none, the minutes, as amended, were adopted by unanimous consent.

The Moderator announced that in order to comply with the budget constraints of this fiscal year with each department cutting it’s budget by ten percent, the April 2009 meeting of the RTM will be cancelled.

Pursuant to RTM rules, the Moderator designated the following items be placed on the consent calendar – 5-6-7 & 9.

The items on the consent calendar are:

5. **RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Nathaniel Witherell Board for a term beginning 4/1/2009 and expiring 3/31/12.**

   **LLOYD BANKSON**
6. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Board of Ethics for a term beginning 4/1/2009 and expiring 3/31/12.

   LOUIS P. PITTOCCO

7. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Board of Ethics for a term beginning April 1, 2009 and expiring 3/31/12.

   PAUL deBARY

9. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed an alternate member of the Historic District Commission for a term beginning 4/1/09 and expiring 3/31/14.

   LLOYD N. HULL

The vote was now on the consent calendar.

   In Favor - 175
   Against  - 1
   Abstentions - 0

   Items Carried

The Moderator suggested a motion, which was moved and seconded, to suspend the rules and combine items 2-8-10-11-12-13-14 and consider separately items 1-3-4--15 & 16.

   Motion Carried

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

Selectman Peter Crumbine offered the following resolutions, which were moved and seconded, regarding Items 2-8-10-11-12-13:

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

   ALFRED DiSAPIO

8. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed an alternate member of the Historic District Commission to fill an unexpired which began 4/1/06 and expires 3/31/11.

   STEPHEN BISHOP
10. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Inland Wetlands and Water Courses Agency for a term beginning 4/1/09 and expiring 3/31/13.

       JOHN R. CONTE

11. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Inland Wetlands and Water Courses Agency for a term beginning 4/1/09 and expiring 3/31/13.

       LAWRENCE PERRY

12. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Board of Social Services for a term beginning 4/1/09 and expiring 3/31/12.

       MARYANN RAMOS

13. RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Commission on Aging for a term beginning 4/1/09 and expiring 3/31/12.

       JOHN M. MORRIS

Amy Siebert, Commissioner of Public Works, offered the following resolution, which was moved and seconded, regarding Item No. 14:

       RESOLVED, that the Town of Greenwich, Department of Public Works, Sewer Division be allowed to accept a grant from the National Fish and Wildlife Foundation.

       FURTHER RESOLVED, that the sum of $190,080 be and the same is hereby appropriated to be added to Grant Account Number F361-59650-29089, known as “Wet Weather/Nutrient Removal”.

       The vote was now on the combined items.

         In Favor    -    179
         Against    -    2
         Abstentions -    0

       Items Carried

The Moderator announced that Item No. 1 on the call was now before the meeting.
Alfred Cava, Director of Labor Relations, offered the following resolution, which was moved and seconded, regarding Item No. 1:

RESOLVED, that the sum of $123,930 for the fiscal year 2008-09 be and the same is hereby appropriated to carry out the terms of the negotiated two-year collective bargaining agreement between the Town of Greenwich and the Silver Shield Association, Inc. of the Town of Greenwich.

FURTHER RESOLVED, that the Representative Town Meeting of the Town of Greenwich hereby approves such provisions of the agreement, if any, which may be in conflict with any charter provisions, special act, ordinance, rule, or regulation of the Town of Greenwich within the meaning of Connecticut General Statutes, Section 7-474.

The vote was now on Item No. 1.

In Favor - 138
Against - 40
Abstentions - 4

Item Carried

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

Selectman Lin Lavery offered the following resolution, which was moved and seconded, regarding Item No. 3:

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

WILLIAM HUGHES

The vote was now on Item No. 3.

In Favor - 177
Against - 2
Abstentions - 1

Item Carried

The Moderator announced that Item No. 4 on the call was now before the meeting.

Selectman Lin Lavery offered the following resolution, which was moved and seconded, regarding Item No. 4:
RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Nathaniel Witherell Board for a term beginning April 1, 2009 and expiring 3/31/12.

DAVID G. ORMSBY

Felix Andreoni of District 4 made a motion to postpone Item 4 until the January meeting. The motion failed because of a lack of a second motion.

The vote was now on Item No. 4.

In Favor - 180
Against - 1
Abstentions - 1

Item Carried

The Moderator announced that Item No. 15 on the call was now before the meeting. Amy Siebert, Commissioner of Public Works, offered the following resolution, which was moved and seconded, regarding Item No. 15:

RESOLVED, that the sum of $350,000 be and the same is hereby appropriated to be added to Capital Account Number Z345-59560-29042, known as “Glenville Fire Station”.

The vote was now on Item No. 15:

In Favor - 125
Against - 54
Abstentions - 2

Item Carried

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

RESOLVED: Be it Ordained and Enacted by the Representative Town Meeting that the Greenwich Ordinance entitled Chapter 13, “Trees and Vegetation” of the Greenwich Municipal Code is hereby amended in the following sections as follows:

CHAPTER 13. TREES, SHRUBS AND VEGETATION.
§13-1. Purposes.
§13-4. Tree Warden as Liaison to Other Municipal Departments.
§13-6. Trees on Town-owned Property.
§13-7. Trees; Property of Town.

Sec. 13-1. Purposes:
The purposes of this Ordinance are:
a) To promote and protect the public health, safety and general welfare of the residents by providing for the regulation of the planting, maintenance, protection and the removal of trees, shrubs and other vegetation within the Town of Greenwich.
b) To recognize and appreciate that trees produce oxygen, capture carbon dioxide from the atmosphere, provide air purification, prevent soil erosion, control flooding, assist in water purification, contribute to the quality of life by providing cooling shade, provide habitat for wildlife, reduce noise levels, and aesthetically enhance the landscape.
c) To preserve and protect trees and their canopies as an important environmental and cultural resource that enhances the Town’s natural character and heritage.
d) To protect the people in the Town of Greenwich from personal injury and property damage caused by the improper planting, maintenance, protection or removal of trees and shrubs located within the Town of Greenwich.
e) To protect property values by maintaining a healthy and vigorous community forest.

Sec. 13-2. Definitions.
a) Tree Warden (aka Town Forester): The Greenwich Tree Warden shall be the Superintendent of the Parks & Trees Division of the Department of Parks & Recreation, and shall have all the powers, duties and authority provided by The Public Shade Trees and Tree Protection Examining Board Statute (Connecticut General Statutes Sec. 23-59) as may be hereafter amended, and by this Ordinance.
b) Deputy Tree Warden (aka Assistant Town Forester): The Greenwich Deputy Tree Warden shall be appointed by the Tree Warden.
c) Urban / Community Forest: The natural resource of all Town-owned trees upon street right-of-ways, parks, school campuses, open space properties, and grounds of Town facilities taken collectively comprise the Town’s Urban / Community Forest.
d) Town-owned Property: Any and all real property owned by the Town of Greenwich.
e) Hazardous Tree: In relation to a tree or tree part, shall mean defective, diseased or dead, and posing an unreasonable risk of failure or fracture with the potential to cause injury to people or damage to property.
f) Property Owner: The owner of record of any parcel of land.
g) Tree: A woody plant, usually with one main trunk, reaching a height of at least fifteen feet when mature.

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

i) Vegetation: All other plants, including vines, not defined as trees or shrubs.

j) Greenwich Arboricultural Specifications and Policy Manual: A manual to be prepared, and to be amended from time to time, by the Tree Warden pursuant to this ordinance containing regulations and standards for the planting, maintenance, removal and the protection of trees, shrubs and vegetation upon Town-owned property.

k) Person: Any person, firm, corporation or other entity, including any public utility.

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

m) Public Nuisance: Any tree, shrub or other vegetation “which [is] hazardous or injurious to the public health, safety and welfare or which cause[s] substantial depreciation in the value of real property in the neighborhood”, as defined by the Town of Greenwich Nuisance Ordinance [Greenwich Municipal Code, Chapter 6C-2(h)].

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

Sec. 13-4. Tree Warden as Liaison to Other Municipal Departments.
a) The Tree Warden shall serve as liaison to all Town Departments, agencies, and the Board of Education on all matters relating to individual trees and forest resources, and may provide technical assistance as appropriate.
b) Any Town Department or agency shall notify the Tree Warden of any applications for new curb, gutter, sidewalks or driveway installations, utility installations or other improvements which might require the removal of or cause injury to any Town-owned tree.

Sec 13-5. Public Utilities.
a) Any public utility maintaining any overhead wires or underground pipes or conduits shall obtain permission from the Tree Warden before performing any maintenance work on the wires, pipes, or conduits which would cause injury to Town-owned trees. The public utility shall in no way injure, deface, prune, or scar any tree until its plans and procedures have been approved by the Tree Warden.
b) When maintaining Town-owned trees, a public utility must observe good arboricultural practices, as specified by the Pruning Standards located in the current version of the Greenwich Arboricultural Specifications and Policy Manual.

Sec. 13-6. Trees on Town-owned Property; permit; grant.
a) No person shall plant any tree, shrub or vegetation within the limits of any Town-owned property without having first obtained a permit to do so from the Tree Warden. Written application for such permission shall be made to the Tree Warden...
setting forth the size, species, typed and location of each tree, shrub or for which such permission is requested.

(b) The Tree Warden shall consider the effect of planting the specific trees, shrubs or vegetation upon the general welfare of the community and upon the present and future use, safety, maintenance, development and improvement of Town-owned property for all lawful purposes.

(c) Subject to the direction and control of the Directory of Parks and Recreation, the Tree Warden shall grant or deny the applications upon the basis of such considerations. (Ords. & Reg., §7-2, 8/17/48)

Sec. 13-7. Trees; Property of the Town.

Any tree, shrub or vegetation planted within the limits of Town-owned property shall become the property of the Town.

(Ords. & Reg., §7-2, 8/17/48.)

Sec. 13-8 Effect of Chapter. Nothing in this Chapter and no permit granted pursuant to this Chapter shall be deemed to prejudice any rights which the Town may now or hereafter have with respect to trees, shrubs, and vegetation planted within the limits of Town-owned property (Ords. & Reg., §7-4, 8/17/48).


Except as otherwise provided in Sec. 13-10 and 13-11 of this Chapter, no person shall cut, trim, prune, remove, injure or interfere with any tree, shrub or vegetation, including the branches, trunk root system or crown thereof, in whole or in part, within the limits of any public road, park or public grounds within Town property without a permit from the Tree Warden.

(10/15/1990.)

Sec. 13-10. Permits.

Permits are issued in conformity with Connecticut General Statutes 23-65(f)ii. Application for permits must be made on application forms provided for such purpose by the Tree Warden. Permits expire thirty (30) days after the date of issue unless otherwise noted thereon by the Tree Warden.

(10/15/1990.)


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

Sec. 13-12. Emergencies.

Work which, in the opinion of the Tree Warden, is of an emergency nature, such as failure of gas, water or electric utility lines, may be performed as orally prescribed by the Tree Warden at the expense of the person requesting same.

(10/15/1990.)

Sec. 13-13. Penalties.

Any person violating any provision of this Chapter shall be fined in accordance with the penalties set forth in Connecticut General Statutes sec. 23-61fiii.

Sec. 13-14. No Exemption.
Nothing herein contained shall be deemed to exempt any person from the application of any other applicable statute, ordinance, regulation or rule. (10/15/1990).


No person shall interfere with the Tree Warden or persons acting under his authority while engaged in planting, mulching, pruning, removing or maintaining any tree, shrub or vegetation on Town-owned property.

Sec. 13-16. Tree Protection During Construction Activities.

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


Any tree or part of the tree or any shrub or other vegetation that poses an unreasonable risk to any right-of-way or to Town property and is determined to pose imminent threat to the public health, safety or welfare by the Tree Warden shall be determined to be a “nuisance” and is to be abated by the Town in accordance with the Town of Greenwich Nuisance Ordinance (Greenwich Municipal Code, Chapter 6C).

RESOLVED: Be it Ordained and Enacted by the Representative Town Meeting that: the Greenwich Ordinance entitled Chapter 6C, “Nuisances” of the Greenwich Municipal Code is hereby amended in the following sections as follows:

Sec. 6C-2. Definitions.

(g) Nuisance shall mean the existence of a condition involving any one (1) or more of the following items: trees, shrubs or vegetation which are hazardous or injurious to the public health, safety and welfare or which would cause substantial depreciation in the value of real property in the neighborhood, building and construction materials, landscape and fill materials, demolition debris, motor vehicle parts, fixed- and rotary wing aircraft and parts, boats and boat parts, tires, appliances, furniture, metal, plastic, cardboard or glass containers, paper and rags which are inoperative, abandoned or discarded; which are found in substantial quantities in or upon any premises and are visible from any third-party residential premises; and which are hazardous or injurious to the public health, safety and welfare or which cause substantial depreciation in the value of real property in the neighborhood...iv

1 Powers and duties of wardens. The town or borough tree warden shall have the care and control of all trees and shrubs in whole or in part within the limits of any public road or grounds and within the limits of his town or borough, except those along state highways under the control of the Commissioner of Transportation and except those in public parks or grounds which are under the jurisdiction of the park commissioners, and of these the tree warden shall take the care and control if so requested in writing by the park commissioners. Such care and control shall extend to such limbs, roots or parts of trees and shrubs as extend or overhang the limits of any such public road or grounds. The tree warden shall expend all funds appropriated for the setting out, care and maintenance of such trees and shrubs. The tree warden shall enforce all provisions of law for the preservation of such trees and shrubs and of roadside beauty. The tree warden shall remove or cause to be removed all illegally erected signs or advertisements,
placed upon poles, trees or other objects within any public road or place under the tree warden’s jurisdiction. The tree warden may prescribe such regulations for the care and preservation of such trees and shrub as the tree warden deems expedient and may provide therein for a reasonable fine for the violation of such regulations; and such regulations, when approved by the selectmen or borough warden and posted on a public signpost in the town or borough, if any, or at some other exterior place near the office of the town or borough clerk, shall have the force and effect of town or borough ordinances. Whenever, in the opinion of the tree warden, the public safety demands the removal or pruning of any tree or shrub under the tree warden’s control, the tree warden may cause such tree or shrub to be removed or pruned at the expense of the town or borough and the selectmen or borough warden shall order paid to the person such work such reasonable compensation therefore as may be determined and approved in writing by the tree warden. Unless the condition of such tree or shrub constitutes an immediate public hazard, the tree warden shall, at least ten days before such removal or pruning, post theron a suitable notice stating the tree warden’s intention to remove or prune such tree or shrub. If any person, firm or corporation objects to such removal or pruning, such person, firm or corporation may appeal to the tree warden in writing, who shall hold a public hearing at some suitable time and place after giving reasonable notice of such hearing to all persons known to be interested therein and posting a notice thereof on such tree or shrub. Within three days after such hearing, the tree warden shall render a decision granting or denying the application, and the party aggrieved by such decision may, within ten days, appeal therefrom to the superior court for the judicial district within which such town or borough is located. The tree warden may, with the approval of the selectmen or borough warden, remove any trees or other plants within the limits of public highways or grounds under the tree warden’s jurisdiction that are particularly obnoxious as hosts of insect or fungus pests.

1 Any person, firm or corporation, other than a tree warden or his deputy, who desires the cutting or removal, whole or in part, of any tree or shrub or part thereof within the limits of any public road or grounds, may apply in writing to the town tree warden, the borough tree warden or the Commissioner of Transportation or other authority having jurisdiction thereof for a permit to do so. Upon receipt of such permit, but not before, he may proceed with such cutting or removal. Before granting or denying such permit, such authority may hold a public hearing as provided in section 23-59, and when the applicant is a public utility corporation, the party aggrieved by such decision may, within ten days, appeal therefrom to the Department of Public Utility Control, which shall have the power to review, confirm change or set aside the decision appealed from and its decision shall be final. This shall be in addition to the powers granted to it under section 16-234, provided, if an application for such permit has been made to other a tree warden or the Commissioner of Transportation or other authority and denied by him, an application for a permit by for the same relief shall not be made to any other such authority. Upon approval of such a permit by the Commissioner of Transportation, he shall notify the tree warden for the town in which the tree is located. Upon any approval fo such a permit by the Commissioner of Transportation, the permittee shall notify the tree warden for the town in which the tree is located prior to cutting any such tree.
Sec. 6C-6(a)(5): A statement that failure, neglect, or refusal to abate such nuisance within the thirty (30) days specified shall subject the owner or owners to a fine not to exceed one hundred dollars ($100) for each offense.

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

Motion Carried

Joan Caldwell, Chairman of District 10 made a motion, on behalf of the district, to suspend the rules to consider a sense of the meeting resolution which was not on the call for the meeting.

The vote was now on the District 10 motion to suspend the rules.

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Motion lost because of failure to obtain the two thirds majority.

There being no further business, the Moderator adjourned the meeting, upon unanimous consent at 9:50 P.M.

CARMELLA C. BUDKINS
TOWN CLERK