



BOOK 25 PAGE 220

Pursuant to the foregoing notice a regular Representative Town Meeting of the Town of Greenwich was held in the Moderators' Hall of Central Middle School on Monday December 10, 2001 at 8:00 P.M.(E.S.T.)

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

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

The members pledged allegiance to the flag.

Attendance cards were presented showing 173 present, 53 absent and 4 vacancies.

The Moderator announced that as all members had received a copy of the minutes of the October 22, 2001 meeting, the reading of the minutes would be omitted. He asked if there were any corrections or comments, there being none, the minutes were adopted by unanimous consent.

First Selectman Richard Bergstresser presented the plan for his administration as part of his first address to the membership since being sworn in as First Selectman. He introduced his assistant, Mrs. Adrienne Singer.

Alice Melly, chairman of the Board of Estimate and Taxation, addressed the membership, this being her last RTM as a member of the BET and as its chairman.

The Moderator announced that Item No. 9 on the call had been withdrawn

The Moderator suggested a motion to suspend the rules and combine items 3, 4, 5, 6, 7 & 8 and to consider separately items 1 & 2

Motion Carried

The Moderator announced that Item No. 1 on the call was now before the meeting.

Comptroller Edward Gomeau offered the following resolution, which was duly moved and seconded, regarding Item No. 1.

**RESOLVED**, that the following Property Tax Relief for the Elderly Ordinance, as amended as shown below on recommendation of the Board of Estimate and Taxation, be enacted by the Representative Town Meeting

**STATE OF CONNECTICUT PROPERTY TAX RELIEF FOR THE ELDERLY**

1. Pursuant to General Statutes § 12-129n property tax relief shall be provided to residents of the Town of Greenwich with respect to real property occupied by such residents as their principal residence for which they are liable for taxes as owners or

as tenants for life or years under § 12-48 (1) who are sixty-five years of age or over, (2) whose spouses, living with them, are sixty-five years of age or over, or (3) who are sixty years of age or over and the surviving spouse of a taxpayer [qualified] receiving relief in Greenwich under this[e] ordinance at the time of his or her death. The ages specified in this section shall have been attained by December 31 preceding the application for tax relief under this ordinance.

2. Residents or spouses qualifying for tax relief under this section must be taxpayers of real property located in the Town of Greenwich for one year immediately preceding their receipt of tax benefits under this section and meet the requirements set forth in section 11 of this ordinance with respect to the qualifying total annual income [maximum incomes] allowable for their federal income tax year preceding the year in which application is made for tax relief under this ordinance.

3. Prior to the granting of property tax relief, such person must first have applied for tax relief under any other statute for which he or she is eligible and shall certify to the assessor and tax collector the tax credits received thereunder. [or shall certify to the assessor and tax collector at the time of filing an application for relief hereunder on a form provided by the assessor that he or she is ineligible for such tax relief.] No property tax relief granted under this ordinance, together with any property tax relief received by any such person under all applicable statutes shall exceed, in the aggregate seventy-five percent (75%) of the total amount of the tax which would, except for those applicable statutes and this ordinance, be laid against the person applying for tax relief hereunder.

4. The total abatement of property tax revenue which may be granted in such tax year by the Town pursuant to the provisions of this ordinance shall not exceed an amount, based on an estimate in any tax year by the Board of Estimate and Taxation, equal to one percent (1%) of [by] the total real property tax assessed in the Town in the preceding tax year. Such tax relief granted to eligible persons for any fiscal year shall be ratably decreased if necessary to keep the total amount of the Town tax relief within such limit.

5. For purposes of this ordinance the principal residence requirement in section 1 shall be met if the residents seeking qualification shall have maintained residence in the property for which tax relief is being sought for at least one hundred eighty-three (183) days during the twelve (12) months immediately prior to the filing of an application hereunder.

6. [The determination of maximum incomes for qualification] Qualifying total annual income for tax relief under section 11 of this ordinance shall be reviewed and determined by the Assessor on the basis of [adjusted gross income plus tax exempt interest computed for] amounts listed in the computation of total income for federal income tax purposes furnished by the taxpayer for the year preceding the filing of an application for tax relief hereunder of the applying individual, if unmarried, or jointly, if married, regardless of whether or not separate federal income tax returns were filed by such person or his or her spouse and shall be adjusted in accordance with subsections (a) and (b) of this section.

(a) Included in income. Qualifying total annual income shall include income from the following sources, whether or not such sources were included in amounts listed for the computation of total income in a federal income tax return, and shall

therefore be adjusted and determined by the Assessor to the extent such amounts are not included as total income in a federal income tax return:

(1) Wages, bonuses, commissions, gratuities and fees, self-employment net income;

(2) Gross Social Security, Federal Supplemental Security Income, payment for jury duty (excluding travel allowance);

(3) Dividends, interest, and annuities;

(4) Taxable IRA distributions;

(5) Black Lung payments;

(6) Interest or proceeds resulting from gifts received;

(7) Lottery winnings;

(8) Net income from sale or rent of real or personal property, provided that, to the extent that there is no net income, qualifying total annual income shall not be decreased by sale and rental net income losses;

(9) Pensions, including Veterans' and Railroad retirement;

(10) Severance pay; Unemployment compensation;

(11) Worker's compensation;

(12) Alimony;

(13) Capital gains, provided that, to the extent there is no capital gain, qualifying total annual income shall not be decreased by capital losses;

(14) Partnership income, provided that, to the extent there is no net income, qualifying total annual income shall not be decreased by partnership net income losses;

(b) Excluded from income. Qualifying total annual income shall exclude income from the following sources, whether or not such sources were included in amounts listed for the computation of total income in a federal income tax return or under subsection (a) above and shall therefore be adjusted and determined by the Assessor to the extent that such amounts are included in a federal income tax return or under subsection (a) above:

(1) Social Security payments specifically for a dependent person or minor child;

(2) Casualty loss reimbursements by insurance companies;

(3) Gifts, bequests or inheritances, except for any interest or other income produced by the gift, bequest or inheritance;

(4) Grants for disaster relief;

(5) Income derived through volunteer service under the Domestic Volunteer Service Act of 1973, as amended, including stipends earned under the Foster Grandparents' Program, Retired Senior Volunteer Program, Senior Companion Program, and Community Training under Department of Mental Retardation;

(6) Life insurance proceeds;

(7) For a married homeowner whose spouse is a resident of a health care or nursing home facility in Connecticut and who is receiving payment related to such spouse under Title XIX Medicaid, total income shall not include the spouse's Social Security income, provided that the following has been submitted to the

Assessor on the facility's letterhead and signed by the administrator or other nursing home official:

(i) Proof that the spouse is in a Connecticut health care or nursing home facility,

(ii) The name and address of the facility,

(iii) The period during the benefit year that the spouse was in the facility,

(iv) The period during the benefit year that the spouse was on Title XIX Medicaid;

(8) Food stamps; fuel assistance; child support payments and temporary family assistance program payments.

7. No tax relief shall be given under this section to any person who has delinquent taxes to the Town from real property, personal property or motor vehicles, including capital assessments or user charges owed to the Town which have not been paid in full or brought current by June 1 of the year in which the application is taken. For purposes of this section, abated taxes shall not be considered delinquent.

8. The form of application for property tax relief under this ordinance shall: a) be made by affidavit on forms provided by the [Town tax] Assessor and accompanied by documentation of all qualifying income, including a copy of the applicant's most recent federal tax return for the taxpayer's fiscal year immediately preceding the Town's fiscal year for which tax relief is being requested and, b) state the qualifying information set forth in the preceding sections of this ordinance, whether or not applicant has previously applied or is currently applying for any other tax relief for the elderly or disabled under any state statute. For those persons not required by law to file a federal tax return, an affidavit from such persons shall be required attesting to the fact that they are not required to file a tax return.

9. The time for filing an application for property tax relief under this ordinance, including any required affidavit and documentation, shall be filed annually not earlier than February 1, nor later than May 15 to obtain property tax relief for the next fiscal year. For those persons who have sought and received by May 15 an extension of time to file a tax return, the application must nevertheless be filed by May 15 and a copy of the tax return received by the assessor's office by June 15 or the application will be denied.

10. The property tax relief available hereunder shall be available for one residence only collectively for each applicant and spouse.

11. The computation of the amount of property tax hereunder, subject to section 3 shall be determined on the following graduated basis:

<u>Qualifying Total Annual Income</u>	<u>Property Tax Credit</u>
Less than \$15,000	\$1,500
\$15,000 - \$26,500	\$1,000
\$26,501 - \$38,000	\$ 750

12. Upon the death of any person entitled to tax relief pursuant to this ordinance, the tax relief hereunder shall end the following June 30, unless his or her spouse is otherwise qualified.

13. If any person entitled to a tax credit hereunder sells the property with respect to which the tax relief hereunder has been granted, the tax relief shall be suspended as of the date of conveyance and the non-qualifying purchaser of such property shall pay the Town a prorated share of taxes thereby due and owing as provided by General Statutes § 12-81a.

14. The property tax relief provided for in this section may, in any case where title to real property is recorded in the name of the taxpayer or his or her spouse and any other person or persons, be prorated to reflect the fractional portion of such taxpayer or spouse or, if such property is a multiple family dwelling, such relief may be prorated to reflect the fractional portion of such property occupied by the taxpayer.

15. Persons qualifying in accordance with age and income requirements of this ordinance shall be eligible if they are unit owners and occupiers of a cooperative. The amount of annual property tax relief in accordance with this section to any such person shall be determined in relation to an assumed amount of property tax liability applicable to the assessed value for the dwelling unit which such person owns and occupies as determined by the Assessor which may be based on the number of cooperative shares attributable to the unit compared to the total number of shares in the cooperative. For purposes of this section the assessor shall determine the assumed amount of property tax liability applicable to the assessed value for the dwelling unit of each such person who is otherwise eligible under this ordinance, but such determination shall not constitute a tax bill for purposes of property taxation of such cooperative or any individual dwelling unit thereof. Annually not later than the first day of June, the assessor, upon receipt of an application for such relief, shall determine, with respect to the assessment list for the assessment year commencing October first immediately preceding, the portion of the assessed value of the entire cooperative, as included in such assessment list, attributable to the dwelling unit occupied by such person. The assumed property tax liability for purposes of determining the amount of such relief shall be the product of such assessed value and the mill rate in such municipality as determined for purposes of property tax imposed on said assessment list for the assessment year commencing October first immediately preceding. The amount of relief to which such person shall be entitled for such assessment year shall be equivalent to the amount of tax reduction for which such person would qualify, considering such assumed property tax liability to be the actual property tax applicable to such person's dwelling unit and such person as liable for the payment of such tax.

16. The Tax Collector and [tax] Assessor shall prescribe with regard to their respective duties under this ordinance, such forms and procedures as may be necessary to implement this ordinance. The [tax] Assessor, in addition, shall take such steps as are necessary to satisfactorily establish the facts as to the qualifying income of an applicant for benefits under this ordinance by requesting and reviewing income tax forms filed therewith and any additional evidence of qualifying income, which the Assessor may require.[.] This documentation shall not be open to public inspection.

17. This ordinance, as amended, shall be effective starting with the fiscal year commencing July 1, 200[1]2.

18. All provisions of this ordinance, as amended, shall cease to be effective on June 30, 2006 unless an ordinance extending this ordinance is properly

BOOK 25 DEC 25

submitted to the Board of Estimate and Taxation and the Representative Town Meeting and approved prior to that date.  
(additions bold)  
(deletions within [brackets])

Douglas Wells, chairman of the Legislative & Rules Committee, made a motion, on behalf of the committee, to amend the resolution as follows:

On page 6 of the call, in paragraph 6, subsection 7, second line, delete the word "in Connecticut" and in sub section "i" of that paragraph, first line, delete the word "Connecticut".

The amendment was adopted by unanimous consent.

The vote was now on Item No. 1 as amended.

In Favor	-	155
Against	-	14
Abstentions	-	2

Item Carried

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

Marcus Mardid, Commissioner of Public Works, offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 2.

**RESOLVED**, that the sum of \$420,000 be and the same is hereby appropriated to be added to Public Works' Account No. 317-5980-22001 Parking Fund known as "13 North Water Street Land Purchase."

**FURTHER RESOLVED**, that the First Selectman is hereby authorized to execute on behalf of the Town any contract documents necessary to effectuate the purchase of the so-called 13 North Water Street property.

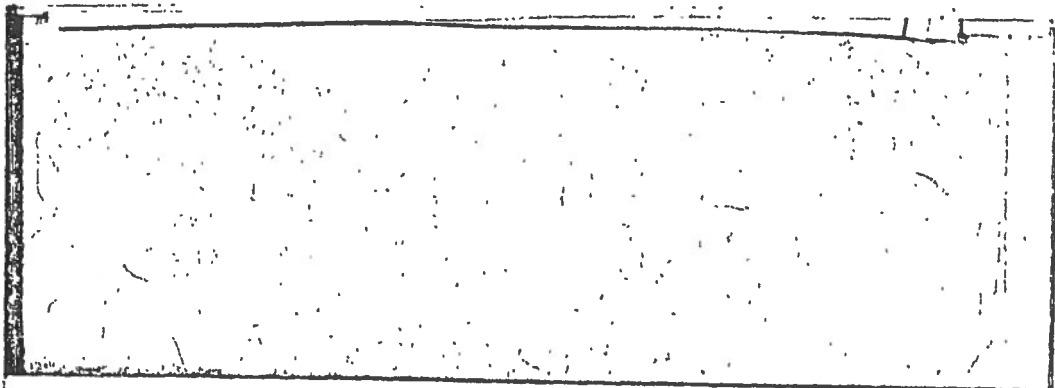
The vote was now on Item No. 2.

In Favor	-	151
Against	-	14
Abstentions	-	5

Item Carried

REPRESENTATIVE TOWN MEETING  
TOWN OF GREENWICH

MINUTES OF December 18, 2001 MEETING



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

Marcos Madrid, Commissioner of Public Works, offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 3.

**WHEREAS**, the Valley Road Bridge was determined to require deck replacement and the town budgeted \$300,000 in FY 92-93; and

**WHEREAS**, the Town of Greenwich has published a legal notice display advertisement, mailed a news release to a number of officials and agencies, and mailed a formal letter to abutting property owners announcing a public informational meeting on the proposed STP Urban Transportation project known as Valley Road Bridge Reconstruction - Town Project No. 92-29; and

**WHEREAS**, a public information meeting was held on March 26, 1998, at Greenwich Town Hall from 7:00 p.m. to 8:30 p.m. at which meeting residents had an opportunity to voice their concerns; and

**WHEREAS**, the Southwest Regional Metropolitan Planning Agency has selected this project as a regional priority and has agreed to utilize federal funds for the right-of-way and construction activities; and

**WHEREAS**, the project is located on a municipally owned road and the preliminary engineering phase will be performed by the Town of Greenwich or its consultants, utilizing 100% Town of Greenwich funds, the rights-of-way will utilize 10% Town of Greenwich funds and the final construction will be 100% funded with state STP funds; and

**WHEREAS**, the RTM has considered concerns of the residents from the public informational meeting and finds that the proposed Valley Road Bridge Reconstruction is in the best interest of the Town of Greenwich, and will promote the health, safety and general welfare of its residents and provide for convenience and safety of the motoring public and therefore previously approved a resolution fully supporting the proposal at its January 19, 1999 meeting.

**WHEREAS**, during this time it was determined that additional structural repairs were deemed necessary thereby requiring additional design and engineering work and also adding to the cost; and

**WHEREAS**, the Town of Greenwich's Department of Public Works successfully sought out grant funding to pay the cost of the expanded bridge repair from the State of Connecticut Department of Transportation.

WHEREAS, to comply with the requirements of the funding, two public informational meetings were held and DPW has obtained the approval of the Board of Selectman, as town Traffic Authority, and Municipal Improvement status from the Planning and Zoning Commission.

THEREFORE BE IT RESOLVED, that Richard V. Bergstresser, First Selectman, be and hereby is authorized to execute the agreement entitled: "Agreement Between the State of Connecticut and the Town Of Greenwich for the Construction, Inspection and Maintenance of the Valley Road Bridge utilizing Federal Funds under the Urban Component of the Surface Transportation Program." The Agreement is further identified as State Project No. 56-286 and Federal-Aid Project No. STOP-1056 (104).

Police Lt. Mark Kordick offered the following resolution, which was duly moved and seconded, regarding Item No. 4.

RESOLVED, that the amount of \$15,805.00 is hereby appropriated from the Parking Fund to Account Code G219-53550 to allow for the conversion of parking meters to handle new meter terms mandated by a recent revision to the Town Code.

Joseph Siciliano, Director of Parks & Recreation, offered the following resolutions, which were duly moved and seconded, regarding Items No. 5, 6, 7 & 8.

5.

RESOLVED, that the Town of Greenwich accept a gift in the amount of \$22,500 as reimbursement for the Fourth of July Fireworks Celebrations.

6.

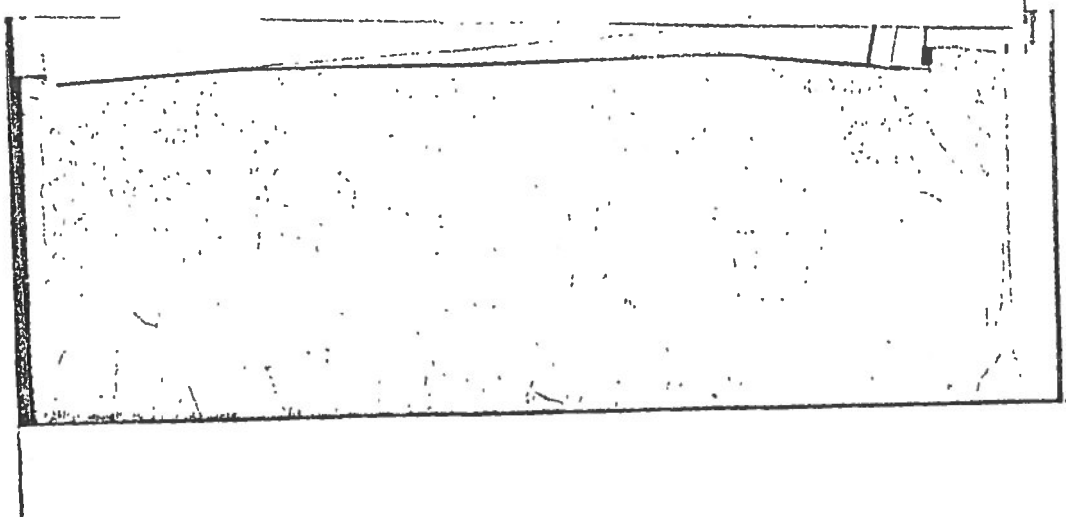
RESOLVED, that the Town of Greenwich accept a gift of two park benches valued at \$2,000 to be placed at two locations; (1) Greenwich Point Park (1) Pomerance property.

7.

RESOLVED, that the Town of Greenwich accept a gift of a bicycle rack valued at \$1,000 to be placed at Greenwich Point Park.

8.

RESOLVED, that the Town of Greenwich accept a gift of fencing valued at \$77,946 for the installation and maintenance of wooden fencing at the following playgrounds; Western Greenwich Civic Center, Pemberwick Park and Bible Street Park.





Richard Holleran of District 1 made a motion, which was seconded, to divide the item and consider item no. 8 separately for voting purposes.

**Motion Lost**

The vote was now on the combined items.

In Favor	-	164
Against	-	3
Abstentions	-	2

**Items Carried**

Caroline Frano, chairman of District 8, made a motion, on behalf of the district, to take up an item that was not on the agenda, namely the item that had originally been designated Item No. 9 on the call but then had been duly withdrawn one week prior by the authority of all the petitioners.

James Boutelle of District 10 made a motion, which was seconded, to limit debate to three minutes per speaker.

**Motion Carried**

After some discussion on the District 8 motion to take up an item not on the agenda, James Innes of District 5 moved the previous question, which was seconded.

**Motion Carried**

The vote was now on the District 8 motion (pursuant to state law, the motion would require a two thirds majority to pass).

In Favor	-	68
Against	-	91
Absentions	-	0

**Motion Lost.**

H. Franklin Bloomer, Jr., chairman of the Land Use Committee, made a motion, on behalf of the committee, requesting that the resolution and explanatory comments regarding Item No. 9 (which was withdrawn) be included in the minutes of the meeting.

The Moderator announced that the debate limit was still in effect for this motion.

Robert Brady of District 5 made a motion, which was seconded, to amend the Land Use Committee motion to also include the report and the record developed by the Special Committee on Decorum in Debate into the minutes.

A member moved the previous question, which was seconded.

**Motion Carried**

The vote was now on Mr. Brady's motion .

**Motion Lost**

The vote was now on the Land Use Committee motion to include Item No. 9 resolution and explanatory comments in the minutes.

In Favor	-	76
Against	-	61
Abstentions	-	1

**Motion Carried.**

The following is Item No. 9 as it appeared on the call before being withdrawn prior to the meeting.

**RESOLVED**, that the Representative Town Meeting (I) acknowledges the time and effort of the Special Committee on Decorum in RTM Debate (Special Committee) but (II) requests the Moderator to refer back to the Special Committee its Report dated October 4, 2001 (October 2001 Report) and (III) instructs the Moderator to take no action with respect to the recommendations of the Special Committee contained in the October 2001 Report unless such action has been authorized by the full Representative Town Meeting.

**Explanatory Comments**

Special Committee on Decorum in RTM Debate (Report), which had been distributed to the members of The Moderator convened a meeting on November 8, 2001 to receive comments on the Report of the the RTM with the Call for the Representative Town Meeting held on October 22, 2001. Facts elicited at the November 8 meeting showed that the Report presented an incomplete, unbalanced and consequently misleading set of facts. It was also shown to include misstatements of fact and errors in the interpretation of parliamentary rules and the applicability of ethical guidelines.

The procedure by which the Report was produced was also flawed. RTM members interviewed by the Special Committee were not advised that they were potential targets of a disciplinary proceeding. Members were accused of wrongdoing without having been

interviewed. Distribution of the Report was, in effect, publication of charges of wrongdoing, and the November 8 meeting was, in effect, a hearing on those charges in which the Moderator acted both as prosecutor and judge. The petitioners believe that these facts reflect a serious disregard of due process.

In light of these flaws, the resolution requests that the Moderator refer the Report back to the Special Committee. Because it will cease to exist when the newly elected Representative Town Meeting assumes office in January 2002, the petitioners anticipate that the Report will not be revised.

The Report recommends that two RTM standing committees be admonished, that a member of the RTM be reprimanded and that an apology be made by the Moderator to a third party. The petitioners believe that the Moderator has no authority to take any of these actions and that the authority to discipline members resides exclusively with the full RTM until it has delegated that authority (which it has not done). The petitioners also believe that the Moderator, in his capacity as Moderator, cannot express a view that has not been approved by action of the full RTM and that, particularly in light of the flaws in the Report, the recommended actions compromise the impartiality that is essential to the Moderator's responsibilities as moderator. The resolution instructs him not to do so unless he has first secured authorization from the full RTM.

Rather than handing out censures and an apology, the petitioners believe that a more constructive way for the Moderator to address the issues would be to convene a meeting with the chairs of the RTM's districts and standing committees both to exchange views and to determine whether new rules or guidelines are needed. If so, the Legislative and Rules Committee should be charged with preparing such rules or guidelines for adoption by the full RTM.

Original petition with signatures on file in the Town Clerk's office.

There being no further business, the Moderator adjourned the meeting, upon unanimous consent at 10:35 P.M.

ATTEST:  
CARMELLA C. BUDKINS  
TOWN CLERK