



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 10, 2007 at 8:00 P.M. (E.D.T.).

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

The members pledged allegiance to the flag.

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 two new members – Genevieve Krob in District 8 and Hans Isbrandtsen in District 10.

Attendance cards were presented showing 176 present, 51 absent and 2 vacancies.

The members who were absent in District 1 – Mary Ambrogio, Edward Dadakis, Patrick Maher, Julie Ray, Patricia Scarpelli, Najm Shams; District 2- Duncan Burke, Nancy Burke, Nancy Fogwell, Walter Liebman; District 3 – Claudia Velez; District 4- John Bambino, Russell Bowman, Linda DeSeife, Alexander J Popp, Jr, Maria M Popp, David Rupert; District 5 – Jennifer Dayton, Valerie Erde, Jacqueline Hammock, Robert Wishnick; District 6 – Neil Bulger, Richard Grieb, Arline Lomazzo, David Noble, Robert Robben; District 7 – Alice Duff; District 8- John Beckwith, Anthony Tod Laudonia, Peter Pellerzi, Stephen Soler; District 9 – Robert Dobbs, Jr, James Reilly, Adele Rota, Frank Rota, Juan Sosa, Frank Woei; District 10- Robert Byrnes, Mark Pruner; District 11 – Kevin Coyner, David Dewey, David Hoffman, Joseph Huley, Joseph Kaliko, Michael Wacek, Mary Waldron; District 12 – David Norton, Hope Polidoro, Mary Romeo, Jane Sulich, Charles Thivierge, Jr.

The Moderator announced that as all members had received a copy of the minutes of the October 22, 2007 meeting and the October 29, 2007 special meeting, the reading of the minutes would be omitted. He asked if there were any correction or comments on the October 22<sup>nd</sup> minutes, there being none, the minutes were adopted by unanimous consent. He then asked for any corrections or comments on the Oct 29<sup>th</sup> minutes. Robert Brady of District 5 noted that on page 2 of the minutes in the Now Therefore paragraph, last line, after the word “plan” insert the word “for”. The amendment was approved by unanimous consent and the minutes as amended were adopted by unanimous consent.

Valerie Stauffer, chairman of District 7, offered the following resolution recognizing the service and contributions of the late David Agnew.

**WHEREAS**, David P. Agnew, a member of this body for three terms passed away on November 13, 2007 at the age of eighty-two, and

**WHEREAS**, he served District 7 with distinction from 2000 until 2005, we are recognizing David's service and contributions.

David represented our district on the Health and Human Services and the Land Use Committees. His expertise in the area of open space, municipal planning, and his passion for conservation made him an invaluable member not only of the RTM Land Use Committee but also of the Greenwich Land Trust, of which he formerly served as president. Recently he headed the Land Trust Acquisitions Committee of this important organization that is dedicated to preserving land permanently in its natural state for the benefit of current and future generations.

David Agnew was a true citizen of Greenwich. As a sixty-year resident of our town, he was a devoted and active participant in many aspects. Among the organizations

to which he dedicated his time and expertise were Greenwich Hospital, the Bruce Museum and Audubon of Connecticut on the board of which he was serving at the time of his death.

David had a distinguished life. A graduate of Deerfield Academy and Princeton University, he served during World War II in Italy with the American Field Service. His business career included the Greenwich Time, RCA, Diversa Graphics and Stanwich Investments.

The RTM has lost a very special member who, when word went out last summer that District 11 had vacancies, answered the call. He circulated his petition in the new neighborhood to which he had moved. David worried that he was not known among the District 11 voters and that he might not win enough votes to become a member again. He need not have worried. The voters appreciated his cheerful personality, the twinkle in his eye, and his known expertise and experience. David Agnew proved to be on of the most popular candidates on the ballot. He was thrilled with the outcome and was looking forward to rejoining this body. The members of District 11 have asked me to express how much they had all looked forward to David's guidance on all the many important issues, especially in the field of land use He will be missed.

Greenwich has lost a citizen who served us all in the best tradition of the volunteer Representative Town Meeting.

**NOW THEREFORE BE IT RESOLVED**, that the entire membership of the Greenwich Representative Town Meeting joins Districts 7 and 11 in honoring David P. Agnew's exemplary and productive life and further extend our sympathy to the Agnew family and especially to his wife, Jebb Allen Agnew, who accompanied David to RTM meetings and sat in the back of this auditorium watching the proceeding as the hands of the clock frequently rotated past midnight and the speeches continued. And continued.

**BE IT FURTHER RESOLVED**, that this resolution be set forth in the minutes of the meeting and that a proper copy thereof be prepared by the Town Clerk and sent to David's family.

This resolution was passed unanimously with the membership standing for a moment of silence.

The Moderator turned the meeting over to Joan Caldwell, Moderator ProTempore.

Thomas J. Byrne of District 6 offered the following resolution, which was moved and seconded, recognizing the service of the members of the special committee on Nathaniel Witherell.

**WHEREAS, in early 2003, the Board of The Nathaniel Witherell (the Board) was proceeding with plans to build a new facility at a cost of at least \$45 million; and**

**WHEREAS, three RTM committees jointly held two public hearings in May 2003 on the Board's then-current operations and the proposed project; and**

**WHEREAS, the chairmen of the three committees (Budget Overview Committee, Finance, and Health & Human Services) recommended that the Moderator appoint a special committee to study the Witherell proposal; and**

**WHEREAS, the Special Committee on The Nathaniel Witherell (the “Special Committee”) was formed in July 2003 to make a comprehensive study of the proposal made by The Nathaniel Witherell Board to build a new skilled nursing facility; and**

**WHEREAS, the Moderator appointed all of the 14 RTM members who had volunteered to serve on the special committee; and**

**WHEREAS, the Special Committee held numerous meetings and public hearings and made trips to nursing homes around Connecticut and in New York in conducting its fact-finding and analysis regarding the Board’s plans; and**

**WHEREAS, the Special Committee issued its report in August 2004 and made comprehensive recommendations for change in the Board’s plans for the future of the facility, including conversion to a not-for-profit entity; and**

**WHEREAS, the Special Committee’s recommendations were embodied in a sense of the meeting resolution adopted by the RTM at its September 2004 meeting; and**

**WHEREAS, in order to monitor implementation with the RTM’s SOMR, the Special Committee continued in existence as the RTM’s principal oversight committee for the Nathaniel Witherell project pursuant to a new charge from the Moderator; and**

**WHEREAS, the RTM adopted a sense of the meeting resolution in April 2007 supporting continuation of town departmental governance of The Nathaniel Witherell; and**

**WHEREAS, the Special Committee issued its final report in October 2007; and**

**WHEREAS, the Moderator has now discharged the Special Committee from further work regarding the future of The Nathaniel Witherell;**

**NOW THEREFORE, BE IT RESOLVED, that the RTM wishes to acknowledge the tremendous service rendered to the RTM and to the Town by the individual members of the Special Committee on The Nathaniel Witherell; and**

**BE IT FURTHER RESOLVED that the RTM extends its deep appreciation to all of the members of the Special Committee for their service above and beyond the call of duty, for the time they committed to the work of the Special Committee and the special talents they brought to the work of the committee; and**

**BE IT FURTHER RESOLVED** that the RTM acknowledges the exceptional leadership provided to the Special Committee by its Chairman, Robert J. Richardson of District 10; and

**BE IT FURTHER RESOLVED**, that this resolution of recognition and thanks to the members of the Special Committee be spread upon the minutes of this meeting and that a suitable copy be presented by the Town Clerk to each of the following members of the Special Committee:

**Robert J. Richardson, Chairman**  
**Fred A. DeCaro III, Vice-Chairman**  
**Robert K. Brady**  
**Linda R. de Seife**  
**Patricia Elsaesser**  
**Gina Higbie**  
**Randall Huffman**  
**Arline Lomazzo**  
**Mary B. McNamee**  
**David L. Melick**  
**Gerald A. Pollack**  
**Stephen M. Soler**  
**J. Robert Tuthill**  
**Nancy Weissler**

Resolution was adopted by unanimous consent.

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 duly moved and seconded, regarding Item No. 1.

**RESOLVED**, that the sum of \$30,000 for the fiscal year 2007-2008 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 Laborers' International Union of North America Local 136, AFL-CIO.

**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 with the meaning of Connecticut General Statutes, Section 7-474.

The vote was now on Item No.1.

In Favor	-	168
Against	-	1
Abstentions	-	4

Item Carried

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

Douglas Wells, Chairman of the Legislative & Rules Committee, offered the following resolution regarding Item No. 2.

RESOLVED, that the following ordinance establishing a municipal fine for inland wetlands violations be approved:

**§ \_\_\_\_\_ Purpose**

This article establishes a means by which the Town of Greenwich may more effectively enforce the Inland Wetlands and Watercourses Regulations of the Town of Greenwich, with the implementation of fines for violations of the regulations. This article shall not be construed to limit or alter the authority, duty and responsibility of the Greenwich Inland Wetlands and Watercourses Agency as granted and established under Connecticut’s Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the Connecticut General Statutes, Chapter 2, Article 6, Sections 2-19 through 2-23 of the Greenwich Municipal Code and any other federal, state, or local legislation that may apply.

**§ \_\_\_\_\_ Authority**

This article is adopted pursuant to Connecticut General Statutes, Section 22a-42g. In accordance with this statute, the Inland Wetlands and Watercourses Agency, acting on behalf of the Town of Greenwich, is hereby authorized to promulgate regulations in accordance with the provisions of this article setting forth procedures for the issuance of citations and for the setting of fines for violations of the Agency’s regulations.

**§ \_\_\_\_\_ Definitions**

The following words, terms and phrases used in this article shall have the following meanings:

“Agency” – The Town of Greenwich Inland Wetlands and Watercourses Agency, acting as the inland wetlands agency under Section 22a-42 of the Connecticut General Statutes.

“Director” – The employee of the Town of Greenwich responsible for the supervision of the Agency.

“Director’s Designated Agent” – With respect to any duty to be performed by the Director, an employee of the Agency to whom the Director has expressly delegated the performance of such duty.

“Continuing Violation” – Ongoing work, which has not ceased to the satisfaction of the Director within two calendar days of receipt of a Notice of Violation.

“Person” – Any person, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

“Notice of Violation” – A written notice issued by the Director to a person committing a Violation, stating the nature of the Violation, the jurisdiction of the Agency, and prescribing the necessary immediate and long-term actions and steps to correct the Violation including, without limitation, halting work in wetlands or watercourses.

“Regulations” – The Inland Wetlands and Watercourses Regulations of the Town of Greenwich as may be amended from time to time.

“Violation” – Any activity that requires the prior permit or approval of the Agency but that is conducted without prior permit or approval of the Agency.

**§ \_\_\_\_\_ Issuance of Citations**

A. The First Selectman of the Town of Greenwich hereby authorizes the Director, with the prior consent of the Chair of the Agency, to issue a citation to any person who has received a Notice of Violation and has failed to comply with the necessary immediate actions and steps to correct the Violation that are specified in the Notice of Violation within one (1) calendar day after receipt of the Notice of Violation or who commits a Continuing Violation. Any such citation may be issued either by hand delivery or by certified mail to the person named in such citation. In such instances, each citation will apply jointly and severally to the owner of the property in question and his/her agents, contractors and subcontractors. An original or certified copy of the initial citation issued by the issuing official shall be filed and retained by the Town of Greenwich and shall be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes and evidence of the facts contained therein.

B. The citation shall inform such person:

- (1) Of the allegations against him or her for which the citation is issued pursuant to this Article and the amount of the fines and costs due;

- (2) That the person has a period of thirty (30) days from the date of the citation (i.e., the date of hand delivery or the date the citation was mailed) to make an uncontested payment of the fines;
- (3) That payments shall be submitted to the Agency by check made payable to the Town of Greenwich;
- (4) The citation notice shall also inform the person cited that he/she may contest his liability before a citation hearing officer by delivering in person or by mail written notice within twenty (20) days of the date thereof. The notice shall also inform the person cited that if he/she does not demand such a hearing, he/she shall be deemed to have waived contesting liability, such fines and costs shall be assessed against him/her, an assessment and judgment shall be entered against him/her and that such judgment may issue without further notice.

C. Each Violation shall be a separate and distinct offense. In the case of a Continuing Violation, at the discretion of the Director and with the prior consent of the Chair of the Agency, daily citations may be issued commencing two calendar days from receipt by the person of the Notice of Violation.

D. This article shall only apply to Violations that occur after this article's effective date.

#### **§ \_\_\_\_\_ Establishment of Fine**

A. No fine shall exceed the maximum permitted under state law. Fines for Violations will be determined by the Agency at a public meeting and published in the Regulations. Fines imposed will not exceed the maximum permitted by Connecticut General Statute, Section 22a-42g at the time the Violation occurred.

B. No such fine may be levied against the State of Connecticut or any employee of the state acting within the scope of her/his employment.

C. Any fine collected by the Town of Greenwich pursuant to this article shall be deposited into the Town of Greenwich's general fund account.

#### **§ \_\_\_\_\_ Hearing procedure for citations**

A. In accordance with Section 7-152c of the Connecticut General Statutes, as the same may be amended from time to time, there is hereby established a wetland citation hearing procedure.

B. The First Selectman shall appoint one or more citation hearing officers, other than police officers or employees or persons who issue citations, members or alternates of the Agency, employees, past employees, members or alternates of the agency, to conduct the hearings authorized by this article.

C. Admission of liability by payment of fine.

(1) If any person who is sent notice pursuant to Subsections A and B of Section \_\_\_\_\_ wishes not to contest liability for any alleged violation, he/she may, without requesting a hearing, pay the full amount of the fines and costs admitted to in person or by mail to the Greenwich Inland Wetlands and Watercourses Agency. Checks should be made payable to the Town of Greenwich.

(2) Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.

D. Any person may demand a hearing by delivering a written request for the same to the Director within twenty (20) days of the date of the first notice provided for in Subsections A and B of Section \_\_\_\_\_. Any person who does not deliver such written request within twenty (20) days shall be deemed to have waived contesting liability, and the Director shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines and costs provided for by this article and shall follow the procedures set forth in Section \_\_\_\_\_.

E. Any person who requests a hearing shall be given written notice by certified mail of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than thirty (30) days from the date of the mailing of notice, provided that the hearing officer shall grant upon good cause shown a postponement or continuance for any reasonable request by any interested party. Once a hearing has been requested, no additional citations shall be issued.

F. The presence of the issuing official shall be required at the hearing if the person issued the citation so requests. A person wishing to contest his/her liability shall appear at the hearing in person or by representative and may present evidence in his/her behalf.

G. If the person that demanded a hearing fails to appear, the hearing officer may enter an assessment by default against him/her upon finding of proper notice and liability under this article.

H. A designated municipal official, other than the hearing officer, may present evidence on behalf of the municipality.

I. The hearing officer may accept from the designated municipal official copies of police reports, investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is not necessary.



J. The hearing officer shall conduct the hearing in the order and form, and with such methods of proof, as he/she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing office shall take into account the nature of the violation and the history of the site including previous violations.

K. The hearing officer shall announce his/her decision at the end of the hearing.

- (1) If the hearing officer determines that the person is not liable, he/she shall dismiss the matter and enter his/her determination, in writing, accordingly.
- (2) If the hearing officer determines that the person is liable for the violation, he/she shall then enter and assess the fines and costs against such person as provided by this article.

**§ \_\_\_\_\_ Failure to Pay Fine**

If the fines and costs assessed by the hearing officer are ~~is~~ not paid on the date of entry, the hearing officer shall send by first class mail a notice of such assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court facility designated by the Chief Court Administrator together with the applicable entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve (12) month period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk of the Superior Court shall enter a judgment, in the amount of the assessment plus court costs against such person in favor of the Town of Greenwich. Notwithstanding any other provisions of the Connecticut General Statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment, and a levy of execution on such judgment may be issued without further notice to such person.

**§ \_\_\_\_\_ Appeals**

A person against whom an assessment has been entered pursuant to this article is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to Section 52-259 of the Connecticut General Statutes, in the Superior Court, which shall then entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

**§ \_\_\_\_\_ Public Notification**

Notice of issuance of payment of a fine pursuant to this article shall be published by the Director at least once in a newspaper having a general circulation in the Town of Greenwich.

§ \_\_\_\_\_ **Effective date**

This ordinance shall become effective fifteen (15) days after notice of adoption of such ordinance is published in the form of a legal advertisement in a newspaper having a substantial circulation in the Town of Greenwich.

§ \_\_\_\_\_ **Sunset Clause**

This ordinance will be automatically repealed and cease to have effect on December 31, 2009, unless it is reenacted by the Representative Town Meeting.

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

On page 2 of the call, under “Definitions” in Director section add the word “staff” at the end of sentence.

On page 4 of the call, section C- Admission of liability ---- first section, last sentence change the word “should” to “shall”.

On page 5 of the call, section E – second sentence spell out “fifteen” (15).

On page 6 of the call, in the first sentence delete the word “is” and under “Public Notificatiaon” in first sentence delete the words “of issuance”.

The amendments were adopted by unanimous consent.

H. Franklin Bloomer, Jr., Chairman of the Land Use Committee, made a motion, on behalf of the committee, to amend the resolution, by deleting the final section of the ordinance (sunset clause).

The vote was now on the Land Use Committee motion.

In Favor	-	74
Against	-	94
Abstentions	-	4

Motion Lost

Karen Fassuliotis of District 7 made a motion to refer the item back to the Legislative & Rules Committee and to report back at the January 2008 meeting. She then amended her motion to have the committee report back at the March 2008 meeting.

Motion Lost, by voice vote.

The vote was now on Item 2 as amended.

In Favor	-	152
Against	-	15
Abstentions	-	7

Item Carried

J. Robert Tuthill of District 3 made a motion, which was seconded, to suspend the rules and combine Items 3,4 7 & 9.

Motion Carried

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

Joseph Siciliano, Director of Parks & Recreation, offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 3

**RESOLVED, That the Department of Parks and Recreation, Parks and Trees Division is authorized to accept gifts of:**

- (a.) trees and plantings from The Greenwich Tree Conservancy, Inc.**
- (b.) acceptance of donations for the purchase of trees to be planted on Town property. Such donations to become appropriations that the Comptroller shall add to account A829-53800.**

Selectman Peter Crumbine offered the following resolution, which was duly moved and seconded, regarding Item No. 4.

**RESOLVED, that the sum of \$54,100 is hereby appropriated to the accounts to the account numbers listed below - subject to the establishment of a not for profit corporation by Channel 79. Said appropriation to come from General Fund balance.**

<b>A105-53070</b>	<b>IT Supplies</b>	<b>\$8,600</b>
<b>A105-57210</b>	<b>Grant to External Entities</b>	<b>\$45,500</b>

Town Administrator John Crary offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 7.

**Sec. 80. Board of Parks and Recreation.**

(a) There shall be a Board of Parks and Recreation consisting of nine (9) resident electors who shall be appointed by the Representative Town Meeting, on nomination of the Board of Selectmen

(b) In the event that there are vacancies for terms expiring March 31, 2010, the filling of two (2) such vacancies shall be for terms expiring March 31, 2009 and thereafter the new terms for such positions filled shall be for terms expiring March 31, 2012.

(c) Appointment of four (4) members for terms commencing April 1, 2008 shall be for three (3) members to be appointed for terms expiring March 31, 2011 and for one (1) member for a term expiring March 31, 2012.

(d) Appointment of five (5) members for terms commencing April 1, 2010 shall be for three (3) members to be appointed for terms expiring March 31, 2013 and for two (2) members for terms expiring March 31, 2012 unless two members have been previously appointed to those terms as provided in subsection (b).

(e) Appointments to fill terms commencing on April 1 of 2011, 2012, 2013 and thereafter shall be for three (3) years, except to fill vacancies for unexpired terms.

(f) In addition to the members so appointed, one (1) of the Selectmen and one (1) member of the Board of Education to be designated by the Board of Selectmen and the Board of Education respectively, shall be members of such board, ex officio.

(g-) The Board shall make studies and shall prepare and submit to the First Selectman from time to time, proposals, recommendations and long range plans relating to the parks and recreational system of the Town. The First Selectman shall consult with the Board concerning the selection of sites, budget and the appointment of personnel. (RTM, 4/27/1970.) (Char. Rev. 11/4/1975, eff. 1/1/1978.)

Coline Jenkins, Chairman of the Legislative & Rules Committee, made a motion, on behalf of the committee, to amend the resolution by switching paragraphs b and g, thus "b" would become "g" and "g" would become "b".

Robert Brady of District 5 made a motion to amend the resolution in subsection "d" in the last ( ) should be changed from "b" to "g".

The amendments were approved by unanimous consent.

Douglas Wells, Chairman of the Legislative & Rules Committee, offered the following resolution, which was moved and seconded, regarding Item No. 9.

**RESOLVED, that the following Representative Town Meeting date for the 2008 –2009 term is hereby changed:**

<b>From</b>	<b>To</b>
<b>Tuesday, January 15,2008</b>	<b>Monday, January 14, 2008</b>

The vote was now on the combined items.

In Favor	-	168
Against	-	1
Abstentions	-	1

Items Carried

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

Comptroller Peter Mynarski offered the following substitute resolution, which was duly moved and seconded, regarding Item No. 5.

**RESOLVED, to adopt an ordinance pursuant to section 7-450(b) of the General Statutes of Connecticut, Revision of 1958, Revised to January 1, 2007 (the "Connecticut General Statutes").**

**WHEREAS, the Town of Greenwich (the "Town") desires to establish and fund a trust (the "Trust") to hold assets to be used to pay non-pension post-employment benefits (also known as "other post-employment benefits" or "OPEB") to eligible retirees and their beneficiaries in accordance with the provisions of section 7-450 of the Connecticut General Statutes; and**

**WHEREAS, the Town intends that the Trust be exempt from tax under section 115 of the Internal Revenue Code of 1986, as amended, as a trust utilized in the exercise of an essential governmental function; and**

**WHEREAS, the Town desires to delegate its duties as trustee of the Trust assets to the Town Treasurer, who will have custody of the Trust assets as set forth in the Town of Greenwich Other Post-Employment Benefits Declaration of Trust which shall be executed on behalf of the Town by the Chairman of the Board of Estimate and Taxation; and**

**WHEREAS, the Town intends that the Trust be established and operated in accordance with the provisions of Governmental Accounting Standards Board Statements 43 and 45; and**

**WHEREAS, the Town desires to appoint a board to oversee the investment of the Trust (the "OPEB Board"); and**

**WHEREAS, the Town desires to transfer the whole of the existing reserve fund for other post-employment benefits to the Trust in accordance with the provisions of section 7-403a(e) of the Connecticut General Statutes.**

**NOW, THEREFORE, BE IT HEREBY ORDAINED,**

- 1. That the Town of Greenwich (the "Town"), in accordance with the provisions of section 7-450(b) of the Connecticut General Statutes, hereby establishes and adopts the "Town of Greenwich Other Post-Employment Benefits Trust" (the "Trust") to hold assets that are set aside for the payment of other post-employment benefits, such trust to be administered and operated in accordance with the provisions of Governmental Accounting Standards Board Statements 43 and 45, as the same may be amended or superseded, and pursuant to the terms of the "Town of Greenwich Other Post-Employment Benefits Declaration of Trust", which is incorporated herein as though set forth in full, as presented at the Representative Town Meeting and as filed with the minutes thereof in the Office of the Town Clerk (the "Declaration of Trust").**
- 2. That the Town hereby delegates its duties as trustee of the Trust assets to the Town Treasurer (the "Trustee"). The duties of the Trustee shall be as set forth in the Declaration of Trust.**
- 3. That the Chairman of the Board of Estimate and Taxation is hereby directed to execute the Declaration of Trust on behalf of the Town.**
- 4. That the Town, in accordance with the provisions of section 7-403a(e) of the Connecticut General Statutes, hereby transfers the assets held in the reserve fund for other post-employment benefits to the Trust, subject to the final approval of the Board of Estimate and Taxation as to the timing and amount to be so transferred.**
- 5. That immediately upon the enactment of this ordinance, there shall be established the OPEB Board as provided for in section 7-450(b) of the Connecticut General Statutes to oversee the investment of the Trust. The OPEB Board shall consist of three (3) members who shall be appointed by the Board of Estimate and Taxation, one to serve a term expiring June 30, 2009, one to serve a term expiring June 30, 2010 and one to serve a term expiring June 30, 2011. Thereafter, all terms shall be for three (3) years. Notwithstanding the term lengths set forth in the preceding sentences, the Board of Estimate and Taxation may at any time remove, effective immediately, a member of the OPEB Board and name a successor to fill**

**the unexpired term. The Board of Estimate and Taxation shall designate one member of the OPEB Board as chair of said board upon enactment of this ordinance, and annually thereafter effective as of each July 1st. The members of said OPEB Board shall be residents of the Town of Greenwich and shall receive no compensation for serving. The Comptroller for the Town of Greenwich shall serve as an *ex officio*, non-voting member of the OPEB Board.**

(A copy of the trust agreement will be inserted in the official minutes)

The vote was now on Item No. 5.

In Favor	-	167
Against	-	1
Abstentions	-	1

Item Carried

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

Gregory Frumin of District 1 offered the following substitute resolution, on behalf of the Town Services Committee, which was duly moved and seconded, regarding Item No. 6.

**WHEREAS**, the citizens of the Town of Greenwich (the “Town”) have the right to know when public meetings and hearings are held, their location, and a detailed agenda for said meetings; and

**WHEREAS**, the Representative Town Meeting (the “RTM”) of the Town in its responsibility as the representatives of the electorate of the Town needs to be apprised of all activities of Town Departments, Boards, Commissions, Councils and Committees, including all School Building Committees and Building Project Committees; and

**WHEREAS**, the First Selectman is responsible for the administration and methods of procedure with respect to such departments as defined within Section 217 of the Charter of the Town of Greenwich, Connecticut.

**NOW, THEREFORE, BE IT RESOLVED**, it is the Sense of the Meeting that the First Selectman adopt as Town policy the following:

#### **PUBLIC NOTIFICATION OF MEETINGS AND HEARINGS**

- (a) The Town shall provide and maintain a display case accessible to the public in the main lobby of Town Hall for the posting of notices and agendas for all meetings and special meetings as defined in Title 1, Chapter 14, Sections 1-

200, 1-225(c) and 1-225(d) and Title 7, Chapter 90, Section 7-3 of the Connecticut General Statutes as may be amended from time to time

- (b) Any updates, modifications and changes to the notice and agenda of any meeting or special meeting shall be posted pursuant to paragraph (a) above within four (4) business hours from the time that they are filed with the Town Clerk. Special attention shall be paid to any update, modification or changes to the notice and agenda of any meeting filed with the Town Clerk between twenty four (24) and twenty eight (28) hours prior to the meeting or special meeting; in such cases, these shall be posted immediately.
- (c) The Town shall provide an electronic version of the notices and agendas for all meetings and special meetings posted pursuant to paragraph (a) above on a single web page on the Town's web site. The web page shall provide the following information in chronological order:
  - (1) The date, agency, location, time and purpose of any meeting or special meeting; and
  - (2) A link to the electronic version of the actual notice and agenda for such meeting or special meeting.
- (d) For purposes of this policy only, the Town shall determine the formats to be utilized for the electronic notifications but shall adhere to the following guidelines in making its determination:
  - 1. Use a document format that is available at no expense across all computing platforms; and
  - 2. Have, at minimum, the agency name, date, time, location, and purpose of the public meeting or hearing electronically syndicated using an open, standard electronic syndication format for dissemination to any interested party; and
  - 3. Allow an interested party to subscribe to these notices and agendas, and receive the notices and agendas via electronic mail; and
  - 4. Be updated pursuant to paragraph (b) above.
- (e) The formats described in paragraphs (d)(1) and (d)(2) above shall be developed in consultation with the Representative Town Meeting or a Special Committee of the Representative Town Meeting.
- (f) All electronic notifications described in this policy shall not constitute legal notice as required pursuant to Title 1, Chapter 14, Sections 1-225(c) and 1-225(d) and Title 7, Chapter 90, Section 7-3 of the Connecticut General



Statutes. This policy shall not constitute a replacement for the notice requirements required to any citizen affected by any decision or ruling by any Town Department, Town Commission or Town Board. The electronic notifications described in subparagraph (d) of this policy shall also not constitute a replacement for the mailing of notice of meetings to persons filing written requests pursuant to Title 1, Chapter 14, Section 1-227 of the Connecticut General Statutes.

- (g) All the Town's local government access television channels shall provide the information set forth in paragraphs (d)(2) and (d)(4) above during scheduled times in the course of its broadcast day as directed by the First Selectman.

The vote was now on Item No. 6.

In Favor	-	164
Against	-	0
Abstentions	-	0

Item Carried

The Moderator announced that Item No, 8 on the call was now before the meeting

Joshua Brown, Chairman of the RTM special committee on COPD/CIP offered the following substitute resolution, which was duly moved and seconded.

WHEREAS, at its October 23, 2006 meeting, the Representative Town Meeting adopted a sense-of-the-meeting resolution to the effect that the Plan of Conservation and Development (POCD) currently being prepared by the Planning and Zoning Commission should describe all capital improvement projects required to achieve its goals, that it should be revised and updated with appropriate citizen input at periodic intervals and that the Moderator set up a special committee to consider how best to ensure that the Capital Plan prepared annually in connection with the Town's annual budget be consistent with the POCD, as revised and updated from time to time; and

WHEREAS, the special committee set up by the Moderator pursuant to such resolution has submitted its report; and

WHEREAS, such report contains the following recommendations:

1. that Section 21(b) of the Charter be amended by inserting at the end of the last sentence the following: "which shall include funding of, or a determination not to fund, capital improvements required to meet the goals of the Plan of Development, as amended from time to time.";

2. that Section 92 of the Charter be amended by inserting after “trends” in the third sentence the following: “and of the views of other agencies of town government and of the public”;
3. that Section 93 of the Charter be amended by deleting “may” in the second sentence thereof and inserting in its place “shall”;
4. that the description of a project in the POCD demonstrate how the project would implement a particular goal of the POCD and enable the concerned town departments and agencies to make preliminary estimates of the cost and likely public support and/or opposition to the project;
5. that a structured update procedure be followed pursuant to which a major section of the POCD is reviewed, revised as appropriate and re-adopted each year;
6. that an implementation committee be created to monitor implementation of the POCD on a regular basis and make periodic status reports to the First Selectman, P&Z, the BET and the RTM;
7. that all projects considered for funding in the CIP process (other than projects that are required by a court or regulatory order) be derived from, or be consistent with, the POCD;
8. that requests by Town departments for the funding of a capital project specify the goal of the POCD that would be implemented by such project;
9. that the Capital Plan include a list of all capital improvements identified to meet the goals of the POCD but not scheduled in the Capital Plan;
10. that the CIP Committee membership be broadened so that at least 50% of the voting power on the committee be with persons who are not town employees;
11. that the CIP Committee operate openly, in full compliance with Freedom Of Information Act, with its meetings noticed appropriately in advance and open to the public and a record kept and made available to the public of any action it takes, including the scoring by the committee of individual projects; and
12. that all Town departments and agencies affected by the POCD evidence their support for the proposed POCD or any proposed amendments thereto prior to its submission to the RTM;

NOW, THEREFORE, BE IT RESOLVED, that the foregoing recommendations be, and they hereby are, approved by the Representative Town Meeting to provide guidance to the constituent parts of Town government to improve the Town's long-range planning

and the linkage of the Town's budgeting of capital improvements projects with its long-range planning in the POCD.

H Franklin Bloomer, Jr., Chairman of the Land Use Committee, offered the following amendment to Item No. 8, on behalf of the committee.

In the third "Whereas" clause delete "and" at the end of clause 11; insert "and" at the end of clause 12 and add a new clause 13 as follows

That Planning and Zoning be reorganized to separate long-term planning from day-to-day operations and that a new position of Assistant Town Planner be created to be responsible for all long-range planning, including the POCD and for its implementation, as recommended in the report of the Blue Ribbon Panel dated June 29, 1998.

The vote was now on the Land Use Committee amendment.

In Favor	-	39
Against	-	130
Abstentions	-	1

Amendment Lost

The vote was now on Item No. 8.

In Favor	-	140
Against	-	20
Abstentions	-	2

Item Carried

There being no further business, the Moderator adjourned the meeting, upon unanimous consent, at 10:25 P.M.

ATTEST:  
CARMELLA C BUDKINS  
TOWN CLERK

