



**REPRESENTATIVE TOWN MEETING
TOWN OF GREENWICH**

**EXPLANATORY COMMENTS FOR
APRIL 2006 MEETING**

ITEM NO: **1**
DEPARTMENT: RTM Appointments Committee
CONTACT: Coline Jenkins, 637-5872, cocococo@juno.com
REFERRED TO: Appointments and Town Services Committees
VOTES: 10-1-1

RESOLVED, that the following named persons, nominated by the RTM Appointments Committee, be appointed a member of the Condemnation Commission for terms expiring 3/31/08.

**DEAN GOSS
ROBERT PERRI
JOSEPH RICCARDI
NEIL RITTER
ROBERT TUTHILL**

DEAN L. GOSS

Retired Professor and Department Chair of Architecture, New York Institute of Technology, 1965 to 1995. Taught all structurally related courses within the curriculum. Maintained a small structural consulting practice. Also designed and supervised construction of manufacturing plants, power plants and research facilities. Served in RTM 22 years; currently Chair of District 1 and member of Budget Overview Committee. Member of several School Building Committees; supervised nine school projects. Member of groups studying land use agencies, new police facility, and rebuilding of Nathaniel Witherell; member of the Selectman's Pedestrian Safety Committee for the last two years. On at least four occasions during these two years, served on panels interviewing potential consultants to the Board of Education, regarding long range updating plan with a special emphasis on Hamilton Avenue School. As member of the Commendation Commission, have been developing data to allow us to start work on the Milbrook project as soon as costs are finalized and forwarded to us. Very preliminary work is starting on portion of the North Mianus project.

ROBERT A. PERRI

RTM member District 12; member of Appointments Committee; alternate to Land Use Committee and Public Works Committees. Property owner in North Mianus sewer district. Building Contractor; owner of R. Perri, Inc. Education: Greenwich High and J. M. Wright Tech.

JOSEPH A. RICCARDI, Sr.

Co-owner of construction company, Riccardi Bros., Inc., 1960 to present. Company acts as site sub-contractors or general contractors. Recent projects: Richard's Store, U. S. Tobacco Co., Bruce Museum addition, Conyers Farms - roads and polo fields, Indian Harbor - seawall and parking lot, Round Hill Club - water irrigation improvements.

Company has done sewer repairs and sewer lines for Town of Greenwich. Worked on gas, water and electric lines for local utility companies. Worked on many large home sites. Worked for the State of Connecticut on Glenville Road widening. Education: Greenwich High School 1949; Military Service 1950 - 1952

ROBERT TUTHILL

Greenwich Town Assessor 1989 – 91. Served on RTM for 17 years; presently Chair of District 3. Former Chair of Rules Committee. Past member of Southwestern Regional Planning Agency, Former Chairs of Selectmen's Sidewalk Committee and Southwest Greenwich Association. Current Chair of Condemnation Commission. Education: BA Columbia; MS Columbia Business School

NEIL RITTER

Attorney, admitted to practice in New York since 1983 and am currently General Counsel to Classic Realty LLC, a full service real estate asset management firm based in New York City. Employed in that capacity since 1996. Prior to that, employed by predecessor firms, in the same or similar capacities, since 1987. Member of the Town's Condemnation Commission for approximately five (5) years and during a portion of that time was also a member of the District 9 delegation to the RTM. Throughout tenure on each, unaffiliated with any political party. Records of the Commission would reflect good attendance with respect to all of the meetings of the Commission. Founding member of the Western Greenwich Civic Center Foundation, the not for profit foundation created to assist in the restoration and rehabilitation of that Town owned facility. Also currently an active participant with GCTV, the Town's Public Access cable program which appears on Cablevision channel 79.

ITEM NO. **2**
DEPARTMENT: Petition of Registered Voters
CONTACT: Chris Antonik, petitioner 531-9799

REFERRED TO: Land Use, Legislative & Rules, Parks & Recreation,
Transportation

VOTES: N/A

We the undersigned registered voters of the Town of Greenwich, hereby request Representative Town Meeting to make a sense of the meeting resolution to forbid tractor trailer car carriers or any car carriers from off loading or even entering the Grass Island Town Park starting at Shore Road and off loading motor vehicles. Also the storing of construction equipment, prefab homes, motor homes, carnival equipment, etc.

The Town of Greenwich is exempt on all and any equipment related only to town use.

EXPLANATORY COMMENTS

OVER THE PAST 2 YEARS IT HAS BEEN OBSERVED MANY CAR CARRIER TRACTER TRAILORS OFF LOADING VEHICLES AT GRASS ISLAND. ALSO CARNIVAL EQUIPMENT, MOTER HOMES, VERIIOS CONSTRUCTION EQUIPMENT "NOT RELATED TO PARK OR DPW SERVICES", PREFAB HOUSES, COMMERCIAL DOCK DELIVERYS AND EVEN FOUR LARGE CEMENT TRUCKS BEIING LOADED ON A COMMERCIAL LCM. **THE LCM DESTROYED THE MARGINAL LAUNCHING RAMP**".

THE TIME HAS COME FROM OUR PARKS AND REC. DEPT. TO FORBID THESE HAPPENING DUE TO THE SAFETY EFFECT AND WEAR AND TEAR ON OUR NEWLY PAVED PARK AND ALSO INSURANCE REQUIREMENTS. LAST BUT FOREMOST THE GRAASS ISLAND DEED FORBIDS ANY COMMERCIAL USE IN THIS PARK

AFTER MEETING WITH MR GEOMEAU, CAPT. RIDBERG, SELECTMAN CRUMBINE, CHIEF WALTERS AND MR SICILIANO., NO POSITIVE RESPONSE HAS BEEN ACHIEVED.

THANK YOU

ATTACHMENTS

None

ITEM NO. **3**
DEPARTMENT: Petition of Registered Voters
CONTACT: Sam Romeo (698-2569)
7 Neighborly Way
Riverside, CT 06878

REFERRED TO: Finance ,Land Use, Legislative & Rules, Parks & Recreation

VOTES: N/A

RESOLVED, We the undersigned residents of Greenwich, CT request that the RTM delete the sum of \$150,000.00 (one hundred fifty thousand dollars) from the capital budget 2006-2007 - General Fund - code 956 # 302 DPW Engineering - “ Cos Cob Site Remediation”. This project has the potential to cost the taxpayers of Greenwich, \$8,000,000.00 (eight million dollars) or more to build a STATE PARK. We also request that the First Selectman, receive a commitment from the State of Connecticut for full reimbursement of this remediation money BEFORE we spend one more dollar of our taxpayer money for the contamination the State left behind. Finally, we request that this “Cos Cob Site Remediation” be discussed in a joint session with the following committees of the RTM- Public Works, Budget Overview , and Land Use, with the Public Works committee being the lead committee.

EXPLANATORY COMMENTS

Separate enclosure

ITEM NO: **4**
DEPARTMENT: Selectmen
CONTACT: Ed Gomeau 622-7710
REFERRED TO: Appointments and Town Services Committee
VOTES: Board of Selectmen 3-0

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Board of Ethics for a term expiring 3/31/09.

PAUL deBARY

EXPLANATORY COMMENTS

Paul deBary. One White Birch Lane, Cos Cob. New nomination as a regular member of the Board of Ethics for a term expiring 3/31/09.

A.B. – Columbia College, M.B.A., Columbia School of Business, J.D., Columbia Law School.

Managing Director of Marquette deBary, Inc., financial advisory company.

ITEM NO: **5**
DEPARTMENT: Selectmen
CONTACT: Ed Gomeau 622-7710
REFERRED TO: Appointments & Health & Human Services Committees
VOTES: Board of Selectmen 3-0

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Board of Health for a term expiring 3/31/10.

DORIAN SLATER FABIO

EXPLANATORY COMMENTS

Dorian S. Fabio. 61 Mallard Drive, Greenwich. New nomination as a regular member of the Board of Health for a term expiring 3/31/10.

BS – Chemistry and Mathematics – Fairfield University, post grad studies in medicine and marketing.

President and Managing member of Putnam Scientific LLC. Founded consulting company that provides strategic and scientific services to a variety of pharmaceutical companies and healthcare communications agencies.

Twenty-two years of expertise in the US and international healthcare marketplace.

ITEM NO: **6**
DEPARTMENT: Selectmen
CONTACT: Ed Gomeau 622-7710
REFERRED TO: Appointments and Health & Human Services Committees
VOTES: Board of Selectmen 3-0

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Board of Health for a term expiring 3/31/10.

FORBES DELANY

EXPLANATORY COMMENTS

Forbes Delany, M.D. 680 Steamboat Road, Greenwich. Renomination as a regular member of the Board of Health for a term expiring 3/31/10.

AB – Dartmouth Medical School, Columbia University Co. of Physicians and Surgeons, MD Internship – New York Hospital – Cornell Medical Center. Retired. Physician of Record, Board of Health, Vice Chair, Board of Health, member since 1997. Member Nathaniel Witherell Building Committee.

ITEM NO: **7**
DEPARTMENT: Selectmen
CONTACT: Ed Gomeau 622-7710
REFERRED TO: Appointments and Town Services Committees
VOTES: Board of Selectmen 3-0

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Board of Ethics for a term expiring 3/31/09.

LOUIS P. PITTOCCO

EXPLANATORY COMMENTS

Louis P. Pittocco. 20 Carleton Street, Greenwich. New nomination as a regular member of the Board of Ethics for a term expiring 3/31/09.
University of Bridgeport – Bachelor of Science, Accounting, St. John’s University School of Law – Juris Doctor
Attorney in Private Practice. Alternate Public Member arbitrating labor grievances for the Connecticut State Board of Arbitration and Mediation. Attorney for Greenwich Housing Authority.

ITEM NO.: **8**
DEPARTMENT: Selectmen
CONTACT: Ed Gomeau 622-7710
REFERRED TO: Appointments and Land Use Committees
VOTES: Board of Selectmen 3-0-0

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the South Western Regional Planning Agency for a term expiring 3/31/09.

PAUL C. SETTELMAYER

Explanatory Comments

Paul C. Settelmeyer. 633 Steamboat Road, Greenwich. New nomination as a regular member of the South Western Regional Planning Agency for a term expiring 3/31/09. BA Degree in Economics – Brown University, MBA Degree in Finance – NY University.

Mr. Settelmeyer has served as the Greenwich representative to SWRPA for the last three years. Elected Treasurer of SWRPA in January 2006, serves as Chairman of the Housing Committee and is a member of the Referrals Committee.

Past Vice President and District Head in the Real Estate Division of a money center bank., past President and Director of a commercial mortgage company, and past President of a NYS chartered community. District 2 Rep. – RTM, VC of Transportation Committee. Three term President of Transportation Association of Greenwich, Charter member of the Selectmen’s Transportation Committee and Trustee of Fairfield and New Haven Counties Low Vision Centers.

ITEM NO.: **9**
DEPARTMENT: Selectmen
CONTACT: Ed Gomeau 622-7710
REFERRED TO: Appointments and Health & Human Services Committees
VOTES: Board of Selectmen 3-0

RESOLVED, that the following named person, nominated by the Board of Selectmen, be appointed a member of the Nathaniel Witherell Board for a term expiring 3/31/09.

ANDREW MILLER

Explanatory Comments

Andrew Miller. New nomination as a regular member of the Nathaniel Witherell Board for a term expiring 3/31/09.

A. B., Economics and Government – Dartmouth College, M.B.A., Amos Tuck School, Dartmouth College, Certified Public Accountant. Currently, Partner IBM Business Consulting Services, New York. 32 years of experience with numerous global clients. Provided strategic and operational consulting in wide variety of engagements in many industries.

ITEM NO: **10**
DEPARTMENT: Condemnation Commission
CONTACT: Contact's name: Robert Tuthill, 531-5527
bobtuthill@optonline.net
Ed Gomeau 618-7683 egomeau@greenwichct.org
REFERRED TO: Finance, Legislative & Rules, Public Works Committees
VOTES: Board of Estimate and Taxation 12-0-0

RESOLVED, that amendment to Section 260 of the Town of Greenwich Charter initiated by the Board of Estimate and Taxation be and the same is hereby amended to read as follows:

Sec. 260. Payment of assessment and taxes.

(a) The benefits apportioned and assessed as provided in the pertinent provisions of this Article, or in any other General or Special Act relating to sewer assessments in the Town shall be payable in one sum on the [September] first **day of the first month** following the expiration of forty-five (45) days after the filing of the sewer assessment list or in approximately equal successive annual installments commencing on [such September] **the first payment date** with interest at a rate not to exceed six percent (6%) per annum on the unpaid balance of the assessment, except that the first installment of any assessment against property in an area of future benefit which neither abuts nor is connected with a sewer shall become due on and bear interest from the [September] first **day of the first month** following the expiration of one (1) month after the completion of an abutting sewer or connection with a sewer. Such rate of interest, and the number of installments, which shall not exceed twenty (20), shall be determined by the Board of Estimate and Taxation. Overdue assessments and installments thereof shall bear the same rate of interest as overdue Town taxes. The entire unpaid balance of any assessment may be paid at any time with the accrued interest to the date of payment. If two (2) successive annual installments are in default, the entire balance, at the option of the Board of Estimate and Taxation, shall forthwith become due and payable with interest.

(b) Whenever a determination has been made to recover a portion of the cost of construction of sewage disposal plants and trunk sewers by the laying and levying of taxes against the properties within the sewer district, the Board of Estimate and Taxation shall determine the annual tax necessary to recover that portion of the cost of the sewage disposal plants and trunk sewers over a period of time not to exceed twenty (20) years. On or before January 31 preceding the due date of each annual tax, the Assessor shall present to the Board of Estimate and Taxation a statement showing the total assessed valuation upon the grand list last completed of the real estate including land and buildings within the sewer district. The Board, by the affirmative vote of seven (7) of its members, shall on or before May 25 determine the tax rate which shall be laid thereon to pay for the portion of the cost of such project to be recovered in the following year, together with interest accruing during the year on the unpaid balance of indebtedness incurred to pay such part of the cost of such project as is to be recovered by taxation of properties within the Sewer District, and levy taxes at a uniform rate upon such properties.

(c) The chairman and clerk of the Board shall forthwith file a certificate of the laying and levying of such taxes in the office of the Town Clerk. Such taxes shall become due in two (2) equal installments with the Town taxes, shall bear the same rate of interest as unpaid town taxes, and shall be a lien upon such properties, including any buildings and improvements thereon, from the date of the last-completed grand list, provided that no lien shall continue to exist for more than one (1) year from the date that the tax becomes due and payable unless continued in the manner provided by law for the continuance of real property tax liens. Such lien shall take precedence over all other liens and encumbrances excepting existing taxes or assessments.

(S.A. 333 jì 7, 1955; as amended by RTM, 1/8/62; RTM, 6/27/66; RTM, 3/10/69; RTM, 3/11/74.)

(additions **bold**; deletions within [brackets])

The foregoing proposal for home rule action requires an affirmative vote of a majority of the entire membership of the Representative Town Meeting.

EXPLANATORY COMMENTS - The Condemnation Commission is recommending the requirement of a fixed date by which to set sewer assessments be changed from a fixed date (September 1) to a date compatible with the completion of the sewer project. The Charter currently requires the Condemnation Commission can only set the assessment date at September 1. The assessment date is the date when property owners begin paying their proportional share of the cost of the sewer project. The payment will be due each year on this date until the costs of the project are recovered by the town. Requiring a fixed date to start restricts the town's ability to set the assessment date for sewer projects when the project is finished and the Condemnation Commission has completed their hearing and notification requirements. As an example, if the Condemnation Commission completed their hearing/notice requirements for a sewer project on October 1, 2005, the town could not begin assessing the sewer users for their proportionate share of the cost of the project until September 1, 2006, nearly a year later. Many Connecticut communities that have sewer systems do not use a fixed date when commencing to assess property owners for their share of their particular project costs.

ITEM NO: **11**
DEPARTMENT: Board of Selectmen
CONTACT: Ed Gomeau 618-7683 egomeau@greenwichct.org
Eugene F. McLaughlin, Jr. Assistant Town Attorney 622-7874
REFERRED TO: Finance, Legislative & Rules, Town Services, Transportation
VOTES: Board of Selectmen 3-0

RESOLVED, that Sections 122, 123, 124, 128, 129, 142, 143, 144, 145, 150, 217 and 238 of the Town of Greenwich Charter be and the same are hereby amended to read as follows:

Sec. 122. Department of Parking Services; Director.

(a) **There shall be a Department of Parking Services under the supervision and control of the First Selectman. The Department of Parking Services shall have charge of administrative and managerial services relating to the parking areas and facilities of the Town including supervision of planning, development, operation, regulation, collection of revenue and use of public parking areas owned, leased with or otherwise subject to the jurisdiction of the Town and, as provided in this section, with supervision of the construction and furnishing of same with necessary equipment, signs, buildings, appurtenances and other structures and the maintenance thereof. The Department of Parking Services shall assist the Board**

of Selectmen, Board of Estimate and Taxation, Condemnation Commission, Planning and Zoning Commission and Representative Town Meeting in carrying out their responsibilities under this Article in such manner as the First Selectman may prescribe.

(b) The head of the Department of Parking Services shall be the Director of Parking Services who shall be experienced in matters of public parking administration and management. The Director shall perform the duties set forth in this Article and shall supervise public parking projects. The Director shall select and employ architects and professional engineers for projects requiring structural analysis, design, development and construction management, except that no architect or engineer shall be selected or employed without the prior approval of the Commissioner of Public Works and the Selectmen. No documents shall be issued for bidding for the construction of parking structures unless and until the final project plans and specifications have been sealed and approved by a professional engineer and approved by the Commissioner of Public Works and the Selectmen. The Director shall obtain written statements from the architect and engineer of record and general contractor involved in any project affirming that the completed construction is in compliance with the approved plans and design specifications. The Director shall superintend the issuance of all permits, licenses, assignments and scheduling of maintenance of public parking areas and facilities.

(c) The Director may make joint applications with the Commissioner of Public Works for appropriations for parking related activities including construction, maintenance and design professional work in order that they may be carried out by the Department of Public Works and shall obtain the approval of the Commissioner of Public Works for any on street parking activity that affects a Town highway. Such appropriations and appropriations for the parking administrative and managerial services shall be charged to the Department of Parking Services and may be made first from the parking fund and then, as necessary, from the general fund and shall be submitted and approved separately from appropriations for the acquisition and improvement of parking areas as otherwise provided by this Article. Determination of joint, administrative and managerial appropriation requests related to parking services shall be made by the First Selectman.

Sec. 12[2]3. Acquisition of land for public parking.

The Town is authorized to acquire real property, which shall include improvements, easements, hereditaments and every estate and interest therein, by purchase, lease, gift or condemnation, and to improve the same, for the purpose of providing for the public parking of vehicles, after funds to cover the estimated cost of acquisition and improvement have been appropriated and allotted as hereinafter provided and as provided by law in the Town.

(S.A. 177 jì 1, 1957.)

Sec. 124. Appropriations for parking areas; initiation of projects.

[Sec. 123. Appropriations for parking areas.]

(a) The Town may make appropriations for, and provide out of the general fund and through borrowing, funds to pay the cost of the acquisition and improvement of parking areas, whether or not any part of such cost is to be reimbursed to the Town as hereinafter provided, and may allot such funds in the manner hereinafter provided.
(S.A. 177 jì 2, 1957.)

[Sec. 124. Initiation of projects.]

(b) If in the judgment of the Board of Selectmen it is necessary to acquire or improve any area for the public parking of vehicles, it shall submit to the Board of Estimate and Taxation plans showing the area to be acquired or improved, together with a request for an allotment from funds appropriated for this purpose to meet the estimated cost of acquisition or improvement and, if necessary, an application for the appropriation of such funds as may be required for any such allotment.
(S.A. 177 jì 3, 1957.)

Sec. 128. Acquisition of real property; procedure.

(a) After funds have been appropriated and allotted for the acquisition of any area for public parking, the **Director of Parking Services** [Commissioner of Public Works] may acquire such area by negotiation and, upon authorization of the Representative Town Meeting, may apply to the Condemnation Commission appointed under the provisions of Section 157 hereof, hereinafter called "the Commission," for the condemnation of such real property required for such purpose and for an assessment of damages. The Commission shall not take by eminent domain, for the purposes of this Article, any property of a corporation which has the right of eminent domain. This Article shall not affect the powers of eminent domain of such corporation.

(b) The Commission shall notify all persons claiming interest in such real property of a hearing on such proposed taking, notice of which shall be given to such persons at least ten (10) days before such hearing by leaving copies of such notice with them or at their places of abode in the Town, if they reside therein, or, if they do not reside in the Town, by registered or certified mail addressed to their last-known addresses, and by publication in a newspaper published or having circulation in the Town at least ten (10) days before such hearing. After such hearing the Commission shall determine whether or not such taking is necessary and, upon finding that it is necessary, shall determine and assess damages resulting from such taking and shall file in the office of the Town Clerk a certificate as to its determination of such necessity of taking and shall therein designate by number each lot or parcel taken, the owner thereof, if known, and the damages assessed in each instance.

(c) The Commission, within five (5) days after the filing of the certificate, shall give written notice of such determination of necessity and assessment and the amount thereof in each case to each person claiming interest in each lot or parcel taken, addressed to him

at his last-known post-office address, and by publishing in a newspaper published or having circulation in the Town, within five (5) days after such filing, a notice of the filing in the office of the Town Clerk of the certificate of necessity and assessment of damages. Upon the filing of such certificate, title to the real property to be acquired shall vest in the Town.

(d) The assessment of damages shall be deemed final and conclusive upon such filing, without other notice to any person, subject to the right of appeal as provided in Section 149 hereof. The Town shall pay the amounts thus assessed to the persons claiming interest in each lot or parcel upon acceptance thereof. After the Town obtains title to real property acquired for public parking, the **Director of Parking Services** [Commissioner of Public Works] shall **cause** [improve] the same **to be improved** for public parking of vehicles after the allotment of funds therefore as herein provided. (S.A. 177 jì 7, 1957.)

Sec. 129. Certification of cost of acquisition or improvements.

(a) The **Director of Parking Services** [Commissioner of Public Works] shall advise the Comptroller when such public parking areas have been acquired or improved. The Comptroller shall thereupon compute and ascertain the total cost of acquisition or improvement thereof. In such total cost shall be included all expenses in connection with the acquisition of land, buildings, easements and other property, or in the improvement thereof, all sums paid by the Town to surveyors, engineers, architects, inspectors, attorneys and other persons in connection therewith, the cost of any work done by the Town, all expenses in connection with any assessment of benefits, and the interest on notes or bonds issued by the Town, or on funds advanced by the Town at a rate not to exceed six percent (6%) per annum, to pay the expense of such acquisition or improvement computed to the time at which the first installment of any assessment or tax becomes due, but not in excess of four (4) years interest.

(b) The Comptroller shall certify such total cost. The part of such cost, which has been determined, shall be assessed or taxed against the property within a parking district in accordance with the provisions of this Article. Where such cost is to be assessed, such certification shall be to the Condemnation Commission, and where such cost is to be taxed, such certification shall be to the Board of Estimate and Taxation. (S.A. 177 jì 8, 1957.)

Sec. 142. Parking Fund; use.

(a) A separate fund shall be established and maintained by the Town to account for:

- (1) All amounts appropriated by the Town for the **Department of Parking Services** operation and maintenance of public parking areas and all amounts allotted by the Town for the acquisition and improvement of public parking areas;

- (2) All amounts collected as parking assessments, including interest;
 - (3) All taxes levied under the provisions of this Article, including interest;
 - (4) All parking revenues;
 - (5) The proceeds of all notes and bonds issued under this Article; and
 - (6) All interest received on moneys in this Fund.
- (b) The amounts received shall be used:
- (1) For the acquisition or improvement of public parking areas;
 - (2) To reimburse the Town for any amounts advanced from the general fund for such purposes to the extent of funds not contributed by the Town for such purposes;
 - (3) To pay the **Department of Parking Services** expenses of operation and maintenance of the parking areas; and
 - (4) To pay the principal of and interest on any notes and bonds issued pursuant to the provisions of this Article.

(c) An allotment for any such acquisition or improvement shall continue in force until the cost thereof has been certified by the Comptroller. At that time the unencumbered balance of any such allotment shall be returned to the unappropriated surplus of the Parking Fund.

(S.A. 177 §21, 1957; as amended by RTM. 9/9/57.)

Sec. 143. Regulations and enforcement. [Maintenance and operation of parking facilities.]

[The Commissioner of Public Works is authorized to maintain public off-street automobile parking facilities acquired and improved under this Article] Reasonable regulations for the orderly use of **the public parking areas** [such facilities], including the payment of reasonable fees for [the] use **and fines for violation** thereof, may be prescribed by the Selectmen. [and shall be enforced by the Police Department.] **Personnel of the Department of Parking Services, designated by the Director as Parking Control Officers and sworn to perform such duties before the Board of Selectmen, shall have authority to issue notices of violation of parking regulations of the Town as shall the Police Department and such other authorized officials as may be designated by the Selectmen.** (S.A. 177 §22, 1957.)(as amended by RTM 9/13/76.)

Sec. 144. Entry upon property.

The Selectmen, **Director of Parking Services**, the Commissioner of Public Works, members of the Condemnation Commission and their respective agents, engineers and surveyors and such other persons as may be necessary to enable them to perform their duties **under this Article are authorized to enter upon any property for the purpose** of making surveys, examinations or investigations and preparing maps, and for such other purposes as may be necessary in the performance of their duties under this Article. (S.A. 177 jì 23, 1957.)

Sec. 145. Parking **revenue collection equipment** [meters]; revenues.

(a) For purposes of traffic control and to provide adequate parking both on and off street, **the Department of Parking Services upon approval of** the Board of Selectmen shall have authority to acquire parking **revenue collection equipment** [meters] by purchase or lease, upon such terms as to the Board shall **approve as** [seem] best, and to install, maintain, repair and operate such parking **revenue collection equipment** [meters] on such public highways within the Town and parking lots and other areas owned by the Town which to the Board shall **approve as** [seem] necessary, and to establish such rates in the operation of any such **equipment** [meters] in furtherance of the purposes above set forth which to the Board shall **approve as** [seem] proper.

(b) Parking [meter] revenues **from such equipment** shall first be used to pay the cost of acquiring, operating, maintaining and repairing the parking [meter] **revenue collection equipment** and any surplus shall be used **as parking revenue pursuant to this Article**. [to pay other expenses in aid of traffic control, including the acquisition and operation of other parking and traffic control devices and the acquisition, improvement and maintenance of parking lots or other off-street parking areas] (S.A. 177 jì 24, 1957.)

Sec. 150. Department of Public Works; Commissioner's powers and duties; Deputy.

(a) There shall be a Department of Public Works under the direction and control of the First Selectman. The head of the Department shall be the Commissioner of Public Works, who shall have charge of all matters involved in the construction, development and maintenance of the physical properties of the Town, except the design and maintenance of school property and property under the control of the Department of Parks and Recreation **and Department of Parking Services**. He shall be the Town Engineer and shall be a civil engineer and experienced in the management of engineering and construction projects, including such projects as are involved in municipal engineering.

(b) The functions of the Department of Public Works shall be distributed under the Commissioner of Public Works among divisions and offices which shall include the divisions of highways, sewers building construction and maintenance, and recycling and waste collection and disposal. Subject to the direction of the Planning and Zoning Commission, the Commissioner of Public Works shall have charge of the physical planning and development of the Town as a whole. The Commissioner of Public Works

shall, subject to the provisions of this Article, have all the powers and duties formerly conferred and imposed by law upon the Superintendent of Highways, and all the powers and duties formerly conferred and imposed by law upon the Sewer Commissioners, except such powers and duties as relate to the collection of taxes and assessments.

(c) The Commissioner of Public Works shall be the Town's chief technical adviser in all matters involved in the physical development of the Town and the design and construction of its physical plan. All construction of public buildings and other public improvements of the Town, including repairs and reconstruction, shall be done according to plans prepared or approved by the Commissioner of Public Works, and be subject to his supervision and acceptance, provided the Board of Education [and], the Department of Parks and Recreation **and the Department of Parking Services** have supervision and control over the design of buildings under their jurisdiction.

(d) There shall be a Deputy Commissioner of Public Works who shall be appointed by the Commissioner of Public Works with the prior approval of the Selectmen. Said Deputy Commissioner shall have the same qualifications as the Commissioner of Public Works. In the absence or disability of the Commissioner of Public Works or if the office becomes vacant for any reason, the Deputy Commissioner of Public Works shall perform the duties and exercise the powers of the Commissioner of Public Works for a period not to exceed ninety (90) days or for such longer period as the Selectmen may determine. The salary of the Deputy Commissioner shall be fixed by the Town on the recommendation of the Board of Estimate and Taxation in the same manner, as other appropriations are determined.

(S.A. 444, § 27, 1939; as amended by RTM 4/27/1970; RTM 4/10/1972; as amended by RTM 4/12/1976; RTM 12/10/1990; RTM 1/17/1995.)

Sec. 217. First Selectman; powers and duties.

(a) All administrative functions relative to police, fire, highways, sewers and other public works, building inspection, parks, recreation, law, **parking services**, fleet management and purchasing for such purposes, shall be divided, under the supervision and control of the First Selectman, among administrative departments which shall include the Department of Police, Fire, Public Works, Parks and Recreation, Law, **Parking Services** and Fleet Maintenance. The First Selectman shall have the supervision and control, and shall be responsible for the administration, of all the affairs of the Town in respect to such departments, and may fix and determine the internal organization of such departments, the number and kinds of offices and positions, the methods of procedure and, subject to appropriation as otherwise provided by law, the rates of compensation.

(b) First Selectman and board of selectmen. The First Selectman shall be the chief executive officer of the town and the town agent and shall devote his full time to the duties of his office. The two selectmen other than the First Selectman who are elected as provided in this act shall, together with the First Selectman, constitute the board of selectmen. The First Selectman shall chair the board of selectmen. The First Selectman shall hold at least one meeting each month with the other selectmen for the purpose of

keeping them generally informed of the business of the town. Upon five days' written notice to the First Selectman, either of the two selectmen may place an item on the agenda of a meeting, which item shall be germane to the duties and responsibilities of the board of selectmen. Minutes of such meetings shall be taken and made available for public inspection. The First Selectman shall designate one of the other selectmen to act in his place and stead during his absence. Such Selectman when so acting shall have all of the powers and duties of the First Selectman.

(c) Compensation of First Selectman and selectmen. The First Selectman shall be paid a salary appropriate for the chief executive officer and town agent, and the other two selectmen shall be paid salaries commensurate with their duties and responsibilities, but the salary of each of the two selectmen shall be no less than ten percent of the salary of the First Selectman, subject to the approval of appropriations by the Representative Town Meeting pursuant to Section 23 of the Charter. Provision for such salaries shall be included in the budget report submitted annually by the First Selectman to the board of estimate and taxation.

(S.A. 444 jì 23, 1939; as amended by S.A. 71 jì 1, 1955; RTM, 4/27/1970; RTM, 3/13/1972.)(Char. Rev. 11/4/1975, eff. 1/1/1978.)(RTM, 1/21/1985.)(Board of Selectmen 9/17/1997.)

Sec. 238. Traffic Authority; penalties.

The Board of Selectmen, acting as the Police Commission, shall have authority by ordinance to provide that any person, firm or corporation violating any ordinance or by-law, or any rule or regulation adopted pursuant thereto, relating to traffic or parking in the Town, shall be fined such amount as may be specified therein, not exceeding One Hundred Dollars (\$100.00). In any case involving a vehicle parked in violation of any such prohibition or restriction of parking, a police officer **or such other official sworn to perform such duties by the Board of Selectmen** shall serve upon the operator of vehicle, by delivering to him personally, or by attaching to such vehicle, a notice **of parking violation** directing such operator to **pay the fine authorized by ordinance, by-law, rule or regulation** [appear at police headquarters] within such time as may be specified in such **notice**. [ordinance and there exhibit the notice and his operator's license.] When any person receives such notice, he may comply therewith and pay to the Town, at **the Department of Parking Services** [police headquarters,] such sum [not exceeding Five Dollars (\$5.00)] as may be specified in such [ordinance and] notice, and that no summons or warrant for arrest shall be issued for any such violation prior to the expiration of such period, nor thereafter, if such operator has complied with such notice and paid the sum within the period.

(S.A. 406 jì 3, 1953.)

(additions **bold**; deletions within [brackets])

The foregoing proposal for home rule action requires an affirmative vote of a majority of the entire membership of the Representative Town Meeting.

EXPLANATORY COMMENTS –

This proposed Charter revision creates a Department of Parking Services for administration of public parking in the Town of Greenwich. The Director of Parking Services is responsible for development, construction and maintenance of parking projects. Employees of the new Parking Services Department will be able to serve notices of parking violations. The revised Charter sections are set forth above with the related existing Charter sanctions to show the context of changes.

This Charter revision creates a Department of Parking Services for administration of public parking in the Town. The Director of Parking Services is responsible for development, construction and maintenance of parking projects. Employees of the new department will be able to serve notices of parking violations. The revised Charter sections are set forth below with the related existing Charter sections to show the context of changes.

Sec. 122. Department of Parking Services; Director.

(a) There shall be a Department of Parking Services under the supervision and control of the First Selectman. The Department of Parking Services shall have charge of administrative and managerial services relating to the parking areas and facilities of the Town including supervision of planning, development, operation, regulation, collection of revenue and use of public parking areas owned, leased with or otherwise subject to the jurisdiction of the Town and, as provided in this section, with supervision of the construction and furnishing of same with necessary equipment, signs, buildings, appurtenances and other structures and the maintenance thereof. The Department of Parking Services shall assist the Board of Selectmen, Board of Estimate and Taxation, Condemnation Commission, Planning and Zoning Commission and Representative Town Meeting in carrying out their responsibilities under this Article in such manner as the First Selectman may prescribe.

(b) The head of the Department of Parking Services shall be the Director of Parking Services who shall be experienced in matters of public parking administration and management. The Director shall perform the duties set forth in this Article and shall supervise public parking projects. The Director shall select and employ architects and professional engineers for projects requiring structural analysis, design, development and construction management, except that no architect or engineer shall be selected or employed without the prior approval of the Commissioner of Public Works and the Selectmen. No documents shall be issued for bidding for the construction of parking structures unless and until the final project plans and specifications have been sealed and approved by a professional engineer and approved by the Commissioner of Public Works and the Selectmen. The Director shall obtain written statements from the architect and engineer of record and general contractor involved in any project affirming that the completed construction is in compliance with the approved plans and design specifications. The

Director shall superintend the issuance of all permits, licenses, assignments and scheduling of maintenance of public parking areas and facilities.

(c) The Director may make joint applications with the Commissioner of Public Works for appropriations for parking related activities including construction, maintenance and design professional work in order that they may be carried out by the Department of Public Works and shall obtain the approval of the Commissioner of Public Works for any on street parking activity that affects a Town highway. Such appropriations and appropriations for the parking administrative and managerial services shall be charged to the Department of Parking Services and may be made first from the parking fund and then, as necessary, from the general fund and shall be submitted and approved separately from appropriations for the acquisition and improvement of parking areas as otherwise provided by this Article. Determination of joint, administrative and managerial appropriation requests related to parking services shall be made by the First Selectman.

Sec. 12[2]3. Acquisition of land for public parking.

The Town is authorized to acquire real property, which shall include improvements, easements, hereditaments and every estate and interest therein, by purchase, lease, gift or condemnation, and to improve the same, for the purpose of providing for the public parking of vehicles, after funds to cover the estimated cost of acquisition and improvement have been appropriated and allotted as hereinafter provided and as provided by law in the Town.

(S.A. 177 § 1, 1957.)

Sec. 124. Appropriations for parking areas; initiation of projects.

[Sec. 123. Appropriations for parking areas.]

(a) The Town may make appropriations for, and provide out of the general fund and through borrowing, funds to pay the cost of the acquisition and improvement of parking areas, whether or not any part of such cost is to be reimbursed to the Town as hereinafter provided, and may allot such funds in the manner hereinafter provided.

(S.A. 177 § 2, 1957.)

[Sec. 124. Initiation of projects.]

(b) If in the judgment of the Board of Selectmen it is necessary to acquire or improve any area for the public parking of vehicles, it shall submit to the Board of Estimate and Taxation plans showing the area to be acquired or improved, together with a request for an allotment from funds appropriated for this purpose to meet the estimated cost of acquisition or improvement and, if necessary, an application for the appropriation of such funds as may be required for any such allotment.

(S.A. 177 § 3, 1957.)

Sec. 128. Acquisition of real property; procedure.

(a) After funds have been appropriated and allotted for the acquisition of any area for public parking, the **Director of Parking Services** [Commissioner of Public Works] may acquire such area by negotiation and, upon authorization of the Representative Town Meeting, may apply to the Condemnation Commission appointed under the provisions of Section 157 hereof, hereinafter called "the Commission," for the condemnation of such real property required for such purpose and for an assessment of damages. The Commission shall not take by eminent domain, for the purposes of this Article, any property of a corporation which has the right of eminent domain. This Article shall not affect the powers of eminent domain of such corporation.

(b) The Commission shall notify all persons claiming interest in such real property of a hearing on such proposed taking, notice of which shall be given to such persons at least ten (10) days before such hearing by leaving copies of such notice with them or at their places of abode in the Town, if they reside therein, or, if they do not reside in the Town, by registered or certified mail addressed to their last-known addresses, and by publication in a newspaper published or having circulation in the Town at least ten (10) days before such hearing. After such hearing the Commission shall determine whether or not such taking is necessary and, upon finding that it is necessary, shall determine and assess damages resulting from such taking and shall file in the office of the Town Clerk a certificate as to its determination of such necessity of taking and shall therein designate by number each lot or parcel taken, the owner thereof, if known, and the damages assessed in each instance.

(c) The Commission, within five (5) days after the filing of the certificate, shall give written notice of such determination of necessity and assessment and the amount thereof in each case to each person claiming interest in each lot or parcel taken, addressed to him at his last-known post-office address, and by publishing in a newspaper published or having circulation in the Town, within five (5) days after such filing, a notice of the filing in the office of the Town Clerk of the certificate of necessity and assessment of damages. Upon the filing of such certificate, title to the real property to be acquired shall vest in the Town.

(d) The assessment of damages shall be deemed final and conclusive upon such filing, without other notice to any person, subject to the right of appeal as provided in Section 149 hereof. The Town shall pay the amounts thus assessed to the persons claiming interest in each lot or parcel upon acceptance thereof. After the Town obtains title to real property acquired for public parking, the **Director of Parking Services** [Commissioner of Public Works] shall **cause** [improve] the same **to be improved** for public parking of vehicles after the allotment of funds therefor as herein provided. (S.A. 177 jì 7, 1957.)

Sec. 129. Certification of cost of acquisition or improvements.

(a) The **Director of Parking Services** [Commissioner of Public Works] shall advise the Comptroller when such public parking areas have been acquired or improved. The

Comptroller shall thereupon compute and ascertain the total cost of acquisition or improvement thereof. In such total cost shall be included all expenses in connection with the acquisition of land, buildings, easements and other property, or in the improvement thereof, all sums paid by the Town to surveyors, engineers, architects, inspectors, attorneys and other persons in connection therewith, the cost of any work done by the Town, all expenses in connection with any assessment of benefits, and the interest on notes or bonds issued by the Town, or on funds advanced by the Town at a rate not to exceed six percent (6%) per annum, to pay the expense of such acquisition or improvement computed to the time at which the first installment of any assessment or tax becomes due, but not in excess of four (4) years interest.

(b) The Comptroller shall certify such total cost. The part of such cost which has been determined shall be assessed or taxed against the property within a parking district in accordance with the provisions of this Article. Where such cost is to be assessed, such certification shall be to the Condemnation Commission, and where such cost is to be taxed, such certification shall be to the Board of Estimate and Taxation.

(S.A. 177 jì 8, 1957.)

Sec. 142. Parking Fund; use.

(a) A separate fund shall be established and maintained by the Town to account for:

- (1) All amounts appropriated by the Town for the **Department of Parking Services** operation and maintenance of public parking areas and all amounts allotted by the Town for the acquisition and improvement of public parking areas;
- (2) All amounts collected as parking assessments, including interest;
- (3) All taxes levied under the provisions of this Article, including interest;
- (4) All parking revenues;
- (5) The proceeds of all notes and bonds issued under this Article; and
- (6) All interest received on moneys in this Fund.

(b) The amounts received shall be used:

- (1) For the acquisition or improvement of public parking areas;
- (2) To reimburse the Town for any amounts advanced from the general fund for such purposes to the extent of funds not contributed by the Town for such purposes;

- (3) To pay the **Department of Parking Services** expenses of operation and maintenance of the parking areas; and
- (4) To pay the principal of and interest on any notes and bonds issued pursuant to the provisions of this Article.

(c) An allotment for any such acquisition or improvement shall continue in force until the cost thereof has been certified by the Comptroller. At that time the unencumbered balance of any such allotment shall be returned to the unappropriated surplus of the Parking Fund.

(S.A. 177 §21, 1957; as amended by RTM. 9/9/57.)

Sec. 143. **Regulations and enforcement.** [Maintenance and operation of parking facilities.]

[The Commissioner of Public Works is authorized to maintain public off-street automobile parking facilities acquired and improved under this Article] Reasonable regulations for the orderly use of **the public parking areas** [such facilities], including the payment of reasonable fees for [the] use **and fines for violation** thereof, may be prescribed by the Selectmen. [and shall be enforced by the Police Department.] **Personnel of the Department of Parking Services, designated by the Director as Parking Control Officers and sworn to perform such duties before the Board of Selectmen, shall have authority to issue notices of violation of parking regulations of the Town as shall the Police Department and such other authorized officials as may be designated by the Selectmen.** (S.A. 177 §22, 1957.)(as amended by RTM 9/13/76.)

Sec. 144. Entry upon property.

The Selectmen, **Director of Parking Services**, the Commissioner of Public Works, members of the **Condemnation** Commission and their respective agents, engineers and surveyors and such other persons as may be necessary to enable them to perform their duties **under this Article are authorized to enter upon any property for the purpose** of making surveys, examinations or investigations and preparing maps, and for such other purposes as may be necessary in the performance of their duties under this Article. (S.A. 177 §23, 1957.)

Sec. 145. Parking **revenue collection equipment** [meters]; revenues.

(a) For purposes of traffic control and to provide adequate parking both on and off street, **the Department of Parking Services upon approval of** the Board of Selectmen shall have authority to acquire parking **revenue collection equipment** [meters] by purchase or lease, upon such terms as to the Board shall **approve as** [seem] best, and to install, maintain, repair and operate such parking **revenue collection equipment** [meters] on such public highways within the Town and parking lots and other areas owned by the Town which to the Board shall **approve as** [seem] necessary, and to establish such rates in the operation of any such **equipment** [meters] in furtherance of the purposes above set forth which to the Board shall **approve as** [seem] proper.

(b) Parking [meter] revenues **from such equipment** shall first be used to pay the cost of acquiring, operating, maintaining and repairing the parking [meters] **revenue collection equipment** and any surplus shall be used **as parking revenue pursuant to this Article**. [to pay other expenses in aid of traffic control, including the acquisition and operation of other parking and traffic control devices and the acquisition, improvement and maintenance of parking lots or other off-street parking areas]
(S.A. 177 jì 24, 1957.)

Sec. 150. Department of Public Works; Commissioner's powers and duties; Deputy.

(a) There shall be a Department of Public Works under the direction and control of the First Selectman. The head of the Department shall be the Commissioner of Public Works, who shall have charge of all matters involved in the construction, development and maintenance of the physical properties of the Town, except the design and maintenance of school property and property under the control of the Department of Parks and Recreation **and Department of Parking Services**. He shall be the Town Engineer and shall be a civil engineer and experienced in the management of engineering and construction projects, including such projects as are involved in municipal engineering.

(b) The functions of the Department of Public Works shall be distributed under the Commissioner of Public Works among divisions and offices which shall include the divisions of highways, sewers building construction and maintenance, and recycling and waste collection and disposal. Subject to the direction of the Planning and Zoning Commission, the Commissioner of Public Works shall have charge of the physical planning and development of the Town as a whole. The Commissioner of Public Works shall, subject to the provisions of this Article, have all the powers and duties formerly conferred and imposed by law upon the Superintendent of Highways, and all the powers and duties formerly conferred and imposed by law upon the Sewer Commissioners, except such powers and duties as relate to the collection of taxes and assessments.

(c) The Commissioner of Public Works shall be the Town's chief technical adviser in all matters involved in the physical development of the Town and the design and construction of its physical plan. All construction of public buildings and other public improvements of the Town, including repairs and reconstruction, shall be done according to plans prepared or approved by the Commissioner of Public Works, and be subject to his supervision and acceptance, provided the Board of Education [and], the Department of Parks and Recreation **and the Department of Parking Services** have supervision and control over the design of buildings under their jurisdiction.

(d) There shall be a Deputy Commissioner of Public Works who shall be appointed by the Commissioner of Public Works with the prior approval of the Selectmen. Said Deputy Commissioner shall have the same qualifications as the Commissioner of Public Works. In the absence or disability of the Commissioner of Public Works or if the office becomes vacant for any reason, the Deputy Commissioner of Public Works shall perform

the duties and exercise the powers of the Commissioner of Public Works for a period not to exceed ninety (90) days or for such longer period as the Selectmen may determine. The salary of the Deputy Commissioner shall be fixed by the Town on the recommendation of the Board of Estimate and Taxation in the same manner as other appropriations are determined.

(S.A. 444, § 27, 1939; as amended by RTM 4/27/1970; RTM 4/10/1972; as amended by RTM 4/12/1976; RTM 12/10/1990; RTM 1/17/1995.)

Sec. 217. First Selectman; powers and duties.

(a) All administrative functions relative to police, fire, highways, sewers and other public works, building inspection, parks, recreation, law, **parking services**, fleet management and purchasing for such purposes, shall be divided, under the supervision and control of the First Selectman, among administrative departments which shall include the Department of Police, Fire, Public Works, Parks and Recreation, Law, **Parking Services** and Fleet Maintenance. The First Selectman shall have the supervision and control, and shall be responsible for the administration, of all the affairs of the Town in respect to such departments, and may fix and determine the internal organization of such departments, the number and kinds of offices and positions, the methods of procedure and, subject to appropriation as otherwise provided by law, the rates of compensation.

(b) First Selectman and board of selectmen. The First Selectman shall be the chief executive officer of the town and the town agent and shall devote his full time to the duties of his office. The two selectmen other than the First Selectman who are elected as provided in this act shall, together with the First Selectman, constitute the board of selectmen. The First Selectman shall chair the board of selectmen. The First Selectman shall hold at least one meeting each month with the other selectmen for the purpose of keeping them generally informed of the business of the town. Upon five days' written notice to the First Selectman, either of the two selectmen may place an item on the agenda of a meeting, which item shall be germane to the duties and responsibilities of the board of selectmen. Minutes of such meetings shall be taken and made available for public inspection. The First Selectman shall designate one of the other selectmen to act in his place and stead during his absence. Such Selectman when so acting shall have all of the powers and duties of the First Selectman.

(c) Compensation of First Selectman and selectmen. The First Selectman shall be paid a salary appropriate for the chief executive officer and town agent, and the other two selectmen shall be paid salaries commensurate with their duties and responsibilities, but the salary of each of the two selectmen shall be no less than ten percent of the salary of the First Selectman, subject to the approval of appropriations by the Representative Town Meeting pursuant to Section 23 of the Charter. Provision for such salaries shall be included in the budget report submitted annually by the First Selectman to the board of estimate and taxation.

(S.A. 444 § 23, 1939; as amended by S.A. 71 § 1, 1955; RTM, 4/27/1970; RTM, 3/13/1972.)(Char. Rev. 11/4/1975, eff. 1/1/1978.)(RTM, 1/21/1985.)(Board of Selectmen 9/17/1997.)

Sec. 238. Traffic Authority; penalties.

The Board of Selectmen, acting as the Police Commission, shall have authority by ordinance to provide that any person, firm or corporation violating any ordinance or by-law, or any rule or regulation adopted pursuant thereto, relating to traffic or parking in the Town, shall be fined such amount as may be specified therein, not exceeding One Hundred Dollars (\$100.00). In any case involving a vehicle parked in violation of any such prohibition or restriction of parking, a police officer **or such other official sworn to perform such duties by the Board of Selectmen** shall serve upon the operator of the vehicle, by delivering to him personally, or by attaching to such vehicle, a notice **of parking violation** directing such operator to **pay the fine authorized by ordinance, by-law, rule or regulation** [appear at police headquarters] within such time as may be specified in such **notice**. [ordinance and there exhibit the notice and his operator's license.] When any person receives such notice, he may comply therewith and pay to the Town, at **the Department of Parking Services** [police headquarters,] such sum [not exceeding Five Dollars (\$5.00)] as may be specified in such [ordinance and] notice, and that no summons or warrant for arrest shall be issued for any such violation prior to the expiration of such period, nor thereafter, if such operator has complied with such notice and paid the sum within the period.

(S.A. 406 jì 3, 1953.)

(additions **bold**; deletions within [brackets])

ITEM NO: **12**
DEPARTMENT: Board of Selectmen
CONTACT: Jim Lash 622-7710 jlash@greenwichct.org
Valerie Maze, Assistant Town Attorney 622-7877
REFERRED TO: All Committees
VOTES: Board of Selectmen 3-0

RESOLVED, that Article 15 of the Town of Greenwich Charter be amended to include the following section:

Sec. 217A. Town Administrator

(a) There shall be a Town Administrator. The Town Administrator shall be qualified in the administration and management of town or city government as evidenced by his/her experience and education. The Town Administrator shall be appointed by the Board of Selectmen upon recommendation of the First Selectman.

The Town Administrator shall be an employee at will and may be removed from office by the Board of Selectmen upon recommendation of the First Selectman.

The Town Administrator shall be responsible for the day-to-day administration of those departments and operations under the supervision of the First Selectman. The Town Administrator shall coordinate the Annual Budget Process for the First Selectman. The Town Administrator may perform other duties as assigned by the First Selectman.

(b) The compensation of the Town Administrator shall be set by the Board of Selectmen upon the recommendation of the First Selectman. The First Selectman shall evaluate the performance of the Town Administrator annually. Such evaluation shall become a permanent part of the Town Administrator's personnel file.

(additions **bold**; deletions within [brackets])

The foregoing proposal for home rule action requires an affirmative vote of a majority of the entire membership of the Representative Town Meeting, followed by approval at a referendum requiring, if at a regular election, a vote of a majority of the electors voting therein.

EXPLANATORY COMMENTS –

This provision creates a new section of the Charter, Sec. 217A, to follow immediately after Sec. 217 in the Charter which sets forth the powers duties of the First Selectman. Sec. 217A creates the position of Town Administrator and sets forth the duties of the position including day-to-day administration of departments and operations under the supervision of the First Selectman, coordination of the Annual Budget Process for the First Selectman, and the authority to perform other duties as assigned by the First Selectman. The First Selectman evaluates the performance of the Town Administrator. In order to ensure that the position is terminable at will for any reason or no reason, the section specifies that the Town Administrator is an employee at will. On the other hand, in order to endow the position with potential of continuity from one administration to the next, the section empowers the Board of Selectmen to appoint and remove the Town Administrator upon recommendation of the First Selectman.

The new Charter section is set forth above with the related existing Charter section to show the context.

ITEM NO: **13**
DEPARTMENT: Board of Selectmen
CONTACT: James A. Lash, First Selectman, (203) 622-7710
Valerie E. Maze, Assistant Town Attorney (203) 622-7877
REFERRED TO: Finance, Legislative & Rules & Town Services Committees

VOTES: Board of Selectmen 3-0

RESOLVED, that Section 217 of the Town of Greenwich Charter is amended to read as follows:

Sec. 217. First Selectman; powers and duties.

(a) All administrative functions relative to police, fire, highways, sewers and other public works, building inspection, parks, recreation, law, fleet management, **information technology**, and purchasing for such purposes, shall be divided, under the supervision and control of the First Selectman, among administrative departments which shall include the Department of Police, Fire, Public Works, Parks and Recreation, Law and Fleet Maintenance. The First Selectman shall have the supervision and control, and shall be responsible for the administration, of all the affairs of the Town in respect to such departments, and may fix and determine the internal organization of such departments, the number and kinds of offices and positions, the methods of procedure and, subject to appropriation as otherwise provided by law, the rates of compensation.

(b) First Selectman and board of selectmen. The First Selectman shall be the chief executive officer of the town and the town agent and shall devote his full time to the duties of his office. The two selectmen other than the First Selectman who are elected as provided in this act shall, together with the First Selectman, constitute the board of selectmen. The First Selectman shall chair the board of selectmen. The First Selectman shall hold at least one meeting each month with the other selectmen for the purpose of keeping them generally informed of the business of the town. Upon five days' written notice to the First Selectman, either of the two selectmen may place an item on the agenda of a meeting, which item shall be germane to the duties and responsibilities of the board of selectmen. Minutes of such meetings shall be taken and made available for public inspection. The First Selectman shall designate one of the other selectmen to act in his place and stead during his absence. Such Selectman when so acting shall have all of the powers and duties of the First Selectman.

(c) Compensation of First Selectman and selectmen. The First Selectman shall be paid a salary appropriate for the chief executive officer and town agent, and the other two selectmen shall be paid salaries commensurate with their duties and responsibilities, but the salary of each of the two selectmen shall be no less than ten percent of the salary of the First Selectman, subject to the approval of appropriations by the Representative Town Meeting pursuant to Section 23 of the Charter. Provision for such salaries shall be included in the budget report submitted annually by the First Selectman to the board of estimate and taxation.

(S.A. 444 § 23, 1939; as amended by S.A. 71 § 1, 1955; RTM, 4/27/1970; RTM, 3/13/1972.)(Char. Rev. 11/4/1975, eff. 1/1/1978.)(RTM, 1/21/1985.)(Board of Selectmen 9/17/1997.)

(additions **bold**; deletions within [brackets])

The foregoing proposal for home rule action requires an affirmative vote of a majority of the entire membership of the Representative Town Meeting.

EXPLANATORY COMMENTS This revision to Sec. 217 of the Charter specifically identifies information technology as one of the administrative functions falling within the supervision and control of the First Selectman.

ITEM NO. **14**
DEPARTMENT: James Lash 622-7710
CONTACT: Ed Gomeau 622-7683;
Valerie E Maze ,Asst. Town Attorney 622-7877
REFERRED TO: Finance, Legislative & Rules, Town Services

VOTES: Board of Selectmen 3-0-0; Board of Estimate & Taxation 12-0-0

RESOLVED, that (i) Article 15 of the Charter of the Town of Greenwich be amended to include the new section concerning the Department of Human Resources and Director of Human Resources set forth below; and (ii) Section 217 of the Charter be amended as set forth below; and (iii) Section 223 be amended as set forth below.

Sec. 217B. Department of Human Resources; Director of Human Resources

(a) There shall be a Department of Human Resources under the direction of a Director of Human Resources who shall be experienced in managing human resources functions necessary for the effective administration of employment functions and administration of the Town benefits program.

(i) Subject to Sec. 223, the Director of Human Resources shall develop and implement personnel policies, procedures, rules and regulations for Town employees.

(ii) Except for managerial, confidential, certified and instructional staff of the Board of Education, the Director of Human Resources shall administer all employment functions within the Town as an aide to the Town's appointing authorities. The Director of Human Resources and the Board of Education shall determine which Board of Education positions are managerial. The employment functions of the Director of Human Resources shall exclude the negotiation and administration of collective bargaining agreements and shall include, without limitation, the following functions:

a. Recruitment;

- b. Employment eligibility determinations, testing and assessment;**
- c. Administration of classification processes;**
- d. Administration of the hiring process and procedures;**
- e. Implementation of terms and conditions of employment as may be established from time to time through the collective bargaining process;**
- f. Administration of employee performance review plans and recommendation of modifications to employee performance review plans or procedures;**
- g. Administration of employee discipline and separation in accordance with collective bargaining agreements and Town personnel policies.**
- h. Development of personnel training, employee development and retention processes;**
- i. Maintenance of personnel records and documents;**
- j. Compliance review as to all applicable laws in the area of personnel.**

(iii) The Board of Education shall be responsible for administration of all employment functions for managerial, confidential, certified and instructional staff of the Board of Education.

(iv) Except for the Town's Retirement System, the Director of Human Resources shall administer the Town's benefits program and related budgets for all active and retired Town employees.

(b) The Director of Human Resources shall be appointed and may be removed by the Board of Selectmen upon recommendation of the First Selectman as provided in Sec. 218.

(c) Nothing contained in this section shall affect the powers of the Board of Estimate and Taxation under this Charter to administer the financial affairs and budget of the Town of Greenwich.

(d) For the purposes of this section, "appointing authorities" shall include the First Selectman, the Board of Estimate and Taxation, the Board of Health, the Board of Social Services, the Planning and Zoning Commission, the Board of Education, the Retirement Board, the Conservation Commission, the Board of Nathaniel Witherell, the Boards of the Greenwich Library and the Perrot Memorial Libraries, the Inland Wetlands and Watercourses Agency, the Commission on Aging, and heads of Town departments.

(additions **bold**; deletions within [brackets])

Sec. 217. First Selectman; powers and duties.

(a) All administrative functions relative to police, fire, highways, sewers and other public works, building inspection, parks, recreation, law, **human resources**, fleet management and purchasing for such purposes, shall be divided, under the supervision and control of the First Selectman, among administrative departments, which shall include the Department of Police, Fire, Public Works, Parks and Recreation, Law, **Human Resources** and Fleet Maintenance. The First Selectman shall have the supervision and control, and shall be responsible for the administration, of all the affairs of the Town in respect to such departments, and may fix and determine the internal organization of such departments, the number and kinds of offices and positions, the methods of procedure and, subject to appropriation as otherwise provided by law, the rates of compensation.

(b) First Selectman and board of selectmen. The First Selectman shall be the chief executive officer of the town and the town agent and shall devote his full time to the duties of his office. The two selectmen other than the First Selectman who are elected as provided in this act shall, together with the First Selectman, constitute the board of selectmen. The First Selectman shall chair the board of selectmen. The First Selectman shall hold at least one meeting each month with the other selectmen for the purpose of keeping them generally informed of the business of the town. Upon five days' written notice to the First Selectman, either of the two selectmen may place an item on the agenda of a meeting, which item shall be germane to the duties and responsibilities of the board of selectmen. Minutes of such meetings shall be taken and made available for public inspection. The First Selectman shall designate one of the other selectmen to act in his place and stead during his absence. Such Selectman when so acting shall have all of the powers and duties of the First Selectman.

(c) Compensation of First Selectman and selectmen. The First Selectman shall be paid a salary appropriate for the chief executive officer and town agent, and the other two selectmen shall be paid salaries commensurate with their duties and responsibilities, but the salary of each of the two selectmen shall be no less than ten percent of the salary of the First Selectman, subject to the approval of appropriations by the Representative Town Meeting pursuant to Section 23 of the Charter. Provision for such salaries shall be included in the budget report submitted annually by the First Selectman to the board of estimate and taxation.

(S.A. 444 § 23, 1939; as amended by S.A. 71 § 1, 1955; RTM, 4/27/1970; RTM, 3/13/1972.) (Char. Rev. 11/4/1975, eff. 1/1/1978.) (RTM, 1/21/1985.) (Board of Selectmen 9/17/1997.)

(additions **bold**; deletions within [brackets])

Sec. 223. Administrative regulations.

(a) The First Selectman, the Board of Estimate and Taxation, the Board of Health, [and] the Board of Social Services, **and the Board of Education** may prescribe such general rules and regulations as they may, respectively, deem necessary or expedient for the conduct of the departments **and staff** under their respective direction and control, not inconsistent with this Article **or Town personnel policies**, and except as otherwise provided by law.

(b) The head of each department may likewise prescribe such rules and regulations as he may deem necessary or expedient for the proper conduct of the department and for making effective the provisions of law not inconsistent with **Town personnel policies or** the general rules and regulations prescribed by such boards. (S.A. 444 § 13, 1939.)(Char. Rev. 11/4/1975, eff. 1/1/1978.)

(additions **bold**; deletions within [brackets])

The foregoing proposal for home rule action requires an affirmative vote of seven members of the Board of Estimate and Taxation, followed by approval at a referendum requiring, if at a regular election, a vote of a majority of the electors voting therein.

EXPLANATORY COMMENTS:

The proposed new Charter section contains express authority for the Town's Director of Human Resources and Department of Human Resources. The section is intended to reflect functions currently performed by the Town's Director of Human Resources and Department of Human Resources, i.e., administration of specified employment functions as an aide to the Town's appointing authorities and administration of the Town benefits program (except for the Retirement System). Under the section, the Director of Human Resources develops and implements personnel policies and procedures as appropriate for Town-wide matters and necessary for compliance with state and federal law. Consistent with current practice, the provision indicates that employment functions as to certain staff of the Board of Education are specifically excluded from the purview of the Town's Director of Human Resources and are specifically reserved to the Greenwich Board of Education.

The revision to Sec. 217 of the Charter specifically identifies human resources as one of the administrative functions falling within the supervision and control of the First Selectman.

The new Charter section is set forth below together with the related amendments to existing Charter Sec. 217 and Sec. 223. In addition, existing Sec. 218 is included for reference. No amendments to Sec. 218 are proposed.