

The Representative Town Meeting



Report of the Special Committee on Decorum in RTM Debate

**Submitted to the Moderator
October 4, 2001**

By the Committee:

Joan Caldwell, Chairman	_____	_____
Robert K. Brady	_____	_____
J. Robert Tuthill	_____	_____

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1. Summary

The Committee was charged to investigate the manner in which the RTM handled the nomination of Susan Beekman as an alternate to the Inland Wetlands and Watercourses Agency, ascertain if inappropriate actions occurred and recommend actions with respect to the specific events and actions which the RTM should take to prevent the recurrence of such incidents.

As discussed more fully below, the Committee interviewed a number of people and reviewed documents relating to the Beekman nomination. The Committee concluded that the RTM did not adhere to rules established to protect people with business before the RTM, that it allowed members to personalize disagreements before the RTM and that it failed to act to assure that information was objectively and fully developed with respect to the nomination. We recommend that the Moderator admonish committees, reprimand an individual, apologize to Ms. Beekman and consider proposed changes to RTM rules and procedures.

The Committee agrees unanimously on the findings, conclusions and recommendations contained herein.

2. Chronology of Events and Other Findings

The Committee interviewed the chairmen and vice-chairmen of the Appointments and Land Use Committees and other parties directly involved with the nomination of Susan Beekman as an alternate to the Inland Wetlands and Watercourses Agency ("IWWA"). We developed the following chronology and findings, including the actions taken by RTM committees, the Selectmen, Ms. Beekman and Mr. von Keyserling, District #8 Delegate to the Appointments Committee.

A. Chronology of Events

Summer 2000	Ms. Beekman met with the First Selectman to volunteer for an opening on the IWWA and discuss her qualifications.
Fall 2000	At the Selectmen's request, Ms. Beekman wrote to the Selectmen to formally volunteer for the IWWA position.
January 2001	Ms. Beekman was interviewed by each of the Selectmen separately. She was told that two RTM committees would also interview her.
January 2001	The Selectmen unanimously voted to nominate Ms. Beekman to IWWA.

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February 8, 2001 The Appointments Committee, chaired by Vice Chairman Jenkins–Sahlin, interviewed Ms. Beekman. She was one of 25 nominees referred to the Appointments Committee for consideration prior to their nominations being placed on the March 2001 RTM Call. No discussion of a possible conflict of interest took place. The Committee voted 10 in favor, 1 opposed and 1 abstention to recommend her appointment. Ms. Jenkins–Sahlin asked for written reasons for the negative and abstaining votes.

February 13, 2001 The Appointments Committee, chaired by Chairman Boutelle, met to consider other nominees. Mr. von Keyserling arrived late with a large amount of documents and saying that he wanted to discuss the Beekman nomination because he had information that she had an "open" IWWA file and an outstanding bond. The Appointments Committee showed no interest and declined to take the issue up.

Mr. von Keyserling provided the written explanation for his negative vote on the Beekman nomination on February 8: "Mrs. Beekman [*sic*] interview left the bitter tastes of wounded ego and zealous remedy, which prevent objective, dispassionate rule over the interests of others, and may well exhibit the characteristics which have led the Selectmen to remove Agency members in the past."

February 15, 2001 The Appointments Committee, chaired by Chairman Boutelle, met to consider nominees for other positions. Mr. von Keyserling raised a "point of information" and distributed a 10–page summary of the information he had offered on February 13. Ms. Beekman had not been notified of the meeting, was not present, nor was her nomination on the meeting's agenda. After discussion, but without voting, the Committee indicated to the Chairman that he should contact the Selectmen and tell them that there were unanswered questions concerning the Beekman nomination and that her nomination should not be put on the March RTM Call (which "closed" at noon on Friday the 16th).

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- February 16, 2001 Mr. Boutelle reached Mr. Crumbine to request postponement of the Beekman nomination. Mr. Crumbine, acting for the Selectmen, did not put the Beekman nomination on the March Call. (Note: The Appointments Committee typically considers nominees before their names are put on the Call so that any problems with a nomination can be dealt with less adverse publicity).
- February 21, 2001 Mr. von Keyserling wrote the Selectmen summarizing his objections to the Beekman nomination and seeking its withdrawal (Appendix C).
- February 2001 Ms. Prince called Ms. Beekman to inform her that her nomination was postponed to April. She received a second call from someone advising her that her nomination had become controversial. When Ms. Beekman asked if she was being asked to withdraw, she was told, "No."
- February 27, 2001 Ms. Beekman wrote Ms. Prince expressing her disappointment that her nomination was delayed and stating that although she had a permit outstanding, there was no dispute as to the work required thereunder and that, "The work is minimal in scope and will be done with the other wetland work as soon as weather allows." (Appendix D).
- March 8, 2001 IWWA wrote Ms. Beekman stating, *inter alia*, "... Staff understands that this disturbed area will be stabilized with planting per the proposed site plan prepared by Rutherford Associates, dated January 19, 2000." A copy of this letter was provided to the Selectmen by IWWA in response to Ms. Prince's request for written confirmation from IWWA that, "... actions have been agreed upon for the Wetlands issue to be resolved once the current work is finished" (Appendix E).
- March 2001 The Selectmen reaffirmed the Beekman nomination. They found that an agreement between Ms. Beekman and IWWA was in place and that there was no conflict. They took no vote, leaving her nomination active. They did not formally inform the Appointments Committee of this action, nor did they provide any additional

information to the Appointments Committee about the nomination.

March 14, 2001 IWWA wrote Mr. von Keyserling a memo providing him, "a summary of events involving Wetland Agency Staff for the aforementioned parcel." The memo concludes, "Subsequent to the July 7, 1999 letter, both Ed Jones and myself have visited the site and have found the site to be working towards compliance. This common agreement reflects the issuance of an Agent Approval (an accelerated approval process reserved for sites found to be in compliance greatly exceeding minimum guideline setbacks) on March 22, 2000 authorizing additional site improvements to the parcel. Although the site is presently in compliance, it should be further noted that the fill removal and planting scheme have not been implemented; therefore the file remains active to date." (Appendix F).

The First Selectman wrote Mr. von Keyserling informing him of their full support of the Beekman nomination. (Appendix G).

March 15, 2001 The Appointments Committee, chaired by Chairman Boutelle, met to consider nominees for other positions. The Beekman nomination was not on the Appointments Committee's agenda therefore not noticed. Ms. Beekman was neither invited to nor present at the meeting. At this meeting, three of the voting members had not been present at any of the previous meetings at which the Beekman nomination was discussed, and Jim Boutelle had not been present at the 2/8 meeting when she was interviewed. There was no vote to reconsider the Beekman nomination. After discussion, the Appointments Committee voted 9–0–2 to recommend that the nomination be postponed until release of the bond by the IWWA.

March 16, 2001 The Beekman nomination was placed on the April RTM Call by the Selectmen without knowledge of the previous evening's Appointments Committee vote to postpone.

April 2, 2001 At its regular meeting, the Land Use Committee, chaired by Chairman Franklin Bloomer, considered the Beekman

nomination. It voted 9–0–3 to recommend Ms. Beekman's appointment.

Ms. Beekman presented her credentials, reasons for wanting the position and her understanding of the job. There were questions from both the committee and guests, which Ms. Beekman answered.

Mr. Boutelle related the vote of the 2/8/01 Appointments Committee, 10–1–1 in favor of the nomination; that in subsequent meetings, Mr. von Keyserling brought information about Ms. Beekman's permit, and that on 3/15/01 the Appointments Committee had voted to recommend postponement, 9–0–2.

Mr. von Keyserling was granted the floor and made a presentation about the Beekman nomination. He was critical of the nominee, saying she is "not forthcoming, obstreperous, and not easy to trust, ... she lacks credibility." Mr. von Keyserling asked why she did not object to the permit conditions, why she did not appeal the permit. He claimed she "did not follow the rules, is inconsistent, ... has demonstrated poor judgment and serious lack in comprehension of the concept, process and gravity required by the IWWA." He stated that Mrs. Beekman, "made misleading and prejudiced responses on points of fact ... during her Appointments Committee interview." He said that she would not have received her permit more rapidly if she had bribed the IWWA. He stated that her leadership connections in Audubon, Land Trust, etc. implied that she would take arbitrary and capricious actions. (Appendix I).

Selectman Crumbine spoke in favor of Ms. Beekman's nomination, for himself, not the Selectmen. He stated to the Special Committee that in his opinion, Mr. von Keyserling, "personalized his remarks."

First Selectman Prince, Tom Baptist and Karen Oztemel spoke also spoke in favor of the nomination, Ms. Prince noting that there was an agreement between the Town and Ms. Beekman, not a dispute.

The information which Mr. von Keyserling distributed to the Committee (the same as he distributed to the Appointments Committee) before the meeting was not provided to Ms. Beekman.

Ms. Hirsch stated that Mr. von Keyserling had presented information to the Land Use Committee, which it would not otherwise have obtained.

The Land Use Committee voted to recommend Ms. Beekman's appointment 9–0–3.

B. Other Findings

- a. Subsequent to the Land Use Committee meeting, Ms. Beekman withdrew her name from nomination. She said that she did this because she was told that district 2 would fight it and several friends in the RTM advised her that the volunteer job was not worth the fight. Ms. Beekman expressed her opinion that she was treated unfairly in that the Selectmen did not believe the outstanding permit and bond were disqualifying, but the RTM committees raised and considered these issues without any discussion with her. She further expressed her opinion that she was assumed to be "guilty."
- b. Ms. Beekman said that the Land Use Committee process is uncomfortable: i) Not knowing who members are and ii) The formal setting of the Cone Room with the lectern. She said Land Use Committee members performed properly, but the policy issue emerged. She said that Mr. von Keyserling's conduct was inappropriate and that he should have been controlled by the committee chairman. She believed that the committee members disregarded Mr. von Keyserling's "nasty" comments.
- c. Mr. Brady read Ms. Galt-Hirsch's notes (Appendix I) from the April 2 meeting relating to language Mr. von Keyserling used. Ms. Beekman said that Ms. Hirsch was correct.
- d. Ms. Caldwell asked Ms. Beekman if the Selectmen provided any assistance? She said, "No", only telling that her nomination was delayed.

- e. Section V. C. 2. of the *Rules of The Representative Town Meeting of the Town of Greenwich*, effective 1/1/96, provide the following:

"Meeting Agenda. The items referred to the committee in the Call of the RTM constitute the preliminary agenda of a regular meeting. The chairman shall include the agenda in the call of any special committee meeting. In either a regular or special meeting, the committee may consider other matters by a two-thirds vote.

"The chairman should arrange to have present at a regular meeting a representative of any item referred to the committee. If there is any indication of a contrary viewpoint, the chairman should search out and invite a spokesman of that position."

- f. Appendix G to the *Rules, Summary of Freedom of Information Act*, provides in section VIII. E.:

"If any public agency desires to hold a special meeting it must file with the Town Clerk a notice of the time and place of such meeting as well as the business to be transacted not less than twenty-four hours before the time set for the meeting. ... Only the business specified in the notice can be transacted at such meeting."

- g. The rules of the RTM Appointments Committee, adopted 1/14/97, provide, *inter alia*, the following:

"There shall be a (5) five day notice to all the Committee members and alternates of any meeting agendas, which shall note the individual nominations to be considered."

- h. *Roberts Rules of Order Newly Revised* provides with respect to decorum in debate that:

"REFRAINING FROM ATTACKING A MEMBER'S MOTIVE. When a question is pending, a member can condemn the nature or likely consequences of the proposed measure in strong terms, but he must avoid personalities, and under no circumstances can he attack or question the motives of another member. The measure, not the member, is the subject of debate."

- i. *Roberts Rules of Order Newly Revised* provides with respect to reconsideration of a measure by a standing committee that:

- i. There is no limit to the number of times a committee may reconsider a question,

- ii. A motion to reconsider may be made by any member who did not vote with the losing side, *i.e.* anyone who voted with the winning side, who did not vote, or was not present, and
- iii. Unless all of those who voted on the prevailing side are present, the motion to reconsider requires a two-thirds vote to adopt.

3. Conclusions

Based upon the information obtained from written material, upon letters from the Appointment and Land Use Committee members and upon interviews it conducted, this Special Committee has concluded:

- A. That the appointment process as it dealt with the Beekman nomination totally broke down between February 15 and March 15 of this year.
- B. Most Appointments Committee meetings are "special" meetings called to consider nominations prior to their being placed upon the RTM Call by the Selectmen, not "regular" meetings scheduled prior to January 31 in each year in accordance with Section VIII. C. of Appendix G of the RTM Rules.
- C. That the Appointments Committee did not comply with the RTM's rules for taking up an item not on its agenda and may not have complied with the Connecticut Freedom of Information Act and regulations prohibiting a special meeting from taking up an item not on its agenda when it discussed and/or voted on the Beekman nomination at its February 15 and March 15 meetings.
- D. That the failure of the Appointments Committee to notice the discussion of the Beekman nomination denied the nominee the opportunity to respond to the issues raised concerning her qualifications and the Selectmen the opportunity to clarify the reasons for their support.
- E. That the Appointments Committee violated *Roberts Rules of Order* at its March 15 meeting by not first voting on whether to reconsider its February 8 vote to recommend the Beekman nomination before taking up the postponement motion.
- F. That *Roberts Rules of Order* rule with respect to personal attack in debate between members applies equally to the treatment nominees for Town offices coming before the RTM's committees and the whole.
- G. That the Land Use Committee breached the concept of "courteous treatment" by failing to introduce the members of the committee to the

nominee which would have differentiated them from others present at the meeting.

- H. That the physical arrangement of the Land Use Committee meeting was more formal and consequently intimidating to the nominee.
- I. That the chairman of the Land Use Committee did not conduct the April 2 Land Use Committee meeting in accordance with *Roberts Rules of Order Newly Revised*, in that he failed to control the tenor and demeanor of the meeting and allowed personal attack of the nominee's motives by the District #8 Delegate to the Appointments Committee.
- J. That the Selectmen failed to seek detailed reasons for the Appointments Committee's request for delay of the Beekman nomination on February 16 and were therefore unresponsive to the Appointments Committee's concerns and unsupportive of the nominee in addressing these concerns.
- K. That the Appointments Committee Delegate from District #8 was correct in raising the substantive issue of a potential conflict of interest (open permit and bond) but incorrect in attacking the nominee's motivations, honesty and credibility.
- L. That the Appointments Committee Delegate from District #8 did not conduct himself in a manner befitting a delegate to the Appointments Committee nor as a member of the RTM when he personalized his legitimate concerns relating to the nominee's potential conflict of interest.
- M. That the nominee was not provided information about her that was distributed to the Land Use Committee by the Appointments Committee Delegate from District #8.
- N. That members of the Land Use Committee failed to protest to the chairman that the nature of the questioning at its April 2, 2001, meeting was not appropriate, even though the Chairman and other members of the committee stated that they were uncomfortable with the presentation of the District #8 Appointments Committee Delegate.
- O. That to imply or state that a nominee for a Town position will act arbitrarily or capriciously because the nominee has held leadership positions with the Greenwich Land Trust, Audubon, Garden Center or other volunteer groups is fundamentally and blatantly unfair and wrong.
- P. Finally, that the nominee was not treated well or fairly; that she was effectively denied the basic right to address the questions raised about her

nomination when they were raised; that the RTM failed to effectively use its forums to develop information about the nomination, and that the RTM may have discouraged the nominee and other qualified Townsman from volunteering for Town boards, to the Town's detriment.

4. Recommendations

A. The Committee offers the following recommendations with respect to inappropriate conduct by RTM members:

- a. That the Appointments Committee be admonished for its failure to comply with Roberts Rules of Order, for failure to comply with the Connecticut Freedom of Information Act, and for a basic disregard of common courtesy toward a nominee by permitting discussion about the nominee to take place after the interview and after its vote recommending the nominee without informing the nominee in advance of such discussion.
- b. That the Land Use Committee be admonished for failure of the chairman to maintain tight control over discussion at their interview of the nominee and for permitting the District #8 Delegate to the Appointments Committee to make a personal attack, at length, on the nominee.
- c. That the Board of Selectmen be advised that it is the opinion of this Special Committee of the RTM that they should have engaged in a dialogue with the Appointments Committee about the issues of "open permits" and conflict of interest rather than merely affirming their previous support, and that such dialogue might have resolved the issues.
- d. That the District #8 Delegate to the Appointments Committee, Mr. von Keyserling, be reprimanded by the Moderator for his conduct toward the nominee by engaging in repeated instances of personal attack.
- e. That the Moderator write a letter to the nominee, Ms. Beekman, apologizing for the RTM's mishandling of her nomination and for allowing personal attacks to occur.

- B. The Committee offers the following recommendations with respect to actions the RTM could take to decrease the likelihood of inappropriate conduct in the future:
- a. That the RTM with the assistance of the Board of Ethics address the potential conflict of interest question of a nominee's having business before a Town board, commission or agency to which he or she is nominated.
 - b. That the Moderator resolve the apparent conflict between the FOI Act and the RTM's Rules relating to the conditions under which a special meeting may take up an item not on its posted agenda.
 - c. That the Moderator institute prompt discussion with committee and district chairmen and vice-chairmen related to:
 - i. The requirements of FOI and Roberts Rules of Order with regard to changing and expanding a meeting's agenda,
 - ii. What constitutes unacceptable decorum in discussion or debate,
 - iii. Responsibilities of chairmen to control meetings, to prohibit even oblique personal attacks and to direct debate toward objective discussion of items,
 - iv. To reaffirm the responsibility of chairmen to see that contrary viewpoints are represented at **ALL** meetings and amend rules to assure that any material distributed to a committee is timely distributed to representatives of opposition viewpoint,
 - v. To reaffirm with members the need to keep debate factual and impersonal with zero tolerance for personal attack, and
 - vi. To remind delegates, through chairmen, that they have the same responsibility as chairman to insist on courteous treatment of everyone present at meetings.

Appendixes

Appendix A: Moderator's Charge to Special Committee on Decorum in RTM Debate

As RTM Moderator, I hereby appoint the following RTM members as members of the Special Committee on Decorum in RTM Debate:

- | | |
|-------------------|---|
| 1. Joan Caldwell | Moderator Pro Tem and Chair, District 10; |
| 2. Robert Brady | Chair, Education Committee; and |
| 3. Robert Tuthill | Chair, District 3. |

The committee shall investigate the manner in which the RTM handled the nomination of Susan Beekman to the Inland Wetlands and Water Courses Agency and determine if any inappropriate conduct by RTM members occurred in connection with that nomination. If the committee concludes that there was such inappropriate conduct, the committee shall recommend to the Moderator or to the RTM an appropriate response to that particular situation.

The committee shall also consider what action the RTM could take in the future to decrease the likelihood that inappropriate conduct occurs during discussion and debate on items that come before the RTM. The committee shall make any recommendations in this regard to the RTM Moderator or to the RTM prior to the conclusion of the current RTM term.

Thomas J. Byrne

Appendix B: Interviewees

Appointments Committee Chairman	Jim Boutelle
Appointments Committee Vice-Chairman	Coline Jenkins-Sahlin
Land Use Committee Chairman	Franklin Bloomer
Land Use Committee Vice-Chairman	Elizabeth Hirsch
First Selectman	Lolly Prince
Selectman	Peter Crumbine
IWWA nominee	Susan Beekman
Land Use Committee member	David Hoffman

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Appendix C: Mr. von Keyserling 2/21/01 letter to Selectmen

TO: The Board of Selectmen
Town of Greenwich
FROM: Chris von Keyserling
Dist. 8, RTM
Appointments Cttee. Member
DATE: 2/21/01
RE: BECKMAN NOMINATION TO IWWA.

Dear Lolly, Peter, and Dick,

Attached is a file which I boiled down from two IWWA files on Rank and Beekman. The Beekman file was marked "OPEN" as of last Tuesday (five days after the Appt. Cttee. interview with Mrs. Beekman, and some while after your board's nomination of her).

As you will gather from a review of the attached, Mrs. Beekman has had a long standing disagreement with the "Condition 8" requiring restoration of wetland. This struggle with Staff continues to the present, as far as I can tell. Staff has explained the factual basis of their assessment of need for remediation, i.e. field investigations and difference in measurements from the applicant's own soil maps. There is some confusion by Mrs. Beekman over (before & after) pictures. Apparently, Staff was referring to the ariel maps which reside as reference in IWWA offices. These are readily available for anyone to come in and review. However, Staff informs me that they are likely to be of little help to an untrained person.

Mrs. Beekman seems to think that her \$2,000 bond should be released. However, it is understood that when she amended her existing permit in January, 2000, the bond was carried over to cover 1.) the remediation which was never done, and 2.) the considerable amount of new work permitted.

It is most disturbing to me to note that Mr. Rank and Mrs. Beekman initiated and completed the work which they desired completed before any attempt at remediation of existing violation. This is in clear contradiction, that they should remediate first.

I find Mrs. Beekman's protestations hollow and self-serving. This is very clear when one considers that:

1. Staff and permit language is quite clear;
- 2.) Applicants had hired very competent professionals to assist their application (eg. Bill Rutherford, etc.);
3. Mrs. Beekman has never appeared before the Inland Agency, and has had all permits issued within one month. One could only hope that Staff cooperation with the public was always so rapid and complete.

THEREFORE, I reluctantly ask that you reconsider your nomination of Mrs. Beekman to the IWWA, and withdraw her name from the RTM consideration.

Hand Delivered

2/22/01

*Processed by my office
2/22/01
cont. confer. office*

RECEIVED

SELECTMEN'S OFFICE

Copy of Jan. 11

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Appendix D: Ms. Beekman 2/27/01 letter to First Selectman

Ms. Lolly Prince
Office of First Selectman
Town Hall
Field Point Road
Greenwich, CT 06830

5 Fairchild Lane
Greenwich, CT 06830
February 27, 2001

RECEIVED
MAR 21 2001
SELECTMEN'S OFFICE

Dear Lolly,

I was very disappointed to find that my appointment to the IWWA Commission is to be delayed. I am really not quite sure what kind of conflict could be perceived if I were to go on the Commission at this point. I already have a IWWA permit and the project that the permit was granted for is progressing as quickly as possible. I can possibly see an issue if I were applying for a permit, but cannot members of the Commission apply for permits? The special condition that is attached to this permit has been addressed. Michael Chambers, the IWWA Compliance Officer, and my landscape architect have agreed on the solution. This work is minimal in scope and will be done with the other wetland work as soon as weather allows.

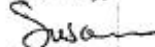
I would like to take the opportunity to explain to you just what this project on my property entails. The permit was issued to allow us to move our driveway location, construct a swimming pool, and undertake a restoration of the wetlands on my property. These wetlands are at the back of my property and are contiguous to Audubon's Fairchild Garden. These wetlands are terribly degraded due to vigorous and uncontrolled growth of invasive plant material. Oriental bittersweet, multiflora rose, and other invasives have done great damage to trees and understory growth in these areas. At great expense, I am having these unwanted plants pruned, dug and removed by hand, so that no desirable wetlands plants are disturbed. This work is being supervised by Bill Rutherford who is my landscape architect. We are saving many wetlands plants and a large fern meadow from what would be eventual destruction from the stronger invasive plants. The plan calls for planting of a large number of approved wetlands plants once the area is clean.

I want to make it clear that all this work in the wetlands was my idea. I requested a permit to do it and the permit was granted. This was not something that I was told to do. I firmly believe that this restoration can serve as a good example of proper wetland management. What better place to have a project like this than on the property of a Commission member, accessible to staff and others for education?

I would be happy to answer any questions about this issue. The planting plans should be on file as they were presented at the time the permit was requested and they show the very large scope of the project. Bill Rutherford has said that he would be willing to speak to anyone about this project.

I sincerely hope that this letter helps to move this appointment forward for April. I would hope to hear from you in the near future.

Sincerely,


Susan Beckman

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Appendix E: IWWA 3/8/01 letter to Ms. Beekman

03/20/2001 20:23 203-622-7736
203-622-7736
RUBEN P. BRANT
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Copy

**TOWN OF
GREENWICH**
Town Hall • 101 Field Point Road • Greenwich, CT 06830

Michael A. Aurelia
Director

March 8, 2001

Inland Wetlands
and
Watercourses Agency
(203) 622-7736
(Fax) (203) 622-7776

Ms. Susan H. Beekman
5 Fairchild Lane
Greenwich, CT 06831

Re: Application #99-69, Agent Approval #2000-15 – 5 Fairchild Lane

Dear Ms. Beekman:


This letter serves to officially document the site meeting carried out by Bill Rutherford of Rutherford Associates and myself. The purpose of this site meeting was to observe site activities to date, as well as to resolve the ongoing issue related to the historic wetland boundary.

As you know, Agency Staff discovered a discrepancy in the wetland boundary identified by Agents working on your behalf. A comparison of the updated boundary in relation to the previously delineated boundary found that a sizable area had failed to be identified. Upon discovering this discrepancy, Staff elected to further analyze office information and existing field conditions. Consequently, a determination was made that fill had been placed within regulated areas without the consent of this Agency.

While performing the referenced site visit with your Agent, Staff was able to identify the location of the unauthorized materials. This material is located to the east of the residence, and is confined to a relatively small section of the rear yard. It is the belief of Staff, and Mr. Rutherford, that this fill material can be removed to reflect the original grade. Furthermore, Staff understands that this disturbed area will be stabilized with plantings per the proposed site plan prepared by Rutherford Associates, dated January 19, 2000.

Should you not be in agreement with the contents of this letter, I strongly encourage you to contact Agency Staff at (203) 622-7736.

Sincerely,



Michael N. Chambers
Wetlands Compliance Officer

cc: Lolly Prince
Bill Rutherford

An Equal Opportunity Employer, M/F/H

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Appendix F: IWWA memo to Mr. von Keyserling

TOWN OF GREENWICH
Town Hall • 101 Field Point Road • Greenwich, CT 06830

Michael A. Aurelio
Director

Island Wetlands
and
Wetlands Agency
(203) 622-7736
(Fax) (203) 622-7734

Memo

To: Christopher Von Keyserling

Date: March 14, 2001

Subject: The Bookman Residence - 5 Fairchild Lane

Mr. Von Keyserling:

At your request, I have prepared a summary of events involving Wetland Agency Staff for the aforementioned parcel. My recent involvement with this Permit began at the request of Bill Rutherford of Rutherford Associates who was acting on behalf of Mrs. Bookman. At Mr. Rutherford's request, Staff scheduled a site meeting, which was carried out on Tuesday February 20, 2001. For the benefit of Mrs. Bookman, I have summarized this resolution in a letter and have encouraged her to notify Staff should she not be in agreement with this resolution. Additionally, I have copied Mrs. Lolly Prince of this resolution, as she had personally requested a copy.

Staff's initial involvement with the property was related to Application #93-78, Permit #93-91, for Mr. John C. Rank. This application allowed for the construction of a swimming pool, residential addition, and deck. Prior to obtaining authorization to perform these activities on site, Mr. Rank was required to delineate the limit of the wetland boundary, and provide a survey accurate depiction of this location on site. Review of this file fails to indicate any obvious disapproval voiced by Staff in regards to the accuracy of the soils delineation. Consequently, the permit was issued without further delay.

On October 31, 1996, the Agency favorably agreed to release the performance bond following the recommendation of James Ferlow. Since Staff requested the release of this performance bond, I feel it is safe to conclude that no unauthorized activities had occurred prior to this date.

Staff's next involvement with the site was initiated by a landscaper seeking to gain approval to complete the removal of hazardous vegetation scattered throughout the site. Following this site visit, Staff cautiously agreed to the removal of dead and unhealthy vegetation, however, stressed the importance to preserve the overall integrity of the surrounding area.

On May 21, 1999, Ed Jones, Senior Wetland Analyst prepared a Staff Report in response to Mr. and Mrs. Rank's proposal to conduct drainage improvements on site. At the time the report was prepared, Staff concluded that the mitigation plantings associated with Application #93-78 had remained, but the applicant had continued to maintain lawn within the regulated area. More importantly, Staff discovered a discrepancy of ~15 ± between the soils delineation dated March 4, 1999 and that of the original application accepted by this Agency. Further analysis of this material discovered that fill material had been placed within the regulated area, hence, the irregularity between the two delineations. At the suggestion of Staff, the Agency set forth 12 Special Conditions associated with Permit #93-65. Per condition #2, the permittee (John and Barbara Rank) was required to restore the wetland boundary to its original natural grade and integrity established in 1993. No disapproval of this condition or any relevant conclusions raised by Staff were voiced by the permittee who was presumably responsible for the unauthorized activity.

On July 7, 1999, a letter was sent by Mrs. Susan Bookman in opposition of this Agency's findings. The letter suggests the original mitigation plantings accepted by Agency Staff remained untouched; therefore, Staff erred in its conclusion regarding the unauthorized deposition of fill material. She further offers the diminished footprint of the deck addition as the reason for Staff's confusion regarding the delineated boundary.

Subsequent to the July 7, 1999 letter, both Ed Jones and myself have visited the site and have found the site to be working towards compliance. This common agreement reflects the issuance of an Agent Approval (an accelerated approval process reserved for sites found to be in compliance greatly exceeding minimum guideline setbacks) on March 22, 2000 authorizing additional site improvements to the parcel. Although the site is presently in compliance, it should be further noted that the fill removal and planting scheme have not been implemented; therefore, the file remains active to date.

I trust this will satisfy as a chronology of this Agency's involvement with 5 Fairchild Lane. Should you have any remaining questions, please feel free to contact me at (203) 622-7736.

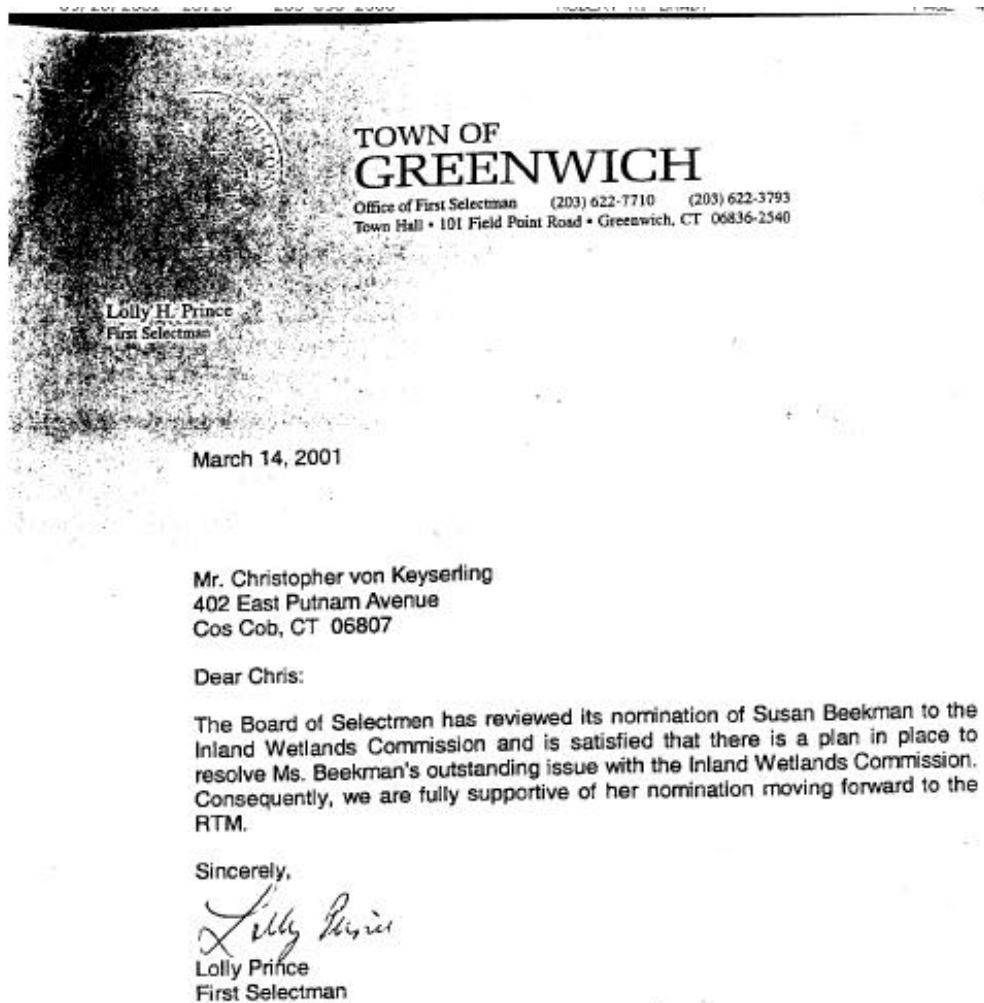
Michael N. Chambers
Wetlands Compliance Officer

4 FEB, '01

NOTE:
EARLIEST POSSIBLE
COND RELEASE AND FILE CLOSING
WOULD BE AT THE MAY IWWA
MEETING
MK

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Appendix G: 1st Selectman 3/14/01 letter to Mr. von Keyserling



An Affirmative Action/Equal Opportunity Employer. M/F/H

Appendix H: Mr. von Keyserling 3/16/01 letter to 1st Selectman

MEMO: SUSAN S. BEEKMAN NOMINATION TO IWWA.

RECEIVED

TO: Lolly Prince, Chmn. Board of Selectmen, Town of Greenwich.
FROM: Chris von Keyserling, Member RTM, District Eight
DATE: March 16, 2001

I was appreciative of your telephone call informing me that Mrs. Beekman's permit conflict of interest had been ended. You also mentioned that the Board of Selectmen had re-voted her nomination as Alternate on the IWWA, 3-0-0. I assume this vote was based on the belief that her permit had been completed.

Previous to this vote, you had discussed with Wetlands Staff the situation which caused the withholding of her nomination from the March RTM Call (see attached correspondence). One assumes that this was also discussed with Mrs. Beekman and her professional representative, Mr. W. Rutherford (the Chairman of your Conservation Commission). There was an immediate response in Mr. Rutherford's call on IWWA Staff for a site visit and discussion. It would appear that Mrs. Beekman, contrary to her previous assertions against such, has taken responsibility for the restoration of impacted wetlands on her property. For this, we all should be grateful to you and your excellent Mr. Rutherford.

However, two points remain which rule against Mrs. Beekman's nomination/appointment to the Wetlands Agency.

1.) A PROBLEM PERMIT OF YOUR NOMINEE IS STILL OPEN.

After two years of contesting remediation of wetlands, after all the desired site amenities have been installed, and two permits later, the wetlands restoration has not been completed. PERMIT #2000-15 is still open. No certification of completion, and, therefore, compliance, was on record at the time of the second Board of Selectmen vote on Mrs. Beekman's nomination. Nor is there any as of today.

Such legal certification of completion/compliance is issued by the IWWA members, not staff. This is done at the time of the permit holder's performance bond release. The next meeting of the IWWA is scheduled for April 23, 2001, after the April RTM.

How can one satisfactorily answer questions in the RTM concerning Mrs. Beekman's certification of wetlands restoration? What situation in the conflict of interest issue has changed substantially from the March RTM Call to the April RTM one? Will attempted explanations open wider questions than they answer?

2.) THE NOMINEE HAS DEMONSTRATED POOR JUDGEMENT AND SERIOUS LACK IN COMPREHENSION OF THE CONCEPT, PROCESS AND GRAVITY REQUIRED BY THE IWWA RESPONSIBILITY.

Mrs. Beekman's misleading and prejudiced responses on points of fact and process during her Appointment Committee interview,

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Memo: re. Beekman Nomination, CvK to LP, 3/16/01 (cont.)

were more widely demonstrated and exposed by her correspondence in the IWWA files.

Your nominee complained emphatically about her mistreatment by the IWWA Staff, her reason for initiating your nomination to the IWWA. Examination of the record shows that Mrs. Beekman's application and permit business with the IWWA Office was handled with exemplary speed and attentiveness:


- one month from application to Permit;
- never went before the Agency board;
- received administrative Agent Approval of her permit;
- all inquiries were answered promptly and politely;
- was allowed to amend her permit to build swimming pool, terraces, walls, drives, parking lots, etc. All inspite of current contentions of outstanding remediation conditions.

Mrs. Beekman told the Appointments Committee that she wished to "streamline" the IWWA Office's process for applications and permit handling. When asked if she had any suggestions for such improvements, she responded "No", but that she would know them when she was on the Agency.

There are many more "inconsistencies" of logic and fact which raise question as to the suitability and motivation of this nominee.

Many collateral problems are raised by this nomination. For example, your candidate has many leadership connections with Audubon, Land Trust, and the Garden Center and clubs. Well meant, but arbitrary and capricious actions on her part not only might cause severe liability to IWWA authority, but also might cause awkward reverbrations for some of our worthy, volunteer organizations.

Please reconsider your insistence on this nomination. For the small amount of expertise which this nominee "brings to the table", we do not need to revisit the painful experience of your predecessor.

Most respectfully,

Christopher von Keyserling

Appendix I: Elizabeth Galt-Hirsch, Land Use Committee Vice-Chairman, notes
on 4/2/01 Land Use Committee Meeting

April 2, 2001

Item # 26 New nomination of Susan Beekman as an alternate for IWWA

Ms. Beekman told us that her interest in IWWA is an outgrowth of all the conservation work she has done. She has worked with the garden clubs. Boards: Greenwich Land trust, Hortulus, Conservation Chairman and Treasurer. Greenwich Garden Education Center. She talked about her own experience in working with the agency. She told us she bought the Ranck's property on Fairchild Land with a permit on it. She worked it out and has gone a lot further. It was never a dispute, and it has been resolved, although the plants still need to have time to grow.

As a result of her experience she would like to see the agency be a little more friendly to the homeowner. Jim Boutelle - Chairman of appointments told us: Feb 8: Coleen Jenkins Celine [*sic*] chaired appointments meeting. Vote was 10-1-1 In subsequent meetings Chris Von Keyserling brought a copy of outstanding permit. On Friday they agreed the nomination would be held over to the April meeting. There was an issue that the request to postpone had been voted on by alternate committee members and that the chairman, Jim Boutelle had not been present at the meeting. When asked to postpone the nomination until the application was closed the Selectmen's office voted to reaffirm their support of the candidate. Jim Boutelle said that five of the appointment committee members who voted on Mary Ferry's motion to postpone (10-0-2) were not regular members of the appointments committee.

Here are remarks made by Chris Von Keyserling about the candidate during his presentation to The Land Use Committee: Mrs. Beekman is not forthcoming, obstreperous, and not easy to trust (to finish remediation) based on past performance. She has a lack of credibility. Why did she accept the permit? Why did she not object to the conditions? She had until mid-July to make an appeal. She does not follow the rules. She is inconsistent. Chris Von Keyserling said the nominee has demonstrated poor judgment and serious lack in comprehension of the concept, process and gravity required by the IWWA responsibility. He stated that Mrs. Beekman made misleading and prejudiced responses on points of fact and process during her appointment committee interview. He said her protestations were hollow and self-serving. He said she complained emphatically about her mistreatment by the IWWA staff, her reason for initiating the nomination. But examination of the record shows that her

application and permit business with the IWWA office was handled with exemplary speed and attentiveness. He was intimating that Ms. Beekman was getting special treatment by the IWWA. He stated that even if she had bribed members of the IWWA that she would not have been able to get her application handled more quickly.

He went on to illustrate this point by saying Mrs. Beekman was afforded:

- One month from application to Permit
- Never went before the agency board
- Received administrative agent approval of her permit
- Was allowed to amend her permit to build swimming pool, terraces, walls, drives, parking lots.

All this was in spite of current contentions of outstanding remediation conditions.

He also stated that the candidate has many leadership connections with Audubon, Land Trust and the Garden Center and clubs. Well meant, but arbitrary and capricious actions on her part not only could cause severe liability to IWWA authority, but also might cause awkward reverberations for some f out [sic] worthy volunteer organizations.

He kept focusing on the fact that "after all the desired amenities had been installed and completed including swimming pool, park area, 100% septic replacement there is still no resolution on the question of remediation. All permits were given within a month. Bill Rutheford [sic] helped to get the work done. All the luxury items have been done but not the remediation. She has spent hundreds of thousands of dollars but has not done a \$5,000 remediation."

The question of whether these statements violate Robert's rules of order remains, I believe, unclear. Certainly Mrs. Beekman was quite uncomfortable during Mr. Von Keyserling's presentation. Members of the Land Use Committee were also uncomfortable and at least one, Karen Oztemel, spoke up. However, information was being supplied to us along with the hard hitting remarks. Perhaps better guidelines can help the committee chairs and/or members to intercede at the appropriate time.

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Appendix J: Coudert 9/4/01 Letter to the Moderator

**BOARD OF SELECTMEN
TOWN OF GREENWICH
101 FIELD POINT ROAD
GREENWICH, CT 06830**

Board of Ethics

September 4, 2001

Mr. Thomas Byrne
Moderator, Greenwich Representative Town Meeting
337 Sound Beach Avenue
Old Greenwich, CT 06870

Dear Mr. Byrne:

This will confirm our conversation with respect to an article in the August 24 Greenwich Time reporting on the review of the RTM Appointment Procedure now in progress under the leadership of Joan Caldwell. At your suggestion I have spoken to her and know she and her committee will do a very good job.

Part of the article, if accurately reported by the press, is very disturbing to the town's Board of Ethics:

"Beekman said yesterday she withdrew (her nomination to the Inland Wetlands and Watercourse Agency) because discussion in her appointment process evolved from whether she was a good candidate to whether a resident with business before a board can be appointed to that board."

If, as implied in the press, the Appointments Committee rescinded Mrs. Beekman's nomination for the reason reported as given by Mrs. Beekman, quoted above, the Appointments Committee has shown a profound lack of understanding of our Code of Ethics which has been in force for over third of a century. To encourage talented and interested people with expertise to serve the Town on a volunteer basis on its many committees, boards, and the RTM, it asks only, and I quote Clause 4 of the Code:

"No town officer having a substantial financial interest in any transaction with the town or in any action to be taken by the town shall use his office to exert his influence or to vote on such transaction or action"

It pointedly does not say:

"No one shall serve on a town board who has a substantial financial interest in any matter which might be taken up by that board."

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Put another way, the town code asks only that any town officer, who has such an interest, as Mrs. Beckman obviously had, not be involved in any way in the decision making process with respect to that particular interest. Many dozens of people serving Greenwich are faced with this problem year after year and act in accordance with the code. If the town were to forbid them from serving, Greenwich would be the poorer and its volunteer system of government, which has been one of its strengths, would in time disappear.


Simply stated, we assume that intelligent, well motivated, people will recognize conflicts when they arise and will act appropriately. Historically, this has been the case.

Another thing, the Special Acts creating the Inland Wetlands and Watercourses Agency, as well as other units of town government, recognized and anticipated, in its wisdom, the possibility and probability that from time to time one of its members might have a personal interest in an issue before it, by having official alternates on its roster who can step in when a member feels compelled to recuse himself from involvement in that particular issue.

To avoid similar unfortunate misunderstandings in the future, the Board of Ethics stands ready as provided by paragraph 8 of the Code of Ethics to provide any RTM committee with an advisory opinion on how to handle a specific situation under the Code of Ethics. We urge you to make known to your committees the availability of the Board to provide this service.

Please let us know if we can be of assistance.

Sincerely,



Victor R. Coudert, Jr.
Chairman, Board of Ethics

CC: Joan Caldwell

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Appendix K: Other Correspondents

Carl G. R. Carlson, PhD, Vice-chairman, District #1
Edward N. Giobbe, District #1
Joe Robinson, District #12

Appendix L: Dates the Special Committee Met

July 9, 2001	September 12 (cancelled)
July 26	September 19
August 6	September 26
August 15	September 28
August 20	October 3
August 29	October 4
September 5	