

Board of Selectmen Meeting
July 22, 2020
APPROVED MINUTES

The Westport Board of Selectmen, Traffic Authority and Water Pollution Control Authority held a public meeting on Wednesday, July 22, 2020 at 9:00 a.m. Pursuant to the Governor's Executive Order No. 7B, there was no physical location for this meeting. It was held electronically, live streamed on www.westportct.gov, and broadcast on Westport's Optimum Government Access Channel 79 and Frontier Channel 6020.

<https://view.earthchannel.com/PlayerController.aspx?PGD=westportct&eID=1104>

In attendance were Jim Marpe, Jennifer Tooker, Melissa Kane, Eileen Flug, Al D'Amura, Peter Ratkiewich, John Broadbin, Gary Conrad, Bryan Thompson, presenters as noted in the minutes and Eileen Francis, recording secretary.

MINUTES

1. Jen Tooker presented Item #1. There were no revisions. Upon motion by Melissa Kane, seconded by Jim Marpe and passing by a vote of 3-0, it was:

RESOLVED, that the minutes of the Board of Selectmen's Public Meeting of July 8, 2020 and the Water Pollution Control Authority's Public Meeting of July 8, 2020 are hereby APPROVED.

CLOSURE OF CHURCH LANE FROM ITS INTERSECTION OF ELM STREET TO POST ROAD EAST FOR THE MONTH OF AUGUST, 2020

2. President of the Downtown Merchants Association (DMA) Randy Herbertson and DMA Events Director Jacqui Bidgood presented Item #2. Mr. Herbertson and Ms. Bidgood explained the proposed physical set up to barricade the street to allow outdoor dining and additional pedestrian access to Church Lane businesses, stating the merchants were in agreement that the closure would be beneficial for business. He stated that the set up would provide for emergency access at all times and trash/delivery access in the morning hours. Adequate signage will be installed. The Police and Fire Departments support the proposal provided emergency access is maintained as described. Assistant Town Attorney Eileen Flug asked whether the Hold Harmless and Insurance requirements would be waived for the closure of the street as it was for Main Street, but recommended that any restaurants utilizing parking spaces be required to provide their own Certificates of Insurance and Hold Harmless Agreements in addition to the application requirements from the Planning & Zoning Department. Director of Public Works Peter Ratkiewich addressed the potential for construction in the area and believes there would be little impact on the closure. Mr. Herbertson further explained that residents of the area will be informed of the closure; that access to their residences would not be impeded, and any elevated sound levels would be minimal as there would be no music and activity will end by restaurants' closing time. The DMA agreed to return to the Board of Selectmen at its regular meeting of August 26 to review the closure and request an extension if warranted. Mr. Herbertson also commented on the status of the arrangement on Main Street, which he indicated was working well and has received positive feedback with few complaints. Upon motion by Jim Marpe, seconded by Melissa Kane and passing by a vote of 3-0, it was:

RESOLVED, that the closure of the town owned roadway known as Church Lane from the intersection of Elm Street to Post Road East for the month of August, 2020 to allow for additional pedestrian access and outdoor restaurant seating, and the waiver of a hold harmless agreement and provision of insurance from the DMA for the street closure, contingent upon compliance with safety

requirements and recommendations from relevant town departments, and review by the Board of Selectmen its August 26 public meeting if an extension of time is requested is hereby APPROVED.

APPROVE AMENDMENT 3 TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF WESTPORT AND WISS JANNEY ELSTNER RE CMS REHAB PROJECT

3. Deputy Director of Public Works John Broadbin, representing the CMSBC presented Item #3. Mr. Broadbin explained that the amendment was to account for engineering, site modifications, and design solutions at the site. He stated further that the amount was within the contingency budget for consultation and construction. Mr. Broadbin provide an updated status on the construction progress at the site. Upon motion by Jim Marpe, seconded by Melissa Kane and passing by a vote of 3-0, it was:

RESOLVED, that Amendment 3 to the Professional Services Agreement between the Town of Westport and Wiss Janney Elstner for the Coleytown Middle School Rehabilitation Project, dated April 11, 2019, as modified by Amendment 1, dated August 12, 2019 and Amendment 2, dated March 17, 2020 is hereby APPROVED.

APPROVE AGREEMENT BETWEEN TOWN OF WESTPORT AND MARSH & McLENNAN AGENCY, LLC

4. Finance Director Gary Conrad presented Item #4. Mr. Conrad recommended renewal of the Agreement based on the performance consultant Marty Burger. Upon motion by Melissa Kane, seconded by Jim Marpe and passing by a vote of 3-0, it was:

RESOLVED, that upon the request of the Finance Director, the Agreement between the Town of Westport and Marsh & McLennan Agency, LLC to provide consulting services is hereby APPROVED.

APPROVE AGREEMENT BETWEEN THE TOWN OF WESTPORT AND MILLIMAN, INC.

5. Finance Director Gary Conrad presented Item #5. Mr. Conrad noted that Milliman has been the actuary since 2014 and is highly qualified to perform the services. Assistant Town Attorney Eileen Flug stated that the Agreement extension to FY 2023-2024 passed legal review. Upon motion by Jim Marpe, seconded by Melissa Kane and passing by a vote of 3-0, it was:

RESOLVED, that upon the request of the Finance Director, to approve the Agreement between the Town of Westport and Milliman, Inc. as it relates to actuarial services for the Town's pension and other post employment benefit fund including its annual plan and GASB valuations and other related services is hereby APPROVED.

**REVISION 1 added 07-20-2020*

APPROVE AGREEMENT BETWEEN THE TOWN OF WESTPORT AND STREETSCAN, INC.

6. Director of Public Works Peter Ratkiewich presented Item #6. Mr. Ratkiewich described the activity to date performed by the company, noting that the scanning of pavement and sidewalks allows for efficient maintenance and repair. The town has a comprehensive view of conditions that proves beneficial when coordinating the paving program and method of prioritizing construction work. Upon motion by Melissa Kane, seconded by Jim Marpe and passing by a vote of 3-0, it was:

RESOLVED, that the agreement with StreetScan Inc. for Automated Asset Management Services related to street and sidewalk maintenance, pending final review by the Town Attorney's Office, is hereby APPROVED.

7. *ITEM #7 IS INCLUDED WITH THE WPCA MINUTES OF 07-22-2020*

PRESENTATION OF SUPPLEMENTAL SOIL INVESTIGATION AND PRELIMINARY RISK ASSESSMENT REPORT, BARON'S SOUTH PROPERTY *Discussion only, no vote taken*

8. *Presentation of Supplemental Soil Investigation and Preliminary Risk Assessment Report, Baron's South Property, conducted by Thunderbird Environmental, LLC, to present findings of additional investigations, analyses, and to make recommendations for disposition of the excess fill associated with the expansion and site improvements at the Westport Center for Senior Activities, (WCSA).*

Report Available for review on the Town's website at: <https://www.westportct.gov/government/baron-s-south-stockpile-2019>

This presentation and discussion commences at 1:46 of the following:

<https://view.earthchannel.com/PlayerController.aspx?&PGD=westportct&eID=1104>

Director of Public Works Peter Ratkiewich presented a timeline of the construction site and the request for review of the stockpiled material on Baron's South.

Darby Hittle of Thunderbird Environmental described the findings of his supplemental soil investigation report (see: <https://www.westportct.gov/government/baron-s-south-stockpile-2019>) noting the process and procedure by which soil samples were collected and analyzed.

Environmental Health Risk Analyst Dr. Kurt Franzen presented his findings of the supplemental soil investigation and provided his opinion on the risk assessment and data obtained from samples of the stockpile as well as the soil samples from the entirety of the 22-acre site.

Discussion included a description on the history of the property, specifically as to the previous longstanding use of the site for both horticultural purposes and as a perfume "lab".

Discussion on potential re-use of the stockpile continued. Mr. Ratkiewich proposed three alternatives:

- 1) Leave the soil where it is since it is considered stable;
- 2) Flatten and expand the stockpile at its current site;
- 3) Move and spread thin layers within the site to low-lying areas not exposed to erosion;

Members of the public who provided comments during the meeting were Mark Friedman, Sal Liccione, Wendy Batteau, John Suggs and Wendy Crowther. Those questions and comments were addressed.

The Board requested that Mr. Ratkiewich provide a report at a future public meeting as to the potential re-use of the stockpile. He determined that he would be able to compile data, produce some options, including costs for each option, for the Board to consider. The probable time for such a public meeting is the end of September, 2020.

ADJOURNMENT

Upon motion by Melissa Kane, seconded by Jim Marpe and passing by a vote of 3-0, the meeting adjourned at 12:30 pm

Eileen Francis, Recording Secretary