

RTM Meeting  
April 14, 2020

**The Call**

1. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Town Attorney's Office, to approve a special appropriation of \$170,000.00 to the Contract Services Account for unanticipated matters and ongoing affordable housing matters.
2. To take such action as the meeting may determine, upon the recommendation of the Conservation Commission and the Flood & Erosion Control Board, pursuant to Section 30-96 of the Town Code, to approve the WPLO application # WPL/E 10942-19 by the Town of Westport, to construct of a 5-foot wide concrete sidewalk along the north side of Compo Road North between Main Street and Cross Highway.
3. To take such action as the meeting may determine, upon the recommendation of the Conservation Commission and the Flood & Erosion Control Board, pursuant to Section 30-96 of the Town Code, to approve the WPLO application # WPL/E 10943-19 by the Town of Westport to remove an existing bridge (Kings Highway North) and replace it with a new bridge in approximate place and kind.
- ~~4. To take such action as the meeting may determine, upon the petitioned request of at least 20 electors of the Town of Westport pursuant to Section C5-6C of the Town Charter, to consider a sense of the meeting resolution to encourage the Westport Public Library to reinstall the "River of Names" sculpture as a single unit and "work" within the Library. **Item postponed.**~~
5. To take such action as the meeting may determine, pursuant to CGS Section 7-273c, to re-appoint Martin A. Fox to the Board of Directors of the Westport Transit District with a term beginning May 1, 2020 and ending April 30, 2024.

**The meeting**

Moderator Velma Heller:

Good evening. This Representative Town Meeting is now called to order. We welcome those who are joining us. My name is Velma Heller and I am the RTM Moderator. Procedures for this electronic meeting are a little bit different. I just want to let you know what they are. Pursuant to the Governor's Executive Order number 7 b, this meeting is being held electronically, live streamed on westportct.gov and shown on access government channel 79 or frontier Channel 6020. Members of the public who wish to have their comments read during public comment for each agenda item may email their comments to [rtmcomments@westportct.gov](mailto:rtmcomments@westportct.gov). We will make every effort to read comments if you state your full name and address and are received during the comment period for each agenda item. Public comments are limited, as always, to three minutes. Please note that meeting materials have been posted and are available at [westportct.gov](http://westportct.gov) along with the meeting notice that was posted on the meeting list and calendar page. Now for our invocation. Tonight's invocation will be delivered by Cathy Talmadge, RTM district 6.

Invocation, Cathy Talmadge, district 6:

“The Pessimist complains about the wind. The optimist expects it to change. The leader adjusts the sails.” These are the words of American author and Pastor John C. Maxwell and how appropriate they are for the world in which we find ourselves living today. We are living through an unprecedented crisis in modern world history and as we navigate a whole new way of living and chart new courses of finding our way, here in Westport, we are blessed to have an abundance of leaders teaching us by example how to adjust our sails. We are so lucky to have Jim Marpe as our captain, an experienced executive manager, who quickly stepped up early to make difficult and unpopular decisions in order to keep the people and the community he serves safe. Jim has been a constant and effective leader and communicator with the people of Westport, and a calming force in an anxious time, he has worked tirelessly to maintain a steady course in rapidly shifting winds and regularly reminds us to reframe our pessimistic thinking about self-isolation: You are not *stuck* at home and you are *safe* at home. Thanks to the nonprofit Social Venture Partners and its partnership with town officials, overseen by Second Selectwoman Jen Tooker, Westport businesses, so adversely affected by the COVID crisis, can now get free help about financial modeling, government programs and loan options, marketing and social media, business platforms and HR issues. Our Third Selectwoman, Melissa Kane, has been busy connecting Westporters to each other through video clips and short films, sending messages of love, light and hope. To raise money for the four percent of our most vulnerable Westport neighbors who face food insecurity, Westporter Dan Levinson and other concerned residents seeded the Westport food fund which is administered by the town’s Department of Human Services their original goal was to raise \$50,000. Today the fund has raised over \$106,000. Doctors and nurses and first responders across the country have adjusted their sails to the breaking point throughout the COVID crisis and those in Westport are no exception. Many of our own physicians and nurses have left their private practices or come out of retirement or traveled across the country to help our area hospitals, working endless shifts and risking their own lives. They are not only the leaders in this time. They are the heroes. Nicole Straight, formerly of Food Rescue CT, is a leader and hero who is making sure those heroic doctors, nurses and first responders are getting fed a good, nourishing individual meal from local restaurants. Now the creator of Food for the Front Lines, she looked to Bill Taibe, owner of the Whelk, Jessup Hall and Kawa Ni, to help her with her idea. Bill calculated the cost at \$15 per meal. Nicole then posted that information on Facebook, asking for \$750 in donations to cover 50 meals for Westport EMS workers and almost immediately \$6,000 poured in. To date, she has raised over \$50,000. Nicole’s program has grown exponentially to include many struggling restaurants and caterers to do the cooking. Over 25,000 meals have been delivered to local hospitals and the donations keep coming through her *Go Fund Me* page. With one shift of mind, one adjustment of her sails, Nicole has kept restaurant workers employed and frontline workers well fed. While Wakeman Town Farm is closed, they are also partnering with Food for the Front Lines and Homes with Hope. Christy Colasurdo wrote a paper major grant for \$250,000 for Food for the Front Lines to cover the cost of meals for the next two months. WTF is also collecting and packaging personal care kits for Homes with Hope residents to ease their transition while they are displaced from their normal residences. And finally... Just as the Coronavirus began spreading, so many people bought N95 facemasks, they depleted the market for health workers. Westporter Jenna Brooke decided she could do something about that.

She posted on Facebook's Westport Front Porch site that she was collecting N95 masks that were still in sealed packages to deliver to our hospitals and frontline health workers. She collected over 1,200 new N95 masks from Westport residents and delivered them to frontline doctors, NICU nurses and ICU hospital floors. Just one person did that. One who so modestly describes herself on Facebook page as Woman. Mama. Wife. So many ways to help so many in need. So many sails to adjust. Whether it's by hanging rainbows outside your business as a sign of hope or painting rocks with messages of love and caring and placing them throughout the town for people to discover at random and brighten the gloom, or putting teddy bears and windows to wave at the children passing by, or sewing reusable cloth facemasks to give everyone you know, or looking after the needs of your elderly neighbor or planting a victory garden or ringing bells and banging pots and pans every Wednesday afternoon at five o'clock to thank and cheer our frontline workers who are saving lives in this war. We are all in this together. We are living through history. We are making history. There will come a time when your children and your grandchildren will study COVID – 19. How will you make history? How will you adjust your sails and lead?

There were 34 members present. Mr. Kraut and Ms. Rea were absent.

There were no corrections to the February minutes. The minutes are approved as submitted. Anyone with corrections, please contact Jackie Fuchs, Dr. Heller or Patty Strauss, Town Clerk.

### **Announcements**

Since we had no RTM meeting in March, I want to extend belated birthday greetings to Sal Liccione. And for April, we wish Lauren Karpf, Stephen Shackelford, Patty Strauss and Andrew Colabella a very happy birthday to all.

### **RTM announcements**

Lauren Karpf, district 7:

The Education Committee is meeting by zoom, of course, on April 29 at 7 p.m.

Jay Keenan, district 2:

Public Works will be meeting this Thursday, April 16, at 1:30 p.m. to discuss the budget.

Matthew Mandell district 1:

RTM P & Z will be meeting Friday, the 24<sup>th</sup> at 1 p.m.

Peter Gold, district 5:

Transit Committee will be meeting at 9 o'clock in the morning on April 20.

Wendy Batteau, district 8:

Environment Committee will be meeting on April 21 at 2 o'clock.

Jessica Bram, district 6:

Health and Human Services will be meeting electronically on Monday, April 20 at 7:30 p.m.

Jeff Weser, district 4:

Finance will be meeting this Thursday at 5 o'clock to discuss our next RTM meeting which you'll talk about Velma. We are also meeting Thursday, April 23 at 7 p.m. to talk about the budget. Possibly, one more time the next week, depending, to be announced.

Chris Tait, district 1:

Parks and Rec. will be meeting on April 21 at 6:30 p.m.

Rick Jaffe, district 1:

We have Information Technology meeting on April 21 at 5 p.m.

Dr. Heller:

Just so everybody realizes, these will be up on westportct.gov website so that you will not miss them in case you did not write them all down.

Lou Mall, district 2:

Public Protection, which Jimmy Izzo is Chair of, will meet on April 22 at 4 p.m.

Dr. Heller:

As I said, all of these meetings are listed on the calendar page on the town website.

The RTM will hold a Special Meeting on Wednesday, April 22, at 7:30 p.m. We will be meeting electronically. The regularly scheduled meeting after that is May 4, 5 and 6 which is the budget meeting schedule. We will meet on May 6 only if necessary.

**The secretary read item #1 of the call – To approve a special appropriation of \$170,000.00 to the Contract Services Account for unanticipated matters and ongoing affordable housing matters. By roll call vote, the motion passed 30-0-4; Abstaining: Meiers Schatz, Friedman, Kaplan, Hamlin.**

### **Presentation**

Ira Bloom, Town Attorney:

Good evening Madam Moderator and members of the RTM. I hope you can all hear me and see me. I hope you are all well and your families are all well in this time of crisis. I have a request before you tonight for additional funds to the contract services line of the Town Attorney budget in the amount of \$170,000. It is largely attributable to a series of affordable housing cases which I will detail in just a moment. It has been compounded recently by considerable time devoted to the COVID-19 crisis. By way of background, the number that we are requesting was derived from a meeting back in January with Jim Marpe; Gary Conrad, Jen Tooker were there. We looked at where we were in the budget and determined this amount would be necessary based on expected workload and past six months of bills. So, that's where we came up with this figure. The COVID-19 was just

layered on top of that but that is the figure we came up with back in January. In terms of background, of course, the RTM passed this budget back in May. Again, this is the contract services line which is largely the litigation line in the budget. It also covers some long-term projects. This number has been \$510,000 and it has been that number for many years up or down \$10,000 but it has been around the \$500,000 mark for many years. For eight months of the year, we expended \$413,000 of which \$213,000 was spent on these affordable housing cases. There were other unanticipated matters which were time-consuming: For the Freedom of Information Commission in Hartford; matters for the Public Utility Regulatory Authority in New Britain; those have taken considerable time; other tax appeals in court, etc. For your information, our firm charges at a rate that is built into the budget for \$225 per hour for partners, senior counsel, and \$190 per hour for associates. This is a reduced municipal rate that we offer to towns. I wanted to tell you that the main cause of this request and the expenditure of funds is attributable to a series of these cases. With regard to the Summit- Saugatuck applications and appeals, that's the affordable housing project around Hiawatha Lane, through March, as a for instance, we spent \$71,000. There now is a challenge to the four year moratorium that the town achieved for affordable housing. That has cost \$42,000 and change. Garden homes has an application at 122 Wilton Rd. that was denied by the P & Z. You may recall, they came in a couple of years back with 48 units at that location. That was denied. They came back with 19 units. That was denied. And now it is in court again. Lastly we have the Court St./Lincoln Street affordable housing application. There was \$55,000 spent on that. Let me just give you some feel for the work involved in any of these cases. There are some components involved when I say Hiawatha and Summit- Saugatuck. There is, number one, an appeal of their denial by the P & Z of their latest project. That is the land-use court up in Hartford, Judge Berger, we have a motion to dismiss. That's pending in the court. Secondly, there is an appeal of the Water Pollution Control Authority denial of the sewer extension from a couple of years back. It went to Superior Court. We actually lost that case at the Superior Court level but then it went to the Appellate Court where we won the case. Now Summit has brought the case to the Supreme Court and that case is pending. Now there is a new request by Summit for an additional 8-24 and that is being set up for some time, probably in May, and work continues. Even today, there are multiple emails between Summit's attorney, Mr. Hollister, and Mary Young and the attorney who handles it for our firm, Pete Gelderman. I mentioned the moratorium challenge. I know that Summit, along with Garden Homes, attempted to overturn our four year moratorium that we worked hard for and applied for and was granted by the Department of Housing, DOH. They appealed to DOH. We objected. They lost. They filed a case in Superior Court and that case was thrown out about six weeks ago. They have filed again, yesterday. They served Patty Strauss, the Town Clerk. So, they have filed another challenge against the moratorium. That case is brand new and we have to address that. I mentioned the Court Street appeal. That is in the hands of the judge right now. We are waiting for a resolution, one side or the other. All these cases have been time consuming, briefs, motions, etc. The work will continue in May and June, the balance of the fiscal year and that is why we need the money. We have the Summit, May 24; we have the new moratorium challenge, I can also tell you that last week, there was a new lawsuit filed. It was filed by Longshore Associates, the Inn at Longshore tenant. They are seeking some abatement of their rent. They are making a series of allegations. We have to appear for the town and we have to

address that suit. And we have to do it in a timely manner, meaning over the next couple of months. Courts are largely closed but the rules of action and how we file, things continue. So, we have obligations to deal with those cases. The COVID-19 issues have just been layered upon all of this. It hasn't changed the money that we are requesting but we will just continue if we get the money from the RTM tonight. But I can tell you that it has taken a lot of work. We have gotten all these Executive Orders. We have had to analyze them and present them to Jim and to the Department Heads. We've spent a lot of time with the Planning and Zoning Commission and with the Chair and P&Z also as we analyze what we can and cannot do. That has taken considerable time. I was actually on a panel of attorneys who crafted some of the orders from the Governor. So that work has gone on and it continues. Jim and I concluded our review of all this at 10 o'clock last night and that's not so uncommon actually. It's been a lot of extra time on that particular topic. I'll try to wrap this up quickly. I'm in my 23<sup>rd</sup> year as Town Attorney for Westport. I estimated in my letter to you that in that time I've come back perhaps four or five or six years for additional funds. But what is interesting is Gary Conrad provided a memo which I have distributed to you a total of \$435,880 in unused funds. Based on his chart, eight of the 10 years, we were under the \$510,000 and two of those years we were over. So you have the information that the \$510,000 is an estimate and we keep it consistent. It will be the same amount for next year's budget also. But we are at the mercy of people who file suits. Most years, we try to manage it and have been successful. This year has been particularly time-consuming. So you understand what I try to do, we send a bill monthly. The bills are detailed, 40 to 50 pages. It is broken down to tenths of the hour. It is reviewed by Jim Marpe. It is reviewed by Gary Conrad in terms of the budget. I also look at it carefully in terms of the budget. I try to monitor that. I talk to Gary frequently about it. If I see we are getting a little bit over budget, I can pull back a bit, limit attendance at meetings, etc. So I try to adjust it. I have been fairly successful over the years. But, we do have to react to the cases that keep on coming this year. They are coming quite often. As I indicated, these are reviewed by the administration; Jim in particular. He and I have a regular Thursday morning appointment in normal times and we speak about my schedule multiple times per week either in person or on the phone (in normal times). So, all of this does get reviewed quite carefully, in my opinion. To be clear, we are talking about this one line, contract services. There are other lines. There is a line that accounts for Eileen Flug's payment which comes to the firm. She offers her valuable services at Town Hall. She does not bill at an hourly rate. So anything that Eileen does is not part of this calculation tonight. There is a small labor budget and we have a part-time secretary at Town Hall and there is a small retainer for the Town Attorney. So those are the components of the budget but we are just talking about one- time contract services. The others have been largely constant over the years. So, that's where we are. We try to work within the budget. We have a good team and a good track record in serving the town. Working for this town is a privilege for me and everybody works on it in our firm. That is our request. I'll be happy to answer any of your questions and thank you for your consideration.

### **Committee report**

Finance Committee, Mr. Wieser:

We had a meeting last Tuesday, April 7, of the Finance Committee. Members there were me, Cathy Talmadge; Seth Braunstein; Jessica Bram; Rick Jaffe; Christine Meiers Schatz; Stephen Shackelford. Kristin Schneeman was on the zoom as well; it was an electronic meeting. Ira Bloom, presented the request. He indicated that he has served in this role for 23 years. During that time, the Contract Services Account had been budgeted very near to \$510,000 each year. He has made a request for an increase in this amount only about six times, and never to as great an extent as this. He also mentioned that in many of those 23 years, he has been able to return to the Town some unexpended funds due to relative inactivity. A subsequent memo sent by Mr. Bloom indicated that over the past ten years to 6/2019 the Contract Services line item had turned back to the Town over \$435,000. He talked about the \$413,000 has been expended and \$213,000 of this has been on only five law suits in which the Town is currently engaged. He went into some detail about how he and Gary Conrad determined that \$170,000 would get them through to the end of this year. Since then, there have been a few more surprises that he pointed out but he still was thinking that was the number. Christine Meiers Schatz asked a number of questions regarding a request to review the relevant bills and provide due diligence on them. There was a debate on the appropriateness and ability of sending electronic copies of the files. Mr. Bloom suggested that when there is access to the files in Town Hall, the RTM would be welcome to review them, but to send them electronically was an administrative burden that exceeded his firm's and the Town's Finance Department's capabilities in this confused period of limited staffing. It was suggested that we might get a breakdown of the different actions on which legal fees are being expended, and Mr. Bloom indicated again that in the fullness of time that could be arranged. It was suggested that we hold off approving the additional funding until members could review the bills, but we learned that the Town cannot authorize new legal work unless there is budget allocated for the work, or unless the work represents emergency requirements. Mr. Bloom agreed to try to find additional information for the full RTM meeting. On a motion by Rick Jaffe, seconded by Seth Braunstein, the committee voted to recommend to the full RTM the approval of this item by a vote of 6 – 0 - 1 with Ms. Meiers Schatz abstaining.

### **Members of the Westport electorate**

Jim Marpe, First Selectman:

I just want to add a quick commentary. I think Ira has reviewed the facts of our long-term relationship. When I came into office, I think I had a choice of alternatives and when I reviewed the exemplary record of Bircherm Moses as they have delivered service for Westport in some very difficult cases in the past and now we have some difficult cases, their performance is exemplary. Ira and I talked regularly about is there a way to do things without perhaps so much involvement of his professional individuals. We think about that regularly. It is not a free-form just go ahead and do it. This past year has been particularly challenging. Ira listed some of the cases. He talked briefly about appearing before the Public Utility Regulatory Authority. Representative Candace Banks is very familiar with this case, the North Avenue water tanks. As a result of Ira's firm being involved and personal involvement, we have reached a compromise with the Aquarion and one that suits the concerns of the neighbors. Again, the number of hours required to make that happen and the number of meetings and the amount of legal advice was very important. I would note that in the time I have been in office, three of our neighboring communities

have elected to hire Ira and his firm. New Canaan, Wilton, and Weston all have determined that of the firms they looked at, this was the best positioned firm to serve them. I regularly hear compliments from my counterparts in those communities of the work that is being delivered and also the price point. Two or three years ago, I remember, Ira came to me sheepishly asking for a \$25 an hour increase on the partner level. The rate had been the same since I arrived and I don't know how many years before that. We kept the associate fees at the same level. With my own personal experience dealing with lawyers and dealing with professional services, the rates that we get as a town are among the best there are. I see other communities who are served by someone who may be local to the community and the challenges they have and the problems they have because they are not handled by people who are experienced in town legal matters, be it land-use issues or a myriad of other activities. When Ira came, we could see the budget was being consumed at a relatively rapid rate and we understood the issues, the complexity of the cases that Ira outlined is enormous to result in the Birchem Moses team winning in these cases. Our opponents in several of these cases are tenacious, to say the least, and committed to their own success. Unfortunately, this results in the amount we have to devote from a legal standpoint on our own side. I request that you approve the appropriation. I have reviewed the bills and I am convinced that the money is well spent and I am able to reconcile it to the activity that I know takes place on a regular basis on behalf of the town of Westport the residents and taxpayers of Westport.

Mr. Weser read the resolution and it was seconded by Sal Liccione.

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Town Attorney's Office, the sum of \$170,000.00 to the Contract Services Account for unanticipated matters and ongoing affordable housing matters is hereby appropriated.

### **Members of the RTM**

Mr. Mandell:

I'm very glad to see everybody here tonight. I hope everybody stays happy and healthy. I look forward to seeing all of you in person whenever we can do that. In terms of this appropriation, a lot of people will say this money is being spent to thwart affordable housing. That is completely not the case. We are spending our money on legal fees to combat egregious developments that are unsafe and unwarranted in our community. The attorneys at Birchem and Moses, Ira, Pete Gelderman and Eileen Flug have done an exemplary job and we can only praise them for what they have done. On the other side, we have an attorney from Summit Development from Shipman and Goodwin who, I would say, is abusing the legal system. They have filed no less than six lawsuits in their pursuit of a development over the last 16 years that we have said is not appropriate for our community. Of those six, two of them are in Norwalk where the recent decision from Conservation is being appealed twice. So, this money that we spend, and I was here five years ago and said the same thing, if Westport does not defend itself against egregious developers, then we are doing ourselves a disservice. This money is being well spent and I wholeheartedly hope that we approve it. All the other expenses as First Selectman Marpe talked about PURA and dealing with the COVID related issues are all things that are unexpected but that we have to deal with and we have to pay for legally. So, I urge everybody to approve this appropriation and, again, hope to see you in person soon.



Christine Meiers Schatz, district 2:

My concerns related to this appropriation aren't related to the work that Ira or Eileen Flug are doing which, undoubtedly, is incredibly important. They are doing a great job and the billing fee that we are being charged is very low. My concerns instead relate to us not having the information that we need as the RTM to do our job as fiduciaries. It is my opinion that seeing the hourly bills is something that should be part of our ordinary due diligence and, if you recall, a few months back, we had another attorney's fee appropriation on the education side and as an ordinary part of our committee work, we reviewed the hourly invoices for that appropriation. Here, the fact that the funding bodies should be able to do that in the ordinary course should be a really important part of the structure of our town. In a company, for example, you have the business people looking at bills of attorney's fees but you will also have an inside counsel taking a look at the fees,, as well because they have a better idea of how long certain tasks should take as compared to the business people. Also I thought it was a good idea if we have somebody on salary who has an idea of what Eileen is doing compared to what types of work is going to other attorneys at Birchm Moses. Obviously, the labor matters are going to be handled by other attorneys but some of it is not. I understand that Jim and Gary looked at the bills closely and that goes in favor of us approving the appropriation and the Board of Finance approved the appropriation, as well, and I know they had some executive sessions about the cases. But, as an RTM, we still have a duty to do our own, independent diligence on this appropriation. And I think, as I said before, that reviewing those invoices is an important part of that. I actually think that this should have been provided to the Board of Finance at the start of the appropriation process before the Coronavirus hit. It was before the Board of Finance on March 4. I understand that we are in unique times because, trust me, I am homeschooling four kids while dealing with an infestation that came from who knows where. It's extraordinary times. But also, we are sliding into recession and it is more important now than ever to make sure that we are doing appropriate diligence before we let money out the door. It would be my preference, instead of voting on this today, to postpone the decision on this appropriation to the meeting later this month or one of the meetings in May. I brought this up at the committee meeting and the reasons that were given for why we wouldn't be able to see the invoices in time, I'm still having a hard time with. One of the reasons given was that it would take too long to redact the bills and, actually, I called Connecticut FOIA today because, as most of you know, somebody could FOIA the bills, not us, we're part of the government, and the town would be required to provide them, redacted, with privilege claims within a reasonable amount of time. Talking to the person there, it was his opinion, even with the Coronavirus going on... First, I was told we could see them after the coronavirus crisis was over which isn't reasonable and then I was told it would be at least a few weeks which he said which sounded unreasonable, as well. I know there has to be confidentiality with redactions with labor matters. Maybe there would have to be some privileged matters redacted but the language asserting privilege there doesn't seem to be consistent but I won't go into that here. Another reason is that Town Hall is closed and we can't keep electronic transmission confidential. We can. That happens as an ordinary course when people are doing diligence in the business context and it's something we could do if we wanted to. Probably, the most compelling reason that was given that we couldn't see the

bills is that this would take extra time and, in the meantime, Gary or Jim would be liable for authorizing funds used for attorneys. This definitely gives me some pause. I think it gave all of us pause on the committee, for sure. Looking at the statutes a little more closely, the penalty there would be a lawsuit brought by the town and first of all, who would be bringing the lawsuit? Second of all, the town is not going to sue Gary and Jim. That's not something I see happening. I don't think that anybody is trying to hide anything and I think that if we were going to have this appropriation come up in May instead, or any time after we saw the bills, we would get the same result and we would approve the fees. The difference would be that, at that point in time, it's my opinion that we would have done our job as RTM members in doing appropriate diligence.

Mr. Gold:

Ira, I know that you have been working very hard on these things and that's great and that you have promised to eventually give us a breakdown of what the bills are for different types of services. But not counting unusual litigation like the PURA or the Summit Saugatuck litigation, just ballpark, what percentage are for things like Freedom of Information Act?

Attorney Bloom:

What percentage are Freedom of Information cases? [Yes.] I don't know. We've had a few this year where we have gone to Hartford a half-dozen times. I was trying to use that as another example of unanticipated types of things. Percentage-wise it's not an extremely high number. The PURA one was extremely time consuming for many months.

Mr. Gold:

Freedom of Information cases are relatively routine. They come up every year. PURA cases don't.

Attorney Bloom:

Actually, in Westport, that is not correct. We've had relatively few Freedom of Information contested claims until recently. I'll say the last year or two. In some of my other towns, it's much more frequent. Westport does a very careful job, largely thanks to Eileen, and making sure that we are in full compliance with the law and our Department Heads are up to date on it so we really don't have a lot. I probably had not been up to Hartford on a Westport case in several years and this year we had a handful.

Mr. Gold:

On routine types of matters that occur year after year after year, is there anything we can do proactively to reduce the number of cases or claims that we get? Are there any steps that we can take to improve processes so that we don't get to you?

Attorney Bloom:

Yes, there are plenty of things and that is why the budget has largely been under control. We have training and orientation for our departments and our divisions so they understand FOIA and they understand the Rules of Procedure. They don't get into conflicts like some other towns do. That's all part of the training. We have relatively few

procedural problems like that because of that training. We have Eileen available in Town Hall full-time. That's very important. She screens and answers a lot of questions. That keeps people out of trouble. But it's the appeals, the land use appeals, the tax appeals that we get, a few other oddball things. Most of the time is kept within the budget and we turn money back as I indicated. This year, I explained why it's very different.

Mr. Gold:

I've got no problem with paying for extraordinary cases. I was just wondering if there were steps that we are not currently taking that we could be taking to reduce some of the routine costs?

Mr. Bloom:

Again, we try to have Eileen work on as much as possible because she is not billing on an hourly rate so that's one thing. We tried through a training program to equip all of our Commissions and our Department Heads to address the problems and answer the questions without getting into trouble so those are things that have been done. Westport is quite successful. Except for this handful of extremely time-consuming cases that have cropped up this past year or two, Westport has a lot fewer legal problems than many other towns. I can tell you that from my personal experience.

Kristan Hamlin, district 4:

I must just mentioned that I was not at the Finance Committee meeting that Christine just mentioned that a number of Finance Committee members addressed their concerns that they can't fulfill their fiduciary obligations without looking at the bills and they were told by Ira that the bills are privileged. I'm shocked that Ira would tell them that because it is the law in Connecticut that attorneys' invoices are not attorney-client privilege. So, for instance, every time there is a statute like Title VII or any other statute where attorneys' fees are reimbursable, and you have to submit a lodestar analysis to a Federal Judge, your opposing counsel gets to see them, as well. And every time you try and keep them on an attorney-client privilege basis, the judges always tell you the bills are not attorney-client privilege. Absolutely black letter law so there is zero basis for our Town Attorneys even to keep it away from opposing counsel, much less people who have a fiduciary obligation. I was informed that some of these were provided to the Board of Finance even though they were not considered to be within the attorney-client privilege of the First Selectman. It's also black letter law that when you waive attorney-client privilege in part, you waive it in whole. There is no basis to claim that you can give it to some people but not others because the moment you give it to someone outside the attorney-client privilege circle, it's waived in whole. So, I completely support Christine's position and Christine is a lawyer. She obviously knew that she is being told that she can see these invoices and that's just completely unsubstantiated under the law. If she wants to have appropriate diligence and she believes that she needs until April 22 to do that, I support that. Any of my colleagues who believe that, in order to do their diligence, they want to be able to see these invoices, I'm going to support them. I think that is something they are entitled to do. That is part of our fiduciary obligations and I'm shocked that our Town Counsel is trying to tell people that there bills is attorney-client privilege when it's black letter law. Attorneys bills are not attorney-client privilege.

Attorney Bloom:

Can I respond Madam Moderator? [Yes.] Thank you. Ms. Hamlin, your starting point was correct. You were not at the meeting. But then I wrote down at least four things just now that you said that were factually incorrect. For starters, it was Christine who said she wanted to see the bills. I think that some of the others on the Finance Committee were sympathetic to that request as they should be. But, the vote was 6 -0 with one abstention. So, they could speak for themselves but you indicated that others on the committee said one thing or another. I'm not going to put words in their mouth. They can speak for themselves. Christine was surely the person who was advocating for it and she did it very well. So, we'll put that aside and others on the committee can speak for themselves, if they want. You stated that I said attorneys' bills are privileged. I never said that. I have never said it. They are not privileged. I said the exact opposite. So, please get your facts straight. You could have listened to the tape. You could have heard exactly what was said. I never said that. I work for five towns. The bills are released in all five towns from time to time. At times, people make a FOIA request. In Westport, we've had a few of those. Not too many. The bills are public information. They are at Town Hall. So, I've never said that. It's not correct and to assert two or three times as you did, you are wrong and it's not a correct statement of the law. You said that I release them to the Board of Finance. That's not correct either. I haven't released them to anybody. But if they want to see them, then I have the same answer and maybe some of them have gone into Town Hall to look for them. I don't know about that but I didn't partially release them to anybody. If people ask for them, they are provided. It usually comes in the form of a FOIA request from a citizen. Then, what we have to do is we provide the bills. We do have to redact information that is confidential or privileged; usually, it's names that we are talking about here. We are talking about grievances against particular people and those names cannot be released, cannot be disclosed. That is also the law in the state. That's what we are looking for. We are looking for people who have been involved in grievances. It's often in the labor area and what we do when the bills are requested, we accumulate the bills, whether it is in paper form or electronic and then I parcel them out to my partners, very often it's a labor lawyer and he goes through it and we try to make sure that we are not identifying people inappropriately. That's what we do. That's the only redaction. We are entitled to do that but it does take a little bit of time. The problem right now, these bills are available. They are available to the committee; the problems I outlined at the Finance Committee were the logistics of doing it. Gary Conrad indicated how his office staffing is right now and he was not comfortable just pushing a forward button and sending these documents unredacted to a different private computer. I said as soon as we could do this work, we will do it. It takes a little bit of time. Right now, I haven't been in my office during the day in over four weeks. I'm working from home. I go at night sometimes. My personal office staff, we let two people go so it's not easy for any of us trying to work. Town Hall is working on a slower schedule. As soon as we can, if the committee desires to see these bills, we'll work it out. It's not likely to be done in the next couple of weeks. The situation is not likely to change over the next couple of weeks.

Ms. Hamlin: Velma, may I respond?

Dr. Heller: No. Not until others have spoken.

Mr. Tait:

First of all, I'm the one who is not a lawyer so what I think Christine brought to our attention with the Board of Ed., with the attorneys there, I think was a great opportunity for us. This time around what I think Christine Meiers Schatz is asking for, I think maybe there is some way we can streamline this or get the information, going forward, in a way that is acceptable for Ira and Jim and the committee. Being involved in a few other issues, I have to express that Ira has been with the town for many years and to his point, looking at some of the budgets, he's never really gone over them. But in the past, the town has sometimes negotiated or sometimes settled cases. I think what has been coming on with these 8-30g's and Matt Mandell spoke to, we've really said we want to put our foot down. We want to fight these issues and there are quite a few of them that have come on at once. Not only that, with myself, we're dealing with the house down here which is a very big cease and desist and Ira has been asked to really fight on this. From his perspective, there have been quite a lot of issues, which Jim has said, and rightfully so, that we are not going to give on. So, obviously, that is going to give a lot of time for Ira. So I would support approving this but, from Christine's perspective, maybe there's something we could discuss going down the road that might help satisfy that. At the same time, right now, Ira is up to his eyeballs with a lot of issues that are confronting this town that are vital and I believe this amount of money is an investment compared to millions of dollars that we could lose to these developers and how it affects our town. So, I think this is a small investment in what Ira is doing for us in what we need for our town for the greater good going forward in what we want to keep as our town. So I just want to express that. I agree with Christine Meiers Schatz with what she's asking for. I don't think she disagrees with what Ira is doing. I think there's something we can work out down the road but right now we definitely need to approve this to keep Ira doing what he's doing for our town.

Sal Liccione, district 9:

Ira, will there be more bills coming before the next budget session, or no?

Attorney Bloom:

This will be all for this fiscal year. Then the budget starts again and the proposed budget is \$510,000 starting July 1. We will work with that as best we can.

Ms. Batteau:

I think that it is useful at this point to point out that I think two-thirds of the appropriation is attributable to the Summit Saugatuck; I think \$110,000 or \$112,000. I think that is two-thirds or three-quarters of the amount that you are requesting. While I understand the necessity of that, it would be important for us to remember that the firm that is costing us that money is the firm that we are also paying, that the town is also paying with our appropriation to the Board of Ed. The administration and all the town boards asked the Board of Ed to discontinue that firm. This just strikes me as a reason for us not to let that request go. A large part of this appropriation is attributable to them. The second question is, while I don't feel we necessarily have to see bills, further to what Peter was saying, I'm interested in figuring out if there are things that members of different commissions and

committees could do, particularly the RTM, if we saw a not so much the bills but the aggregate itemizations. We could see, for example, if having Attorney Belmonte come to Ordinance Committee meetings is the most effective use of his time vis-à-vis the RTM. While I support this appropriation, I think it would be useful at some point to look at the kinds of services we are not using Eileen's services for. Maybe we can somehow save on those.

Ellen Lautenberg, district 7:

I just want to say that I agree with those that said potentially in the future it may be something to be considered. I don't disagree that it is reasonable to see bills in some circumstances where it is reasonable where it would allow us to do a better job as fiduciaries. But I think with the budgets coming up and with what's going on, that we should support this appropriation.

Ms. Karpf:

I think Christine does raise some valid points. I think we need to be careful. Having just worked for a law firm, when you look at bills you can't tell the complexity of what's going on. A motion that should have taken one hour took 50 because of the complexities. So, just by looking at the bill, you can't always tell how long something should or should not take. And I'm not sure it's our role to scrutinize that aspect of it. I know it can be twisted and turned and pulled 10 different ways but the bills don't give only answers here of what a case is or what was involved or what's going on throughout the process. I just wanted to raise that one fact but I do support the appropriation.

Stephen Shackelford, district 8:

I was one of the folks at the committee meeting who voted in favor of the appropriation but I was also one of the folks who shared Christine's concerns about not being able to get access to the bills. I will say it is exactly as Ira told us. At first, it seemed he was telling us that there was a privilege issue but he did clarify that there were privacy concerns and those sounded legitimate to me. So, I understand the need for the redactions and I understand that we are in an unusual time where people don't have access to all their normal resources. What moved me at the end and what I said at the meeting is that we are out of money for this appropriation and, under the statutes, putting aside the idea of the town would sue itself, we are obligated to appropriate more money if we want them to do more work. So, that's why I am still planning on voting for it tonight but I do want to say that I've been on the RTM for only a few months and, probably, at least half of the items I have been asked to vote on and approve are things that have come up and we've had very little choice on the matter in the end whether it's a bridge or the appropriation at this time without the backup material that our members want and I know this is a perennial problem. I just point it out to the public that we have to fix it if we are going to serve the serious purpose of being a serious check, basically the last check for the financial expenditures of the town budget process. I do plan to get together with some folks who are interested in coming up with a better approach to getting us information that we want for all these different types of expenditures but I'm going to vote for this given the very unusual, trying circumstances we are under and Ira's law firm is under and, partly, given the endorsement from Jim Marpe, how strongly he endorsed the work that Ira has been

doing and how unusual this year has been in terms of the need for legal expenditures. I just want to make sure we're not having the same conversation in June and next year and, hopefully, in person meetings in the fall. We've got to have a better approach for getting us information which can actually make a difference in decisions about spending money.

Seth Braunstein, district 6:

I just wanted to weigh in as someone who had been in attendance at the Finance Committee meeting last week and let everyone know that we did implore Ira to adjust the processes so that we wouldn't have this issue in the future. Christine's point about due diligence is something that I think we all take very seriously. The current situation is obviously a unique one, unprecedented one, frankly. Keeping that in mind, I think that it's reasonable that we can approve this appropriation. I also think that it's reasonable that we shouldn't expect to be put in this position again in the future. Again, to reiterate what I said at the committee meeting last week, I think it's important that Ira figure out a way that we can solve this issue so that we don't have this problem at any point in the future. That may happen through making the bills somehow more available, rejecting them in real time so that it doesn't create a backlog for the future but the expectations of the people who are tasked with making decisions about the town's finances, the expectation I think is that we need to, deserve to, absolutely must have the ability to scrutinize the source material in order to fulfill our true obligations.

Christine Schneeman, district 9:

I just wanted to chime in to say that I also have no quarrel with the services that were provided by the town attorneys. I certainly understand all the circumstances of the last year. I want to point out that this is not an insignificant appropriation. It is a third of the budget for the final two or three months of the year. I am convinced if, at the end of the year, the \$170,000 is not entirely spent, it will be sent back to the town as has been done in the past but I think what people are really asking is more transparency in information when requested. I don't know, and I won't speak for Christine Meiers Schatz because maybe she'll want to look at the details on all the bills but I suspect that most people aren't really interested in reading all of the bills but maybe some as did come up in the Finance Committee meeting but some higher level of analysis about what the expenditures had been and what is anticipated going forward just as you would in your own personal or professional life having some ability to get some higher level of analysis. I don't think anybody wants to wallow in the details here so I will say I'm supportive of the request to have some solution to provide a little bit of extra transparency when requested. I also don't want the attorneys to be spending their time redacting individual pages of 50 page invoices but be able to provide some additional analysis. I will vote in favor of this appropriation and look for more information in the next fiscal year about how it was expended.

Harris Falk, district 2:

I also agree that we had a bridge, a school and now this with... 'Oh we have to get this done' when I believe it was said we knew this was coming in January. Yes, we've had some meeting problems for obvious reasons. I hope the software has an auto redaction

quality for sending the bills and that it doesn't have to be done, each individual bill by hand. I'm sure this comes up all the time with FOIA.

Mr. Jaffe:

In the Finance Committee meeting, I did suggest that a relatively simple spreadsheet could be designed that would categorize the lawsuits and I think, without too much work, we could show the expectations of what was built into the budget and what's been happening in real life and where the shortfalls are and that we don't necessarily have to go looking at individual bills so I think that for next time we could reasonably ask the attorney's office to produce a spreadsheet something like that. That being said, we make decisions under uncertainty all the time. In this matter we have uncertainty, perhaps, less than the average. I would like to make a motion...

Dr. Heller:

Just a moment Mr. Jaffe. Are you calling the question at this point? Because we still may have people who wanted to speak.

Mr. Weser: We have already made the motion.

Dr. Heller: The motion is on the floor.

Mr. Jaffe: My mistake.

Dr. Heller:

Just to clarify, Mr. Jaffe, the resolution was made by Mr. Weser. And we are now debating that motion. There are other people who wished to speak.

Mr. Weser: Only Ms. Hamlin is left, I believe.

Ms. Hamlin:

I appreciate the clarification made by Steve and Seth that what Christine said was accurate that there were more people than what Ira said, more than one person who expressed concern about this issue. I wasn't there at the meeting but, clearly from what Steve and Seth have said, others also expressed concerns about the lack of transparency. I don't have any substantive issues with this but I think the process, due process, transparency is critical and if any of my colleagues feel like a brief delay so they can get transparency, as necessary, I support that. I also want to acknowledge what Steve and Harris are saying as new members that they are noting with frustration this idea of 'Hurry up, we've got to get this done' without complete transparency. They said I hope, going forward, this won't be so. For those of us who have served for a long time, I guess I'm going on my seventh year, we constantly say, 'Why are we being told this at the last second?' There's not enough time for transparency so we are always lecturing, 'Next time, be more transparent. Please give us what we want.' And it never happens. So I appreciate what they're saying, if we're not going to approve it now, approve it April 22 as Christine suggested, but we are hoping in the future folks will care about transparency more. My own experience has been if you approve it and don't demand transparency in advance,



you never get it. It never happens. So, I don't have any substantive problems with these bills but I have a colleague, who I respect, who has said she would like to have some transparency and have a one-week delay and I understand what she is saying about her fiduciary obligations and I'm hearing from Steve and Seth who are also people who are on the Finance Committee and they said they have the same concerns. What I've heard from Ira in response is that there are some circumstances, like a grievance, where things are confidential and so they would have to have time to redact. This is what I would say about that after doing this kind of thing for 33 years, for one thing, it's accurate. There are certain circumstances where the Town Attorney would be giving advice about something say for instance a juvenile matter, a juvenile arrest in the school; that is, under the law, confidential and there is a very, very narrow group of people in the town who are entitled to know the name of that juvenile because it is protected under the law. And Gary Conrad is not one of those people. So, if you are submitting the name of a juvenile or some other confidential information from somebody who is statutorily prohibited from receiving that information then you have got bad bill hygiene. You've got bad invoice hygiene. And that should have been corrected before you submitted it; so when Christine says to you 'I want to see that', that hygiene should have been in place before you submitted it to Gary Conrad and it went through the entire administration. You've got no excuse for not having the bill that Christine Meiers Schatz, as an elected official; this is the body that makes appropriations. The Board of Finance makes recommendations.

Dr. Heller: Ms. Hamlin, please.

Ms. Hamlin:

... Not to have the invoice in good shape right away. Every single invoice that is submitted to this town should already be available for public view because under Connecticut and Federal law, all attorneys bills are not attorney-client privileged and they should be something that the people who are looking at it, like Gary Conrad, are entitled to see. So, you should have that hygiene in place beforehand and what you could do is say 'recommendation on a matter'. On Lauren's point where she said that she submitted recommendations on a motion with a lot of detail where it looked like it was only one hour and it turned out to be 50, there are attorneys who submit things like that and their clients have every single right to say 'Where is the detail here?' So, good invoicing hygiene should have requisite detail that's necessary to see why you should spend 50 hours on something but not so much detail that you are revealing confidential information that, under the law, people like Gary Conrad shouldn't see. The bottom line is I support Christine Meiers Schatz' request to look delay this for a week so that she can look at it, not because I have any substantive concerns about this bill but because I think process matters. When we don't require process in the beginning, my experience, after seven years, is that we never get it. I support her. I support her request.

Ms. Meiers Schatz:

I just want to follow up and say I think this is just a process issue. I don't think anyone is hiding anything at all. I want Ira and his firm to get paid. I even hesitate to use the word transparency because I think sometimes that can have some negative connotations or people are trying to hide something. It's just that the people who are approving the

payment should be able to see the bill. It's something that internal counsel would usually do. Our internal counsel happens to be a member of the same firm so it makes sense to have more people have an eye on the bill. I'm not going to make a motion to postpone this to a later date because I see it's not going to get support. But I do want to say, contrary to what others have said, this is not a decision that we need to make with uncertainty or without doing this work. Just redacting names from invoices that are confidential is not something that should be, in my opinion, very labor-intensive. At the risk of beating a dead horse, that's all I have to say on the matter.

**By roll call vote, the motion passed 30-0-4; Abstaining: Meiers Schatz, Friedman, Kaplan, Hamlin.**

**The secretary read item #2 of the call - To approve the WPLO application # WPL/E 10942-19 by the Town of Westport, to construct of a 5-foot wide concrete sidewalk along the north side of Compo Road North between Main Street and Cross Highway. By roll call vote, the motion passes unanimously, 34-0.**

### **Presentation**

Pete Ratkiewich, Director, Public Works:

Good evening. First let me say that this meeting has gone much better than the meeting I had with my family and we only had 10 people!

This application is part and parcel of a sidewalk project that is part of the State program called LOTSIP, Local Transportation Capital Improvement Projects. It's a program where the State pays for 100 percent of the construction as long as the town does all the permitting and design. This board and the Board of Finance approved the design funds for this back in 2017. This is one of the final approvals because the proposal includes building a sidewalk within the WPLO setback of Willow Brook. That happens at the corner of Main Street and Compo Road North. As you may recall, the State improved that intersection of Compo, Clinton and Main Street and realigned the intersection so that it was a better traffic flow. As part of the project, the town requested that the state put in a section of sidewalk along Main Street and we also requested a section of sidewalk from Main Street to Cross Highway. The State approved the first request but, for the second request, they said the design was too far along. They would accommodate the town doing it at a future date. That extension of the sidewalk is basically reestablishing a crosswalk from the northeast corner of the Clinton/ Compo/ Main Street intersection to the southeast corner and then creating a sidewalk that does not exist today from that intersection all the way up to Cross Highway. What the spur of a sidewalk does is it connects the entire Cross Highway sidewalk system into the Main Street sidewalk system. So, it's sort of a short connector. But, as part of that short connector, it requires some minor regrading on a slope that goes down to Willow Brook right on the corner of Main Street and Compo North. Interestingly, this occurs on a parcel that was recently donated to the town because most of the parcel is wetlands and is part of the flood plain of Willow Brook. This particular proposal does not impact the brook, in our opinion, but does create some grading on the shoulder. So what we are doing is extending the shelf of the shoulder of the road enough

to create a five foot sidewalk and then moving the guardrail behind that sidewalk by five feet. So, that impacts the 25 foot setback from the 25 year flood line, I believe it's actually the wet line that we are setting on. That's the crux of this request. My colleague, Mr. Wilberg, is on the line here as well. He took the application through both the Flood and Erosion Control Board and the Conservation Commission so, if there are any specific requests, I would turn them over to him.

### **Committee Report**

Public Works Committee, Mr. Keenan:

The committee met electronically on March 31 at 1:30. Mr. Ratkiewich and Mr. Wilbert presented and answered our questions. The Public Works Department is requesting the WPLO approval from the RTM for two projects. This report covers two items, #2 and #3, Compo Road North sidewalk and Kings Highway North Bridge. Just to be clear, we are only approving the WPLO portion of this, Waterway Protection Line Ordinance. Both projects were previously approved by the RTM back in 2017 and just recently for the Kings Highway Bridge. There was discussion regarding the timing of the projects, the schedule of the work and if neighbors had been informed of the project. Those questions were answered by Mr. Ratkiewich. The neighbors have been informed of the project and the timing of the project. He also went into the bidding of the project and with the COVID-19, how that is going to work out. Pete said that the forecast is that the bids will go out in June. The committee voted unanimously to recommend WPLO approval of both projects to the full RTM.

### **Members of the Westport electorate – no comments**

Mr. Weser read the resolution and it was seconded.

**RESOLVED:** That upon the recommendation of the Conservation Commission and the Flood & Erosion Control Board, pursuant to Section 30-96 of the Town Code, the WPLO application # WPL/E 10942-19 by the Town of Westport, to construct of a 5-foot wide concrete sidewalk along the north side of Compo Road North between Main Street and Cross Highway is hereby approved.

### **Members of the RTM**

Richard Lowenstein, district 5:

Will any mature trees be taken down when the sidewalk is built?

Mr. Ratkiewich:

No. There are no trees there right now. It is merely regrading the slope.

Mr. Liccione:

With the construction of the sidewalk on Cross Highway and Kings Highway, what kind of traffic plan do you have for the bridge?

Mr. Ratkiewich:

This application is the sidewalk on Main Street and Cross Highway. We don't anticipate that there will be much other than some cones and some traffic agents directing traffic around the work. It's not going to block a lane for the Main Street/Cross Highway project.

Mr. Liccione:

Is there going to be cost associated with extra traffic people at the Kings Highway sidewalk?

Mr. Ratkiewich:

No. This is not about the Kings Highway project but the Main Street project. That type of cost is routinely built into our construction cost.

Ms. Batteau:

I was also going to ask about traffic obstruction but I just wonder, why now? Is there an urgency to doing this now?

Mr. Ratkiewich:

This project has been in the works since 2017. It probably will not go to bid until later in the year. I would say June at the earliest. We are working our way through the State approvals on it. This is really just part of the process, Wendy. We had to go through the WPLO because the work did go into the setbacks. We have gone through the process where we received approval from the Flood and Erosion Control Board. That got sent to the Conservation Commission. They reviewed it and they approved it. But the ordinance is somewhat unique in that, if it is a town project, it needs final ratification from the RTM. Interestingly, if you all decided to let it go for another meeting, it would be automatically approved but we always put these up before the RTM in case there is additional discussion. This is a three-part approval process. It is standard.

Ms. Batteau:

I understand the WPLO situation and that this is just an affirmation of something that already exists; it's just, I'm thinking ahead, budget-wise, and where our priorities are going to be given the whole COVID situation and all that and am wondering if there is a reason we should do this immediately or if we should put it off a bit. It's not related to the WPLO issue.

Mr. Ratkiewich:

The simple answer is you've already paid for part of it in 2017. The State of Connecticut will pay for the construction. It's not going to cost the town. It will cost the taxpayers. We are all taxpayers but this type of work coming out of the COVID crisis will probably be very helpful in stimulating the economy. Funds are already appropriated by the State. We have a commitment to fund this project. It's already been bonded. Putting this money back into the economy now, as soon as we are able to, is probably vital to the health of the economy.

Ms. Batteau: Thank you. That's a good point.

Amy Kaplan, district 3:

I am happy to see this come before us, that it's going to get done. Pete, thank you for explaining that we have actually already paid for it so this is kind of a formality but, just so that you are all aware, I actually live right near this intersection and, since the construction three years ago, our neighborhood has been cut off from our walking path, one of the walking paths downtown and the fields and the dog park. We do live in a neighborhood that does have a lot of walkers so, for safety reasons, it's really important that we get the sidewalk in. Currently the intersection is configured with guard rails and it's really boxed off and it has signs, "no pedestrian crossing" but pedestrians cross there all the time and it's very unsafe. So I'm happy to see that we are hopefully going to go forward with this.

**By roll call vote, the motion passes unanimously, 34-0.**

**The secretary read item #3 of the call - To approve the WPLO application # WPL/E 10943-19 by the Town of Westport to remove an existing bridge (Kings Highway North) and replace it with a new bridge in approximate place and kind. By roll call vote, the motion passes unanimously, 34-0.**

### **Presentation**

Mr. Ratkiewich:

This bridge we discussed at length a couple of months ago with the RTM. There is a 14 foot span over Willow Brook. We are replacing it with a 20 foot span over Willow Brook. And, of course, when you take a bridge out on a stream, there are impacts to the stream. We are also adding a water quality device to this for the existing catch basins. The runoff water that goes unfettered into the Saugatuck will go through this. The other impacts to the stream are, for the most part, smaller. We are installing new footings. We are installing a pre-cast bridge structure and restoring the stone abutments as was discussed several months ago. That's just a quick summary of the project. Hopefully, everyone is familiar with it from our last discussion.

Dr. Heller:

We already have the RTM committee report from Mr. Keenan.

**Members of the Westport electorate – no comments**

Mr. Wieser read the resolution and it was seconded.

**RESOLVED:** That upon the recommendation of the Conservation Commission and the Flood & Erosion Control Board, pursuant to Section 30-96 of the Town Code, the WPLO application # WPL/E 10943-19 by the Town of Westport to remove an existing bridge (Kings Highway North) and replace it with a new bridge in approximate place and kind is hereby approved.

### **Members of the RTM**

Mr. Liccione: Pete, can we get an update on the traffic situation?

Mr. Ratkiewich:

The bridge has been closed for several weeks. We are working on utility relocation for the Aquarion Water Company. We have run into a few problems with that, gathered some data from testaments and are considering alternatives before construction continues. So, it's rather frustrating at this time. Not only, we've run into some problems with the utilities but, in the midst of this pandemic, everything has slowed down...utility work has slowed down, every office you contact, everyone here is probably aware of that, that people are working on short shifts or half shifts or working from home so things are going a little slower than we would like. By the same token, I think this time period is not a time period where we can expect our overbidding contractors to give us prices so we have delayed the bid on this purposely. We see a certain light at the end of the tunnel because when we see that, the contractors will, as well. Basically, at this point, that's not the bottleneck. The bottleneck is the utilities. We are looking at several different alternatives.

**By roll call vote, the motion passes unanimously, 34-0.**

Item #4 has been postponed.

**The secretary read item #5 of the call - To re-appoint Martin A. Fox to the Board of Directors of the Westport Transit District with a term beginning May 1, 2020 and ending April 30, 2024.**

### **Presentation and Transit Committee Report**

Mr. Gold:

The Westport Transit District has two Directors, Marty Fox and Patsy Cimmarosa. Each one is appointed by the RTM for a four year term. Marty's term is up on April 30 and he needs to move on. He's worked very hard for the last four years and did a very good job. Patsy also wants to move on for personal reasons. We have been looking informally for replacements for Marty for months and months and months and we sent out a press release in the beginning of March but we still haven't found anybody. The search is ongoing. Given the town's needs to focus on the current COVID-19 crisis and related issues, Marty has very graciously offered to stay on past the end of his term for a few months to give us time to find replacements for him and, hopefully, for Patsy, as well, or to restructure the Transit operations by moving it into Town Hall or otherwise doing something else with the Transit District. It's up in the air at this point. He has graciously agreed to be reappointed but he intends to resign sometime during the summer. Marty and Patsy have done a terrific job as Transit Directors. Most recently, they have changed the shuttle service during the COVID-19 epidemic to on-demand service, working on implementing micro-transit on-demand service throughout the rest of the town once this is past us. In addition, they have developed effective marketing programs for the Transit District, emails, posters and banners at the train stations, Take One cards; they have done two town-wide surveys on engaging residents' attitude toward the Transit District and awareness of the Transit District, both of which showed wide support for the Transit

District. They have changed the process for dispatching door to door services for the elderly and people with disabilities, saving the town in excess of \$100,000 a year. They have developed and improved ridership and financial reports from the Norwalk Transit District with whom we subcontract services. They provide the buses and the drivers. They implemented the “My Stop” app which allows transit riders to follow the buses so you know when it’s going to get to you. They developed a GIS map of the potential riders for the Transit District and where the current riders get on and off the buses. They worked with the Human Resources Department in town to develop and evaluate an RFP for an alternative to the existing door-to-door service and are evaluating that. They found that the existing service is probably the best that we could do. They tried to put in a shopping bus for people from Canal Park and other senior developments in town. So, we think they do a good job. The RTM Transit Committee met on April 6. We went through some of this stuff. The members all thought that Marty had done an excellent job as a Director and thanked him for his service and voted unanimously to recommend that the RTM reappoint him for another term. And Marty is here to answer your questions.

### **Members of the Westport electorate**

Mr. Marpe:

I wanted to thank both Marty and Patsy for their service. Peter did an excellent job of describing the innovations and the creativity that they brought to the Transit District this past four years. Marty has also done a tremendous job of financial analysis and presentations to the Board of Finance as well as the RTM and Transit Committee. I personally appreciate that he is willing to continue, at least for the short term. This is a difficult time to find anybody for anything that is not directly COVID related. So I appreciate that he is willing to be a continued source on this until we get past the COVID crisis but also to accept that the transit system could play a role in helping make this crisis less painful to our most vulnerable people. I think Marty might be the guy to have some creative solutions to it. So, thank you Marty, and I encourage the RTM to reinstate.

Mr. Wieser read the resolution and it was seconded.

**RESOLVED:** That pursuant to CGS Section 7-273c, Martin A. Fox is hereby reappointed to the Board of Directors of the Westport Transit District with a term beginning May 1, 2020 and ending April 30, 2024.

### **Members of the RTM**

Karen Kramer, district 5: (inaudible)

Ms. Bram:

(inaudible) ...and it’s been a real fight to preserve public transportation here in Westport. I commend Marty with enormous gratitude because it’s been a really tough job. I want to thank him and, if he’s willing to do it, I heartily endorse it.

Kristin Schneeman, district 9:

I will echo the previous comments of appreciation for Marty’s willingness to stick with us for just a little bit longer. He is clearly an outstanding professional although I don’t know him very well personally. I think he’s doing the very definition of a thankless task and I

just want to remind us all that if we appreciate him and want him to stay in this role, we should think about it budget time. For a couple of years that I have been on the RTM, it's a dance that happens every year; we cut the transit funding or the Board of Finance cuts the transit funding and the RTM tries to put it back. Marty puts his shoulder to the wheel and continues to try to push the rock up hill so, I think, in the future, if we are going to try to attract people into these roles and actually have transit service and policies in this town, we have to recognize it needs resources, not just volunteers. So, I just wanted to put that point in.

Mr. Wieser:

I'd just like to echo all those comments and say we've been very lucky to have Marty and Patsy for the last four years and they've done a fantastic job. It sounds like Patsy is, indeed, moving on and Marty might wish to in the next period of time so I would encourage these 36 smart, well-connected people to think hard about someone who might be good, strong successors for this very important role and do a little recruiting. We find good people who are in the unlikeliest places so, keep an eye out. But don't do it too soon. Let's keep Marty there as long as we can.

Ms. Hamlin:

As a member of the Transit Committee, I have to echo what everybody has said, that Marty is just fantastic. I'd particularly like to echo what Jim Marpe has said but if I could just take this opportunity to say the same thing about Jim. He's gone through an incredibly difficult time for our entire town. He's done a tremendous job. I support Marty tremendously and I would also like to thank Jim Marpe for everything he has done during the crisis.

Dr. Heller: I'm sure we all second that.

Mr. Gold: I would just like to contradict Jeff and say, find somebody soon.

Marty Fox: Thank you for the comments. I appreciate it.

Dr. Heller: We appreciate your coming so that we can see you again.

Mr. Mandell: You're a good man, Marty.

**By show of hands, the motion passes unanimously, 34-0.**

Dr. Heller:

We appreciate you Marty.

As far as the RTM is concerned, we will see you next week on the same wavelength with zoom. Thank you all for being kind of together on this. We were, I believe, all pretty much on the same page. Thank you again.


The meeting adjourned at 9:51 p.m.



Respectfully submitted,

Patricia H. Strauss

Town Clerk

A handwritten signature in cursive script that reads "Jacquelyn Fuchs". The signature is written in black ink and is positioned below the typed name.

by Jacquelyn Fuchs

**ATTENDANCE: April 14, 2020**

<b>DIST.</b>	<b>NAME</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>NOTIFIED MODERATOR</b>	<b>LATE/ LEFT EARLY</b>
1	Richard Jaffe	X			
	Matthew Mandell	X			
	Kristin M. Purcell	X			
	Chris Tait	X			
2	Harris Falk	X			
	Jay Keenan	X			
	Louis M. Mall	X			
	Christine Meiers Schatz	X			
3	Mark Friedman	X			
	Arline Gertzoff	X			
	Jimmy Izzo	X			
	Amy Kaplan	X			
4	Andrew J. Colabella	X			
	Kristan Hamlin	X			
	Noah Hammond	X			
	Jeff Wieser	X			
5	Peter Gold	X			
	Dick Lowenstein	X			
	Karen Kramer	X			
	Greg Kraut		X		
6	Candace Banks	X			
	Jessica Bram	X			
	Seth Braunstein	X			
	Cathy Talmadge	X			
7	Brandi Briggs	X			
	Lauren Karpf	X			
	Jack Klinge	X			
	Ellen Lautenberg	X			
8	Wendy Batteau	X			
	Lisa Newman	X			
	Carla Rea		X		
	Stephen Shackelford	X			
9	Velma Heller	X			
	Sal Liccione	X			
	Kristin Schneeman	X			
	Lauren Soloff	X			
<b>Total</b>		<b>34</b>	<b>2</b>		