

RTM Meeting  
June 2, 2020

**The call**

1. To take such action as the meeting may determine, upon the recommendation of the RTM Library Museum and Arts Committee, in accordance with Section C34-1 of the Town Charter, to appoint electors of the Town of Westport to serve as Trustees of the Westport Library.
2. To take such action as the meeting may determine, upon the recommendation of the First Selectman and in accordance with Section 3 (C) of the Policy for Gifts to the Town, to accept the donation of the sculpture known as Rock, Paper, Scissors Monument (2013) to the Westport Public Arts Collection.
3. To take such action as the meeting may determine, upon the request of the Public Works Director to approve an appropriation of \$177,108.00 along with bond and note authorization to the Sewer Reserve Fund Account for the rehabilitation of the existing 40-year-old Pump Station #2 to address infrastructure needs of the Westport Water Pollution Control Facility Collection System.
4. To take such action as the meeting may determine, upon the petitioned request of at least 20 electors of the Town of Westport to adopt a Tree Ordinance. (First Reading. Full text available in the Town Clerk's Office)

**Meeting**

Moderator Velma Heller:

Good evening. This meeting of Westport's Representative Town Meeting is now called to order and we welcome those who are joining us the evening. My name is Velma Heller and I am the RTM Moderator. This evening, our meeting is being brought to you electronically pursuant to the Governor's Executive Order No. 7B. It will be live streamed on [westportct.gov](http://westportct.gov), and shown on Optimum Government Access Channel 79 or Frontier Channel 6020. Members of the electorate who wish to have their comments read during the public comment period 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 they state your full name and address and are received during the comment period for each agenda item. It's probably a good idea if you have comments to write your email now so we get it in time for it to be read. Public comments will be limited to three minutes. Please note that: Meeting materials are available at [westportct.gov](http://westportct.gov) along with the meeting notice posted on the Meeting List and Calendar page of the website.

Tonight's invocation will be presented by Pat Riemersma, Executive Director of the Westport YMCA. Pat, it's all yours.

Invocation, Pat Riemersma, Executive Director of the Westport/Weston Family YMCA:  
Thank you very much Madam Moderator. We're in a tough time right now so, a lot of people are hurting, so as I start my invocation this evening, I would like to challenge all of us to collectively pledge to the following two items: First, that we will not allow the hurt of our community to go unheard and we will be better in our daily lives with all those we encounter. Secondly, we will take action by acting to promote equity in our communities

and collaborate more with our local and national community partners to combat inequities locally, nationally, and globally. Throughout the years, the Y and our community have faced many challenges which have included Sandy, a recession, and, currently, the pandemic crisis which now has expanded to racial inequality that equally plagues our communities. The Westport/Weston Family YMCA stands for solidarity with those who choose change through non-violent ways. We salute those who meet destruction and despair with kindness and progressive actions. There needs to be justice in unnecessary tragedies like the loss of George Floyd and countless others just like him. This matter goes beyond obtaining justice for Mr. Floyd and his family to assuring the next generation of children no longer have to live in a state of fear. We need to insure that people of color have value, are listened to and respected. This moment can and must be the catalyst for long-term change. The Westport/Weston YMCA is an organization for all and condemns racism and division in our community. Our mission is to inspire all people to a healthy life in body, mind and spirit. But that can only be achieved if we understand the needs and plight of all of our community. We, at the Y, will continue to listen and to be there when we can answer that call. If you see how we can improve as an organization or be a leader of diversity and equity, please continue to let us know. The Y's core values of caring, honesty, respect and responsibility are the elements that guide us in these challenging times, as always. We must remain optimistic. We must be honest about the crisis and be willing to take a positive step forward. The Y is here for you and we firmly believe that together we are stronger. The Westport/Weston Family YMCA has been part of the fabric of the community since 1923. For the past 90 years, the Y has enriched the community by developing and nurturing youth programs, promoting healthy living for all and fostering a sense of social responsibility. E. T. Bedford, an oil executive and philanthropist, founded the YMCA because he wanted a place that was beneficial and welcoming for all in the community. In 2019, a few ways the Y has impacted the community have included \$5,200 in financial assistance was provided to 1,800 people in our community; Seventy-three children received a total of \$69,000 of financial assistance to attend summer camp; 21,228 lifesaving swimming lessons were given to help keep our children safe around the water. Through the Bedford Family Social Responsibility Fund, \$274,000 was given to 26 non-profit organizations in the communities between Bridgeport to Norwalk to support our youth. What is important now is that the youth of today, no matter the color of their skin, see us do what is right. Then, they will know that the collective voices that are demanding change have been heard.

Will you say the Pledge of Allegiance with me tonight? I won't be able to hear you but when you say it, really think about the words. At the end of the Pledge of Allegiance, it says "For justice for all". Let's make sure that we do think about what we're saying and just not reciting it.

Dr. Heller:

Thank you Pat for your encouraging and thoughtful remarks. We appreciate it.

There were 33 members present. Ms. Lautenberg notified the Moderator that she would be absent. Ms. Hamlin and Ms. Rea were also absent. Mr. Keenan and Mr. Kraut arrived late.

Dr. Heller:

If there are any corrections to the minutes of April or May, please submit them to Jackie Fuchs, Dr. Heller, or Patty Strauss. Please contact us if you see something that needs to be corrected or was omitted.

### **Announcements**

We have birthday greetings for June to Rick Jaffe, Jay Keenan, Arline Gertzoff and Carla Rea. Congratulations to all.

### **RTM Announcements**

Matthew Mandell, district 1:

Two announcements: Last night the RTM Planning and Zoning Committee met to deal with the appeal of the Text Amendment 778 of the Planning and Zoning Commission. The Committee voted 6-0 with one technical non-vote; there were seven of us there but the internet had stopped for that vote. The 6-0 vote was to recommend that we do not overturn. I will be putting together a report and I will be submitting that within the next couple of days for us to meet on Monday, June 15 at 7:30. The other announcement is to let you know that as a member of the Reopen Westport Task Force, we have all been working diligently on the reopening of Westport. First Selectman Marpe put out a statement today saying that the first phase is almost complete with barbers and hair shops opened up as well as 50 percent of our retail. My sector was the restaurants and we now have 24 of them that have been approved to be opened so everybody can go and eat outside. I would also stress that this doesn't mean that you should stop doing take-out. A lot of the restaurants still need support and even with outdoor dining, it's not sufficient enough to keep them sustained so, all of you, please continue to do take-out and keep our restaurants vibrant and going and we'll see at the end of this that they will have survived and the town will have done better by doing so. So, thank you very much.

**The secretary read item #1 of the call - To appoint electors of the Town of Westport to serve as Trustees of the Westport Library.**

### **Presentation/Committee Report**

Amy Kaplan, district 3, Chair, Library, Museum and Arts Committee:

Thanks, Velma. The RTM LMA Committee met on Friday May 29 to discuss and vote upon the nomination of candidates for the Library Trustee Board. The Committee first voted to recommend to the full RTM the re-appointment of current Trustee, Andrea Berkley. Andrea will be completing her first term as a Trustee, after her initial appointment in 2016. Our committee heard from various current Board Members, as well as volunteers and patrons of the Library, who were uniformly positive in their assessments of Andrea's contributions as a Trustee. Our Committee voted 8-0 in favor of her reappointment, and recommend unanimously that the full RTM vote to re-appoint her to the position. Ms. Berkeley's resume is provided in the supplemental materials for your further information. Next, our Committee considered the 15 applicants for the three Board positions to be appointed by the RTM. We were very pleased to see such a large group of interested and

highly qualified candidates, and we interviewed all of them, in cooperation with the Nominating Committee from the Library Board. The LMA Committee took the job seriously, spending many hours and giving all the candidates their full attention. We worked collaboratively and in conjunction with the Library's representatives, and were able to agree unanimously on three candidates who we feel will be strong assets to the Library and to our community at large. As Chair of the Committee, I want to emphasize that if a candidate was not chosen, it does not mean that they were unqualified. As a community, we are blessed with many accomplished and passionate people who want to bring their skills into the public arena. I encourage all who applied to stay involved with the Library and the Town of Westport. After much deliberation, a motion was made to recommend to the full RTM the appointment of Jenna Markowitz, Krishna Patel, and Sheila Ward to the Westport Library Board of Trustees. All present voted in favor, and the motion passed, 8-0. Their resumes are included in your background materials, but I'd like to tell you just briefly about the nominees, and why we feel so strongly about recommending them for appointment. In alphabetical order, we'll start with Jenna Markowitz, who made her way to Westport from her hometown of Reading, PA by way of New York City and a stellar educational career that includes a BA from Duke University and a JD from Columbia Law School. Established in a career with one of the leading M&A firms in the world, Jenna took a step back to decide how she could best use her skills to make a more direct and positive impact on her local community. A Westport resident since 2014, she has already done that in her work as a Board Member and Grant Writer for the Learning Community, by co-founding Community Kids, a non-profit that works to foster empathy and compassion between children in communities with differing resources, and in her current position as Legal and Business Affairs Director for Seeds of Peace, an international non-profit seeking to inspire the next generation of leaders to make change in our world. I hope you will join us in welcoming her to the Board of the Westport Library, where we are confident she will use her formidable skills to better our community. Next, Krishna Patel has been a resident of Westport since 2002, and brings to us an impressive record in her career as a prosecuting attorney and an advocate for social justice all over the world. Her background includes work in Romania, Oman, Morocco, Taiwan and Sierra Leone, and she has been honored with multiple service and performance awards for her work by such entities as the Department of Homeland Security, the Connecticut Bar Association, The Connecticut Institute for Refugees and Immigrants, the US Attorney's office, the FBI and the Peace Corps, among others. In 2015, she turned her attention to a new venture, and was part of the original leadership team at Grace Farms Foundation, where she used her legal skills and her ability to inspire passion as well as productive conversation to grow that start-up non-profit into a meaningful force combating human trafficking on a global, national and state level. Krishna's Westport connections include her time clerking for now retired US District Judge Alan Nevas, a familiar and illustrious name here in town. Krishna is deeply committed to the institutions that ensure, promote and protect a healthy, vibrant and just democracy, and recognizes the Westport Library as being in a unique position to engage our community to promote civil involvement and support much needed civil discourse in these challenging times. We believe Krishna will challenge us to define more clearly our ideals, and help pull us together as a community in service to those ideals. Finally, since her relocation to Westport about nine years ago, Sheila Ward has considered the Library to be a vital piece of our communal life, the

community center and a gathering place open to all who wish to engage in the pursuit of knowledge and the examination of different ideas. She has impressed many in our community with her work leading the Board of the Suzuki School, and has been a valued member on the Board of the League of Women Voters. Over her life, Sheila's unique interests have taken her to Moscow, where she used the MA in International Affairs she earned from John Hopkins University's School of Advanced International Studies to advise clients on managing market risks and equity capital markets, and then to Law School at Columbia University. She began her legal career in London, where her work included international litigation and pro bono work in civil rights and asylum proceedings. Following a family move to Singapore, Sheila was a faculty member at one of that nation's most prestigious universities, and continues to teach at New York City's Fordham Law School. She explains her current work as a professional support lawyer for White & Case as being "A lawyer for the lawyers." If appointed by the RTM to the Library Board, Sheila expressed her desire to use her varied skills to help lead the organization through the financial and organizational challenges sparked by the Library's recent transformation and the new landscape created by COVID. Our Committee found her quiet competence to be most impressive, and were unanimous in recommending her appointment to the Board. In conclusion, The RTM Library Museum and Arts Committee recommends unanimously and without reservation, the appointment of these three exemplary town electors to positions as Westport Library Trustees. We urge our RTM colleagues to vote in favor of their appointments.

Dr. Heller:

Thank you. I know that Bill Harmer and Ian Bruce are here. I wonder if you would like to say a few words at this time.

Bill Harmer, Executive Director, Westport Library:

Thank you Velma. I hope that everyone is doing well. It's good to see all of you. I think that Amy just did such an eloquent job of framing up all the unique and dynamic skills that these three new Board Members are going to bring to the organization. I speak on behalf of the Board and myself when I say that we are thrilled and excited. We feel incredibly fortunate to have Sheila, Jenna and Krishna join our team. I look forward to working with them over the coming months and years and accomplishing more great things for Westport. I also want to thank the members of the Library, Museum and Arts Committee for the hard work that they put into this. We had a number of candidates who expressed interest in serving on the Board, the most during my five years here as the E.D. We had an embarrassment of riches this year. Thanks to a fruitful collaboration led by Amy, I am confident that we made the right choices on behalf of the Library. I feel grateful having these three coming aboard and appreciative of the collaborative effort we had with the LMA to make it happen.

Dr. Heller:

Thank you so much, Bill. Ian, did you want to say a few words?

Ian Bruce, Library Board:

No, other than to echo what Mr. Harmer and Ms. Kaplan had to say, I've got nothing to add.

Dr. Heller:

I think it is a very exciting evening to have such wonderful candidates for Trustees. I believe some of the candidates are here this evening. Perhaps they would like to raise their hands and even say a couple of words. I believe Jenna is here.

Jenna Markowitz:

Hello everyone. Thanks for all the complementary words. I really appreciate it. I'm looking forward to getting started and really contributing what I can to the continued development and vibrancy of the Library.

Sheila Ward:

Hi everybody. Likewise, I'm very excited and looking forward to working with everybody. Thank you.

Dr. Heller:

It's a proud moment to make appointments of people of the caliber that we have in Westport.

Mr. Wieser read the resolution and it was seconded by Mr. Klinge.

**RESOLVED:** That upon the recommendation of the RTM Library Museum and Arts Committee, in accordance with Section C34-1 of the Town Charter, the re-appointment of Andrea Berkley and the appointments of Krishna Patel and Sheila Ward, each for a four-year term from July 1, 2020 through June 30, 2024 and the appointment of Jenna Markowitz to fill a vacancy from July 1, 2020 to June 30, 2023 to serve as Trustees of the Westport Library are hereby approved.

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

**Members of the RTM**

Wendy Batteau, district 8:

I would just like to say that we had 16 candidates this time. They were all wonderful and extremely well-qualified. It was difficult to choose although I think we chose very well. After being on this committee for close to 15 years, I'd never seen such a wonderful group of candidates and I'd like to thank the Library Board for their leadership which led us to the point where these people would be interested and I also find it inspiring because most people have not been involved in town government in any way before and the idea that such great people are stepping up to volunteer for the town is just wonderful so thank you everybody.

Peter Gold, district 5:

These people are, indeed, impressive. I'm overwhelmed. I'm very glad we have them but, as Bill Harmer said, we have an embarrassment of riches. I guess this is more of a

question for Amy than for anybody else, how did you manage to pick three jewels out of all the treasures in front of you? What criteria did you use to select the ones you picked?

Ms. Kaplan:

It was a long process. I think we were looking at all of their unique backgrounds and capabilities and also trying to find the best mix of people to work together on the Library Board with the talents of the existing members.

Mr. Gold:

No special skills or specific criteria that you were trying to fill?

Ms. Kaplan:

Well, we had a need from some of the departures from the Board. We were losing some attorneys and so we felt that someone with some legal background would be helpful but, again, it was sort of a balancing act and we felt that, all things considered, these three candidates would fit into the mix.

**By show of hands, the motion passes unanimously, 33-0.**

Dr. Heller:

Thank you all for coming this evening. We appreciate all of you being here and we wish you success in your role as Trustee of the Library. Thank you, again, to the Committee who worked very hard at this. It's never an easy job but there were so many wonderful people to choose from but, as Amy said, when there are so many wonderful people, you hope those people will take advantage of the opportunity to apply again when this opportunity arises because we certainly don't want to turn away wonderful people.

**The secretary read item #2 of the Call - Upon the recommendation of the First Selectman and in accordance with Section 3 (C) of the Policy for Gifts to the Town, to accept the donation of the sculpture known as Rock, Paper, Scissors Monument (2013) to the Westport Public Arts Collection.**

Dr. Heller:

Presenting for the Westport Commission for the Arts are Kathie Bennewitz and Nancy Diamond

### **Presentation**

Nancy Diamond, Co-Chair, Westport Arts Advisory Committee:

Kathie Bennewitz, our Town Curator, and I are here this evening to respectfully request that the RTM accept a gift to the town, a sculpture known as Rock, Paper, Scissors Monument. This sculpture, valued at \$51,500 was accepted by the Selectmen at their meeting on April 22. May 14, we received a positive report from the Planning and Zoning Commission, section 8-24, Municipal Improvement, for acceptance of a non-monetary gift and "structure" as required by the Town of Westport's Gift Policy. And on May 18,

your Library, Museum, and Arts Committee reviewed our request. Thank you for having us here this evening.

A quick background on the Arts Advisory Committee for those of you who may not know. We were established in 1994 to assure preservation of Westport's artistic heritage and its reputation as an arts town. WAAC also oversees the management of Westport's impressive public art collections, known as WestPAC. This includes more than 1500 works that hang in our public buildings, you've seen them around Town Hall and everywhere else, and provide support for curriculum in our schools. Some of the more prominent WestPAC sculptures are of course, the Minuteman and the Doughboy.

Slide 1: Here you can see Rock Paper Scissors at its current home: the edge of the LI Sound at Saugatuck Shores. The sculpture is roughly 9 ½ feet tall by three feet wide. It's composed of powder coated stainless steel and bronze with a granite base and weighs about 850 lbs. This piece was designed for the elements by nationally recognized outdoor sculptor Kevin Box. It has securely weathered storm surges and winds for the past five years living on the waterfront.

Slide 2: Here are some examples of where similar editions of this sculpture appear in prominent public locations across the country. So, Westport will be in good company.

Slide 3: We plan to place Rock, Paper, Scissors at the Westport Library so this is a big night for the Library. Specifically, on the 13-foot-wide grass strip at the head of the sidewalk leading between the Police Station parking lot and the Library's main entrance, facing Jesup Green. Here is a rendering, as photo shopped by Miggs Burroughs, although not drawn to scale. Bill Harmer, Executive Director of the Library who is here tonight, as well, has expressed his enthusiastic support for this placement. I'm sure will answer any questions you may have.

We like this site for many reasons, starting with its playful, family oriented and innovative nature; the same sentiments nurtured by our Library. We and the Library agree that this location will serve as a beacon marking the newly installed walkways from the police station. Placement there will not interfere with any activity on Jesup Green. Sited at the top of the gentle slope, Rock, Paper, Scissors will be seen from Jesup Rd, our main downtown thruway for cars and pedestrians. With this installation, Westporters and visitors alike will see Westport's commitment to public art.

Finally, let me tell you about the donors. Ann Sheffer and Bill Scheffler, both from long-time Westport families, were born, raised and resided full-time here until a few years ago. Ann, in particular, has been a patron of the arts her entire life. At one time or another she sat on the Board of every major arts organization in Westport; the Arts Center, the Historical Society, the Playhouse, the Levitt and the Library. And here's some history you may not know: both Ann and Bill served on the RTM from 1993 to 2005, Ann as the chair of the Library, Museum, and Arts Committee. Her father, Ralph Sheffer, also was on the RTM, from 1953 until 1969 and served as Moderator for 10 years. You may have seen the wrought iron likeness of Ralph in the lobby of town hall auditorium as you've headed into your meetings. Of special interest to Kathie and me is that it was Ann who proposed Town Ordinance Sec. 2-84 which established the Arts Advisory Committee as a Town Committee. This section was adopted on October 21, 1997. It is such an honor to have received this donation from Ann and Bill.



Before I turn the screen over to our Town Curator, Kathie Bennewitz, I'd like to thank the Board of Selectmen, Planning and Zoning and the LMA committee for their support of public art in Westport. Thanks so much for having us here.

Kathie Bennewitz, Town Curator, Arts Advisory Committee:

I can just imagine saying "Meet you at the Scissors!" which makes this another attractive and engaging aspect of placement as people enter this new Library sphere. The sculptor's style of marrying paper with bronze has garnered him national attention as an innovator and creator of art in places as we saw in the previous slide. The sculpture will be moved to this location from the Saugatuck residence by a professional art transport company, Crosier Fine Arts. We have worked with them before and I have worked with them as an independent curator, as well, and, most importantly, Ann and Bill have used them and, in fact, they moved this sculpture once already from their former location in Westport to Saugatuck. Moving and installation costs are going to be generously covered by the donors. I have been in touch with the artist, Kevin Box, as well, who has been most cooperative on working with us on the way he assembled it and how it should be moved. Most important, now that COVID-19 regulations have been lifted allowing art transport companies like Crosiers to begin working, we can begin planning a secure move and installation of this sculpture once the final approvals are in place. The plan is to have an independent concrete foundation that will be below the frost line of the soil that will be the size of the base of the sculpture which is 36", basically, the size of a Hula Hoop, if you can imagine that. The granite base will be secured to the cement concrete block. The material of the artwork is powder coated stainless steel as Nancy has already mentioned. This will allow for it to be easily cleaned. The cost of ongoing contracted maintenance by power washing as you can see here is one of the cleanings that we do for the Doughboy and the Minute Man. These sculptures are then waxed but we hire professional contractors to do it. This sculpture will be cleaned every four to five years. The cost will totally be covered by Friends of WestPAC, a 501c3 that was created to cover the maintenance of the Westport public art collections as well as by the Westport Arts Advisory Committee. I also believe this location which is, as we've said, across the parking lot from the Police Station is a highly visible spot and will be very well lit and the safest spot in the entire town. There are bollards in front of it so there can be no vehicular traffic in this area. Also, the insurance on this piece will be covered by the town's art insurance rider, a standard operating policy for artwork. So, with that, I'd like to thank you for having us here and I'd like to turn it back over to the Moderator.

Dr. Heller:

Thank you very much Kathie and Nancy for a very clear presentation of what it is we're going to be getting and where it will be. I thought that Jim Marpe might have a few words to say at this point.

Jim Marpe, First Selectman:

I just want to say, on behalf of the town of Westport, a sincere thank you to Ann Sheffer and Bill Scheffler for this extraordinary art work gift which will have such a prominent place in the center of our community. The Sheffer/Scheffler's have long been supporters of art in the community, as Nancy pointed out, and this is just one more example of that

generosity. So, deepest thank you and a great thank you also to the Arts Advisory Committee. They have done a tremendous job since 1994, I think it was, certainly, in the last seven years that I've been in a leadership role. I've been impressed every time that I meet with them to find out more things about the great public art we have but also the care that's taken. Also, Kathie Bennewitz is owed a debt of gratitude for salvaging the art at Coleytown Middle School which otherwise would have been destroyed by mold problem that was there and the Arts Committee that was there. A few minutes ago, Matt Mandell was referring to the Westport Reopening Team and we started working with the Arts Advisory Committee along with that team to make sure that, as we reopen Westport, we are reopening our arts community as well. So, I encourage the RTM to vote unanimously for this gift and, again, thanks to the Sheffer/Scheffler's for their tremendous generosity.

Dr. Heller: Mr. Harmer is still here if you want to say something.

Mr. Harmer:

Thanks again, Velma. I think the piece is going to be another wonderful addition to the art sculpture already on display for the public near the library. As we all know, Westport has a long storied dynamic history as a place that values public art. This piece is going to be yet another great contribution to that rich heritage. In terms of the placement, as you can see on the attached plan, it is perfectly situated because it is going to provide us with a great visual marker on the gateway to the Library site. I do want to thank Bill and Ann for their ongoing generosity and I think this will make a fine addition to the community's public art.

### **Committee report**

Ms. Kaplan:

The LMA Committee met on May 18 at 4 p.m. via zoom where Ms. Diamond and Ms. Bennewitz went through a presentation very similar to what you just saw. They went into a little more detail but basically, that was the presentation. The piece is titled, as you just heard, Rock, Paper, Scissors Monument, and was created in 2013 by artist Kevin Box as part of a series of work of different variations on the theme. Others in the series are installed on University campuses and in public parks across the country. As you heard, this sculpture was purchased by Ann Sheffer and Bill Scheffler, who are both known to many Westporters for their philanthropy focused on preserving and adding to Westport's artistic and cultural heritage. Recently, Ann and Bill have relocated away from Westport to be closer to family, and they reached out to ask whether the town would be interested in a gift of this sculpture. Generous donors, they have committed to pay the costs of professionally moving and installing Rock, Paper, Scissors at its proposed new location, once approved by the RTM. Some concerns that the Committee had were regarding maintenance, safety and possible vandalism. In terms of maintenance, as we heard in the excellent presentation, the work does not require more than a power-washing every four to five years. The funds for that would come from the small Arts Advisory budget, subsidized by donations from the Friends of WestPAC, which is a non-profit formed to help the town manage and maintain its valuable art collection, of which this piece will become a part. The Arts Advisory already oversees similar maintenance for other publicly

owned art, such as the Minuteman, Charities, and the Doughboy. For reference, even the Minuteman requires more attention, as he needs a wax in addition to a power wash every two to three years. As far as safety, the sculpture will be installed on a 36" concrete pad, with its stainless steel base securely attached. It is made to withstand the elements, and is weighted and balanced to stand securely. It will be located behind three existing bollards at the edge of the parking lot, so any attempt to drive toward the sculpture would be impeded. Also encouraging people to keep a distance will be some minor landscaping of grasses or similar at the base. Although it looks like it might be appealing to climb, the actual construction has few handholds to make that easy. It was also pointed out that climbing on things, including public art, is sort of normative human behavior, and cannot necessarily be controlled, nor should it be. Public art is made for interacting, and often the public will interact with the art in an unexpected way. In any event, the town already carries sufficient liability insurance for the small chance that someone might injure themselves. One sadly expected way the public interacts with art is to vandalize or deface. In this case, the sculpture is fairly impervious except for spray paint or the like. However, due to its coating, any such vandalism with paint could be removed by washing at minimal cost. There were some on the committee who were not in love with the sculpture as art. Nevertheless, they recognized that art is, indeed, "in the eye of the beholder," and that a higher level of evaluation than personal opinion was needed. In short, the committee agreed that the spirit of creativity and childhood exploration that the work seeks to convey is a good fit for our community and especially a good fit for its proposed location outside the library, and in the center of our downtown. There have been more than 20 letters received by P&Z in support of accepting this gift, and the committee overwhelmingly agreed that a creative community such as Westport should be encouraged to consider more publicly visible art, both on both private and public property. The committee voted (6-0 with 1 abstention) in favor of recommending to the full RTM approval and acceptance of this generous gift, which will delight generations of Westporters in the years ahead.

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

Mr. Wieser read the resolution and it was seconded.

**RESOLVED:** That upon the recommendation of the First Selectman and in accordance with Section 3 (C) of the Policy for Gifts to the Town, the donation of the sculpture known as Rock, Paper, Scissors Monument (2013) to the Westport Public Arts Collection is hereby accepted.

**Members of the RTM – No comments**

**By show of hands, the motion passes unanimously, 32-0-1. Ms. Gertzoff abstained.**

**The secretary read item #3 of the call - To approve an appropriation of \$177,108.00 along with bond and note authorization to the Sewer Reserve Fund Account for the rehabilitation of the existing 40-year-old Pump Station #2 to address infrastructure needs of the Westport Water Pollution Control Facility Collection System.**

## **Presentation**

Pete Ratkiewich, Director of Public Works:

The subject of this request is pump station #2. If you don't know where pump station #2 is, it is the main pump station on the west side of the river right near the Black Duck Café under I-95 near the commuter lot. Back in April of 2017, before I was Public Works Director, my predecessor, Steve Edwards, made a request to the Board of Finance and the RTM for \$2.5 million for the replacement of pump station #2 force main from the pump station on Riverside Avenue, that's pump station #2 underneath the river and over to the treatment plant on Elaine Road, also adjacent to I-95. The previous Public Works Director was very concerned about the existing force main under the river which is probably about 50 years old and placed very shallow in the river. The RTM approved the appropriation of \$2.5 million and we started drilling in December 2017. The actual drilling work was completed somewhere around February 2018. To take a step back, when we went to bid for this project, having had the appropriation, at first, our bids came in higher than the appropriation. We adjusted the way we put the bid out and we bid it out a second time. The difference was the way we required a General Contractor to carry insurance so the General Contractor would be liable for anything that happened to the drilling contractor. That caused a lot of the General Contractors who were bidding on it a great deal of concern and the bids came in higher than \$2.5 million. We went out to bid a second time and we limited the bids to qualified drilling contractors and required them to carry their own insurance. The bids came in significantly lower than the appropriation; \$1.9 million was our low bidder with Carlson Construction. So, when we were done with the force main installation, we had a significant amount of money left over in the appropriation, around \$600,000. The way it works with a force main installation is not only do you have to drill it under the river but you have to connect it at either end to the treatment plant and also to the pump station. So, we started doing that immediately realizing that we had quite a bit of money left over in the appropriation, we felt that if we didn't go out to a General Contractor, if we bid out the rehab and did the general contracting ourselves, in house, that we could save the anticipated \$650,000 for the pump station and probably do it with what was left in the appropriation of \$600,000. So, we went ahead and did that with the remaining money in the appropriation and talked with our Finance Director, Gary Conrad, to make sure that this was okay. We looked at it as a multi-phased project. We had intended to come back after the \$2.5 million for an additional \$650,000 but since we had almost that much left in the appropriation and saw a path clear to get the pump station done and did it as part of the same project, which it is because the pump station has to be connected to the pump line in order for the whole thing to work. In any case we started the design work on that anticipating construction somewhere around September of that year, 2019. We started the design in March 2019 and anticipated going to construction in September. Our best laid plans were interrupted on August 3, 2019 when the force main that we were still pumping sewage across the river in, ruptured. We had to address this as an emergency because we were dumping sewage into the river. Luckily, the old force main had been connected on both ends to the pump station and the treatment plan so our crews put together a plan very quickly to bring in two 1,800 gallon/minute temporary pumps and pump through a bypass valve through the new force main over to the treatment plant. In short order, we had taken care of the problem in less than 24 hours, had everything set up and had a bypass that we could now work on with the pump station.

The actual pump station construction continued through August, September and October, all the time doing bypass pumping with this temporary set up, a very expensive set up because they were rented pumps. We had to accelerate the pump station construction as fast as possible so we could put the permanent solution in place. That work was completed and we had to do a few design changes in the process. We found that we had to do some FEMA upgrades to that pump station, as well. All in all, instead of coming back to the funding bodies for an additional \$650,000, we exceeded the original \$2.5 million appropriation by \$177,000. About \$90,000 of that was dealing with the emergency and the rest of it was accelerated design costs and accelerated construction costs because the faster we got the permanent solution in, the faster we could get the temporary pumps out. If you look at the spreadsheet, you'll see an entry for Zilam. That's the company that did the temporary pumping. You can see just the total on renting those pumps was \$71,000. Had we extended this process any longer, that number would have continued to go up. This money is already spent. A good majority of it was based on the emergency response to the force main and the rest of it was to accelerate the construction. Basically, our crews did a bang up job of addressing this emergency as quickly as possible with holding our anticipated costs for this construction down by about a half million dollars. That is the request. The Board of Finance approved this for recommendation to the RTM May 20. We brought this to the joint meeting of the Public Works Committee and the Finance Committee on May 25. They both approved it unanimously. I'll be happy to answer any questions.

### **Committees report**

Public Works and Finance Committees, Jeff Wieser, district 4:

Jay Keenan is driving so I am presenting his report for our joint meeting from last week as he reported. Much of the report is the complete report that Pete just gave. We met last Wednesday by zoom and Pete went through the somewhat confusing and still strange timeline that this particular transaction has undertaken. But he made it clear that with the original \$2.5 million, we were able to do a lot of things and it helped us out with the crisis situation in 2019. I think the ultimate conclusion is we have a working pipe under the Saugatuck that works on both ends. It cost \$177,000 more to get that pipe and the money has already been spent. We are being asked to approve it now after it has been spent and everything is working and that's really the bottom line of the report. We had quite a discussion about general sewer applications, about blue line, about the capacity of the plant and how the town recoups infrastructure cost associated with new sewer connections as they relate to large developments. There were seven members of Public Works Committee and nine members of Finance Committee attending and we all voted unanimously in approval of recommending this funding to the RTM.

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

Mr. Wieser read the resolution and it was seconded.

**RESOLVED:** That upon the request of the Public Works Director the sum of \$177,108.00 along with bond and note authorization to the Sewer Reserve Fund Account for the rehabilitation of the existing 40-year-old Pump Station #2 to address infrastructure needs of the Westport Water Pollution Control Facility Collection System is hereby appropriated.

Dr. Heller: Thank you Mr. Klinge. It has been moved and seconded.

### **Members of the RTM**

Mr. Mandell:

Pete, if you could just explain a little bit more about how we will recoup some of our money for developments that occur that are not in line with the zoning of the properties so the RTM understands.

Mr. Ratkiewich:

The cost of upgrading this pump station can be quantified on the additional capacity in gallons/minute that the new pump station can pump across the river. We anticipated some development on the west side, specifically, some 830-g's, one on Lincoln Street, one on Hiawatha and another up on Sylvan Road which would be an additional assisted living center. We increased the gallons/minute capacity of the pump station by about 700 gallons/minute. The total cost for the upgrade, just for the pump station, is about \$950,000 so, in gallons/minute, if a developer comes in to a property, that has three or four single family homes on it, and decides to increase, what we would call a "zone bust" or 830-g or any other action, not just 830-g, a site plan change, it would increase the flow over those four single family units, we would calculate the additional gallons/minute and put a one-time charge on that developer; in this case, the amount of \$1,357 per gallon/minute. So, let's just say, for discussion purposes, we have a property with a single family dwelling on it and it has a certain gallon/minute. A developer comes in and wants to put 10 properties on that and increases the gallons/minute by 10 times the factor for one single family dwelling. Then they would be charged for the difference of what that property was zoned for, a single family dwelling and the 10 properties he is proposing or a difference of nine properties or whatever that gallon/minute change is. This is a way of equitably distributing the cost of this upgrade over any and all increases to the flow that would not be reflected in the original facilities plan which was based on the zones in town and the developable property in town.

Mr. Mandell:

Thank you Pete. Just to reiterate, it's not that we are advocating for any of these zone-busting measures but, if they do come through, which is possible, the town would be compensated for this sewer upgrade. I wanted to make sure that the RTM understood that.

Kristin Schneeman, district 9:

I have a quick question and a clarification. I'll address them both.

I'm just wondering why we're bonding this amount. I thought the \$2.5 million was already bonded so I was just wondering if we consider this rolled into the cost of the project so this also goes out to bond. When Jeff Wieser was speaking about the confusing timeline, I just wanted to make sure the sequence was clear. So, the original expectation was that this whole project was split into two phases. The money would be appropriated in two phases. The first was the \$2.5 million which was appropriated. Then there was an expectation that Public Works would come back for another \$650,000 but because of the

rebidding and the fact that the original \$2.5 million piece ended up costing so much less, you didn't have to come back for the second piece of \$650,000 so you've said that even though we're over the \$2.5 million by \$177,000, we're actually a half million dollars under where we would be in the original estimate for this project. I just wanted to make sure I understood that.

Mr. Ratkiewich:

That's correct. I don't think I made that clear. In 2017, we anticipated a total cost of the phased project of \$3.15 million. That was to be appropriated in two tranches. When we had \$600,000 left over and figured if we did the contracting ourselves, we could cut out some of the GC costs of \$600,000 and that was what was left in the appropriation. There is a gray line between where does the force main project end and where does the pump station project begin because to connect the force main to the pump station, you have to do a lot of piping work and you're already rebuilding the pump station on the upper side on the plan. With regards to the first question, unfortunately, Gary Conrad is not on tonight but I believe the way the resolution was written, we had the option to take this out of the sewer reserve or bond it and I think bonding it leaves our sewer reserve high and that way it puts the bonding costs into the annual fees. I just realized this is the first of three pump station upgrades and three or four force main projects that we have. While this is the only one that goes under the Saugatuck River, the other force mains that we have that we are planning on replacing in the coming years, are equally at risk. So, we'd like to keep our sewer reserve up high in case we get double whammy and a couple of force mains go at once, which is entirely possible. I try to plan for the worst and hope for the best.

Sal Liccione, district 9:

When the pump main broke, what did the insurance cover and what were the losses at Compo Beach? I know there was never an update on that. I would like Mr. Marpe or Mr. Ratkiewich to address this, what the insurance was covering and the upgrade after that.

Mr. Ratkiewich:

The insurance did not cover any of the force main break. It covered damages. There were a couple of claims by businesses along the river. A couple of them were never pursued to fruition. As far as I know, there were no claims along Compo Beach. I imagine we could have put in a claim for additional enforcement along the beach but it was pretty minimal when we calculated all the numbers. That's due to the fact that they got everything under control fairly quickly.

Mr. Liccione:

Thank you, Pete. I was thinking about lost revenue when the beach was closed.

Mr. Ratkiewich: That was not covered.

**By show of hands, the motion passes unanimously, 33-0.**

**The secretary read item #4 of the call - Upon the petitioned request of at least 20 electors of the Town of Westport to adopt a Tree Ordinance. (First Reading. Full text available, Appendix II)**

**Presentation**

Dick Fincher:

I'll be very quick. Thank you very much. The Tree Ordinance will protect Westport trees from unauthorized removal or damage; it will provide a base for keeping the public aware of good tree-care practices. There are 40+ Connecticut towns that already have tree ordinances. This will qualify us for "Tree City USA" status and there are 16 Connecticut towns and cities including our neighbors in Bridgeport, Danbury, Fairfield, Greenwich, Ridgefield, Stamford, Wilton who are already Tree City USA. Achieving Tree City USA status opens significant grant funding opportunities which means we don't have to spend Westport tax dollars for tree management and forest improvement. Westport needs to do its part regionally in improving the forest cover and, in turn, the environment. I, personally, have been working on this for a little over two years and I know that the Tree Warden has been working on it for close to four. We've got a lot of trees and we need to take care of them.

Dr. Heller:

Thank you so much for being here, Mr. Fincher. This is a first reading and the full text is available. This will be assigned to the Ordinance Committee and, I believe, the Environment Committee.

Jay Keenan, district 2: Public Works.

Dr. Heller:

So, we have three committees. Mr. Wieser, you could read the resolution at this point.

Mr. Wieser read the resolution and it was seconded.

**RESOLVED:** That upon the petitioned request of at least 20 electors of the Town of Westport, a Tree Ordinance is hereby adopted. (First Reading. Full text, Appendix II)

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

Dr. Heller:

We will have a discussion when the committees have prepared at their end. Thank all the committees for the hard work they have done.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Patricia H. Strauss

Town Clerk



*Jacquelyn Fuchs*

by Jacquelyn Fuchs

**ATTENDANCE: June 2, 2020**

DIST.	NAME	PRESENT	ABSENT	NOTIFIED MODERATOR	LATE/ LEFT EARLY
1	Richard Jaffe	X			
	Matthew Mandell	X			
	Kristin M. Purcell	X			
	Chris Tait	X			
2	Harris Falk	X			
	Jay Keenan	X			7:40 p.m.
	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			7:40 p.m.
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	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>33</b>	<b>3</b>		

## Appendix I – Item #3

**RESOLVED:** That upon the request of the Public Works Director the sum of \$177,108.00 along with bond and note authorization to the Sewer Reserve Fund Account for the rehabilitation of the existing 40-year-old Pump Station #2 to address infrastructure needs of the Westport Water Pollution Control Facility Collection System is hereby appropriated.

### **BOND RESOLUTION**

**RESOLVED:** That upon the recommendation of the Board of Finance, the Town of Westport (the “Town”) hereby appropriates the sum of One Hundred Seventy-Seven Thousand One Hundred Eight and 00/100 Dollars (\$177,108) for the costs associated with the design, engineering and installation of a new force main replacing the existing force main serving Pump Station 2 which runs from the pump station on Riverside Avenue under the Saugatuck River to the Town’s Water Pollution Control Facility on Elaine Road (the “Project”).<sup>1</sup>

Section 1. As recommended by the Board of Finance and for the purpose of financing One Hundred Seventy-Seven Thousand One Hundred Eight and 00/100 Dollars (\$177,108) of the foregoing appropriation, the Town shall borrow a sum not to exceed One Hundred Seventy-Seven Thousand One Hundred Eight and 00/100 Dollars (\$177,108) and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project.

Section 2. The First Selectman, Selectmen and Finance Director are hereby appointed a committee (the “Committee”) with full power and authority to cause said bonds to be sold, issued and delivered; to determine their form, including provision for redemption prior to maturity; to determine the aggregate principal amount thereof within the amount hereby authorized and the denominations and maturities thereof; to fix the time of issue of each series thereof and the rate or rates of interest thereon as herein provided; to designate the bank or trust company to certify the issuance thereof and to act as transfer agent, paying agent and as registrar for the bonds, and to designate bond counsel. The Committee shall have all appropriate powers under the Connecticut General Statutes including Chapter 748 (Registered Public Obligations Act) to issue the bonds and, further, shall have full power and authority to do all that is required under the Internal Revenue Code of 1986, as amended, and other applicable laws and regulations of the United States and the state of Connecticut, to provide for issuance of the bonds in tax exempt form, including the execution of tax compliance and other agreements for the benefit of bondholders, and to meet all requirements which are or may become necessary in and subsequent to the issuance and delivery of the bonds in order that the interest on the bonds be and remain exempt from federal income taxes, including, without limitation, to covenant and agree to restriction on investment yield of bond proceeds, rebate of arbitrage earnings, expenditure of proceeds within required time limitations and the filing of information reports as and when required and to execute Continuing Disclosure Agreements for the benefit of holders of bonds and notes.

Section 3. The Bonds may be designated “Public Improvement Bonds of the Town of Westport,” series of the year of their issuance and may be issued in one or more series, and may be consolidated as part of the same issue with other bonds of the Town; shall be in serial form maturing in not more than twenty (20) annual installments of principal, the first installment to mature not later than three (3) years from the date of issue and the last installment to mature not later than twenty (20) therefrom, or as otherwise provided by statute. The bonds may be sold at not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds, or notes, on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semiannually or annually. The bonds shall be signed on behalf of the Town by the First Selectman and the Finance Director, and shall bear the seal of the Town. The signing, sealing and certification of said bonds may be by facsimile as provided by statute. The Finance Director shall maintain a record of bonds issued pursuant to this resolution and of the face amount thereof outstanding from time to time, and shall certify to the destruction of said bonds after they have been paid and cancelled, and such certification shall be kept on file with the Town Clerk.

---

<sup>1</sup> On May 1, 2017, the Town of Westport’s Representative Town Meeting approved an appropriation and bond authorization in the amount of \$2,500,000 for the Project. Due to unanticipated costs, an additional appropriation and bond authorization in the amount of \$177,108 is necessary to fully fund the Project and is the purpose of this resolution.

Section 4. The Committee is further authorized to make temporary borrowings as permitted by the General Statutes and to issue a temporary note or notes of the Town in anticipation of the receipt of proceeds from the sale of the bonds to be issued pursuant to this resolution. Such notes shall be issued and renewed at such times and with such maturities, requirements and limitations as provided by statute. Notes evidencing such borrowings shall be signed by the First Selectman and the Finance Director, have the seal of the Town affixed, which signing and sealing may be by facsimile as provided by statute, be certified by and payable at a bank or trust company incorporated under the laws of this or any other state, or of the United States, be approved as to their legality by bond counsel, and may be consolidated with the issuance of other Town bond anticipation notes. The Committee shall determine the date, maturity, interest rates, form and manner of sale, including negotiated sale, and other details of said notes consistent with the provisions of this resolution and the General Statutes and shall have all powers and authority as set forth above in connection with the issuance of bonds and especially with respect to compliance with the requirements of the Internal Revenue Code of 1986, as amended, and regulations thereunder in order to obtain and maintain issuance of the notes in tax exempt form.

Section 5. Upon the sale and issuance of the bonds authorized by this resolution, the proceeds thereof, including any premium received upon the sale thereof, accrued interest received at delivery and interest earned on the temporary investment of such proceeds, shall be applied forthwith to the payment of the principal and interest of all notes issued in anticipation thereof or shall be deposited in trust for such purposes with a bank or trust company, or shall be applied or rebated as may be required under the provision of law. The remainder of the proceeds, if any, after the payment of said notes and of the expense of issuing said notes and bonds shall be applied to further finance the appropriation enacted herein.

Section 6. In each fiscal year in which the principal or any installment of interest shall fall due upon any of the bonds or notes herein authorized there shall be included in the appropriation for such fiscal year a sum equivalent to the amount of such principal and interest so falling due, and to the extent that provision is not made for the payment thereof from other revenues, the amount thereof shall be included in the taxes assessed upon the Grand List for such fiscal year and shall not be subject to any limitations of expenditures or taxes that may be imposed by any other Town ordinance or resolution.

Section 7. Pursuant to Section 1.150-2 (as amended) of the federal income tax regulations the Town hereby expresses its official intent to reimburse expenditures paid from the General Fund, or any capital fund for the Project with the proceeds of the bonds or notes to be issued under the provisions hereof. The allocation of such reimbursement bond proceeds to an expenditure shall be made in accordance with the time limitations and other requirements of such regulations. The Finance Director is authorized to pay Project expenses in accordance herewith pending the issuance of the reimbursement bonds or notes.

Section 8. The Town of Westport, or other proper authority of the Town, is authorized to take all necessary action to apply to the State of Connecticut, and accept from the State or other parties, grants, gifts and contributions in aid of further financing the Project. Once the appropriation becomes effective, the First Selectman, or other appropriate official of the town, is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the Project and is specifically authorized to make, execute and deliver any contracts or other documents necessary or convenient to complete the Project and the financing thereof.

The Committee is hereby authorized to take all action necessary and proper for the sale, issuance and delivery of the bonds (and notes) in accordance with the provisions of the Town Charter, the Connecticut General Statutes, and the laws of the United States.

Appendix II – Item #4

**RESOLVED:** That upon the petitioned request of at least 20 electors of the Town of Westport, a Tree Ordinance is hereby adopted. (First Reading. Full text is as follows)

**DRAFT**

**ARTICLE \_\_\_\_ TREES**

**Sec. \_\_\_\_ PURPOSES**

The purpose of this Article is:

- A. To promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance, protection, and removal of Trees and Shrubs on public property within the Town of Westport;
- B. To recognize and appreciate that Trees produce oxygen, capture carbon dioxide from the atmosphere, provide air purification, prevent soil erosion, control flooding, assist water purification, contribute to the quality of life by providing cooling shade, provide habitat for wildlife, reduce noise levels, calm traffic, improve property values and aesthetically enhance the landscape; and
- C. To protect the Town of Westport and its residents from property damage caused or threatened by the improper planting, maintenance or removal of Trees and Shrubs.

**Sec. \_\_\_\_ AUTHORITY**

This Article is adopted pursuant to the provisions of C.G.S. §7-148(c)(6)(A)(iv); §7-148(c)(6)(A)(v); §7-148(c)(7)(H)(xi) and §23-59 and shall be cited as the “Westport Tree Ordinance.”

**Sec. \_\_\_\_ DEFINITIONS**

As used in this Article, the following words, terms and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ARBORICULTURE**

Any work done for hire to improve the condition of fruit, shade or ornamental Trees by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods of improving Tree conditions, or protecting Trees from damage from insects or diseases or curing these conditions by spraying or any other method.

**ARBORIST**

One who is qualified to perform Arboriculture and is licensed by the Commissioner of Environmental Protection in the State of Connecticut.

**PUBLIC PROPERTY**

The area within the limits of any Town-owned streets, roads, right-of-ways and grounds that are located within the Town’s boundary, but not (i) grounds along state highways under control of the State of Connecticut Commissioner of Transportation, (ii) Parks and Recreation Property as defined in this ordinance, and/or (iii) Westport Board of Education Property as defined in this ordinance.

**PARKS AND RECREATION PROPERTY**

The area within all public parks and grounds within the jurisdiction of the Westport Parks and Recreation Commission.

**BOARD OF EDUCATION PROPERTY**

The area within all public parks and grounds within the jurisdiction of the Westport Board of Education.

**NOTABLE TREE**

A Tree regarded as important or specific by its historical, national, locational, natural or mythological context.

## **SHRUB**

Woody plants branched from the base, generally less than 15 feet in height when mature.

## **TREE**

Woody plants usually with one main trunk, reaching a height of 15 feet or more when mature, specifically including Trees three inches at DBH (4.5 feet above the ground) or greater.

### **Sec. \_\_\_ TREE WARDEN**

The person appointed pursuant to C.G. S. §23-58 and §C1-3(B)(3) of the Town Charter, who shall be a Connecticut Licensed Arborist and/or who shall have successfully completed the Connecticut Tree Warden's School.

### **Sec. \_\_\_ POWERS AND DUTIES OF TREE WARDEN**

The Tree Warden shall, in consultation with the Director of Public Works:

1. Have all the powers, duties and authorities with respect to Public Property as provided or authorized by Chapter 451 of the Connecticut General Statutes, specifically §§ 23-58, 23-59, 23-59a, 23-60 and 23-65, and the Town Charter §C17-1, as the same may be amended from time to time, and have such powers, duties and authorities with respect to Parks and Recreation Property upon the written request of the Parks and Recreation Commission or its designee, and have such powers, duties and authorities with respect to Board of Education Property upon the written request of the Board of Education or its designee.
2. Issue Tree work permits for the cutting or removal, in whole or in part, of any Trees and Shrubs located on Public Property in accordance with this Article, CGS §23-65 and in accordance with the ANSI A300 Best Management Practices.
3. Establish recommended specifications and standards for the planting, trimming and removal of Trees and Shrubs on Public Property.
4. Serve as a resource, upon the request of the Director of Public Works, to all Town Departments and the Board of Education, on all matters relating to individual Tree and Shrub resources, and shall provide technical assistance upon request.
5. The Tree Warden's care and control over Trees and Shrubs shall extend to such limbs, roots or parts of Trees and Shrubs as extend or overhang the limits of the Public Property, and if requested in writing, Parks and Recreation Property and/or Board of Education Property.
6. The Tree Warden shall remove or cause to be removed all illegally erected signs or advertisements placed upon poles, Trees, Shrubs or other objects within Public Property, as authorized by CGS §23-59 and CGS §23-65 and other applicable law.

### **Sec. \_\_\_ TREE BOARD**

The First Selectman is hereby authorized to establish a Tree Board which shall be composed of at least 5 members appointed by the First Selectman in consultation with the Tree Warden. The First Selectman may appoint such number of Tree Board members as deemed expedient and may, at any time, remove them from office. Members shall serve without compensation. Each member shall serve for a term of two (2) years. The Tree Warden shall be an ex-officio non-voting member of the Tree Board.

### **Sec. \_\_\_ PURPOSE AND DUTIES OF THE TREE BOARD**

The Tree Board shall:

- A. Advise and assist the Tree Warden.
- B. Provide a written report indicating recommendations, preliminary approvals, final approvals or disapprovals for special permits and/or site plans, as applicable, as required by the Westport Zoning Regulations.
- C. Promote maintenance, restoration, survival and planting of Trees and Shrubs on Public Property.
- D. Educate the public to recognize the benefits provided by Trees and Shrubs including, but not limited to:
  1. Buffering noise
  2. Buffering unsightly views
  3. Improving air quality
  4. Preventing erosion
  5. Absorbing water (including flood control)
  6. Mitigating climate by cooling the air and providing shade
  7. Offering habitats to birds

8. Increasing property values
  9. Offering aesthetic benefits
  10. Generally improving the quality of life within the Town
- E. Compile a list of Notable Trees for the purpose of preservation, outreach, education and leisure.
  - F. Support the Tree Warden in promoting the maintenance of the Notable Trees and cataloging their locations, sizes and species for future enjoyment.
  - G. Measure and record Notable Trees annually for the Connecticut's Notable Tree List managed at Connecticut College Arboretum.