

RTM Meeting
August 7, 2012

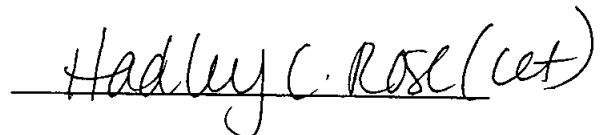
**REVISED to add Item # 2
REPRESENTATIVE TOWN MEETING NOTICE**

All Representative Town Meeting members and inhabitants of the Town of Westport are hereby notified that a meeting of the town meeting members will be held at Town Hall, 110 Myrtle Ave., on Tuesday, August 7, 2012, at 8:00 p.m. for the following purposes:

- 1. To take such action as the meeting may determine, upon the recommendation of the First Selectman, to reappoint John Shuck & Joseph Strickland to the Public Site & Building Commission for a four year term ending June 2016.**
- 2. To take such action as the meeting may determine, upon the recommendation of the First Selectman, to appoint Jennifer Johnson as a director of the Westport Transit District for a four year term ending April 2016 and to appoint Eugene Cederbaum as a director of the Westport Transit District to fill a vacancy for a term ending April 2014.**
- 3. To take such action as the meeting may determine, to approve the submission of an application by the Town of Westport to the Connecticut Office of Policy & Management for a grant of up to \$500,000 from the Main Street Investment Fund for enhancement of the downtown area, including street scapes and sidewalk improvements, and to authorize the First Selectman to execute the application and to administer the project.**
- 4. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Parks & Recreation Director, to approve an appropriation of \$32,199.59 to the 2011-12 fiscal year budget, to the Maintenance Water Account due to account under budgeted.**
- 5. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Finance Director, to approve an appropriation of \$158,320 to the 2011-12 fiscal year budget for the Department of Public Works contract settlement.**
- 6. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Finance Director, to approve an appropriation of \$166,625 to the 2012-13 fiscal year budget for the Department of Public Works contract settlement.**

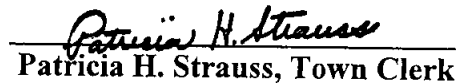
7. To take such action as the meeting may determine, upon the recommendation of the Board of Selectmen and in accordance with the Policy for Gifts to the Town, to approve the acceptance of a monetary gift in excess of \$3,000,000 from The Friends of the Levitt Pavilion, Inc. to be deposited in a capital account for the construction of a new Levitt Pavilion.

8. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and, a request by the Executive Director of the Levitt Pavilion for the Performing Arts to approve an appropriation of \$6,700,000 (with bond and note authorization) to the Capital Account for the construction of a new Levitt Pavilion. The Town of Westport's portion will be \$1,100,000.

Handwritten signature of Hadley C. Rose in cursive, with the initials "cet" in parentheses at the end.

Hadley C. Rose, Moderator

This is to certify that I mailed a copy of the above notice, properly prepaid, to each Representative Town Meeting member on Tuesday, July 31, 2012, and that I caused a copy of said notice to be published in the Westport News in its edition of Wednesday, August 1, 2012.

Handwritten signature of Patricia H. Strauss in cursive.

Patricia H. Strauss, Town Clerk

Education (8)

Velma Heller, chair
Eileen Flug
Louis Mall
Jack Klinge
William Meyer
Paul Rossi
Stephen Rubin
Paul Lebowitz

Employee Compensation (8)

Dick Lowenstein, chair
Don Bergmann
Jay Keenan
Louis Mall
Jimmy Izzo
Dewey Loselle
Gilbert Nathan
George Underhill

Environment (9)

Diane Cady, chair
Wendy Batteau
Allen Bomes
Matthew Mandell
Jonathan Cunitz
Paul Lebowitz
John Suggs
Cathy Talmadge
Christopher Urist

Finance (9)

Jeff Wieser, chair
Allen Bomes
Lee Arthurs
Arthur Ashman
Dick Lowenstein
John McCarthy
Gilbert Nathan
Lois Schine
Cathy Talmadge

Health & Human Services (7)

Wendy Batteau, chair
Diane Cady
Jonathan Cunitz
Catherine Calise
William Meyer
Stephen Rubin
Jeff Wieser

Information Technology (9)

Paul Rossi, chair
Jonathan Cunitz
Dewey Loselle
Matthew Mandell
John McCarthy
Stephen Rubin
John Suggs
Sean Timmins
Christopher Urist

Library, Museum & Arts (8)

Arthur Ashman, chair
Wendy Batteau
Catherine Calise
Hope Feller
Melissa Kane
Cornelia Olsen
John Suggs
John McCarthy

Long Range Planning (9)

Jonathan Cunitz, Chair
Wendy Batteau
Jack Klinge
Allen Bomes
Velma Heller
Dewey Loselle
Matthew Mandell
Lois Schine
Carla Rea

Ordinance (6)

Eileen Flug, chair
Don Bergmann
David Floyd
Allen Bomes
Lee Arthurs
George Underhill

Parks & Recreation (9)

William Meyer, chair
Don Bergmann
Catherine Calise
David Floyd
Eileen Flug
Jack Klinge
Paul Rossi
John Suggs
Christopher Urist

Planning & Zoning (9)

Matthew Mandell, chair
Don Bergmann
Diane Cady
Hope Feller
Jay Keenan
Paul Lebowitz
Gilbert Nathan
Lois Schine
Carla Rea

Public Protection (9)

Sean Timmins, chair
Hope Feller
Jimmy Izzo
Melissa Kane
Dick Lowenstein
Louis Mall
Stephen Rubin
George Underhill
Velma Heller

Public Works (8)

Jay Keenan, chair
Cornelia Olsen
David Floyd
Melissa Kane
Jack Klinge
Matthew Mandell
Cathy Talmadge
George Underhill

Rules (11)

Hadley Rose, chair
Eileen Flug, vice chair
District 1: Matthew Mandell
District 2: Sean Timmins
District 3: Melissa Kane
District 4: George Underhill
District 5: Dick Lowenstein
District 6: Cathy Talmadge
District 7: Stephen Rubin
District 8: Lois Schine
District 9: Velma Heller

Special Ethics (7)

Hadley Rose, chair
Wendy Batteau
Jonathan Cunitz
Velma Heller
Dick Lowenstein
Jeff Wieser
Melissa Kane

Transit (7)

Cathy Talmadge, chair
John McCarthy
David Floyd
Dick Lowenstein
Gilbert Nathan
Cornelia Olsen
Christopher Urist

RESOLUTIONS

(1)

RESOLVED: That upon the recommendation of the First Selectman, the reappointment of John Shuck & Joseph Strickland to the Public Site & Building Commission for a four year term ending June 2016 is hereby approved.

(2)

RESOLVED: That upon the recommendation of the RTM Transit Committee, the appointments of Jennifer Johnson as a director of the Westport Transit District for a four year term ending April 2016 and Eugene Cederbaum as a director of the Westport Transit District to fill a vacancy for an unexpired term ending April 2014 to the Westport Transit District is hereby approved.

(3)

RESOLVED: That the submission of an application by the Town of Westport to the Connecticut Office of Policy & Management for a grant of up to \$500,000 from the Main Street Investment Fund for enhancement of the downtown area, including streetscapes and sidewalk improvements is hereby approved and the First Selectman is hereby authorized to execute the application and to administer the project.

(4)

RESOLVED: That upon the recommendation of the Board of Finance, and a request by the Parks & Recreation Director, the sum of \$32,199.59 to the 2011-12 fiscal year budget, to the Maintenance Water Account due to account under budgeted is hereby appropriated.

(5)

RESOLVED: That upon the recommendation of the Board of Finance, and a request by the Finance Director, the sum of \$158,320 to the 2011-12 fiscal year budget for the Department of Public Works contract settlement is hereby appropriated.

(6)

RESOLVED: That upon the recommendation of the Board of Finance, and a request by the Finance Director, the sum of \$166,625 to the 2012-13 fiscal year budget for the Department of Public Works contract settlement is hereby appropriated.

(7)

RESOLVED: That upon the recommendation of the Board of Selectman and in accordance with the Policy for Gifts to the Town, the acceptance of a monetary gift in excess of \$3,000,000 from The Friends of the Levitt Pavilion, Inc. to be deposited in a capital account for the construction of a new Levitt Pavilion for the Performing Arts is hereby approved.

(8)

RESOLVED: That upon the recommendation of the Board of Finance, the Town of Westport hereby appropriates up to the sum of \$6,700,000 for the costs associated with the construction of a new Levitt Pavilion which costs include architectural, design, environmental, temporary and permanent financing, engineering, inspection, site development, other soft costs and a contingency of up to \$100,000 for certain environmental costs (the "Project"); such appropriation shall be funded by gifts, contributions and grants to the Town for the purposes of funding the Project and by the borrowing of up to \$1,100,000 authorized in Section 1 below which includes the funding of environmental contingency of \$100,000 if required and such appropriation shall not become effective until the Town has received grants, gifts and contributions for purposes of funding the Project in an amount equal to the costs of the Project inclusive of the contingency less the amount of the borrowing authorized in Section 1 below.

As recommended by the Board of Finance and for the purpose of financing up to \$1,100,000 of the foregoing appropriation, the Town shall borrow a sum not to exceed \$1,100,000 inclusive of up to \$100,000 for any environmental costs covered by the contingency 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.

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.

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 years from the date of issue and the last installment to mature not later than twenty (20) years 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 first installment to mature not

later than three years from the date of issue and the last installment to mature not later than twenty (20) years 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.

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.

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 made by the appropriation resolution enacted concurrently herewith.

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.

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 thereof. 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.

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. [For purposes of this Resolution, any grant from the State of Connecticut shall be deemed received upon execution of the agreement providing for such grant by the State.] 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.



WESTPORT, CONNECTICUT

GORDON F. JOSELOFF
First Selectman

BACK UP MATERIAL
RTM ITEM # 1

July 18, 2012

Mrs. Hadley Rose
Moderator
Representative Town Meeting
Town of Westport
Westport, CT 06880

Dear Hadley:

As First Selectman, I have reappointed the following members of the Public Site & Building Commission of the Town of Westport:

John Shuck
Joseph Strickland

The reappointments are effective immediately for a four-year term, or until June 2016.

Please place the reappointments before the Representative Town Meeting for confirmation. Thank you in advance.

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon F. Joseloff".

Gordon F. Joseloff
First Selectman

GFJ:ps
Enclosures

cc: John Shuck, 1 Manitou Court, Westport
Joseph Strickland, 2 Bolton Lane, Westport
Jay Keenan, RTM Public Works Committee
Stephen Smith, Building Official
✓ Patricia Strauss, Town Clerk

Jshuck@optonline.net

John William Shuck

Born: 25 Feb 1947 New Orleans, LA

Married 1970 to Susan, Retired IBM Executive, 1 Daughter Cynthia, Student at Georgetown University, Walsh School of Foreign Service.

EDUCATION:

Attended Columbia Military Academy 1962-63

Graduated Southwestern High School, Hanover Indiana

Graduated Indiana University 1971 degree in History; minor Chemistry/Physics

MILITARY SERVICE:

ROTC Indiana University, Scabbard and Blade Military honorary, ROTC Scholarship recipient

Active Duty US Army 1 Lt. 1971-1973 Aberdeen Proving Ground, MD; Ft. Hood Texas, Shop Officer 1st. Cav Div, 27th Maintenance Battalion, 1973-78 US Army Reserves Commander Postal Detachment, Rushville Ind.

WORK EXPERIENCE:

Sales Representative AutoPro Automotive Aftermarket Warehouse 1976-78.

Owner: Automotive Restoration Shop Cincinnati and Columbus Ohio 1978-80.

Renovated 4 houses 1973-93.

Owner and Founder House Smart Inc: Building Inspection Services, Fairfield County, CT. 1984-1996. Member American Society Home Inspectors (ASHI).

Director of Development: International School of Beijing, Beijing China 1998-2000.

Chairman: ISB Fund Raising Gala 1998

PTA President: International School of Beijing 2 terms 1997-1999.

Girl Scout Troop Leader: Beijing China 1998-99.

Co-founder and Director of Operations, Fairfield County Concours 2004-Present.

VOLUNTEER ACCOMPLISHMENTS:

Member: Westport Rotary Club 1986-Present. Past-President 1991-92

Foreman: Westport Beach Playground 1988 and 2005.

Member: Board of Managers, YMCA Camp Mahackeno 1988-92.

Member: Board of Directors, United Way Westport-Weston 1984-87

JOSEPH STRICKLAND, JR., AIA
Arthur Andersen LLP
1345 Avenue of the Americas
New York, New York 10105

CURRENT POSITION

Mr. Strickland is a senior manager directing the Cost Segregation Services Practice for the Arthur Andersen New York Metro Region Valuation Services Group. Mr. Strickland has over 20 years of experience in the fields of architecture, construction, and valuation services with particular emphasis in the areas of investment tax credit, cost segregation analysis, insurance claims analysis, project management, and allocation of purchase cost.

RELEVANT EXPERIENCE

Mr. Strickland's cost segregation background includes, but is not limited to, automobile stamping and sub-assembly facilities, hotels, gaming facilities, recreation facilities, restaurants, various industrial and process facilities, financial institutions, retail establishments, office buildings, and steel plants. Project management experience includes all types of real estate and land developments with emphasis on big box retail, strip malls, and educational facilities. Recent insurance claim work was in the area of atomic energy research facilities. Mr. Strickland also has experience in cost segregation audit support at the IRS level.

PRIOR EXPERIENCE

Mr. Strickland has 20 years experience in the real estate development and construction fields in both the public and private sectors. He has served as designer, project manager, owner and owner's representative on single/multi-family residential, educational, industrial, commercial, retail, and land development projects.

Prior to joining Arthur Andersen LLP, Mr. Strickland served as the Director of Facilities for a nationally recognized public school system and manager all construction, renovation, maintenance, and custodial care of its facilities. Recent work included program space expansions, full code compliance upgrades, and planning new school developments to accommodate a 40 percent growth in student population.

Mr. Strickland's other positions included those with a major international retailer, a northeast regional real estate developer, architectural/engineering firms specializing in historic presentation and process plant design, and the Urban Redevelopment Authority of Pittsburgh (PA).

EDUCATION

Master of Architecture, Carnegie-Mellon University
 Master of Education, Lehigh University
 Bachelor of Arts, Lehigh University

PROFESSIONAL LICENSES/ACCREDITATION

Registered Architect, Connecticut and Pennsylvania

*Jstrickland
 @navigant
 consulting
 com*



WESTPORT, CONNECTICUT

GORDON F. JOSELOFF
First Selectman

July 18, 2012

Mr. John Shuck
1 Manitou Court
Westport, CT 06880

Dear John:

As First Selectman, it is my pleasure to reappoint you a member of the Public Site & Building Commission of the Town of Westport.

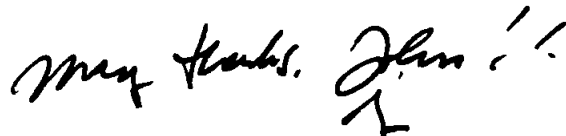
This reappointment is effective immediately for a term of four years, or until June 2016.

Enclosed is a copy of a letter to the Representative Town Meeting Moderator requesting that your name be placed before that body for confirmation.

Thank you for your willingness to continue serving on this commission.

Sincerely,


Gordon F. Joseloff
First Selectman



GFJ:ps
Enclosure

cc: Joseph Strickland, Chair, Public Site & Building Commission
Hadley Rose, Representative Town Meeting Moderator
Jay Keenan, RTM Public Works Committee
Stephen Smith, Building Official
✓ Patricia Strauss, Town Clerk



WESTPORT, CONNECTICUT

GORDON F. JOSELOFF
First Selectman

July 18, 2012

Mr. Joseph Strickland
2 Bolton Lane
Westport, CT 06880

Dear Joe:

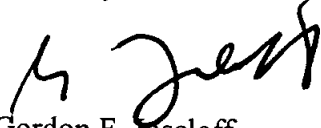
As First Selectman, it is my pleasure to reappoint you a member of the Public Site & Building Commission of the Town of Westport.

This reappointment is effective immediately for a term of four years, or until June 2016.

Enclosed is a copy of a letter to the Representative Town Meeting Moderator requesting that your name be placed before that body for confirmation.

Thank you for your willingness to continue serving on this commission.

Sincerely,


Gordon F. Joseloff
First Selectman

*Many thanks, Joe,
for all your hard
work!!
J*

GFJ:ps
Enclosure

cc: Hadley Rose, Representative Town Meeting Moderator
Jay Keenan, RTM Public Works Committee
✓ Stephen Smith, Building Official
✓ Patricia Strauss, Town Clerk



WESTPORT, CONNECTICUT

GORDON F. JOSELOFF
First Selectman

BACK UP MATERIAL
RTM ITEM # 2

July 30, 2012

Mr. Hadley Rose
Moderator
Representative Town Meeting
Town of Westport
Westport, CT 06880

Dear Hadley:

As First Selectman, I recommend the following Westport residents to serve as directors of the Westport Transit District:

Jennifer Johnson
Eugene Cederbaum

If I can provide any further information, please do not hesitate to contact me. Thank you in advance.

Sincerely,

Gordon F. Joseloff
First Selectman

GFJ:ps
Enclosures

cc: Jennifer Johnson, 28 Tamarac Road, Westport
Eugene Cederbaum 57 Partrick Road, Westport
Cathy Talmadge, RTM Transit Committee
Louis Schulman, Norwalk Transit District
Patricia Strauss, Town Clerk

EUGENE E. CEDERBAUM

27 Imperial Avenue, Westport, Connecticut 06880

Website: cederbaumlaw.com

Email: gene@cederbaumlaw.com

MUNICIPAL EXPERIENCE - ELECTED AND APPOINTED OFFICES

Elected Offices:

- Member, Westport Board of Education, 1995-99.
- Member, Westport Representative Town Meeting, 1981-85, 87-89.
- Connecticut State Senate Candidate, 1982.

Appointed Positions:

- Westport, Wilton, Easton, New Canaan -- Associate Town Counsel at various times, 1989-present.
- Citizens' Transit Committee, Westport, 2012.
- Citizens' Transit Committee, Westport, 2012.
- Commission on Senior Activities, Westport, 2010-present.
- Chair, Westport Advisory Committee to Improve Educational Quality & Diversity, 1993-94.
- Fair Housing Agent, Westport, 1985-present.
- Chair, Westport ad hoc committee re Board of Education budget referendum, 1985.

RECENT PROFESSIONAL EXPERIENCE:

Law Offices of Eugene E. Cederbaum, Westport, CT.

2009 to present.

- Municipal tax appeal litigation
- Drafted guideline for collection of delinquent taxes through Tax Collectors' Sales.
- Successfully worked with elected and appointed officers and municipal staff.
- Appearances before boards, commissions and legislative bodies.
- Formation, administration and governance of special taxing districts,
- Real estate transactions including purchases, sales and property disputes.
- Representation of small businesses, including formation, purchase and sales transactions, shareholder transactions, business entity dissolutions, municipal litigation.
- Civil litigation.

- Advised candidate for State Legislature concerning requirements for public funding under Connecticut's state campaign funding law. Interact with personnel at State Election Enforcement Commission.
- Panelist, Private Roads and Special Taxing Districts, Connecticut Attorney's Title Insurance Company.
- Panelist, Tax Assessment Appeal Procedure, Fairfield County Bar Association.
- Co-Chair, Fairfield County Bar Association Municipal Law Section, 2006.

Wake, See, Dimes. Bryniczka, Day & Bloom/Berchem, Moses & Devlin, P.C,
Westport, CT

Of Counsel, 2000 - 2008

- Provided counsel and direct legal services to business clients and non-profit organizations in diverse matters including corporate formation, structuring and governance, project development, reorganizations and dissolutions. Represented banks and municipalities in foreclosure actions.
- Municipalities, business, and individuals representation in civil courts and before administrative agencies.
- Defense of municipal heart and hypertension claims, including appeals.
- Corporate and real estate transactional representation including small business dispute resolution and litigation..
- Render legal opinions to municipal clients on subjects including first amendment rights, compliance with Federal law, school construction, and municipal tax procedures.
- Successful defense of the legality of Westport's Wetlands Protection Line Ordinance in court appeal.
- Successful representation in commercial and personal injury litigation.

American Dispute Resolution Center, New Britain, CT

Private Arbitrator, 2003 - present

Analyzed evidence and issued written decisions in numerous arbitration proceedings.

Goldstein and Peck, P.C., Bridgeport, CT

Principal, 1987 - 2000

Litigated numerous cases resulting in significant financial settlements and monetary judgment in commercial, personal injury, and probate litigation; provided counsel to municipalities in a variety of areas from tax collection to low income housing. Foreclosure litigation to collect delinquent municipal real estate taxes (over \$1,000,000 collected).

U.S. Army Judge Advocate General Corps., Warren, Michigan
JAG Officer, 1968-1973

EDUCATION:

Columbia University School of Law, New York, NY
Juris Doctor May 1967

New York University School of Commerce, New York, NY
Bachelors of Science in Economics & Finance May 1964
Honors: Beta Gamma Sigma, National Academic Honorary Society for Schools of Business Administration (1964); N.Y.U. Honor Society (1964); Student Body President (1963-64).

University of Virginia - Judge Advocate General's Legal Center,
Charlottesville, VA, Judicial Advocate Training Program (1968)

TEACHING EXPERIENCE:

Norwalk Community College, Norwalk, CT
Adjunct faculty (2007-2010)

Connecticut Department of Higher Education, Hartford, CT
Teaching certification, high school social studies (2000)

Bridgeport & Westport Public Schools, Bridgeport & Westport, CT
Participated in mentor program for high school students (1995-2006)

COMMUNITY ACTIVITIES

Board of Directors:

- Connecticut Association of Boards of Education
- Westport-Weston United Way
- Westport Historical Society
- Westport Arts Center
- Temple Israel of Westport
- Westport-Weston Counseling Service
- Staples High School Tuition Grants Committee.

General Counsel, Westport Historical Society, 2003-2007.

President, Westport Bar Association, 1986-87

President and Counsel, Saugatuck Day Care Services, 1975-77.

Westport Sunrise Rotary Club, 2011 to the present

BAR MEMBERSHIPS

U.S. Court of Appeals and U.S. District Court (Washington, D.C., 1968); Court of Military Appeals (1968); State of Connecticut (1974); U.S. District Court for the District of Connecticut (1975); U.S. Tax Court (1978).

Connecticut Bar Association (House of Delegates, 1980-83).

JENNIFER J. JOHNSON
28 TAMARAC ROAD WESTPORT, CT

PROFESSIONAL HISTORY:

1994- 2007 PRICEWATERHOUSECOOPERS, LLP **NEW YORK, NY**
Director – Environmental & Real Estate Advisory Services

- Leader of a multi-disciplinary team of professionals who provide services to corporate and governmental clients involved in complex environmental projects and disputes;
- Experience nationwide on complex environmental projects ranging from a multi-million dollar groundwater contamination issues to multi-billion dollar transmission improvement projects and disputes (impacting farmland, industrial land, American-Indian reservation lands, and residential homes);
- Responsible for business development in the north-eastern United States. Extensive experience in developing corporate and public agency contacts and relationships;
- Extensive public speaking experience.

1990- 1994 THE TRUST FOR PUBLIC LAND **NEW YORK, NY**
Project Manager – Tri-State & Mid-West Regions

- Initiated and managed dozens of real estate acquisition projects to protect open space for public use in New York, New Jersey, Pennsylvania and Wisconsin;
- Worked extensively with regional offices of the United State National Park Service, the United States Fish & Wildlife Service and The Nature Conservancy as well as multiple state and local agencies to coordinate funding and preservation initiatives;
- Supervised all phases of property acquisitions, including overseeing professional services, public agency review and coordination, and landowner negotiations;
- Provided ongoing technical assistance to federal, state and local agencies.

1985-1990 MORRIS COUNTY PLANNING BOARD **MORRISTOWN, NJ**
Executive Director – County Farmland Preservation Program

- Developed and implemented the State Farmland Preservation Program for Morris County, New Jersey;
- Supervised the acquisition of \$8.9 million in farmland conservation easement purchases;
- Coordinated all regulatory and funding approvals between various local, county and state governmental agencies.

1985 MERCER COUNTY PARKS DEPARTMENT **LAMBERTVILLE, NJ**
Resident Intern – Howell Living History Farm

- Live-in residential intern and property care taker of an educational facility open to the public that preserves and interprets family life from the era of 1890-1910.

EDUCATION

M.S. - Real Estate, New York University, 1994
B.A. - Economics, Douglas College, Rutgers University, 1985

CERTIFICATIONS

- New Jersey: State Certified General Real Estate Appraiser #RG 01915 (expired).

DEPARTMENT OF THE PUBLIC WORKS
TOWN HALL, 450 AVENUE AVE.
WESTPORT, CONNECTICUT 06880

BACK UP MATERIAL
RTM ITEM # 3

August 10, 2012

Mr. Dimple Desai
Office of Policy and Management
Intergovernmental Policy Division
450 Capitol Avenue, MS#54ORG
Hartford, CT 06106-1379

RE: Main Street Investment Fund (MSIF)

Dear Mr. Desai,

The attached documents and application support our grant to the Main Street Investment Fund. Our request is for \$497,595 for streetscape and sidewalk improvements in our Town Commercial Center consistent with the Town's 2007 Plan of Conservation and Development.

Currently the Downtown Commercial Center is being reviewed and a Committee, Downtown 2020, has been appointed to determine how to help revitalize and bring increased commercial development to our Center. This letter has been co-signed by the Chairman of that Committee, Louis J. Gagliano. Included is a letter of support from Mr. Gagliano along with the Charge that his public Committee has been given.

We would hope that you look favorably on our application, and stand ready to answer any questions and if approved expedite the construction process for the identified project items.

Sincerely,

Stephen Edwards
Director Public Works

Louis J. Gagliano
Chairman Downtown 2020

Application

Main Street Investment Fund

1. APPLICANT INFORMATION

Municipality: Town of Westport Connecticut

Mailing Address: 110 Myrtle Ave, Westport, CT. 06880

Name of Authorized Official: Stephen Edwards Title: Director of Public Works

Telephone #: 203 341-1120

Fax #: 203 454-5783

Email: sedwards@westportct.gov

Municipality FEIN number: 06 6002128

Municipal population as per the latest federal decennial census: 26,391

STEAP Municipality Yes No

Grantee's Fiscal Year: From July 1 To June 30

Total Project Cost: \$497,595

Amount of Funding Requested: \$497,595

Name of Project Contact: Stephen Edwards Title: Director of Public Works

Telephone #: 203 341-1120

Fax #: 203 454-5783

Email: sedwards@westportct.gov

2. LOCAL APPROVALS

- a. Submit a certified resolution adopted in the last 60 days by the Town's legislative body (or, in the case of a town where the town meeting is the legislative body, the Board of Selectmen):
- Authorizing submission of this grant application;
 - Identifying the individual who can sign the grant application and administer the grant.

The certified resolution should be signed by the City or Town Clerk and embossed with the corporate seal. See **Appendix A** for sample resolution.

- b. Submit a certified statement from the town manager or town engineer that the work performed or to be performed has received proper building permits and that the work has been or will be inspected by the town.

3. PRIVATE OWNER INFORMATION (APPLICABLE ONLY if the applicant is seeking funds to reimburse owner of commercial private property)

Owner Name: N/A

Project Address: _____

Owner Business Name and Address: _____

Contact Name: _____ Title: _____ Telephone #: _____

Fax #: _____ Email: _____

Total Project Cost: \$_____ Amount of Funding Requested: \$_____

4. PROJECT INFORMATION

Is there a "plan" that is previously approved by the governing body of the municipality to develop or improve town commercial centers to attract small businesses, promote commercial viability, and improve aesthetics and pedestrian access? Yes No

If no, your municipality is not eligible for funding under this program. If yes, please submit a copy of the plan including the approval of the governing body.

In 1000 words or less, summarize how the project will attract small businesses, promote commercial viability, and improve aesthetics and pedestrian access: See Attachment 9

Municipal Project

Project Title: Town Center Sidewalk and Street Infrastructure

Is property owned by the municipality?: Yes No

If no, who is the property owner and does the applicant have proper authorization/access agreement from the owner to enter the property or work on the property? _____

Is project ready to be implemented Yes No.

What is the total project cost? \$497,595. Provide a copy of the estimates.

Source of these estimates: Architect/Engineer Contractor Municipality

Are there other sources of funds for this project: Yes No Amount: \$_____

Is the project consistent with the State Conservation and Development Policies Plan? Yes
 No Explain _____.

Eligible activities to be funded by this grant: Sidewalk, and other streetscape improvements.

Owner/s of the commercial private property (APPLICABLE ONLY if the applicant is seeking funds to reimburse owner of "commercial" private property)

Project Title: N/A

Is the project complete? Yes No

Has the town reviewed the invoices for the costs to be reimbursed?: Yes No

Provided/attached invoices for reimbursement?: Yes No

Has the town conducted final inspection of the project?: Yes No

Who performed the work? Explain.

Is the project consistent with the State Conservation and Development Policies Plan?
 Yes No Explain _____.

Provide reasons for town recommendations for eligible activities to be reimbursed by this grant:

Are there other sources of funds for this project: Yes No Amount: \$_____

5. PROJECT PLAN

Submit a detailed project plan which describes (1) the proposed use of the grant funds; (2) the way in which the use of the funds will develop or improve town commercial centers to attract small businesses, promote commercial viability, and improve aesthetics and pedestrian access; (3) a schedule for (a) the use of the funds; and (b) completion of the project; AND (4) project drawings/plans.

6. PROJECT BUDGET (see Appendix B for a sample budget)

ELIGIBLE PROJECT EXPENDITURES	TOWN SHARE	STATE SHARE	OTHER SOURCE*
1. STREET SCAPE	\$_____	\$134,765.00	\$_____
2. SIDEWALK IMPROV	\$_____	\$362,830.00	\$_____
3.	\$_____	\$_____	\$_____
4.	\$_____	\$_____	\$_____
5.	\$_____	\$_____	\$_____
6.	\$_____	\$_____	\$_____
7.	\$_____	\$_____	\$_____
8.	\$_____	\$_____	\$_____
9.	\$_____	\$_____	\$_____
10.	\$_____	\$_____	\$_____
Total Project Expenditures	\$_____	\$497,595.00	\$_____

* Identify other source – such as Private owner or Federal, etc. Use this column to show the reimbursement to commercial private owner.

Checklist of required Documents

Identify documents submitted with the Application:

- Attachment 1: Legislative Body Resolution
- Attachment 2: Certified Statement
- Attachment 3: Project Location Map and a map of the Town Commercial Center
- Attachment 4: A copy of approved Plan with a copy of the resolution adopted by the
Governing body approving the Plan
- Attachment 5: Cost estimates
- Attachment 6: Contracts with architect/engineers and contractors, if applicable
- Attachment 7: Project drawings/plans, if applicable
- Attachment 8: Invoices from the commercial private owner for reimbursement, when
available

My signature below, for and on behalf of Town of Westport, indicates
Name of Grantee
acceptance of the following and further certifies that:

1. I have the authority to submit this grant application;
2. I will comply with the General Grant Conditions and Special Conditions, if any;
3. I understand that funding associated with this grant application is one-time in nature and that there is no obligation for additional funding from the Office of Policy and Management or the State of Connecticut;
4. I understand that should this grant application be approved, such state funds shall be expended within the time frame specified in the Notice of Grant Award (NOGA);
5. I understand that requests to extend the grant end date shall be submitted in writing to the Office of Policy and Management no later than thirty (30) days before the grant end date as specified in the NOGA;
6. I understand that unexpended funds shall be returned to the State of Connecticut within sixty (60) days of the grant end date;
7. I understand that if this organization meets the requirements of the State Single Audit Act, Sections 4-230 through 4-236, as amended, of the Connecticut General Statutes, the organization is required to submit a State Single Audit, at its own expense, no later than six (6) months after the end of the audit period. If this organization is not required to submit a State Single Audit, the organization is required to submit a final accounting of the grant expenditures within sixty (60) days of the grant end date; and
8. I hereby certify that the statements contained in the responses to this application and accompanying documents are true to the best of my knowledge and belief and that I know of no reason why the applicant cannot complete the project in accordance with the representations contained herein.

Authorized Official

Gordon F. Joseloff

Print Name

First Selectman

Title

*Date:

* The application must be signed subsequent to the adoption of the resolution by the local legislative body.

CHECKLIST OF REQUIRED DOCUMENTS

ATTACHMENT #1 WILL FOLLOW APPROVAL BY RTM VOTE IN SUPPORT

ATTACHEMENT #2 ATTACHED

ATTACHMENT #3 ATTACHED

ATTACHMENT #4 ATTACHED

ATTACHMENT #5 ATTACHED

ATTACHMENT #6 NOT APPLICABLE

ATTACHMENT # 7 NOT APPLICABLE

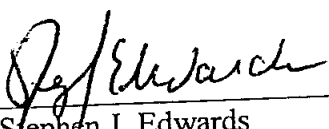
ATTACHMENT #8 NOT APPLICABLE

WESTPORT TOWN ENGINEERING & CONSTRUCTION
100 MAIN STREET WESTPORT, CT 06880

DEPARTMENT OF PUBLIC WORKS
TOWN HALL, 100 MYSTIC AVE.
WESTPORT, CONNECTICUT 06880

RE: Main Street Investment Fund Grant

I, Stephen J. Edwards, Westport Public Works Director, herein, certify that the proposed improvements to the Westport Main Street sidewalk and the construction of new downtown sidewalks will be performed in accordance to town specifications and overseen by an inspector from the Public Works Engineering Division.



Stephen J. Edwards
Director of Public Works

7/30/2012
Date

Attachment 3

MAPS OF PROJECT AREAS AND TOWN COMMERCIAL CENTER

3-1 Main Street Enhancements- Curbing, Improved Lighting, and Tree Grates,

3-2 Myrtle Ave. Sidewalk Improvements,

3-3 Veterans Green Sidewalk Improvements,

3-4 Main Street Sidewalk Improvements,

3-5 Elm Street Sidewalk Improvements,

3-6 PRW (Post Road West) to Wright Street Sidewalk Improvements,

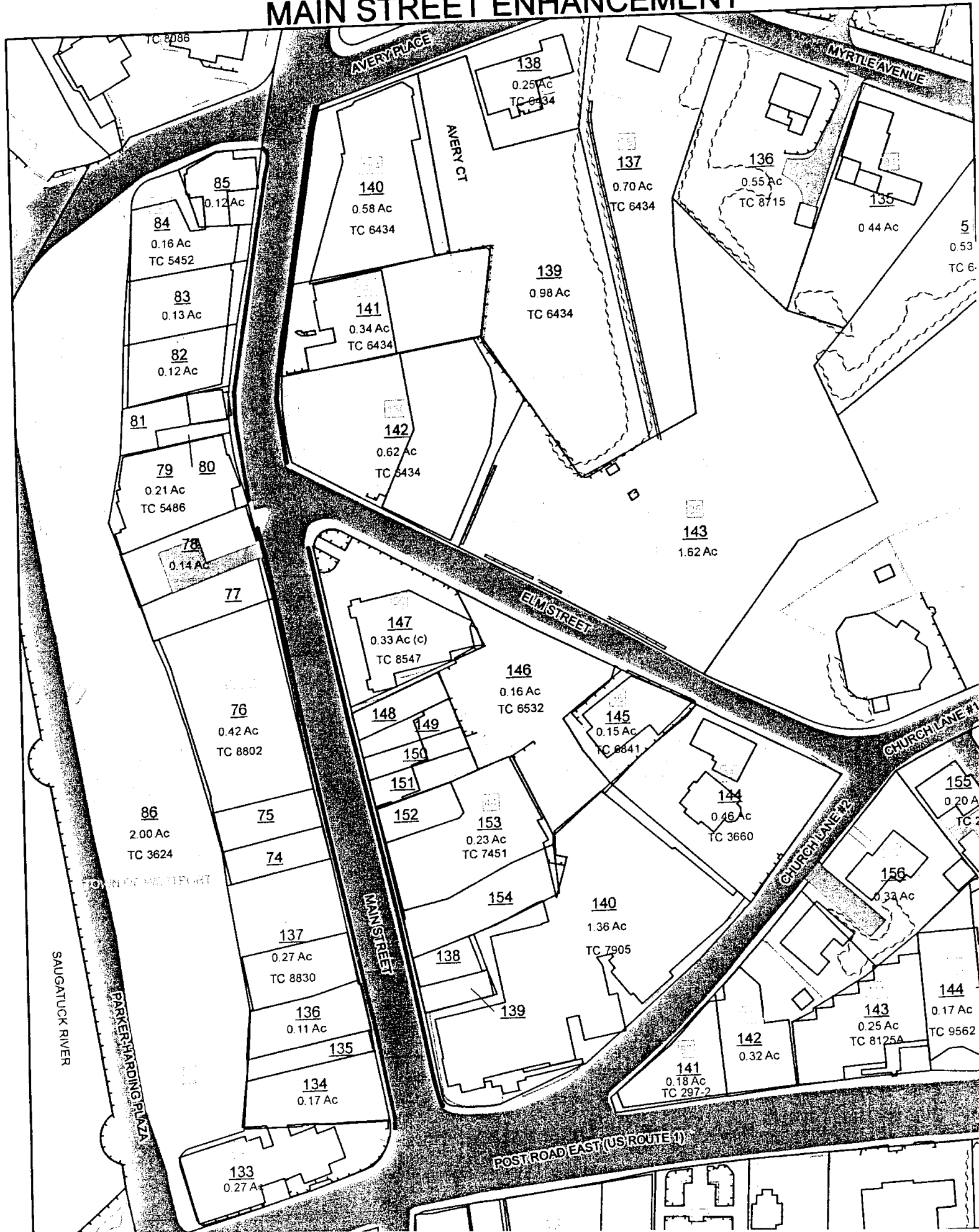
3-7 Imperial Ave. Thomas to Baker Sidewalk Improvements,

3-8 Imperial Ave. Baker to Gault Ave.,

3-9 Map of Town Commercial Center Taken from Section 7 of the 2007 Town Plan of Conservation and Development.

NOTE- Darkened black lines on Maps 3-1 to 3-8 indicate the areas where the improvements will occur.

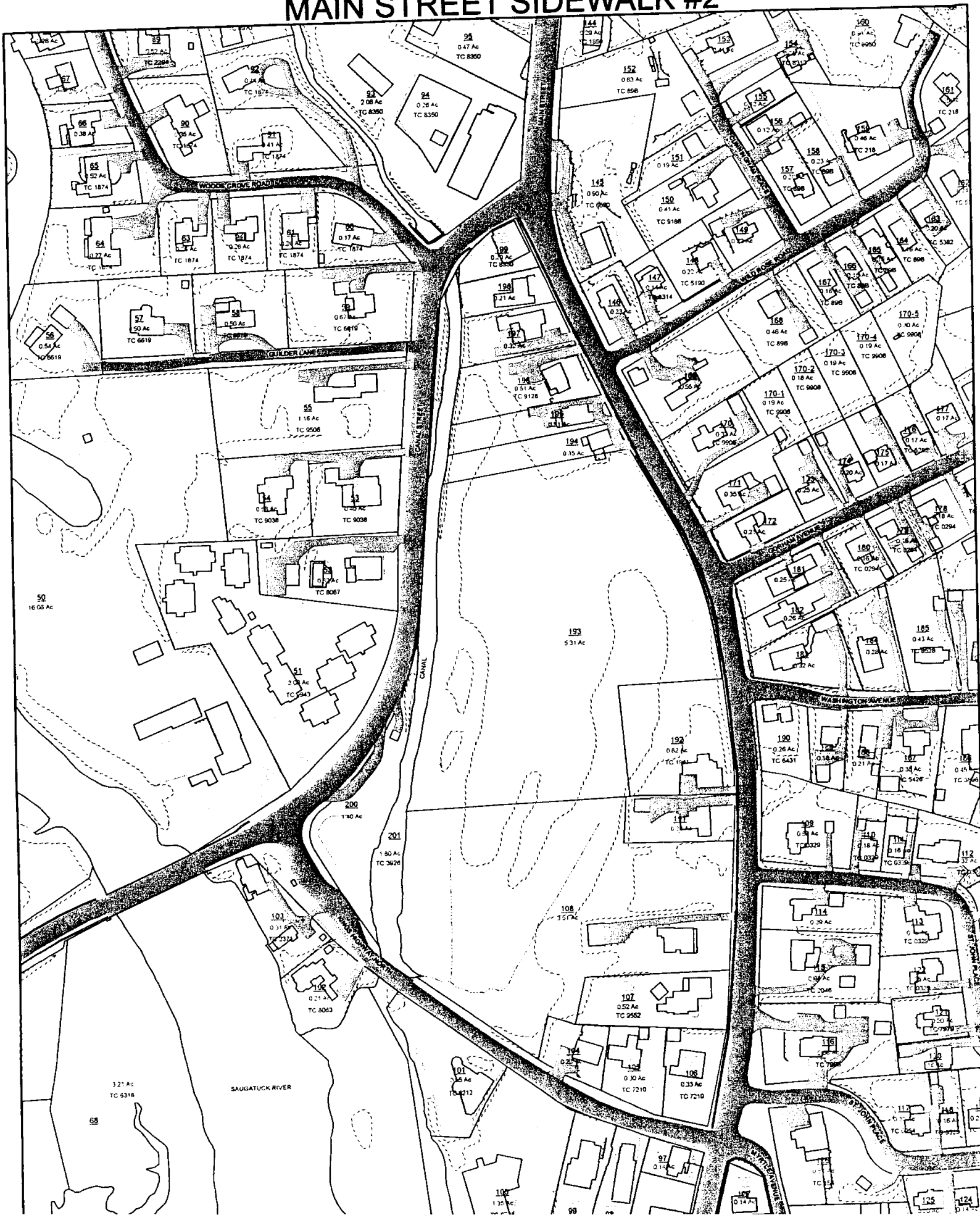
MAIN STREET ENHANCEMENT



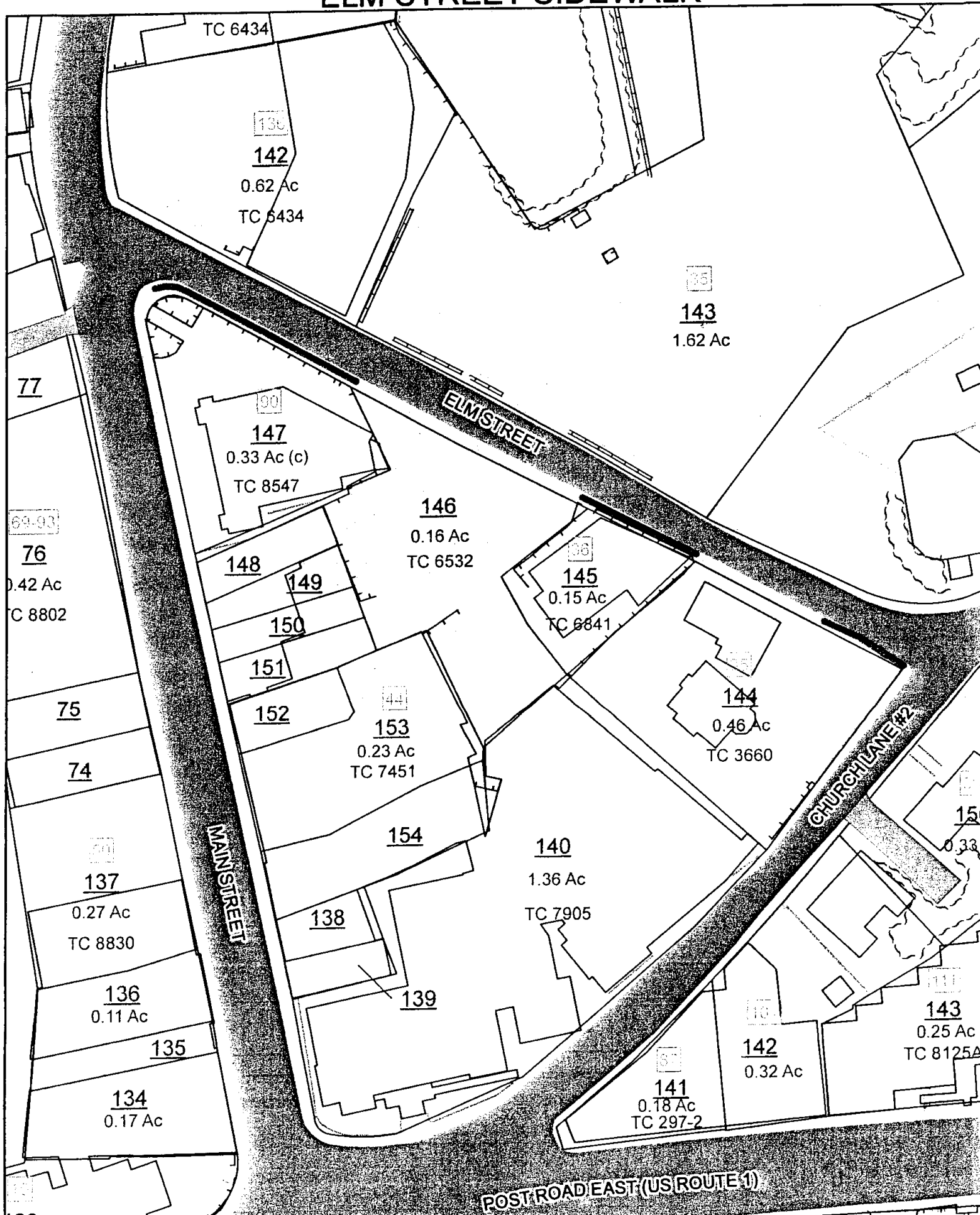
MYRTLE AVENUE SIDEWALK



MAIN STREET SIDEWALK #2

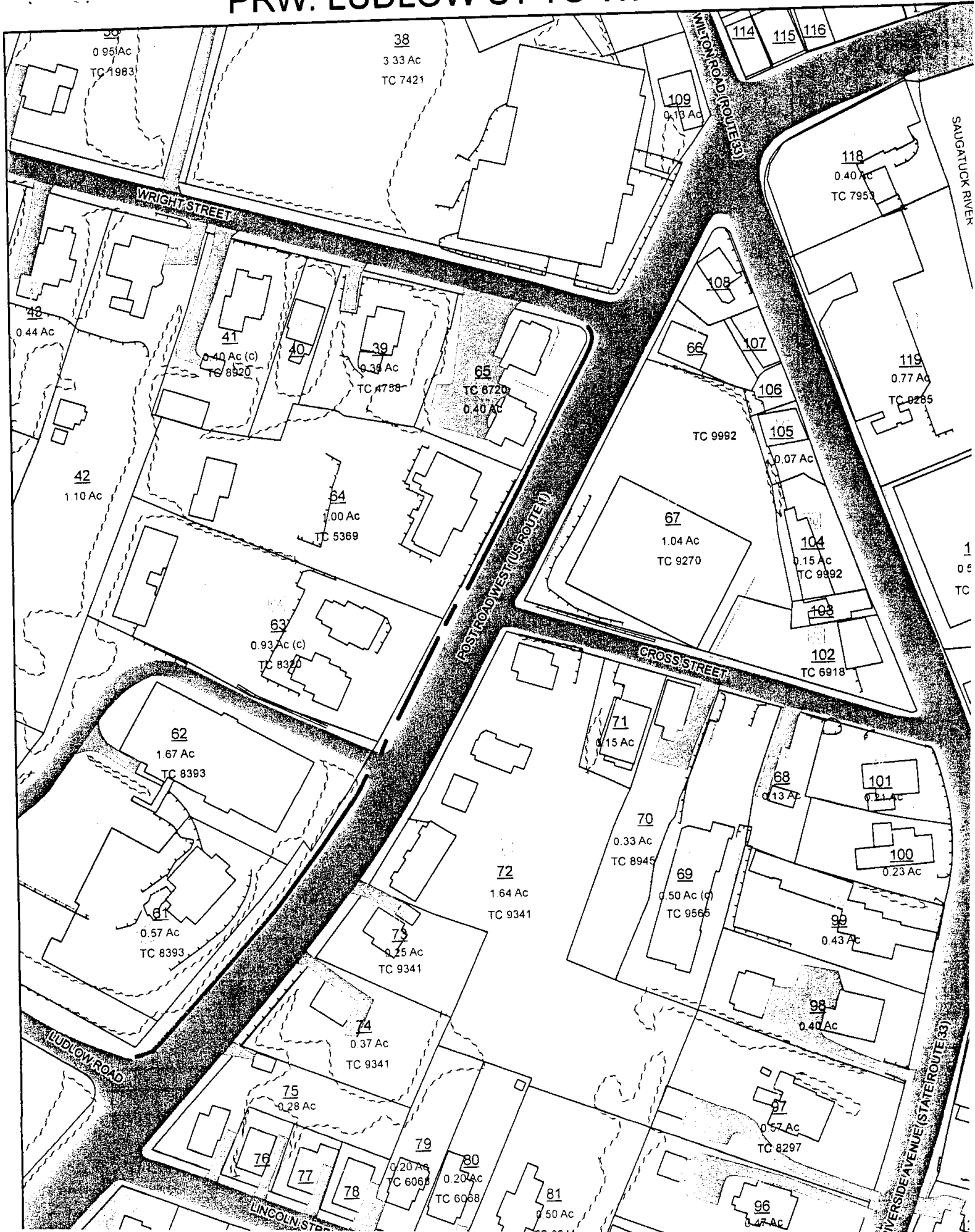


ELM STREET SIDEWALK

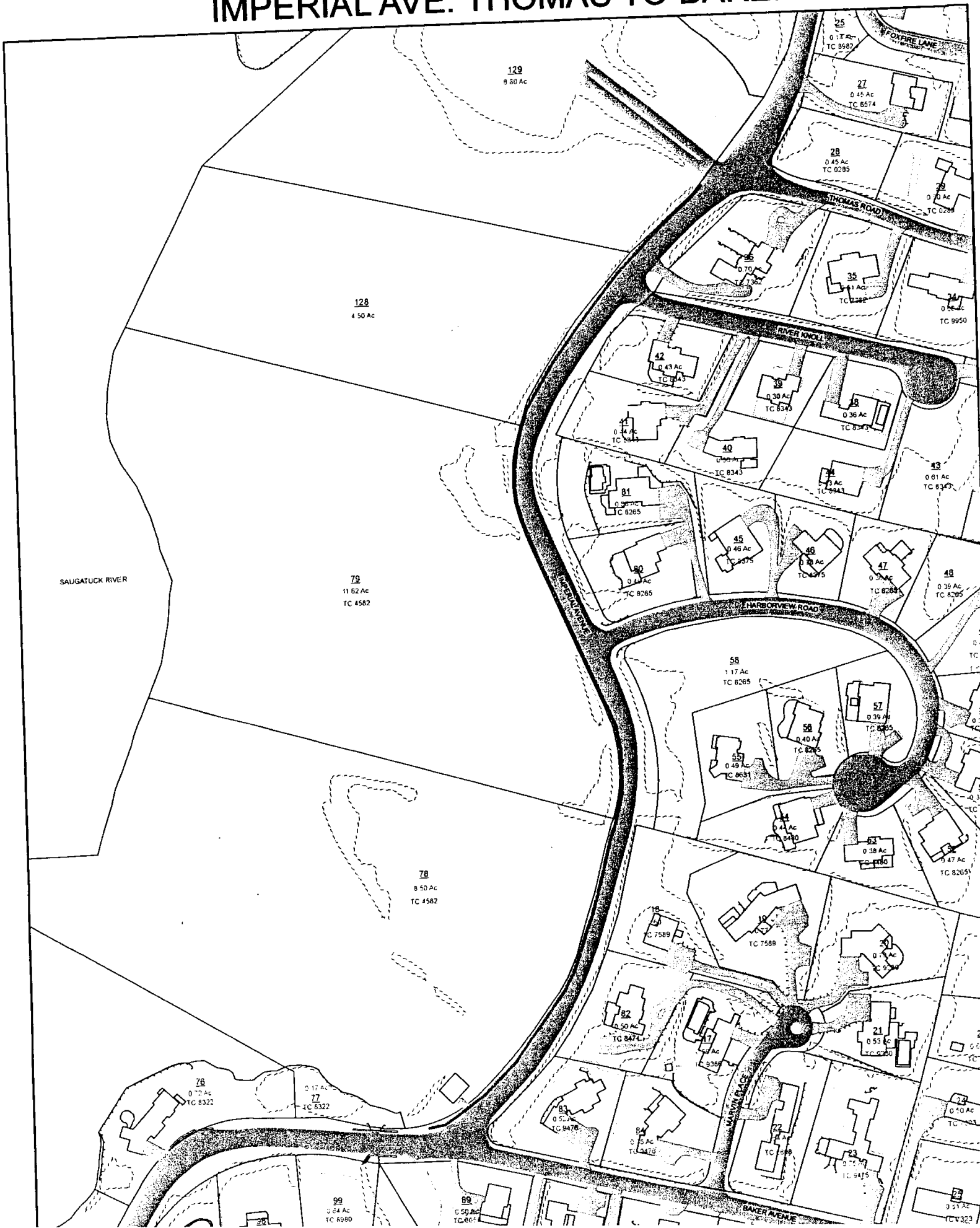


PRW: LUDLOW ST TO WRIGHT ST

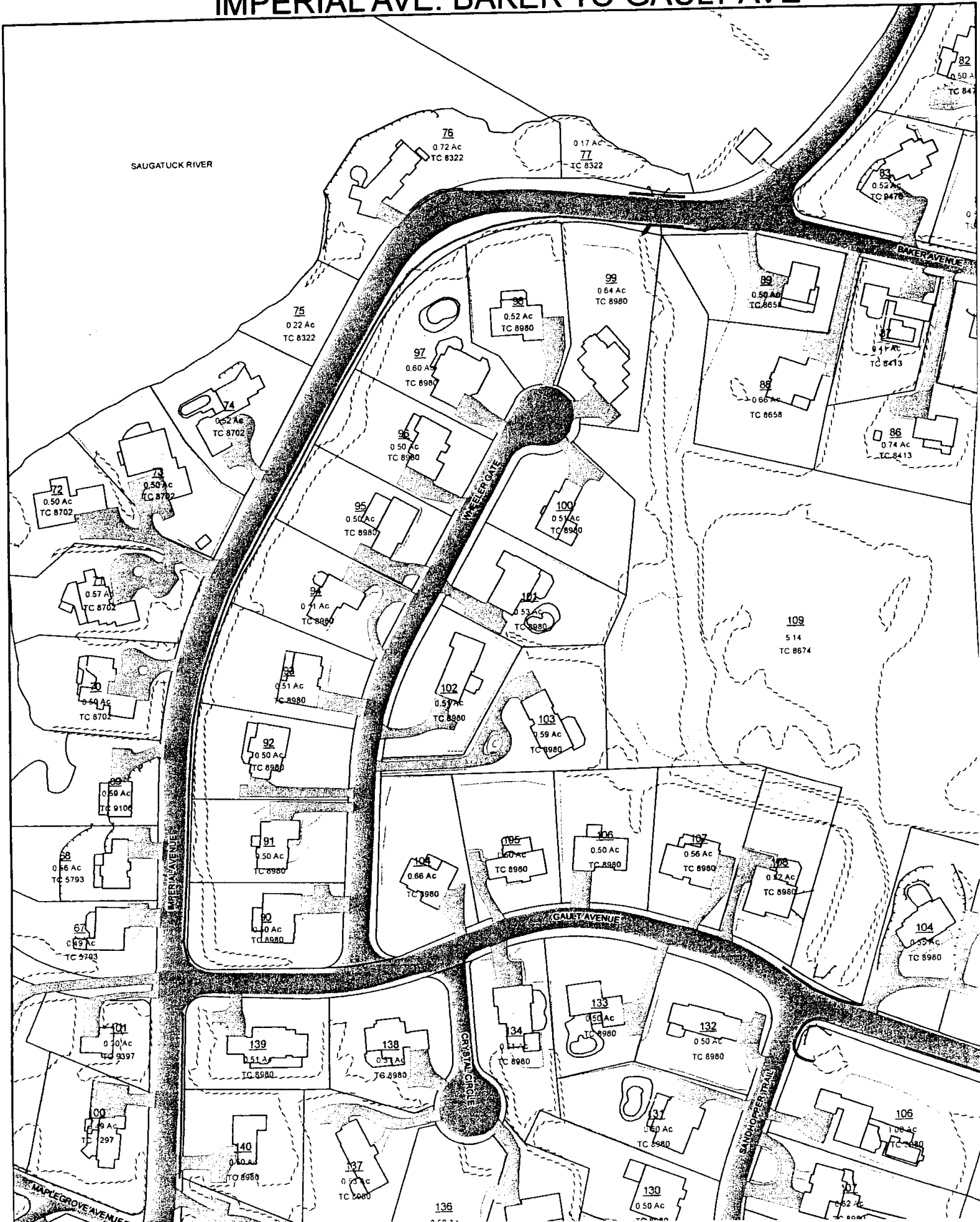
3-6



IMPERIAL AVE: THOMAS TO BAKER



IMPERIAL AVE: BAKER TO GAULT AVE



Maintain and Enhance Westport Center

Westport Center is the main activity center and focal point of Westport -- the heart of a vital, well developed, and yet balanced community. An area of 110 acres of land (144 acres total) that offers a blend of government, retail, office, food, cultural, recreation, and leisure activities in a fairly compact setting, the downtown area is most active during the business day; activity drops-off noticeably after 6:00 PM.

Westport Center



The Plan of Conservation and Development strives to support, even facilitate, a dynamic, attractive, centrally focused yet expansive downtown area with varied points of interest for community life.

Attachment 4

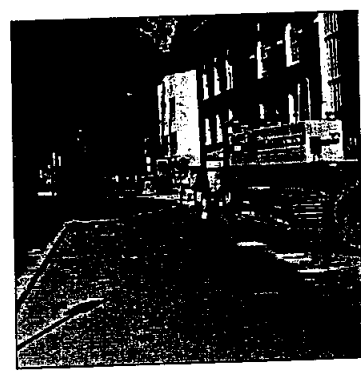
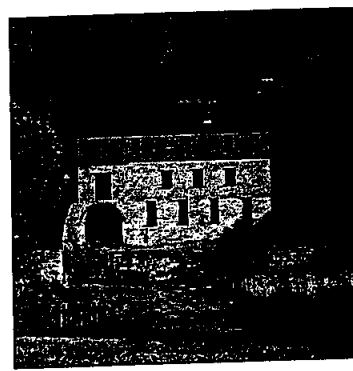
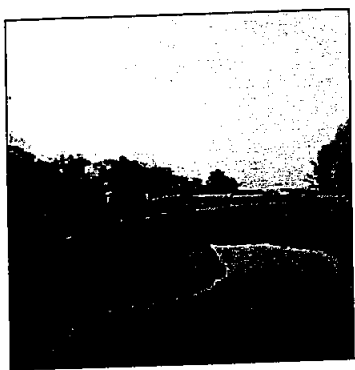
Copy of Approved Town Plan and Resolution by the Governing Body

Attached is section 7 of the 2007 Plan of Conservation of Development.
Pages 7-1 through 7-10.

Attached is the October 25, 2007 Resolution for Approval for the 2007
Plan of Conservation and Development.

WESTPORT

2007 Plan of Conservation and Development



Westport Planning and Zoning Commission



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Maintain Distinctive Centers With A Strong Sense Of Place

A major goal of this Plan is to enhance the appearance and functioning of all commercial areas. Since future development in these areas should create a strong "sense of place", this Plan recommends a defined focus on building and site design. At the same time, the Plan recommends that changes and improvements within commercial zones minimize negative influences on neighboring residential quality of life. The Plan recommends that when considering development proposals, commercial land use areas should be maintained within their existing zoning limits without extending into residential areas.

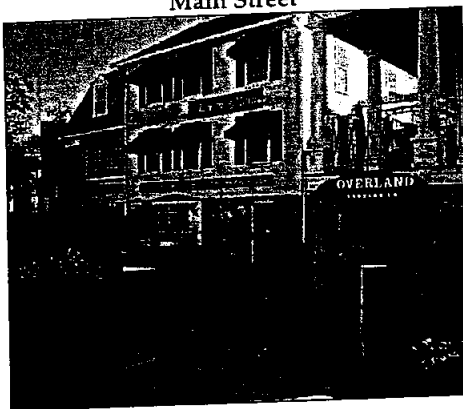
Enhancing commercial areas is an important goal of this Plan ...

A key charm of Westport is the variety of commercial styles in the town including Saugatuck, the Westport Center area, the Post Road as well as the scattered and well-scaled office parks and even tiny commercial uses embedded in some of the residential areas. The Plan welcomes this variety and believes is an important element of Westport's unique strength.

Goal

Improve the appearance and functioning of all commercial areas and minimize negative influences on neighboring residential quality of life.

Main Street



Saugatuck



Maintain and Enhance Westport Center

Westport Center is the main activity center and focal point of Westport -- the heart of a vital, well developed, and yet balanced community. An area of 110 acres of land (144 acres total) that offers a blend of government, retail, office, food, cultural, recreation, and leisure activities in a fairly compact setting, the downtown area is most active during the business day; activity drops-off noticeably after 6:00 PM.

Westport Center



The Plan of Conservation and Development strives to support, even facilitate, a dynamic, attractive, centrally focused yet expansive downtown area with varied points of interest for community life.

Major Issues

Three major issues dominate discussions regarding the downtown area:

- Types of Establishments -- Will the current and future needs of the community be served within what is considered the downtown area?
- Parking -- Is there too much? Too little? Is it in the right places?
- Aesthetics -- Is the area visually appealing? Enjoyable? Relaxing?

What Westport residents think about the downtown area was revealed in both the survey and in the public meetings held regarding the Plan as well as in public hearings on applications before the Commission and everyday conversation with citizens and merchants. There is some consistency in views but some differences as well.

Types of Establishments

Many residents lament the loss of a downtown of the past which had numerous smaller, family-owned businesses and a broader variety of retail establishments in the downtown area. Since such businesses are not likely to come back, the question is: How to evolve a new downtown area that is vibrant, and vital, has aesthetic appeal, is functional for the citizens and meets the needs of both the residents and the commercial interests and other public and private establishments located there? How does Westport go forward? The strategies listed in this chapter are intended to move Westport in a productive direction.

In terms of the types of businesses in Westport in general (not just the downtown area), respondents to the telephone survey indicated the following:

Businesses	Too Few	Right Amount	Too Many	No Opinion
Locally owned retail stores	70 %	22 %	5 %	3 %
Family restaurants	50 %	41 %	3 %	6 %
Fine dining restaurants	22 %	63 %	11 %	4 %
Quick service restaurants	14 %	60 %	23 %	3 %
National retail chain stores	6 %	27 %	65 %	2 %

A significant proportion of the population (59 percent) feels that the downtown area needs more arts/cultural attractions and 56 percent felt that the downtown area needs recreational activities / a community center and a movie theater.

The Commission believes that the downtown area lacks evening vitality and encourages the development of restaurants, galleries, public events and activities that would expand the use of the downtown area at those times. In addition, whereas there are powerful, cultural and economic forces that encourage the development of national chains as replacements for locally owned businesses, the Plan recommends that the Town of Westport review its tax system with an eye toward providing special incentives for non-chain businesses in the downtown area and consider limiting the maximum size of individual businesses.

As this Plan is being created there is significant discussion regarding the possible location or relocation of a variety of public and private facilities either within the downtown area or outside of it. In this regard the Plan speaks to broad principles and general directions for conservation and development in Westport. Although there are those who believe the Plan should comment on the specific proposals, the Planning and Zoning Commission believes it is unwise to go beyond the statements of principle included in this document.

Parking

Issues around parking in the downtown area have also drawn considerable discussion. Many residents feel that the parking facilities are inadequate. In fact, the telephone survey found that 64 percent of respondents felt that the Town should provide for more parking in the downtown area.

The Plan strongly recommends that some parking in the downtown area be reconfigured. Three studies have been done in and about the downtown area since the year 2000 (2001 Downtown Plan, 2007 Downtown Merchants, 2007 Weston and Sampson) and each of these studies has recommended some form of parking improvement. The passage of time and actions taken by the Town, business and organizations indicate that some recommendations of these past studies require modification and updating. Westport should take the best strategies from each report, evaluate and coordinate them and then implement them with any modifications which may be desired.

Traffic

Integral to discussing parking is a need to consider traffic, both existing and any incremental volume added by additional parking or commercial development. The limited number of streets, their narrowness, and the few access routes to get to the downtown area from other areas needs to be taken into account. Traffic is a repeated and high concern of residents and cannot be ignored in any redevelopment or improvement in the downtown area.

Aesthetics

Finally, the aesthetics of the downtown area need to be improved. There is a rich, varied and interesting core built around the river but there is much that needs to be done to create a downtown area of special charm and appeal. There are few benches or tables in many areas; few opportunities to 'pause' and rest; essentially nothing for bicyclers; the river is not an integral part of the area and there is little green outside of Jesup Green. The Town has a major resource in the Parks and Recreation Commission and Department - both of which should be involved in the development and delivery of park-related plans and activities within the downtown area.

Whereas less than 50% of those who responded to the survey felt that Main Street would benefit from wider sidewalks or that Westport needs more restaurants and more apartments in the downtown area, the Plan takes a different position. These elements are believed to be essential to recreating a dynamic 'sense of place' in a revitalized, aesthetically appealing downtown area.

Overall Goals

Therefore, with respect to Westport Center, the overall goals of the Plan are to:

- Create a dynamic, attractive, centrally focused yet expansive downtown area with varied points of interest for community life.
- Encourage the creation and execution of an overall, comprehensive conceptual design and plan that integrates and coordinates the extended physical elements already in the Center.

Specifically, the Plan seeks to:

- Retain much of the scale of the current architecture while considering the creation of additional floors over some current retail levels to create new retail options, restaurants, recreation and apartments for residents.
- Encourage and facilitate pedestrian life through establishment of new and expanded areas and uses for pedestrian convenience and community access - pocket parks; benches and places to sit, stroll.
- Encourage the community use of 'outdoors' in both traditional green spaces (parks) and in retail/restaurant corridors.
- Build on the unique visual aesthetics and physical assets of Westport, especially around improved access to the river, benches for dining and relaxing, fountains, outdoor art, etc.
- Go 'up' instead of 'out' in commercial zones to add vitality and save ground space for greenery and pedestrian access. At the same time, special consideration should be given to limiting changes such that the overall aesthetic and visual attractiveness of the downtown area is maintained.
- Identify ways to provide space for public restrooms in the downtown area.
- Develop a coordinated design policy for paving, planting, lighting, and signage for Westport Center, including the commercial districts along the west bank of the Saugatuck River.

Downtown Planning Studies

Considerable thought, energy and resources both public and private have been invested in a series of studies regarding a wide range of issues/opportunities for the downtown area. Many suggestions and proposals have resulted.

In 2001, a study of the downtown area was prepared by the firm of Buckhurst, Fish, and Jacquemart. This study, a recommendation of the 1997 Plan of Conservation and Development, contains a number of observations and proposals which are still relevant and so the study continues to provide valuable insight as a planning tool for Westport's future needs.

In 2007, the First Selectman contracted with the firm of Weston & Sampson to evaluate possible uses for Baron's South and Jesup Green. The initial reason was to develop feasibility studies to determine the uses that would best fit on each respective property. Multiple scenarios were evaluated for each site. The final Weston and Sampson report will be given consideration as plans are tendered in the downtown area.

Another study completed in 2007, prepared for the Downtown Merchants Association by their consultant Milone & MacBroom, included concepts about increasing opportunities for parking in the downtown area, providing for riverfront enhancements on Parker Harding Plaza, and streetscape improvements along Main Street. The study also addressed some specific needs for refuse disposal for merchants and improving some problem intersections, traffic flow patterns and pedestrian improvements. While the use of a paid parking system was suggested in this report there may also be other funding that should be explored. The use of decked parking and the potential acquisition of some privately owned parking lots were also mentioned in the report.

There is much that is commendable in these studies as reflected in the Recommendations and Strategies provided in this chapter. The Plan recommends that the work already done be built upon. However, a major shortcoming is that the studies are not integrated and there is no overall comprehensive plan for the entire downtown area. A comprehensive plan for the entire downtown area would be a major benefit for the community and would provide considerable guidance to the Commission as it reviews land use applications over the next decade.

Establishment Of A Village District

Westport's downtown area is an important asset to the community and the design, relationship and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view all contribute to the overall attractiveness of the downtown area and its economic vitality. It is important that:

- the distinctive character, landscape and historic value of the downtown area be protected and preserved,
- the conversion, conservation and preservation of existing buildings and sites be encouraged in a manner that maintains the historic or distinctive character of the district, and
- any new development occurs in a way that protects and enhances the character of the downtown area.

One of the best tools available to protect the distinctive character, landscape and historic structures within the downtown area is a "village district" zoning designation as authorized by CGS Section 8-2j. Designation of all or part of the downtown area as a "village district" will allow the Commission to have greater authority over the design aspects of applications in the downtown area and help ensure that the character is preserved and enhanced in the future. The Architectural Review Board could be designated as the village district consultant to assist the Commission with design matters.

The Commission should consider adopting a new zoning district in the downtown area which is a "village district" or establishing an overlay zone which is a "village district" in the downtown area.

Recommendations

For the downtown area, the Plan recommends the following:

1. Promote pedestrian circulation and make the pedestrian the "lead player" in planning for the downtown area:
 - a. Widen the sidewalks, increase access to the river, and commit to a program to enhance pedestrian connections (including the creation of an "emerald necklace" of park and green space).
 - b. Change regulations to encourage the creation of places for 'picnics', outdoor dining, and relaxation in appropriate locations.
 - c. Create pedestrian 'loops' so that citizens can stroll across and along the river and through parks and return by different routes without having to cross major streets.

2. In the commercial areas (such as along parts of Main Street / Post Road / Myrtle Avenue, etc.), enact regulatory changes that:
 - a. Result in the creation of a "village district" (as authorized by Section 8-2j of the Connecticut General Statutes) in order to better guide the design of buildings and sites in the downtown area.
 - b. Allow additional uses which promote evening activities and outdoor life. These may include additional outdoor seating permitted for restaurants; seasonal kiosks/food vendors with their own seating in parks, plazas or other feasible locations.
 - c. Under Special Permit, consider addition or conversion of 3rd floors for residential, restaurants, art galleries, etc. consistent with the scale and style of the area.
 - d. Limit the overall size of any single retail space.
 - e. Allow for larger aggregations of space for community purposes (theaters including a movie theater which could be community sponsored, galleries, and recreation).
 - f. Encourage the maintenance and development of major community and cultural facilities in the downtown area.
 - g. Identify ways to provide space for public restrooms in the downtown area.
 - h. Develop a coordinated design policy for paving, planting, lighting, and signage for Westport Center, including the commercial districts along the west bank of the Saugatuck River.

3. Conduct a major study of traffic / parking for the entire downtown area (including private parking lots) and, as part of the study, consider the following options or alternatives:
 - a. restructuring Parker Harding Plaza to capture much of the land near the river for a "riverwalk" and to replace the lost parking elsewhere.
 - b. "decked" parking.
 - c. metered parking with rates based on proximity to Main Street ('high' rate along the Parker Harding lot and at more modest rate in the Baldwin parking lot and other public lots on the south side of the Post Road).
 - d. a minibus to access outlying lots.
4. Enhance the 'natural' aesthetics of the downtown area (the parks, river, open spaces) in a compelling and interesting way:
 - a. A plan should be created for Winslow Park.
 - b. Integrate Baron's South and Winslow Park with easy access, outdoor art, seating areas, and other beautification improvements, with a clear separation between people space and dog space.
 - c. Any improvement of Baron's South and Winslow Park should be done in a fashion that endeavors to preserve their natural beauty and terrain.
 - d. Encourage public access to Baron's South and Winslow Park with improved parking at both facilities.
 - e. Enhance Jesup Green and Veteran's Green.
 - f. Development of river banks should provide for public views and public access.
5. Establish an organization in the downtown area, such as a special services district, drawing its membership from both public and private sectors, to serve as the official coordinator of public and private funding and to facilitate development and coordination within the downtown area.
6. The Town should purchase parcels of land that are *strategically* located within the overall downtown area, for widely used community purposes.

The Plan recognizes and supports redevelopment of existing commercial properties in Westport Center when such redevelopment is designed to be in keeping with its distinctive character. The Plan also promotes an energetic Westport Center with businesses and other attractions that will draw shoppers and patrons alike to the downtown area.



WESTPORT CONNECTICUT

PLANNING & ZONING
TOWN HALL, 110 MYRTLE AVENUE
WESTPORT, CONNECTICUT 06880
(203) 341-1030 • (203) 341-1079
(203) 454-6145 - fax

Hearing: October 4, 2007
Decision: October 25, 2007

October 31, 2007

To Whom It May Concern:

Re: 2007 Westport Plan of Conservation and Development

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on October 25, 2007 it was moved by Mr. Kasanoff and seconded by Mr. Corwin to adopt the following resolution.

RESOLUTION OF APPROVAL FOR THE 2007 WESTPORT PLAN OF CONSERVATION AND DEVELOPMENT

WHEREAS, THE PLANNING AND ZONING COMMISSION met on October 25, 2007 and made the following findings:

1. The last comprehensive Town Plan of Conservation and Development was adopted in 1997 and is ten years old.
2. §8-23 of the Connecticut General Statutes requires that the Commission prepare, adopt and amend a plan of conservation and development for the municipality, and requires the Commission to review the plan of development at least once every ten years, and update the plan as it deems necessary.
3. The Town Charter requires the Planning and Zoning Commission to update the Plan of Conservation and Development at least every ten years.
4. In 2006, the Commission considered that it should prepare a comprehensive update of the 1997 Plan of Conservation and Development to serve as a guide for the next ten years.
5. The Plan of Conservation and Development needed to be updated to address growth and development that has occurred in the Town since 1997.

2007 POCD

10/25/07

Page 2 of 3

6. The Planning & Zoning Commission gathered information from Town Staff, Boards and Commissions.
7. The Planning & Zoning Commission conducted 4 public workshops to discuss the elements to be included in the plan. The dates of these meetings were June 26, 2006, September 18, 2006, November 20, 2006 and January 29, 2007.
8. The Commission also contracted for a telephone survey to solicit input from residents who could not attend these workshop meetings. A representative sample of 400 households was included in the phone survey.
9. The Plan of Conservation and Development was intensively reviewed by members of the Commission.
10. The Plan of Conservation and Development was the subject of a public informational meeting held June 25, 2007 to receive citizen input on the draft plan.
11. The Board of Selectman held public hearings on September 10 and 26, 2007 to receive further input from residents about the contents of the plan. On September 27, 2007 the Board of Selectman delivered their findings to the Commission for consideration
12. A final public hearing on the Plan of Conservation and Development was held by the Planning & Zoning Commission on October 4, 2007 where the Commission received further input from the public about the plan.
13. The proposed Plan of Conservation and Development was submitted to the Greater Bridgeport Regional Planning Agency, the South Western Regional Planning Agency (SWRPA), and the Connecticut Department of Environmental Protection (Office of Long Island Sound Programs), and relevant comments made by these agencies were considered by the Commission in its final review.
14. The Plan of Conservation and Development advocates the general goals and policies set forth in §22a-92 (Coastal Management Act) of the Connecticut General Statutes.
15. The Plan takes into account the State Plan of Conservation and Development and there are no inconsistencies with the State Plan to note.

4-15

The Planning and Zoning Commission took this action for the following reasons:

1. The Westport Town Charter requires a periodic update of the Plan of Conservation and Development.
2. §8-23 of the Connecticut General Statutes requires the P&Z Commission to adopt, and amend or update a Plan of Conservation and Development for the municipality.
3. The 2007 Plan of Conservation and Development establishes goals, policies, and an implementation plan for achieving the goals over the next ten years.

VOTE:

AYES	6	Lowenstein, Corwin, Press, Kasanoff, Wetmore, Lathrop
NAYS	1	Martin-Block
ABSTENTIONS	0	

The effective date of this amendment is: **December 15, 2007.**

Very truly yours,



Eleanor Lowenstein
Co-Chairman, Planning & Zoning Commission

cc: Gordon Joseloff, First Selectman
Ira Bloom, Town Attorney
Patricia Strauss, Town Clerk
Floyd Lapp, Executive Director, SWRPA
John Gaucher, CT DEP



WESTPORT CONNECTICUT

PATRICIA H. STRAUSS

TOWN CLERK

CERTIFIED RESOLUTION

I, Colleen Tarpey, the duly qualified and acting Assistant Town Clerk of the Town of Westport, Connecticut, **DO HEREBY CERTIFY** that the following resolution was adopted at a regular meeting of the Planning and Zoning Commission, held on Thursday, October 25, 2007, at which a quorum was present and acting throughout, and is on file and of record, and that said resolution has not been altered, amended or revoked and is in full force and effect.

RESOLUTION OF APPROVAL FOR THE 2007 WESTPORT PLAN OF CONSERVATION AND DEVELOPMENT

WHEREAS, THE PLANNING AND ZONING COMMISSION met on October 25, 2007 and made the following findings:

1. The last comprehensive Town Plan of Conservation and Development was adopted in 1997 and is ten years old.
2. §8-23 of the Connecticut General Statutes requires that the Commission prepare, adopt and amend a plan of conservation and development for the municipality, and requires the Commission to review the plan of development at least once every ten years, and update the plan as it deems necessary.
3. The Town Charter requires the Planning and Zoning Commission to update the Plan of Conservation and Development at least every ten years.
4. In 2006, the Commission considered that it should prepare a comprehensive update of the 1997 Plan of Conservation and Development to serve as a guide for the next ten years.
5. The Plan of Conservation and Development needed to be updated to address growth and development that has occurred in the Town since 1997.

6. The Planning & Zoning Commission gathered information from Town Staff, Boards and Commissions.
7. The Planning & Zoning Commission conducted 4 public workshops to discuss the elements to be included in the plan. The dates of these meetings were June 26, 2006, September 18, 2006, November 20, 2006 and January 29, 2007.
8. The Commission also contracted for a telephone survey to solicit input from residents who could not attend these workshop meetings. A representative sample of 400 households was included in the phone survey.
9. The Plan of Conservation and Development was intensively reviewed by members of the Commission.
10. The Plan of Conservation and Development was the subject of a public informational meeting held June 25, 2007 to receive citizen input on the draft plan.
11. The Board of Selectman held public hearings on September 10 and 26, 2007 to receive further input from residents about the contents of the plan. On September 27, 2007 the Board of Selectman delivered their findings to the Commission for consideration
12. A final public hearing on the Plan of Conservation and Development was held by the Planning & Zoning Commission on October 4, 2007 where the Commission received further input from the public about the plan.
13. The proposed Plan of Conservation and Development was submitted to the Greater Bridgeport Regional Planning Agency, the South Western Regional Planning Agency (SWRPA), and the Connecticut Department of Environmental Protection (Office of Long Island Sound Programs), and relevant comments made by these agencies were considered by the Commission in its final review.
14. The Plan of Conservation and Development advocates the general goals and policies set forth in §22a-92 (Coastal Management Act) of the Connecticut General Statutes.
15. The Plan takes into account the State Plan of Conservation and Development and there are no inconsistencies with the State Plan to note.

The Planning and Zoning Commission took this action for the following reasons:

1. The Westport Town Charter requires a periodic update of the Plan of Conservation and Development.
2. §8-23 of the Connecticut General Statutes requires the P&Z Commission to adopt, and amend or update a Plan of Conservation and Development for the municipality.
3. The 2007 Plan of Conservation and Development establishes goals, policies, and an implementation plan for achieving the goals over the next ten years.

IN WITNESS WHEREOF, the undersigned has affixed her signature and the municipal seal of the Town of Westport this 31st day of July 2012.

Colleen Tarpey, Asst.
Colleen Tarpey,
Assistant Town Clerk

SEAL

Attachment 5

CT Main Street Investment Grant- Project Estimates

Main Street

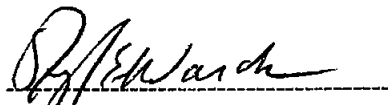
a. Granite curbing:	PRE to Elm Street	540 lf East side 606 lf West side	
	Elm St. to Avery	327 lf East side 350 lf West side	
	Total	1823 lf @ \$55/lf	\$100,265
b. Decorative Light Poles (Energy Efficient)		18 poles @ \$1453 ea	\$ 27,000
c. Tree Grates			\$ 7,500

New or Reconstructed Sidewalks

a. Myrtle Ave – South side			
	Avery to existing walk @ #79	400 lf new sidewalk	
	In front of Veterans Green	250 lf new sidewalk	
b. Main Street in front of Veterans Green		450 lf new sidewalk	
c. Main Street; Kings Hwy No to Canal St		1665 lf Rebuilt sidewalk	
d. Elm Street; South side		550 lf new sidewalk	
e. Post Rd West; Ludlow to Wright St		1100 lf new Sidewalk	
f. Imperial Ave., Thomas to Baker		1646 lf new Sidewalk 880 lf new guardrail 4 terminal endposts	
g. Imperial Ave., Baker to Gault Park		1394 lf new Sidewalk	
h. Imperial Ave. Gault Park to existing walk		425 lf new Sidewalk	

New Sidewalk	6215 lf @ \$45/lf	\$279,675
Rebuilt Sidewalk	1665 lf @ \$35/lf	\$ 58,275
New Guardrail	880 lf @ \$26/lf	\$ 22,880
Guardrail end posts	4 @ \$500 ea	\$ 2,000

GRANT TOTAL: \$497,595



Stephen J. Edwards, Director of Public Works

OTHER ATTACHMENTS

ATTACHEMENT 9- SECTION 4 PROJECT INFORMATION

**ATTACHMENT 10- PRESS RELEASE FORMATION OF DOWNTOWN 2020
AND CHARGE OF COMMITTEE**

**ATTACHMENT 11- LETTER OF SUPPORT OF DOWNTOWN 2020
CHAIRMAN**

ATTACHMENT 12- SECTION 5 PROJECT PLAN SUB-SECTIONS 1-4

**ATTACHMENT 13- RESOLUTION OF APPROVAL AND UNANAMOUS
VOTE OF SELECTMANS OFFICE IN SUPPORT OF GRANT**

**ATTACHMENT 14- LETTER IN SUPPORT OF RTM LONG RANGE
PLANNING GROUP IN SUPPORT OF GRANT**

**ATTACHMENT 15- LETTER IN SUPPORT OF RTM FINANCE GROUP IN
SUPPORT OF GRANT- TO BE OBTAINED**

**ATTACHMENT 16- LETTER N SUPPORT OF GRANT BY STATE SENATOR
TONI BOUCHER- TO BE OBTAINED**

**ATTACHMENT 17- LETTER IN SUPPORT OF GRANT BY STATE
REPRESENTATIVE JONATHAN STEINBERG- TO BE OBTAINED**

**ATTACHMENT 18- LETTER IN SUPPORT OF GRANT BY STATE
REPRESENTATIVE KIM FAWCETT- TO BE OBTAINED**

Section 4. PROJECT INFORMATION

The project plan is to improve Westport Town Commercial Center street infrastructure and provide improved pedestrian sidewalk access from residential neighborhoods into our downtown center. These funds are viewed as “shovel-ready” projects not requiring special permitting or variance approvals. The improvements are part of the 2007 Westport Town Plan of Conservation and Development, specifically section 7, for our Town Commercial Center, which were adopted and approved by its legislative body. Specifics of this project are included in the attached Attachment 5. Included are sidewalk refurbishments, the installation of new sidewalks, improved energy efficient lighting, curbing and tree grates. The sections of Town Commercial Center and its’ surrounding neighborhood’s which will be affected by the improvements have been detailed in the attached maps, which appear as Attachment 3. The darkened lines on these maps indicate the areas where the improvements will occur.

In addition to the documentation for such improvements contained in the 2007 Plan of Conservation and Development, the Selectmans Office in March of 2012 appointed a citizen’s public Committee known as Downtown Westport 2020. The Charge for this group is provided in Exhibit Attachment 10. A summary of this Charge is as follows:

—**Overall Mission:** The mission of the Downtown 2020 Committee is to work towards a more vital, livable and pedestrian friendly downtown and environs that offers diverse entertainment, dining, and recreational, residential and business opportunities.

A letter from the Chair of that Committee in support of this application is found as Attachment 11.

The Town views the funds detailed in the list of project expenses, Attachment 5, as extremely beneficial to the efforts to revitalize the downtown area, the promotion of small and other business growth, and improved pedestrian access and safety.

For Immediate Release – March 15, 2012

Contact: Patricia Scully
Selectman's Office
203-341-1111
selectman@westportct.gov

Downtown 2020 Committee Appointed

First Selectman Gordon F. Joseloff announced today that he has appointed the Downtown 2020 Committee.

“The mission of the committee will be to work towards a more vital, livable and pedestrian friendly downtown and environs that offers diverse entertainment, dining, and recreational, residential and business opportunities,” said Joseloff.

The committee's charge is to advance the recommendations established by the Downtown Subcommittee of the Plan Implementation Committee (DPIC). The DPIC was formed as recommended by the 2007 Town Plan of Conservation and Development, which was approved by the Planning & Zoning Commission.

The Downtown 2020 Committee will also develop other suggested changes to achieve its goals and continue to work with the DPIC with the added purpose of implementing their recommendations. The committee will work closely with the Planning & Zoning Commission, other town boards and commissions, staff, outside stakeholders, and the public. It will adhere to required public reporting requirements as an official town body.

Westport resident Louis Gagliano has been appointed chair of the committee. He is a retired business executive with substantial experience in planning efforts both in the corporate, not-for-profit, and community areas.

Other members appointed to the committee include Gerry Kagan, Robert Jacobs, Dan Kail, Valerie Smith-Malin, Jeffrey Mayer, and Craig Rebecca Schiavone.

“Our committee looks forward to working with other town groups and members of our community to accomplish the Mission approved by the Selectman’s Office,” said Gagliano.

“It is our intention to be a coordinating body which will integrate efforts, existing and approved projects, to bring greater vitality to our downtown area,” he said.

Attached are copies of the charge and member background information of the Downtown 2020 Committee.

-ends-

Downtown 2020 Committee

Charge

Overall Mission: The mission of the Downtown 2020 Committee is to work towards a more vital, livable and pedestrian friendly downtown and environs that offers diverse entertainment, dining, and recreational, residential and business opportunities.

This group, whose members are appointed by and who report to the First Selectman, will advance the recommendations established by the Downtown Subcommittee of the Plan Implementation Committee (DPIC). The DPIC was formed as recommended by the 2007 Town Plan of Conservation and Development, which was approved, by the Planning and Zoning Commission. The Downtown 2020 Committee will also develop other suggested changes to achieve its goals and continue the work of the DPIC with the added purpose of implementing their recommendations. It will work closely with the P&Z, other town boards and commissions, staff, outside stakeholders and the public and adhere to required public reporting requirements as an official town body.

Specific Objectives:

- Review and prioritize the DPIC recommendations, meeting with stakeholders as necessary.

- Schedule public forums that help identify areas of concern and potential regulatory changes that work towards the overall mission. Should it deem necessary, the Committee will recommend retention of outside consultants and aid in preparation of an RFP document to secure their services.
- The Committee will consider the establishment of an Economic Development Corporation or similar body that would be responsible for promotion and implementation of recommendations of DPIC or other identified projects.
- The Committee will also consider the need for a staff economic director and review the justification for such a position and build consensus for a search and hiring process.
- The Committee will consider discrete areas for a charretting exercise or similar planning method with members of the community and work with town bodies, staff and relevant stakeholders in planning those exercises.
- As part of its work, Committee members may visit communities where such exercises have taken place as well as other communities that have developed revitalization efforts for their downtown areas.
- Working with stakeholders, the Committee will develop specific recommendations to help attract businesses to Westport's downtown and environs. These may include beautification suggestions as well as those that improve public access.

Mr. Dimple Desai
Community Development Director
Office of Policy and Management
Intergovernmental Policy Division
450 Capitol Ave., MS#540RG
Hartford, CT. 06106-1379

Dear Mr. Desai,

As Chairman of a public Committee, Downtown 2020, and in keeping with our Charge as issued by the Selectmans Office, copy attached, I write this letter on behalf of our Committee supporting the grant application from the Main Street Investment Fund.

In part our Committee's focus is to provide improved town-center infrastructure that promotes the growth of businesses, including small businesses, and provides for greater vibrancy. The successful outcomes of our efforts will add to the general business community including and to the benefit of small retailers. We believe that these improvements will attract more interests in the downtown area bringing more consumers to our small businesses that are struggling to survive.

Planning for improved environs for business in our Commercial Town Center is viewed as positive for all businesses. The Project Plan as embodied in our grant application will improve our efforts of commercial development. It is our belief that these improvements are exactly what the legislature had in mind when they established the Fund for small towns. As one of the principal commercial hubs in Fairfield County, Westport's economy is tied to, and affects, commercial interests outside of our community, particularly suppliers, tradesmen, delivery services and workers.

Improved sidewalk development targeted to feeder roads adds to the network of effective means for people to access our Town Commercial Center from surrounding and existing residential neighborhoods. Further these improvements form the basis of creating an interlocking pedestrian friendly town of paths for people to park and walk to the

evolving and varying retail offerings that Westport presently appeals. It is our intention to continue to pursue and broaden these concepts as part of our Committee work.

These types of efforts are at the heart of our Downtown 2020 work, and we believe that the grant funding will continue to improve our progress towards an effective Town Commercial Center populated by more small retail opportunities.

Thank you in advance for your interest in our project and application.

Sincerely,

Louis J. Gagliano
Chairman Downtown 2020

Attachment 12

Section 5 Project Plan

(1) The use of the funds will be to improve streetscape along Main Street the major downtown street with improved curbing and lighting. These costs are detailed in Attachment 5.

(2) The improvement in the Commercial Town Center, which will lead to, improved commercial development including small business opportunities are detailed in Attachment 9 PROJECT INFORMATION, which is Section 4 of the Grant Application.

(3) a) and b) The schedule for the use of funds is provided as Attachment 12-1 prepared by Stephen Edwards Director of Public Works. This same Attachment 12-1 provides a perspective on the completion of the project which is somewhat weather dependent as indicated. The details of the use of funds are provided in Attachment 5.

(4) Project drawings/plans- Not applicable.



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
 DEPARTMENT OF PUBLIC WORKS
 TOWNHALL 100 MARBLE AVE.
 WESTPORT, CONNEXION 26680

ATTACHMENT 12-1

Main Street Grant: Schedule

Grant Award	Day 1
Solicitation of funding: Board of Finance & RTM	Day 7
Completion of Bid document – Bid Notice	Day 21
Receipt of Bids	Day 45
Contract Award	Day 56
Construction	120 days weather dependent



WESTPORT CONNECTICUT

PATRICIA H. STRAUSS

TOWN CLERK

ATTACHMENT 13

CERTIFIED RESOLUTION

I, Colleen Tarpey, the duly qualified and acting Assistant Town Clerk of the Town of Westport, Connecticut, **DO HEREBY CERTIFY** that the following resolution was adopted at a regular meeting of the Board of Selectmen, held on Wednesday, July 18, 2012, at which a quorum was present and acting throughout, and is on file and of record, and that said resolution has not been altered, amended or revoked and is in full force and effect.

RESOLVED: That the request for an application by the Town of Westport to the Connecticut Office of Policy & Management for a grant from The Main Street Investment Fund for enhancements of the downtown area, and to adopt a resolution to empower First Selectman Gordon F. Joseloff to execute and deliver on behalf of the Town of Westport such documentation, is hereby APPROVED.

IN WITNESS WHEREOF, the undersigned has affixed her signature and the municipal seal of the Town of Westport this 23rd day of July 2012.



Colleen Tarpey,
Assistant Town Clerk

SEAL

Report of RTM Long Range Planning Committee

Meeting Held 7/24/12 Town Hall Rm. 309

Attending: J. Cunitz, J. Klinge, D. Loselle, V. Heller, L. Shine, A. Bomes

Reporter: D. Loselle

The Committee listened to a presentation by the Downtown 2020 Committee Chairman, Lou Gagliano. Lou was presenting before the LRP to seek our approval for the submission of a grant application to the State of Connecticut, Office of Policy Management, Main Street Investment Fund. This is a new State Fund targeted at small municipalities with populations less than 30,000. Downtown 2020 is seeking the approval of the entire RTM, as it is a specific requirement of this grant, that approval of the Town legislative body be given authorizing submission of the grant application. A certified resolution showing approval is required and must be submitted with the grant application.

The general purpose of the grant will be to provide street scape improvements (beautification, lighting) and sidewalk improvements in the general downtown area which will enhance the overall environment, improve aesthetics, and improve pedestrian access and safety. Potentially the improvements will also promote commercial viability in the downtown area.

Lou has worked with Public Works Director, Steve Edwards to identify specific "shovel ready" projects that have long been considered as desirable, but for which there has been no discretionary funding available to pursue. Much of the project work will be focused on providing sidewalks on a number of radial paths which lead into Downtown which currently have no sidewalks. The new sidewalks will better integrate residential surrounding areas with Downtown and make for an overall improved ability to walk around Westport.

Westport is applying for \$497,500 in grant funding which is near the max cap of \$500,000 which can be awarded to any one Town. A total of \$5 million is available State wide this year. It is uncertain if this grant will be repeated in subsequent years. There are no matching funds requirements from the Town. The application is due to the State in late September, but the 2020 Committee and Steve Edwards want to submit as soon as possible to enhance the Town's chances of obtaining the maximum funding possible.

The improvements contemplated are in accordance with items previously outlined in the Town Plan of Conservation and Development. Lou Gagliano stated that the grant

improvements also do not conflict with any work potentially contemplated by the Downtown Committee and in fact enhance and support the Committee's charge.

The grant application was previously approved by the Board of Selectman on July 18, 2012.

The LRP Committee voted to unanimously approve and support the application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dewey J. Loselle III". The signature is written in dark ink and is positioned above the printed name.

Dewey J. Loselle III



WESTPORT CONNECTICUT

PARKS AND RECREATION DEPARTMENT

LONGSHORE CLUB PARK

260 SOUTH COMPO ROAD, WESTPORT, CT 06880

(203) 341-5090

Approved BOF 7/11/12
\$32,199.59 appropriation
to PARKS & Rec Water Account

BACK UP MATERIAL
RTM ITEM # ~~3~~ 4

June 25, 2012

RECEIVED

JUN 26 2012

TOWN OF WESTPORT
SELECTMAN'S OFFICE

Gordon Joseloff
First Selectman
Town Hall
110 Myrtle Avenue
Westport, CT 06880

Dear Mr. Joseloff:

The Parks and Recreation Department respectfully requests to be placed on the Board of Finance Agenda for the following appropriation:

Account: 820-566400
Maintenance – Water

Amount Requested: \$32,199.59

Reason: Account under budgeted. Original appropriation of \$90,000. Actual expenditures of \$122,199.81. Budget has been adjusted in the 2012-13 budget (\$120,000).

Sincerely,

Stuart McCarthy
Director of Parks and Recreation

SSMcC:sk
cc: Gary Conrad

Approved for submission to the
Board of Finance (7/11/12)

Gordon F. Joseloff
First Selectman

RTM Finance Committee Meeting

July 18, 2012

17

Members Present: Jeff Wieser, Chair; Allen Bomes; Dick Lowenstein; John McCarthy; Cathy Talmadge; Gil Nathan; Arthur Ashman; Lee Arthurs;

Others Present: Stuart McCarthy, Dir., Parks & Rec.; Freda Welsh, E.D., Levitt Pavilion; Gary Conrad, Fin. Dir.

1)

Gary Conrad presented the first request for appropriations to both the 2011-12 and 2012-13 budgets to formalize the DPW Contract settlements and their effects on the fiscal years' budgets. Stuart explained that both these amounts were adjustments in the various years' consultations at the BOF level and that the amounts were taken into account when the mill rates were set. The actual numbers are, in fact, a bit less than originally anticipated in the setting of the mill rate. They were not, however, delineated in the various budgets, so they are requests for appropriations.

Importantly, there is no surprise in the numbers as these are adjustments that have been anticipated. Gary Conrad confirmed this understanding.

On a motion by Dick Lowenstein and a second by Cathy Talmadge, the committee voted 7-0 (Lee Arthurs not yet arrived) to approve the request.

2)

Stuart McCarthy presented the second request for an increase in the 2012-2013 budget "Maintenance – Water" Account. The amount was under-budgeted by \$32,199.59. This is due to challenges at Parks and Rec that are being addressed. There are only a few meters monitoring overall supply of water to the entire operation area, and the supply by Parks & Rec. to the residences in the Waterside Terrace area is a task that complicates the monitoring, but is expected to be set up as a separate supply in October, 2012, subject to various Town approvals. Stuart believes that overall monitoring is a matter that will be better-handled in the future, but this request will satisfy the current needs.

On a motion by Gil Nathan and a second by Arthur Ashman, the committee voted 7-0 to approve the request. Lee Arthurs abstained.

Respectfully submitted,

Jeff Wieser, Chair

DPW Contract Cost Settlement

Westport Council #4, AFSCME, AFL-CIO Local 1303-35

In arbitration ruling from AAA expected by March 30, 2012

Contract Term July 1, 2009 to June 30, 2013

Salary pre contract 06-30-09	\$ 2,022,791	include Base and OT
2009-10 Increase	0.00%	
New Salary	2,022,791	0 Year 1
2010-11 Increase	2.25%	
New Salary	2,068,303	45,513 Year 2 Cost
2011-12 Increase	2.50%	
New Salary	2,120,011	97,220 Year 3 Cost
2012-13 Increase	2.50%	
New Salary	2,173,011	150,221 Year 4 Cost
Cunmmulative Cost		292,954 Four year Cost

Total Appropriation

	Appropriation <u>2011-2012</u>	Appropriation <u>2012-2013</u>	<u>Cumulative</u>
Actual & Forecast Salary	142,733	150,221	292,954
Medicare 1.45%	2,070	2,178	4,248
Workers Comp \$9.47/100	13,517	14,226	27,743
Other	0	0	0
	<u>\$ 158,320</u>	<u>\$ 166,625</u>	<u>\$ 324,945</u>

General Fund

	Appropriation <u>2011-2012</u>	Appropriation <u>2012-2013</u>	<u>Cumulative</u>
Actual & Forecast Salary	114,787	111,675	226,462
Medicare 1.45%	1,665	1,619	3,284
Workers Comp \$9.45/100	11,863	11,944	23,807
Other	0	0	0
	<u>\$ 128,315</u>	<u>\$ 125,238</u>	<u>\$ 253,553</u>

Sewer Fund

	Appropriation <u>2011-2012</u>	Appropriation <u>2012-2013</u>	<u>Cumulative</u>
Actual & Forecast Salary	27,946	38,546	66,492
Medicare 1.45%	405	559	964
Workers Comp \$5.92/100	1,654	2,282	3,936
Other	0	0	0
	<u>\$ 30,005</u>	<u>\$ 41,387</u>	<u>\$ 71,392</u>

F: GIFS



WESTPORT, CONNECTICUT

GORDON F JOSELOFF
First Selectman

BACK UP MATERIAL
RTM ITEM # ~~6~~

7

July 20, 2012

Mr. Hadley Rose
RTM Moderator
Town of Westport
Westport, CT 06880

Dear Hadley:

In accordance with the Town's Policy on Acceptance of Gifts, I hereby forward a request for acceptance of a monetary gift in excess of \$3 million from The Friends of the Levitt Pavilion, Inc. to the Town of Westport. The monies are to be deposited in a capital account for the construction of a new Levitt Pavilion.

The Board of Selectmen, at its public hearing on July 18, 2012, approved the acceptance of the gift and recommends acceptance by the Representative Town Meeting. Enclosed for your review is a copy of the Board of Selectmen's minutes.

I respectfully request that this gift be placed on an agenda of the RTM for consideration. Thank you in advance for your consideration.

Sincerely,

Gordon F. Joseloff
First Selectman

GFJ:ps
Enclosures

cc: Stuart McCarthy, Parks & Recreation Director
Freda Welsh, Executive Director, Levitt Pavilion
Jeffrey Wieser, RTM Finance Committee
Patricia Strauss, Town Clerk

MINUTES (DRAFT)

The Board of Selectmen held a public hearing on Wednesday, July 18, 2012, at 4 p.m. in Rooms 309/307 of the Westport Town Hall. Present at the meeting were: Gordon F. Joseloff, Shelly A. Kassen, Charles W.K. Haberstroh, Gail Kelly, Stephen Edwards, Barbara Butler, Gary Conrad, Kenneth Alexander, Fire Chief Andrew Kingsbury, Fire Inspector Terrence Dunn, Police Captain John Calka, Stuart McCarthy, Freda Welsh, G. Kenneth Bernhard, Janet Plotkin, Louis Gagliano, Carol Leahy, Francis Henkels, Matthew Mandell, Lisa Parrelli Gray, Dewey Loselle, Jeffrey Wieser, Deborah Press, Frank Taylor, Cathy Cogan, and Patricia Scully recording secretary.

MINUTES

1. The minutes of the Board of Selectmen's public hearing of June 14, 2012 were presented by the recording secretary. There were no additions/deletions/revisions. Selectman Haberstroh was not present for the vote. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That the minutes of the Board of Selectmen's public hearing of June 14, 2012, as presented, are hereby APPROVED.

APPROVAL OF ACCEPTANCE OF MONETARY GIFTS FROM THE RENEE FISHER FOUNDATION, INC. IN SUPPORT OF CENTER FOR SENIOR ACTIVITIES PARKINSON'S PROGRAMS; FROM SUNRISE ROTARY IN SUPPORT OF COMMUNITY SERVICE CORPS; AND FROM COMMUNITY RESIDENT IN SUPPORT OF SENIOR CLIENT NEEDS FUND, IN ACCORDANCE WITH POLICY FOR GIFTS TO TOWN AS AMENDED OCT. 28, 1998

2. Item #2 was presented by Human Services Director Barbara Butler. Selectman Haberstroh stated he would recuse himself from the vote as his wife was an employee in the Human Services Department. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 2-0, it was:

RESOLVED: That the request for acceptance of monetary gifts from The Renee Fish Foundation, Inc. (\$2,500) in support of the Center for Senior Activities Parkinson's programs; from the Sunrise Rotary (\$1,000) in support of the Community Service Corps, and from a community resident (\$100) in support of the Senior Client Needs fund, in accordance with the Policy for Gifts to the Town as amended Oct. 28, 1998, is hereby APPROVED.

APPROVAL OF ACCEPTANCE OF MONETARY GIFTS FROM THE WESTPORT YOUNG WOMAN'S LEAGUE, THE SUNRISE ROTARY, THE GRACE SALMON FOUNDATION, AND A COMMUNITY RESIDENT IN SUPPORT OF THE DEPARTMENT OF HUMAN SERVICES FAMILY PROGRAM/CAMPERSHIP AND THE CEREMONIES AND CELEBRATIONS ESCROW FUNDS, IN ACCORDANCE WITH THE POLICY FOR GIFTS TO THE TOWN AS AMENDED OCT. 28, 1998

3. Item #3 was presented by Human Services Director Barbara Butler. Selectman Haberstroh stated he would recuse himself from the vote as his wife was an employee in the Human Services Department. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 2-0, it was:

RESOLVED: That the request for acceptance of monetary gifts totaling \$4,871 from the Westport Young Woman's League, the Sunrise Rotary, the Grace Salmon Foundation and a community resident in support of the Department of Human Services Family Program/ Campership and the Ceremonies and Celebrations escrow funds, in accordance with the Policy for Gifts to the Town as amended Oct. 28, 1998, is hereby APPROVED.

APPROVAL OF ACCEPTANCE OF MONETARY GIFT FROM TEMPLE ISRAEL TO TOWN ESCROW/SENIOR CLIENT NEEDS/PROJECT GO ACCOUNT, IN ACCORDANCE WITH POLICY FOR GIFTS TO TOWN AS AMENDED OCT. 28, 1998

4. Item #4 was presented by Human Services Director Barbara Butler. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for acceptance of a monetary gift in the amount of \$5,000 from Temple Israel to the Town's escrow Senior Client Needs/Project GO account, in accordance with the Policy for Gifts to the Town as amended Oct. 28, 1998, is hereby APPROVED.

APPROVAL OF ACCEPTANCE OF GRANT FROM UNITED WAY OF COASTAL FAIRFIELD COUNTY IN AMOUNT OF \$6,000 TO SUPPORT THE WESTPORT HUMAN SERVICES DEPARTMENT'S POSITIVE YOUTH DEVELOPMENT PARENTING AND COMMUNITY SERVICE CORPS

5. Item #5 was presented by Human Services Director Barbara Butler. Selectman Haberstroh stated he would recuse himself from the vote as his wife was an employee in the Human Services Department. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 2-0, it was:

RESOLVED: That the request for the acceptance of a grant from United Way of Coastal Fairfield Country in the amount of \$6,000 to support the Westport Human Services Department's Positive Youth Development Parenting and Community Service Corps is hereby APPROVED.

APPROVAL OF USE OF TOWN-OWNED PROPERTY KNOWN AS VETERANS GREEN BY FAIRFIELD COUNTY CONCOURS D'ELEGANCE ON SUNDAY, SEPT. 9, 2012 FOR THE 2012 NUTMEG TOUR FOR AUTISM, CONTINGENT UPON COMPLIANCE WITH COMMENTS FROM VARIOUS TOWN DEPARTMENTS INCLUDING THE WESTPORT/WESTON HEALTH DISTRICT AND IN ACCORDANCE WITH PROCEDURES FOR USE OF TOWN-OWNED PROPERTY, FACILITIES AND/OR PUBLIC ROADWAYS, AS AMENDED SEPT. 15, 2010

6. Item #6 was presented by Frank Taylor representing the Fairfield County Concours d'Elegance organization. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for use of town-owned property known as Veterans Green by Fairfield County Concours d'Elegance on Sunday, Sept. 9, 2012 for the 2012 Nutmeg Tour for Autism, contingent upon compliance with comments from various town departments including the Westport/Weston Health District and in accordance with the Procedures for Use of Town-owned Property, Facilities and/or Public Roadways as amended Sept. 15, 2010, is hereby APPROVED.

APPROVAL OF AGREEMENT BETWEEN TOWN OF WESTPORT AND MARSH & MC LENNAN AGENCY, LLC, AS RELATES TO INSURANCE CONSULTING SERVICES AND AS RECOMMENDED BY THE FINANCE DIRECTOR

7. Item #7 was presented by Finance Director Gary Conrad. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for an agreement between the Town of Westport and Marsh & McLennan Agency, LLC, as relates to insurance consulting services and as recommended by the Finance Director, is hereby APPROVED.

APPROVAL OF AGREEMENT BETWEEN TOWN OF WESTPORT AND VISUAL COMPUTER SOLUTIONS, INC. AS RELATES TO POLICE OFFICER SCHEDULING SYSTEM AND AS RECOMMENDED BY WESTPORT POLICE DEPARTMENT

8. Item #8 was presented by Police Captain John Calka. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for an agreement between the Town of Westport and Visual Computer Solutions, Inc., as relates to a Police Officer Scheduling System and as recommended by the Westport Police Department, is hereby APPROVED.

APPROVAL OF ACCEPTANCE OF GRANT FROM FACTORY MUTUAL INSURANCE COMPANY TO WESTPORT FIRE DEPARTMENT FOR \$2,400 TO PURCHASE iPADS AND INSPECTION SOFTWARE LICENSES, AS RECOMMENDED BY WESTPORT FIRE DEPARTMENT

9. Item #9 was presented by Fire Chief Andrew Kingsbury and Fire Inspector Terrence Dunn. Upon motion by Shelly A. Kassen, seconded by Charles W. K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for acceptance of a grant from the Factory Mutual Insurance Company to the Westport Fire Department for \$2,400 to purchase iPADS and inspection software licenses, as recommended by the Westport Fire Department, is

hereby APPROVED.

APPROVAL OF LEASE CONTRACT BETWEEN TOWN OF WESTPORT AND JOSEPH C. ROMEO, JR. AS RELATES TO FOOD AND BEVERAGE CONCESSION AND LEASE OF HALFWAY HOUSE AT LONGSHORE CLUB PARK, AS RECOMMENDED BY PARKS & RECREATION DEPARTMENT

10. Item #10 was presented by Parks & Recreation Director Stuart McCarthy. Assistant Town Attorney Gail Kelly and Finance Director Gary Conrad also commented on the request. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for a lease contract between the Town of Westport and Joseph C. Romeo, Jr., as relates to the food and beverage concession and lease of the Halfway House at Longshore Club Park, as recommended by the Parks & Recreation Department, is hereby APPROVED.

APPROVAL OF LEASE CONTRACT BETWEEN TOWN OF WESTPORT AND JOSEPH C. ROMEO, JR. AS RELATES TO FOOD AND BEVERAGE CONCESSION AND LEASE OF LONGSHORE PAVILION, AS RECOMMENDED BY PARKS & RECREATION DEPARTMENT

11. Item #11 was presented by Parks & Recreation Director Stuart McCarthy. Assistant Town Attorney Gail Kelly and Finance Director Gary Conrad also commented on the request. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for a lease contract between the Town of Westport and Joseph C. Romeo, Jr., as relates to the food and beverage concession and lease of the Longshore Pavilion, as recommended by the Parks & Recreation Department, is hereby APPROVED.

APPROVAL OF LEASE CONTRACT BETWEEN TOWN OF WESTPORT AND JOSEPH C. ROMEO, JR. AS RELATES TO FOOD AND BEVERAGE CONCESSION AND LEASE OF PAVILION AT COMPO BEACH, AS RECOMMENDED BY PARKS & RECREATION DEPARTMENT

12. Item #12 was presented by Parks & Recreation Director Stuart McCarthy. Assistant Town Attorney Gail Kelly and Finance Director Gary Conrad also commented on the request. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for a lease contract between the Town of Westport and Joseph C. Romeo, Jr., as relates to the food and beverage concession and lease of the Pavilion at Compo Beach, as recommended by the Parks & Recreation Department, is hereby APPROVED.

APPROVAL OF FEE CHANGES FOR STAPLES HIGH SCHOOL POOL AS BELOW AND AS RECOMMENDED BY PARKS & RECREATION COMMISSION

13. Item #13 was presented by Parks & Recreation Director Stuart McCarthy. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for fee changes to become effective Sept. 15, 2012 for the Staples High School pool as below and as recommended by the Parks & Recreation Commission is hereby APPROVED:

	<u>New</u>
Family	Delete
Adult	\$125
Senior Citizen	\$100
Junior	No Charge
Discount Card	Delete

Daily Fee

Adult Handpass Holder	\$5
Adult Non-Handpass Holder	\$7
Junior	No Charge

APPROVAL OF FEE INCREASES FOR YOUTH BASKETBALL PROGRAM AS BELOW AND AS RECOMMENDED BY THE PARKS AND RECREATION COMMISSION

14. Item #14 was presented by Parks & Recreation Director Stuart McCarthy. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for fee increases for the youth basketball program as below and as recommended by the Parks & Recreation Commission is hereby APPROVED:

	<u>Fee</u>
Tot, Kindergarten & Grade 1	\$ 70
Grades 2 and 3	\$ 90
Grades 5 – 8	\$135
Grades 9 – 12	\$135

APPROVE AWARD OF DESIGN AND PERMITTING WORK CONTRACT ASSOCIATED WITH DREDGING OF SOUTHERN SLOPE OF COMPO BOAT BASIN

15. Item #15 was presented by Public Works Director Stephen Edwards. Mr. Edwards recommended award to the low bidder, Roberge Associates Coastal Engineers, LLC. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for award of a design and permitting work contract to the low bidder Roberge Associates Coastal Engineers, LLC for \$46,520 associated with the dredging of the southern slope of Compo Boat Basin is hereby APPROVED.

APPROVAL OF TEMPORARY CLOSURE OF RICHMONDVILLE AVENUE FROM MAIN STREET TO CARLISLE COURT FOR PURPOSE OF CULVERT REPLACEMENT COMMENCING ON MONDAY, JULY 23, 2012 THROUGH THURSDAY, AUG. 23, 2012 AS RECOMMENDED BY PUBLIC WORKS DEPARTMENT

16. Item #16 was presented by Public Works Director Stephen Edwards. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request to the Traffic Authority for a temporary closure of Richmondville Avenue from Main Street to Carlisle Court for the purpose of the culvert replacement project commencing on Monday, July 23, 2012 through Thursday, Aug. 23, 2012, as recommended by the Public Works Department, is hereby APPROVED.

APPROVAL OF TOWN-OWNED SIDEWALKS IN THE SAUGATUCK AREA ON SATURDAY, SEPT. 15, 2012 FROM NOON TO 3 P.M. FOR THE ANNUAL SLICE OF SAUGATUCK FESTIVAL, CONTINGENT UPON COMPLIANCE WITH COMMENTS FROM VARIOUS TOWN DEPARTMENTS INCLUDING THE WESTPORT/WESTON HEALTH DISTRICT AND IN ACCORDINACE WITH PROCEDURES FOR USE OF TOWN-OWNED PROPERTY, FACILITIES, AND/OR PUBLIC ROADWAYS, AS AMENDED SEPT. 15, 2010

17. Item #17 was presented by Matthew Mandell and Lisa Parrelli Gray of the Westport/Weston Chamber of Commerce. The Board suggested that a rain date be considered. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for use of town-owned sidewalks in the Saugatuck area on Saturday, Sept. 15, 2012, from noon to 3 p.m. for the annual Slice of Saugatuck Festival, contingent upon compliance with comments from various town departments including the Westport/Weston Health District and in accordance with Procedures for Use of Town-owned Property, Facilities and/or Public Roadways as amended Sept. 15, 2010, is hereby APPROVED.

APPROVAL OF TEMPORARY CLOSURE OF RAILROAD PLACE FOR ANNUAL SLICE OF SAUGATUCK FESTIVAL ON SATURDAY, SEPT. 15, 2012, AS RECOMMENDED BY THE WESTPORT POLICE DEPARTMENT

18. Item #18 was presented by Matthew Mandell and Lisa Parrelli Gray of the Westport/Weston Chamber of Commerce. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request to the Traffic Authority for the temporary closure of Railroad Place for the Annual Slice of Saugatuck Festival on Saturday, Sept. 15, 2012, as recommended by the Westport Police Department, is hereby APPROVED.

APPROVAL OF USE OF TOWN-OWNED PROPERTY KNOWN AS LUCIANO PARK BY HOMES WITH HOPE FOR AN ANTIQUES OUTDOOR MARKET ON ALTERNATING SUNDAYS BEGINNING IN AUGUST 2012, CONTINGENT UPON PARKS & RECREATION COMMISSION APPROVAL, IN COMPLIANCE WITH COMMENTS FROM VARIOUS TOWN DEPARTMENTS INCLUDING THE WESTPORT/WESTON HEALTH DISTRICT AND IN ACCORDANCE WITH PROCEDURES FOR USE OF TOWN-OWNED PROPERTY, FACILITIES AND/OR PUBLIC ROADWAYS AS AMENDED SEPT. 15, 2010

19. Item #19 was presented by Deborah Press and Jeffrey Wieser of Homes with Hope. Board members agreed that the resolution should include the actual dates of the market. Upon motion by Shelly A. Kassen, seconded by Charlie W.K. Haberstroh, and passed by a vote of 3-0, it was:

RESOLVED: That the request for use of town-owned property known as Luciano Park by Homes with Hope for an antiques outdoor market on the following Sundays: Aug. 19; Sept. 2; Sept. 16; Sept. 30 (optional); Oct. 14 and Oct. 21, contingent upon the Parks & Recreation Commission's approval, in compliance with comments from various town departments including the Westport/ Weston Health District, and in accordance with the Procedures for Use of Town-owned Property, Facilities and/or Public Roadways as amended Sept. 15, 2010, is hereby APPROVED.

APPROVAL OF USE OF TOWN-OWNED PROPERTY KNOWN AS VETERANS GREEN ON SATURDAY, OCT. 27, 2012, FROM 1 – 4 P.M. BY WESTPORT DOWNTOWN MERCHANTS ASSOCIATION FOR THE FOODIE FEST, CONTINGENT UPON COMPLIANCE WITH COMMENTS FROM VARIOUS TOWN DEPARTMENTS INCLUDING THE WESTPORT/WESTON HEALTH DISTRICT AND IN ACCORDANCE WITH PROCEDURES FOR USE OF TOWN-OWNED PROPERTY, FACILITIES AND/OR PUBLIC ROADWAYS AS AMENDED SEPT. 15, 2010

20. Item #20 was presented by Cathy Cogan representing the Westport Downtown Merchants Association. The Westport Downtown Merchants Association requested permission for use of Veterans Green earlier in the day in order to erect a tent. Board members agreed that was not a problem. Upon motion by Shelly A. Kassen, seconded by Charles W. K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for use of town-owned property known as Veterans Green on Saturday, Oct. 27, 2012 by the Westport Downtown Merchants Association for the Foodie Fest, contingent upon compliance with comments from various town departments including the Westport/Weston Health District and in accordance with the Procedures for Use of Town-owned Property, Facilities and/or Public Roadways as amended Sept. 15, 2010, is hereby APPROVED.

APPROVAL OF APPLICATION BY TOWN OF WESTPORT TO THE CONNECTICUT OFFICE OF POLICY & MANAGEMENT FOR GRANT FROM THE MAIN STREET INVESTMENT FUND FOR ENHANCEMENT OF DOWNTOWN AREA, AND TO APPROVE RESOLUTION TO EMPOWER FIRST SELECTMAN GORDON F. JOSELOFF TO EXECUTE AND DELIVER ON BEHALF OF THE TOWN OF WESTPORT SUCH DOCUMENTATION

21. Item #21 was presented by Louis Gagliano, Chair of the Downtown 2020 Committee, and Public Works Director Stephen Edwards. Mr. Gagliano stated that the amount of the grant application would be for \$497,595.00 (an increase from the original draft documentation given to the Board of Selectmen). Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for an application by the Town of Westport to the Connecticut Office of Policy & Management for a grant from The Main Street Investment Fund for enhancements of the downtown area, and to adopt a resolution to empower First Selectman Gordon F. Joseloff to execute and deliver on behalf of the Town of Westport such documentation, is hereby APPROVED.

APPROVAL AND ACCEPT A CERTIFIED LOCAL GOVERNMENT HISTORIC PRESERVATION ENHANCEMENT GRANT FROM THE STATE HISTORIC PRESERVATION OFFICE IN THE AMOUNT OF \$9,500 AS RELATES TO ESTABLISHMENT OF A VILLAGE DISTRICT IN TOWN OF WESTPORT, AND AUTHORIZE FIRST SELETDMAN GORDON F. JOSELOFF TO SIGN SUCH DOCUMENTATON ON BEHALF OF TOWN OF WESTPORT

22. Item #22 was presented by Historic District Commission Chair Francis Henkels and Historic District staff Carol Leahy. Selectwoman Kassen made a motion which was seconded by Selectman Haberstroh. Board members wanted to see evidence that the Westport Downtown Merchants Association and property owners in the downtown area were in support of the establishment of a village district. Also the Westport/Weston Chamber and Downtown 2020 Committee should be involved in the process. It was suggested that a public hearing be held prior to applying for a grant. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request to approve and accept a Certified Local Government Historic Preservation Enhancement Grant from the State Historic Preservation Office in the amount of \$9,500 as relates to the establishment of a village district in the Town of Westport be POSTPONED to a date uncertain without any prejudice.

APPROVAL OF TOWN-OWNED PROPERTY KNOWN AS JESUP GREEN AND APPROVAL OF CLOSURE OF RIVERWALK ON FRIDAY, AUG. 24, 2012, FOR ANNUAL GALA OF THE LEVITT PAVILION FOR THE PERFORMING ARTS CONTINGENT UPON COMPLIANCE WITH COMMENTS FROM VARIOUS TOWN DEPARTMENTS INCLUDING THE WESTPORT/WESTON HEALTH DISTRICT

23. Item #23 was presented by Freda Welsh, Executive Director of the Levitt Pavilion, and Parks & Recreation Director Stuart McCarthy. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for use of town-owned property known as Jesup Green and to close the RiverWalk on Friday, August 24, 2012 for the annual gala of the Levitt Pavilion for the Performing Arts, contingent upon compliance with comments from various town departments including the Westport/Weston Health District, is hereby APPROVED.

APPROVAL OF ACCEPTANCE OF MONETARY GIFT IN EXCESS OF \$3 MILLION FROM THE FRIENDS OF THE LEVITT PAVILION, INC. TO TOWN OF WESTPORT TO BE DEPOSITED IN CAPITAL ACCOUNT FOR THE CONSTRUCTION OF NEW LEVITT PAVILION, IN ACCORDANCE WITH POLICY FOR GIFTS TO TOWN AS AMENDED OCT. 28, 1998

24. Item #24 was presented by G. Kenneth Bernhard, representing the Friends of the Levitt Pavilion. Also Parks & Recreation Director Stuart McCarthy and Finance Director Gary Conrad commented on the request. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for acceptance of a monetary gift in excess of \$3 million from the Friends of the Levitt Pavilion, Inc. to the Town of Westport to be deposited in the capital account for the construction of the new Levitt Pavilion, in accordance with the Policy for Gifts to the Town as amended Oct. 28, 1998, is hereby APPROVED.

APPROVAL OF LICENSE AGREEMENT BETWEEN THE FRIENDS OF THE LEVITT PAVILION, INC. AND THE TOWN OF WESTPORT AS RELATES TO OPERATION OF THE LEVITT PAVILION FOR THE PERFORMING ARTS

25. Item #25 was presented by G. Kenneth Bernhard, representing the Friends of the Levitt Pavilion. Also Assistant Town Attorney Gail Kelly, Parks & Recreation Director Stuart McCarthy and Finance Director Gary Conrad commented on the request. Upon motion by Shelly A. Kassen, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, it was:

RESOLVED: That the request for a license agreement between the Friends of the Levitt Pavilion, Inc. and the Town of Westport as relates to the operation of the Levitt Pavilion for the Performing Arts, is hereby APPROVED.

Upon motion by Gordon F. Joseloff, seconded by Charles W.K. Haberstroh and passed by a vote of 3-0, the public hearing was adjourned at 6:30 p.m.

Patricia Scully
Recording Secretary



THE CAMPAIGN FOR THE
NEW LEVITT PAVILION
 FOR THE PERFORMING ARTS

TO: Hadley Rose, Moderator & Members of the Representative Town Committee

FROM: Freda Welsh, Executive Director, Levitt Pavilion for the Performing Arts
 Stuart McCarthy, Director of Parks and Recreation / Building Committee Chair & Project Manager, Campaign for a New Levitt Pavilion

DATE: July 12, 2012

RE: The Levitt Pavilion for the Performing Arts

BACK UP MATERIAL
 RTM ITEM # 8

The Friends of the Levitt Pavilion for the Performing Arts is requesting an appropriation of \$1.0 Million as the Town of Westport contribution toward the estimated \$6.7 Million construction of the new Levitt Pavilion for the Performing Arts. An additional request is for an appropriation of \$100,000.00 to a special account to be used exclusively for insurance and contingencies associated with the construction on the existing Town landfill. The balance of the required funds is being raised privately.

The item is anticipated to be on your August agenda contingent upon Board of Finance approval on August 1. The Board of Finance following discussion on July 11 indicated that that approval was likely forthcoming and that the RTM should proceed in anticipation of that approval. Additionally the agenda will include formal acceptance of a gift in excess of \$3M to fund the construction of the Pavilion. That request is anticipated to be forwarded by the Board of Selectmen following their meeting on July 17, 2012.

January 5, 2010

The Pavilion project was presented to the RTM on November 5, 2009 and included a complete review of the construction plans. As a result we do not intend to repeat that portion of the presentation. In recognition of a number of new members since that date, we invite any members who would like a more detailed review to review construction plans and request a site visit. Arrangements can be made by contacting Stuart McCarthy at 203-341-5088, or smccarthy@westportct.gov.

The Levitt Pavilion for the Performing Arts is one of Connecticut's most vibrant cultural treasures with a distinguished history of stability and growth over the course of our 39-year existence. Capital support for these plans will contribute to the success of our campaign

Each summer, the Levitt Pavilion produces what is now one of the largest and longest-running free outdoor festivals in the nation, presenting more than 50 evenings of performing arts, music and entertainment FREE OF CHARGE, and serving approximately 50,000 people; more than half of whom come from Westport and Weston and drawing the remainder from Fairfield County, the Tri-State area, and beyond to Downtown Westport.

To date, the Pavilion has welcomed over 1.5 MILLION guests – and we are preparing for the next million by building a new much-needed facility to ensure the sustainability of our organization and impact.



ITEM
9

RECEIVED

JUN 20 2012

TOWN OF WESTPORT
SELECTMAN'S OFFICE

June 18, 2012

The Honorable Gordon F. Joseloff
First Selectman, Town of Westport
Town Hall
110 Myrtle Avenue
Westport, CT 06880

Dear First Selectman Joseloff:

The Governing Committee for the Levitt Pavilion for the Performing Arts requests to be placed on the Board of Finance agenda for an appropriation of \$1.0 Million to be used toward the construction of the new Levitt Pavilion and an appropriation of \$100,000.00 to a special account to be used exclusively for contingencies associated with the construction on the existing Town landfill.

Sincerely,

Freda Welsh
Executive Director
Levitt Pavilion for the Performing Arts

Stuart S. McCarthy
Director of Parks and Recreation /
Building Committee Chairman,
Campaign for a New Levitt Pavilion

Approved for submission to the
Board of Finance (7/11/12)

Gordon F. Joseloff
First Selectman

TO: Board of Finance, Avi Kaner, Chairman

FROM: Freda Welsh, Executive Director, Levitt Pavilion for the Performing Arts
Stuart McCarthy, Director of Parks and Recreation /
Building Committee Chairman, Campaign for a New Levitt Pavilion

DATE: June 25, 2012

RE: The Levitt Pavilion for the Performing Arts

The Friends of the Levitt Pavilion for the Performing Arts requests an appropriation of \$1.0 Million as the Town of Westport contribution toward the estimated \$6.7 Million construction of the new Levitt Pavilion for the Performing Arts. An additional request is for an appropriation of \$100,000.00 to a special account to be used exclusively for insurance and contingencies associated with the construction on the existing Town landfill. The balance of the required funds is being raised privately.

The Levitt Pavilion for the Performing Arts is one of Connecticut's most vibrant cultural treasures with a distinguished history of stability and growth over the course of our 39-year existence. Capital support for these plans will contribute to the success of our campaign which is currently in its "silent" phase and moving forward with momentum.

Each summer, the Levitt Pavilion produces what is now one of the largest and longest-running free outdoor festivals in the nation, presenting more than 50 evenings of performing arts, music and entertainment FREE OF CHARGE, and serving approximately 50,000 people; more than half of whom come from Westport and Weston and drawing the remainder from Fairfield County, the Tri-State area, and beyond to Downtown Westport.

To date, the Pavilion has welcomed over 1.5 MILLION guests – and we are preparing for the next million by building a new much-needed facility to ensure the sustainability of our organization and impact.

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1. Mission of the Levitt Pavilion

The Levitt Pavilion exists to:

- Provide free and abundant access to the performing arts
- Present established and emerging artists, all of whom are paid
- Preserve and cultivate a beautiful outdoor community destination

2. History of Levitt Pavilion

The Levitt Pavilion for the Performing Arts is a Town owned facility, gifted to the Town by the Friends of the Levitt Pavilion in 1973; and governed by a committee appointed by the First Selectman. *The Friends of the Levitt Pavilion, Inc.* is a 501(c)(3) non-profit corporation, founded to help raise the funds for operational costs. The Pavilion has two full-time professional staff members who fundraise and steward the organization throughout the year and who are responsible for producing the ten-week festival that has become a Summer centerpiece of Fairfield County.

The Levitt Pavilion has been a unique, valued and successful public-private cultural and community resource in the Town of Westport for 39 years. Located downtown on the banks of the Saugatuck River, the Pavilion has provided 1.5 million people – and counting – from all over Connecticut and beyond unparalleled access to free performing arts and a haven for community building. Guests arrive with picnics, blankets and lawn chairs to develop and share a common bond: the love of the outdoors, the arts and music, friendship and community. *The New York Times* has cited the Pavilion as “being the most ambitious and entertaining free summer festival in the Northeast.”

The Pavilion was the vision of the then chairman of Westport Parks & Recreation Commission, Lou Nistico. He brought the idea to the Westport Young Woman's League and the Kiwanis Club. To raise seed money, the two groups sold discount booklets with products and services donated by at least 40 local businesses, mostly members of the Downtown Merchants Association. Architect Bruce Campbell Graham donated his services in designing and, later, supervising construction of the Pavilion. The town donated the landfill site and the expansive site preparation. Glendinning Companies donated thousands of cubic yards of bank run gravel.

The Westport Weston Arts Council joined with the Kiwanis and Westport Young Woman's League and secured the major contribution of \$25,000 from Mortimer and Mimi Levitt. The Pavilion was finished largely with donated construction supplies and volunteer labor, mainly from Kiwanis, Rotary and Lions Club members (their out of pocket expenses were approximately \$56,000).

While the programming at the Pavilion has grown stronger by the year, the physical facilities in which they are presented have declined over decades of robust use and exposure to the elements. Given the limitations of the original structure, it was inevitable that the time

would come for a new one. In 2007, after years of repairs, a joint decision was made by the Friends of the Levitt Pavilion and the Town Building Official that the time had come for a New Pavilion. The original bandshell was taken down and replaced by a temporary stage to keep summer seasons alive and uninterrupted as the campaign for a new Pavilion got underway. *The Friends of the Levitt Pavilion* purchased the temporary covered stage and supporting systems at a cost of \$150,000 and gifted it to the Town.

Through the generosity of corporate sponsorships, foundation grants, organizations and individuals, and with the support of the Town of Westport, Parks & Recreation and the Connecticut Office of the Arts, the Levitt Pavilion presents 50 to 60 nights of FREE top quality music, arts and entertainment every season.

Over the past 39 years, the Pavilion has grown to be a major cultural force in the region, playing host to such stellar performers as Willie Nelson, Tom Jones, Ray Charles, The Gipsy Kings, Tony Bennett, Kenny Loggins, Michael McDonald, Michael Bolton, the Doobie Brothers, Jose Feliciano, the Chieftains and Judy Collins – while still providing a stage for the stars of tomorrow. The Pavilion presents a vibrant range of music, featuring established and award-winning artists as well as emerging ones, from local bands to national and international acts, plus a mix of other performing arts including dance, comedy and film. Every summer also includes the acclaimed Children's Series on Wednesdays; and every season since 2004 also features RiverSwing, evening on which free professional dance instruction is offered before the concert begins.

The Westport Levitt Pavilion's operating, programming and outreach model is so successful that it has provided the blueprint for other pavilions across the country.

3. Relationship of the Levitt Pavilion to the Town of Westport

The Levitt Pavilion is an agency of the Town of Westport. The Levitt Pavilion Governing Committee is appointed by the First Selectman. The Town supports the pavilion by donating the land on which the Pavilion operates and providing office space and support, building maintenance services, grounds maintenance and utilities.

Additionally the Town provides a contribution toward programming funded by the Parks and Recreation Department program budget; the Town also provides a contribution toward the administration of the Levitt Pavilion through the Selectman's Office and health insurance for the Executive Director. In total, the cash contribution from the Town of Westport annual operating budget (including Parks & Recreation) to the Levitt Pavilion is currently approximately \$23,000 which represents less than 5% of the annual operating budget of the Pavilion.

The balance of funds is privately raised by the staff with the support of the Friends of the Levitt Pavilion. The 2012 operating budget is approximately \$600,000. They also maintain endowment funds to ensure the continued success of the Levitt Pavilion.

4. Impact of the Levitt Pavilion

By providing free and abundant access to performing arts, the Levitt Pavilion:

- Contributes to Westport's distinctive quality of life and reputation as a compelling cultural destination for both tourists and residents.
- **Stimulates the Westport economy through patrons' expenditures at local businesses like restaurants, hotels, retail stores. Recent data compiled by Americans for the Arts shows that an average arts attendee spends \$24.60 per event in addition to the cost of admission. In addition, data shows nonlocal attendees spend twice as much as local attendees (\$39.96 vs. \$17.42), demonstrating that when a community attracts cultural tourists, it harnesses significant economic rewards. (*Arts & Economic Prosperity, IV; Summary Report, 2012; page 2.*)**
- Delivers a critical resource to underserved communities – as well as all households currently facing these challenging economic times.
- Augments Arts Education; the majority of the events presented by The Pavilion are “all ages” and “family-friendly”. We program a children's series on Wednesdays, making for nine 9 programs dedicated to children. Early exposure to the arts fosters an appreciation for the arts and strengthens a myriad of cognitive skills. According to many studies (including two scholarly papers published in the “Arts Education Policy Review” in 2010), a steady cultural diet improves emotional intelligence and listening skills, encourages creative problem solving, and enhances communication across all age sectors.
- Creates “cultural omnivores”: Free access to the arts encourages people to try something new and broadens cultural tastes and habits. Our visitors are more likely to buy tickets to a range of programs – from concerts to theatre, from dance to museums – thus, free access to the arts does not replace ticket-buying – it encourages it.

By presenting professional artists – both established and emerging, the Levitt Pavilion:

- Gives residents unfettered access to legendary stars and the stars of tomorrow in an intimate accessible setting
- Supports new artists and provides a place where they can hone their skills; the Pavilion helps forge the creative careers of tomorrow.
- **Injects money into the local economy both through hiring additional seasonal staff, support and services to produce world-class programming and outreach, from technicians to event companies, piano tuners to face-painters, jugglers, dance instructors, gardeners – and so on.**

By preserving and cultivating a beautiful outdoor community venue:

- Responds to both an environmental imperative and a social one: the Pavilion's outdoor performances provide an opportunity for people to come together as one community regardless of age or income to enjoy the performing arts, enjoy nature – and enjoy one another.
- **Helps greatly to anchor Downtown Westport as a viable and vibrant community hub and destination; and draws tens of thousands of people to Main Street where they purchase picnic fare, takeout, and supplies, and/or invest in pre- and post-concert meals and activities.**

In addition to the Summer Season, the Levitt Pavilion presents productions and events throughout the year as well as serving as a permanent cultural and community resource.

The Levitt Pavilion:

- Co-presents the annual Blues, Views and BBQ festival in September with the Westport Downtown Merchants Association
- Presents the First Responders Concert, held on or close to 9/11, an annual event to benefit EMS agencies
- Hosts Eco-Fest, co-presented by Staples High School and Club Green each Spring
- Programs indoors as well! The Pavilion curates and produces Sunday Indoor Music Series at the Westport Center for Senior Activities for five months out of each year.
- Books and supports activities for Homes With Hope
- Provides consulting resources for marketing, producing and talent-booking for groups such as First Night and Haiti Lumiere de Demain (Haitian Children's Literacy)

Season to season the Pavilion partners with local organizations including Westport Arts Center, the Westport Public Library, Westport Cinema Initiative, Westport Youth Commission, Westport Youth Film Festival, Toquet Hall, and the Westport Farmers' Market on select presentations and programs – as well as a robust roster of local associations, organizations and small businesses.

5. Need for a new Levitt Pavilion

The Levitt Pavilion as constructed in 1973 served its purpose well for many years with a minimum of capital improvements, serving ever-growing audiences and presenting ever more sophisticated artists and shows. It was inevitable that the original wooden bandshell structure, as a seasonal building, would eventually succumb to the elements. Since 2007, the temporary stage has been in place and portable trailer facilities are used for storage and hospitality needs. Additionally, the grounds have fared poorly after 39 years of differential settlement of the landfill.

Meanwhile, the temporary stage and roof generate ever-increasing expenses associated with setting-up, striking, maintenance, storage, and repair; all of which contribute to a significant operational burden. It is now entering its sixth season and it will not be long before it will

need to be replaced entirely. In addition, temporary sound and lighting systems must be rented, adding significant operating costs.

The Pavilion as it exists today provides inadequate facilities for both audiences and performers alike. Conditions are primitive, at best.

The temporary stage is not a viable venue for the breadth of programming required by the Pavilion's mission. It cannot accommodate the full breadth of performing arts which is eponymous to the Pavilion's organizational identity and critical to our fundraising capacity. For example, the inability to present orchestras has gutted the classical series and with it associated funding for classical programs. Dance, theatre, and magic – popular components of the original pavilion – often require wing space and/or suitable flooring, neither of which is available, and thus cannot be presented at this temporary facility. Without an up-to-date physical plant, future operation of the Pavilion may not be feasible.

6. Design of the new Levitt Pavilion

The Levitt Pavilion has been designed by Peter Cadoux, Principal of Peter Cadoux Architects, P.C. of Westport. After countless hours of open public dialogue and due process, The Westport Planning and Zoning Commission has approved a comprehensive Master Plan for a permanent, state-of-the-art Levitt Pavilion for the Performing Arts. Peter Cadoux and his associates have worked closely with numerous public and private stakeholders to design a plan that incorporates this input to dramatically enhance the facilities and surrounding grounds. The improvements will result in a permanent recreational, cultural, and economic resource for the Town of Westport.

The new LEED-certified building will have a covered stage with vastly updated technical abilities, furthering our capacity to attract world-class artists as well as to support emerging ones. The design calls for a three significant elements:

1. A new stage encompasses performance space under a tensile roof structure and sound and lighting control rooms, performers' dressing areas and green room (to replace the trailer in back of the pavilion), and a covered loading dock and storage space.
2. A new covered entry pavilion includes rest rooms (to replace portable toilets currently in use), food concession and hospitality terrace to provide refreshments for concert-goers as well as a revenue opportunity for the Pavilion, an information booth and ticket office for fundraising events, and critically needed storage.
3. Finally the landscape plan calls for a new lawn seating area with improved sightlines and views of the Saugatuck, landscape enhancements to the site, extension of the RiverWalk around the site, a new entry plaza, and public picnic groves.

In addition the plan features enhanced wheelchair access throughout and the improved RiverWalk and picnic groves will directly connect the park to downtown Westport. The

design accommodates increasing audiences and more technically sophisticated shows; the structure itself contributes to the competitive edge and strength of the organization.

7. Construction

a. Land Use Approvals

The project has received all necessary local land use approval. The project will require an approval for CT DEP related to work on the landfill site. We have received an opinion from CT DEP that they do not anticipate problems with that approval, however an application at this time is premature as it requires detailed construction information and has an expiration which favors application closer to the actual beginning construction date. The project committee does not anticipate any delays related to this permit.

b. Project Budget

Cost estimate for the project have been developed by Peter Cadoux AIA in conjunction with the project consultants. See attached. Bids are due June 25. As such, additional information may be forthcoming prior to 7/11 meeting.

c. Construction

Construction is anticipated to take place beginning September 2012 and conclude in June 2013 prior to commencement of the 2013 performance season.

d. Land Fill Issues

All parties recognize the potential issues related to construction on the site of the former municipal landfill. As a result of this recognition and in response to concerns raised by elected officials during previous discussion related to the project, the Town has required the contractor to carry an environmental insurance policy to protect the Town from any potential liability related to construction on the landfill. We have proposed establishing a separate account to be used exclusively for cost related to the coverage as well as funds for other land fill related contingencies such as disposal of contaminated materials to be removed from the site. These funds would be released only with approval of the PSBC affirming the expenses are related to the land fill. It should be noted that known costs related to the landfill construction are already included in the cost estimate including the cost of pile supported construction and disposal of excavated municipal waste.

e. Public Site and Building Committee

The project has been assigned by the First Selectman to the Public Site and Building Committee for oversight. Robin Coleman and John Shuck are the PSBC representatives assigned to the project Committee and have been involved in the design development of the project and will continue to participate in the construction administration of the project as the Town's representatives.

f. Construction Contracts

The Town of Westport will contract for the construction of the Pavilion in accordance with current policies of the Town. No contract will be entered into without funds being in the possession of the Town. Funds provided by the Friends of the Levitt Pavilion will be placed in escrow with the Town Finance Department. Funds deposited by the Friends of the Levitt Pavilion will include an adequate project contingency and any balance at the conclusion of the project will be returned to the Friends of the Levitt Pavilion.

8. Funding

The Project has been included in the Town of Westport Capital Forecast for many years. Currently the project is identified for \$1M in municipal funding. All costs in excess of the Town appropriation will be covered by private funds raised by the staff and the Friends of the Levitt Pavilion (excluding land fill contingencies).

All project expenditures to date including Design Development and project approval costs have been paid for entirely by the Friends of the Levitt Pavilion. Those costs including the current contract for construction documents represent expenditures in excess of \$800,000

a. Gift

The balance of the funds for completion of the project will be provided by the Friends of the Levitt Pavilion in the form of a gift to the Town of Westport. This contribution is currently estimated at \$5M will include all costs in excess of the Town contribution including any construction cost overruns and contingency funds necessary to complete the project.

b. Private Fund Raising

The Friends of the Levitt Pavilion have undertaken a private and comprehensive fundraising campaign to fund the private portion of the project costs and to reimburse the Organization's endowment reserves for capital funds already expended for the temporary stage and pre-planning the permanent facilities. Currently the Friends of the Levitt Pavilion have in excess of \$4M in cash and pledges. All pledges will be guaranteed and will not be the obligation of the Town of Westport.

c. Operating costs and responsibilities

The new Levitt Pavilion will continue to be operated as a municipal facility of the Town of Westport as outlined in the operating agreement between the Town and the Friends of the Levitt Pavilion. The Town will continue to provide basic maintenance services as has been the practice for the past 39 years. The Town of Westport through the Department of Public Works Building Maintenance Department will continue to provide the same level of service as in the past related to seasonal opening and closing of the buildings, annual maintenance of the structures, and performance of inspections and recommendations to the Levitt Pavilion related to other work to be performed. The Parks and Recreation Department will continue to provide basic landscape services including lawn maintenance. The Parks and Recreation Department will be responsible for all maintenance related to the public river walk. The Town of Westport will continue to pay for utilities.

The Levitt Pavilion through private funding will support the enhanced maintenance costs related to the new structure including custodial services, maintenance of the tensile roof structures. The architect has specifically designed the Pavilion with low-maintenance and durable materials wherever possible. The Levitt Pavilion will contract with an outside firm for all other landscape maintenance including ornamental gardens, and tree and shrub maintenance and maintenance of the irrigation service. The Pavilion will continue to provide daily supervision for the facility during the operating season. In addition, The Levitt Pavilion will continue to provide annual governance, produce an annual festival, and oversee the annual programming and use of the facility.

9. SUMMARY

As detailed in the attached campaign budget, project construction and soft costs total \$6.7 million, of an overall provisional campaign goal of \$7.5 million. The continuing private phase of our campaign has generated a total in excess of \$4 million from gifts, grants and multi-year commitments. With the proposed \$1 million Town appropriation, the current total of available funds would make the project shovel-ready, even as the campaign fundraising continues. We would be able to break ground in September of 2012.

The Pavilion is already an anchor for our community and economy; delivering both immediate and lasting benefits to the quality of life here in Connecticut; profoundly and positively affecting our patrons, participants and partners. This new Pavilion will allow us to increase our outreach and expand our services.

The \$1 Million from the Town will ensure that we are shovel-ready and send an important signal to other prospects. Finally, the return the Town's investment will be quickly realized in the creation of a state-of-art performance destination, scheduled to open in 2013 for what will be its 40th Summer Season.

This will be Westport's Pavilion for the 21st century, ready and able to serve the next generation and beyond.

Thank you for your consideration.

10. ADDENDA

- Project Budget & Sources of Funds
- Letters of Support
- Photo Narrative / Drawings
- Press
- "Arts & Economic Prosperity IV: Summary Report", Americans for the Arts, 2012

The New Levitt Pavilion for the Performing Arts

Project Budget (as of June 25, 2012)	SITE	STAGE	ENTRY PAVILION	TOTAL
Construction & Development	\$1,493,000	\$2,360,000	\$1,270,000	\$5,123,000
ADA Ramp/Elevators	\$20,000	\$25,000	\$50,000	\$95,000
RiverWalk Way	\$377,800			\$377,800
LEED Certification & LED Upgrade	\$139,334	\$139,333	\$139,333	\$418,000
Sub-total:	\$2,030,134	\$2,524,333	\$1,459,333	\$6,013,800
Architect/Project Consultant Fees				\$853,580
Contingencies Construction, Design, & Escalation				\$541,242
Sub-total:				\$7,408,622
Design Fees Paid to Date				-\$676,188
Total Cost Construction Phase*				\$6,732,434

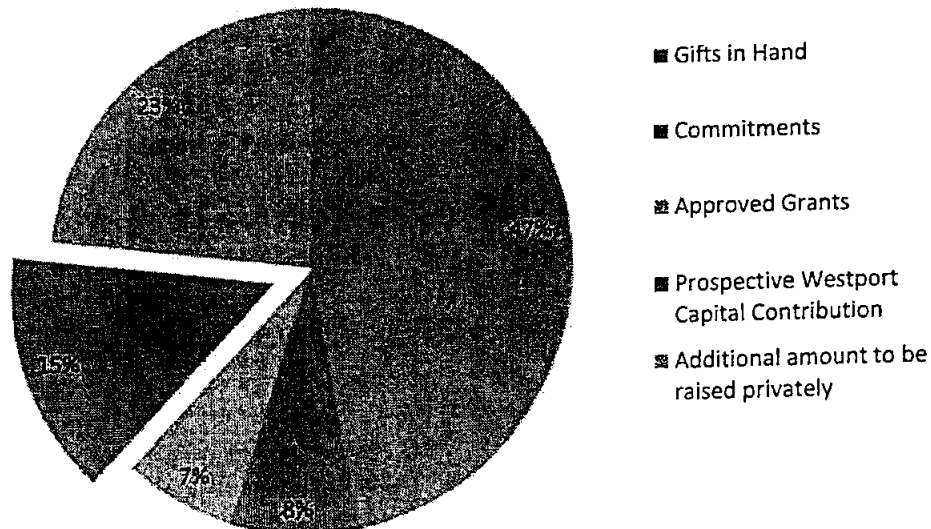
*Note: Revised budget based on preliminary review of bids received June 25, 2012. Actual construction cost may vary and will be determined following review of bids, add and deduct alternates and value engineering. An updated budget will be circulated on or before July 11.

The New Levitt Pavilion for the Performing Arts

Sources of Campaign Funds (as of June 25, 2012)		
Gifts in Hand	\$3,160,750	
Commitments	\$555,000	
Approved Grants	\$450,000	
Sub-total:		\$4,165,750
Remaining to be raised:		
Prospective Town of Westport Capital Contribution	\$1,000,000	
Additional amount to be raised privately*	\$1,566,684	
Sub-total:		\$2,566,684
Total Required Funds:		\$6,732,434

*Note: The Friends of the Levitt Pavilion has access to a line of credit that will cover the balance of funds yet to be raised. This line of credit will ensure construction initiation and completion as private fundraising continues. The Town will not be required to guarantee the loan; and neither the Pavilion nor any Town of Westport assets will be used as collateral.

The New Levitt Pavilion for the Performing Arts





WESTPORT, CONNECTICUT

GORDON F JOSELOFF
First Selectman

June 26, 2012

Westport Board of Finance Members
Westport Town Hall
110 Myrtle Avenue
Westport, CT 06880

RE: Friends of the Levitt Pavilion
Town of Westport

Dear Board of Finance Members:

Since 1973, the Town of Westport and the Friends of the Levitt Pavilion, Inc. have been one of the finest examples of a public-private partnership. The town provided the land, a former landfill, and volunteers secured the necessary funding to build the Levitt Pavilion for the Performing Arts. Since then, the town has contributed support and services to augment the growth of this independent and self-sustaining organization.

The Levitt Pavilion has become a treasured cultural resource that provides more than 50 free summer concerts annually. It is a very influential and a substantial part of summer activities in Westport; it also supports other organizations during the course of the entire year. The Levitt Pavilion's variety is unparalleled -- with programs for youngsters to oldsters and everyone in between. As such, it bridges and builds community -- people come together through a mutual love of arts and culture and those bonds extend beyond the park into the neighborhoods of Connecticut.

In 2007, the time came for a new Levitt Pavilion. The original 35-year-old wooden shell had run its course thanks to robust usage and Connecticut weather. It was replaced with a temporary portable stage (with limited technical capabilities and longevity) so that summer programming would continue uninterrupted as a Campaign for a New Levitt Pavilion was launched.

Working in collaboration with Westport-based architect, Peter Cadoux, the Levitt Pavilion sub-committee drafted schematic designs to replace the band shell and upgrade the entire three-acre pavilion. After more than two years in the planning and countless volunteer hours, as well as my full support, the Planning and Zoning Commission unanimously


approved applications that cleared the way for construction to begin as soon as funds were in place.

I support the campaign for a new Levitt Pavilion – without it, the cross-cultural richness and vitality of our community would change dramatically. The Levitt Pavilion has been an integral part of Westport for two generations. The campaign will revitalize it and ensure it continues.

The organization's private campaign is operating successfully and they have secured the largest individual gift in the town's history in the amount of \$2.5 million from the Mortimer & Mimi Levitt Foundation. The Friends of the Levitt Pavilion continue to raise major gifts and will soon launch the public campaign for the final phase.

The Town of Westport has \$1 million allocated in its capital forecast for the Levitt Pavilion. I encourage you to appropriate these funds. Your decision to do so will guarantee the project's completion in time for a 2013 grand opening and reap rewards for the Town of Westport for generations to come. There has never been a more important time for this public-private partnership to excel. Together we can send a message of support and guarantee mutual success.

Sincerely,


Gordon F. Joseloff
First Selectman

GFJ:ps



June 23, 2012

Mr. Avi Kaner, Chair
Board of Finance
Town of Westport

Dear Mr. Kaner and Members of the Westport Board of Finance:

I always tell people I moved to Westport for the schools and the beaches but I live in Westport because of so much more! The quality of life in Westport is so rich and alive and one of the things that makes life here so special is the Levitt Pavilion. My family and I love it at The Levitt!

Personally, I use and enjoy the Pavilion all summer. I am there every Sunday with a picnic with my family and friends, I attended the weekly Wednesday Children's concerts for years and I am also a big fan of their River Swing series – where the brave can get a free dance lesson before the show. I use the Levitt as an extension of my living room or deck, hosting dinner parties as it has a better view and live entertainment! What's better than that! It's pretty incredible that this quality of programming is available to our residents and beyond almost every night of the summer – at no charge. This is a place that every Westporter should take advantage of, for pleasure, business and everything in between!

Professionally, I see the Pavilion as an asset for all of Westport. It is a cultural magnet that brings both visitors to this area and engages locals with their community. It generates revenue for businesses – whether it's pre- or post-concert shopping, dining and takeout.

Supporting the Pavilion now is an investment in Westport, a choice to strengthen and prioritize community and the economy at the same time. I encourage you to make a capital gift towards the construction of a New Levitt Pavilion.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Parelli Gray', is written over the typed name.

Lisa Parelli Gray

Executive Director, President

ARS *foundation*

ADOLPH & RUTH SCHNURMACKER

551 Fifth Avenue

NYC, New York 10176

June 20, 2012

To: Mr. Avi Kaner & Members of the Board of Finance

As Chairman of the Board and co-chair of the capital campaign to build a new Levitt Pavilion for the Performing Arts, I write today to express my support for your consideration of a contribution in the amount of \$1,100,000 towards the construction of a new Levitt Pavilion.

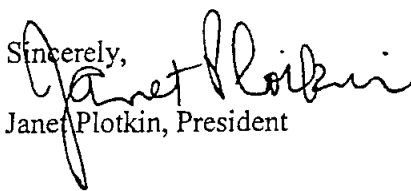
My husband and I have been actively involved in the Westport community for more than thirty years both as individuals and as directors of the Adolph & Ruth Schnurmacher Foundation. We have been donating to the Pavilion since 1996 and over the course of our relationship, we have donated over \$500,000. In 2011 we made a gift of \$50,000 as the first part of a multi-year pledge towards the comprehensive campaign for a new Levitt Pavilion. We deeply believe in the Pavilion and its mission and are committed to its future.

Long before I became a member of the Board of Directors of the Levitt Pavilion, my family enjoyed many summer evenings at the Pavilion. We've shared and deepened our love of music and performing arts with strangers who quickly become friends from all over Connecticut. As a former school teacher, I know first hand that one of the most treasured life lessons we can give our children is that music and the arts are the great equalizer. The diversity and variety of music and programming presented by the Pavilion appeals to all – and I firmly believe our communities would be vastly different without the Levitt Pavilion.

When our plans for a new Pavilion were first presented to the Town of Westport, one of our strongest supporters was Westport First Selectman Gordon F. Joseloff who said, "The Levitt Pavilion is an integral part of our community and has been going on for two generations. We are here to talk about a plan to revive it, to revitalize it and ensure it continues and lights the way."

I urge you to join us and help provide the support critical to building a new Levitt Pavilion for the Performing Arts. Most important, let's continue to provide access to enrichment for all and unite our neighbors with respect, appreciation and camaraderie.

Sincerely,


Janet Plotkin, President

June 26, 2012

Members of the Board of Finance,

The impact the new Levitt Pavilion will have on the performing arts and open space in Westport is well understood, but I would like to highlight three economic reasons why I support this project.

Return on Invested Capital

The new Pavilion project provides an opportunity for a substantial return on the Town's investment in the Public-Private Partnership. In return for the Town's investment of \$1.1million, it will receive a world class facility valued at several million dollars. Through the generosity of individual donors, the town will experience an economic return of many times its invested capital.

Catalyst for Additional Private Investment

Westport competes against communities in surrounding Fairfield County, NY and NJ for both business investment and new residents. When combined with our coveted schools, parks, beaches, theatrical venues and marinas, the redesigned Levitt will solidify Westport's renown as one of the country's premier communities.

Proven and Committed Partner

The Friends of the Levitt have successfully weathered more than a few economic cycles while operating the Pavilion for nearly 40 years. Risk is inherent in any endeavor but can be minimized by selecting a strong partner. Additionally, the Levitt has proven their commitment to this project by funding ~\$760k in planning and preparatory work without requesting any financial assistance from the Town.

In summary, contributing to the rebuilding of the Pavilion will disproportionately increase the value of the Town's infrastructure and should be viewed as a responsible use of precious resources. This investment will have a multiplier effect that will contribute to vibrant business activity and will help support residential investment in Westport. The Town is minimizing risk by building upon a relationship with a trusted and capable partner.

I respectfully urge you to support funding for the new Levitt Pavilion, one that will serve Westport for another generation.

Sincerely,

Edward Iannone
Westport, CT

DOWNTOWN MERCHANTS ASSOCIATION WESTPORT

June 1, 2012

Mr. Avi Kaner, Chair
Board of Finance
Town of Westport

Dear Mr. Kaner:

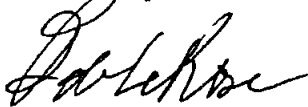
Westport's Downtown Merchants Association values the Levitt Pavilion for the Performing Arts and we want nothing more than to see it reach its renovation goals. We just undertook a re-branding of the DMA and the Pavilion is mentioned in our positioning statement-a key component to our future success.

Quite simply, downtown NEEDS a thriving Levitt Pavilion and nothing creates vibrancy more than a great summertime concert at the Pavilion.

Let's not forget the wonderful partnership we have created and will build upon for our annual Blues, Views and BBQ festival which brings thousands of people to Downtown Westport, and contributes thousands of dollars to the community.

We are just scratching the surface on all we can do together and the Downtown Merchants Association looks forward to continued collaboration with the Levitt Pavilion for the Performing Arts.

Sincerely,



Bob LeRose
President, WDMA

DANIEL E. ARON
57 WESTON ROAD
WESTPORT, CONNECTICUT 06880

June 23, 2012

Members of the Board of Finance,

As a 19-year Westport resident and a longtime board member of the Levitt Pavilion I am hopeful that the Board of Finance can support the New Levitt Pavilion project.

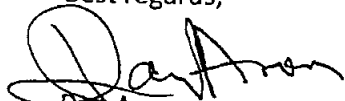
The private/public partnership between the Town and the Levitt has served Westporters well since 1973. What is being presented to you is an appropriation of \$1.1ml. The balance of the monies needed for this project will be raised by *The Friends of the Levitt Pavilion*.

Since moving to Westport, the Pavilion has been a regular spot for our family to visit. Our town residents and the community as a whole have shared in all it has to offer. Our town has so many wonderful facilities, including schools, beaches, parks and venues. The beautification of the park and the Pavilion site will ensure that this continues for the next generation of families.

My wife and I are making a substantial financial commitment to this project. While I recognize that times are challenging, it is the infrastructure that attracts people to our wonderful Town. We must continue to make that investment.

I thank you for your consideration.

Best regards,


Dan Aron

THE VAL DENN AGENCY

where roots meet words

www.ValDennAgency.com

512-391-3855

100 Congress Ave. Suite 20, Austin, Texas 78701

June 1, 2012

To Whom It May Concern:

I wanted to send a note of testimony in support of The Levitt Pavilion of Performing Arts; to share the importance and influence it has had in my 38-year musical career; and to express my appreciation for all the great music it has brought to my hometown.

The Levitt Pavilion has been a part of my life in several different ways since 1973 when it first opened. I grew up in Westport, CT. and it was in 8th grade that the Coleytown Middle School chorus was invited to perform at the newly built Levitt. I was given the solo and it was the first time I ever sang on a microphone. I sang Petula Clark's song "Downtown" as part of celebrating the new venue! It was a life changing moment. It was then I knew I wanted to build my life around music and knew that I was destined to make a career in the arts. My first payment for singing came 3 years later when I opened a show for my guitar teacher Therese Keenen at the Levitt Pavilion in 1976. I was 16 years old and can remember so clearly the voice of Mortimer Levitt welcoming the audience to the concert, and looking out and seeing my family there for my first paid concert. These are monumental memories! I then attended Berklee College of Music where I met my husband, and my future music partner. Over the years as musicians we have returned to the Levitt Pavilion to perform as "The Denns." This is always a special date for us, as I return to my hometown and to the treasured place where my musical education truly started.

In 1994 while raising our son, I decided to open a booking agency and we began to tour only in the summer. This endeavor has grown into a successful booking agency overseeing the careers of 12 other artists. I then got to work with the Pavilion's Executive Director Freda Welsh as an agent as well, to bring my artists to The Levitt Pavilion. I book artists ranging from Celtic fiddle music from Cape Breton, Nova Scotia to an Indian Tabla Music and Dance troupe from Ahmedabad, India, to producing a show based on the life of Woody Guthrie called "Ribbon of Highway, Endless Skyway A Tribute in the Spirit of Woody Guthrie," to several acts that are oriented to family/kid programs. All these diverse programs have performed or been booked to perform at The Levitt Pavilion. I have worked with Freda since I opened my agency and have been very impressed with the wide range of music that she brings to Levitt Pavilion.

When looking over the season each year it's astounding to see how The Levitt Pavilion and Ms. Welsh have found a way to continually educate and surprise her audiences with a very wide range of different music genres. One can scan the calendar and see World music, family programming, Jazz, Americana, Celtic, and dance music nearly every night during the season. It is also always a thrill to be invited to perform and to continue to be part of the Levitt Pavilion family for over 38 years!

Sincerely,



Valerie Denn

Owner/President Val Denn Agency

PHONE
512 391 3855

FAX
512 279 2477

WEB
www.valdenn.com



New Levitt Pavilion – Photo Narrative

The Levitt Pavilion Sub-Committee, which consists of members of the Public Site & Building Committee and Pavilion Governing Committee Members, selected Peter Cadoux, Principal of Peter Cadoux Architects, P.C. to provide schematic designs to replace the band-shell and upgrade the Pavilion site. The committee interviewed several firms, but ultimately chose Peter Cadoux because his firm specializes in designing structures that are both “aesthetically pleasing and functional.”

Peter Cadoux is a native of Westport and as the son of a builder he grew up drawn to the design aspect of building. He then earned both his Bachelors of Fine Arts and Bachelor of Architecture degrees from the Rhode Island School of Design. Since opening the office 16 years ago, he has become increasingly recognized as an authority on exceptionally good taste in architecture. His work has been nationally featured in the New York Times, Forbes, Better Homes and Gardens, Bon Appétit as well as numerous Connecticut-based magazines. He is licensed in the states of Connecticut and New York.

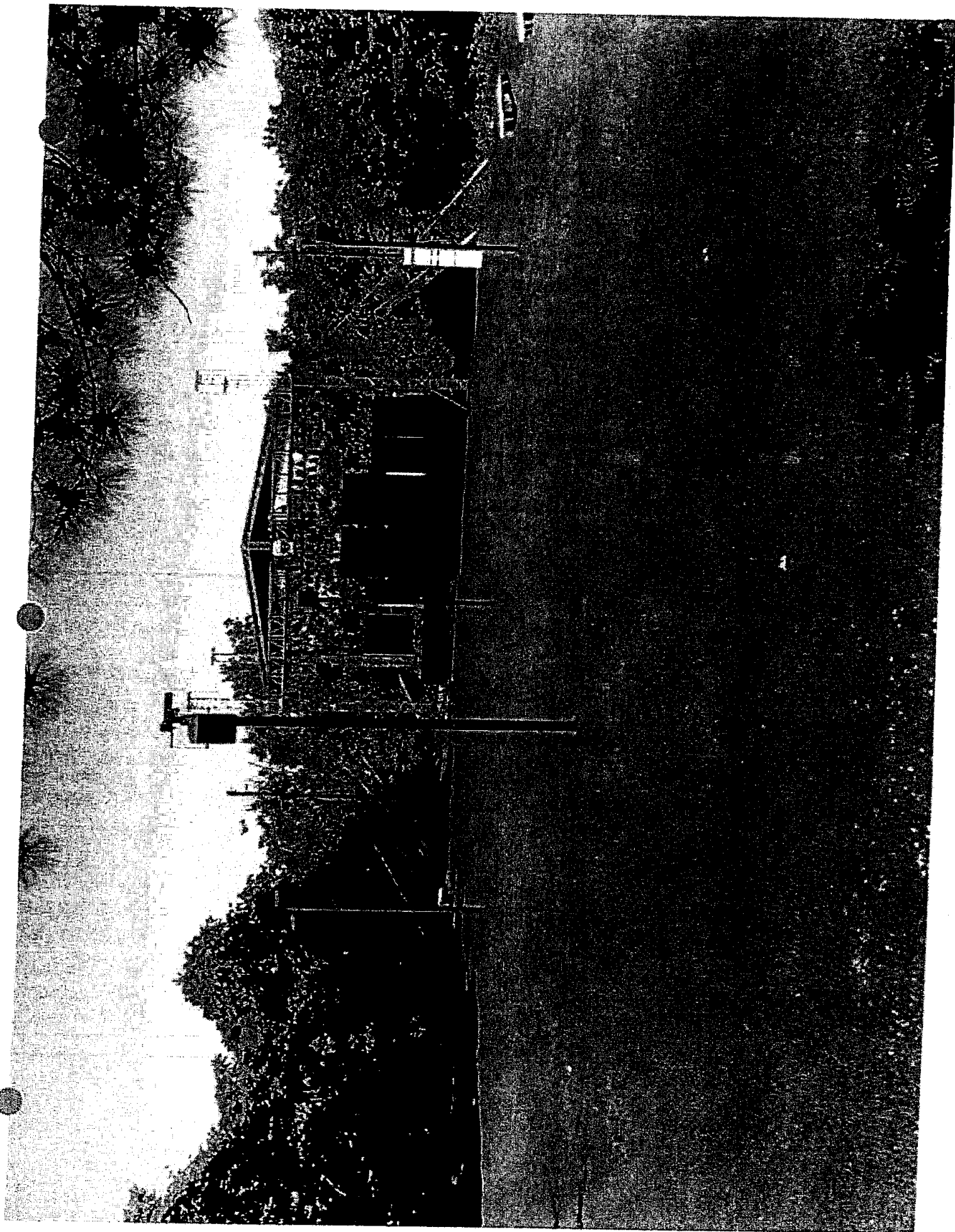
1. The existing site today with its temporary stage. This site is a former landfill that was closed in the 1950s and is part of the 10.6-acre town-owned Jesup Green. Westport was one of the first towns in the Country to transform a dump into a destination.
2. Architectural Site Rendering by Peter Cadoux Architects, P.C.
- 3 & 4. Overview. The Levitt Pavilion sits on a 1.6-acre peninsula at the confluence of the Saugatuck River and Dead Man’s Creek in Westport, CT. The current dirt road will be widened, resurfaced with pervious material and cleared of brush and invasive plants in the overall landscaping enhancement for the periphery of the Pavilion site.
5. The Pavilion’s entry area is at the north end of the site. There will be a pedestrian plaza at the entry area with a scenic overlook of the Saugatuck River. The entry area is elevated from the parking lot and will have handicap and stroller access, as well as conventional stairways.
6. The public will also be able to reach the lawn area by way of the 3 acre river-walk that runs along the Levitt site and up to the bridge that leads to the Imperial Avenue public parking lot.

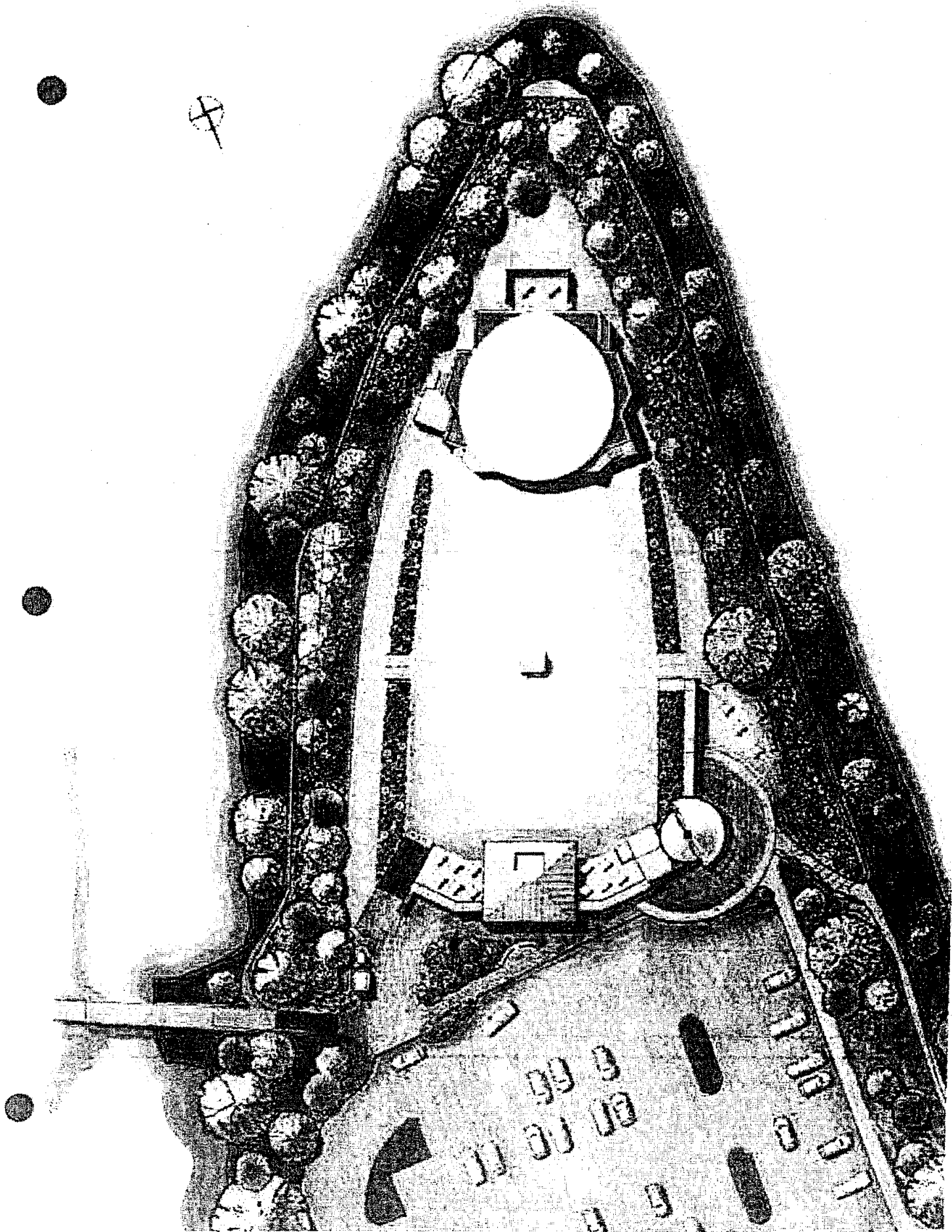
7. The excavation of the lawn area and the addition of soil fill will create a 6 percent rising gentle slope in the lawn area for audiences. The slope will run up to the height of the new entry building and will act as a retaining wall for the fill, while providing access to the lawn and a hospitality area for audiences, as well as storage for the facility. NOTE: Lawn grading is gradual and not steeped as illustrated.

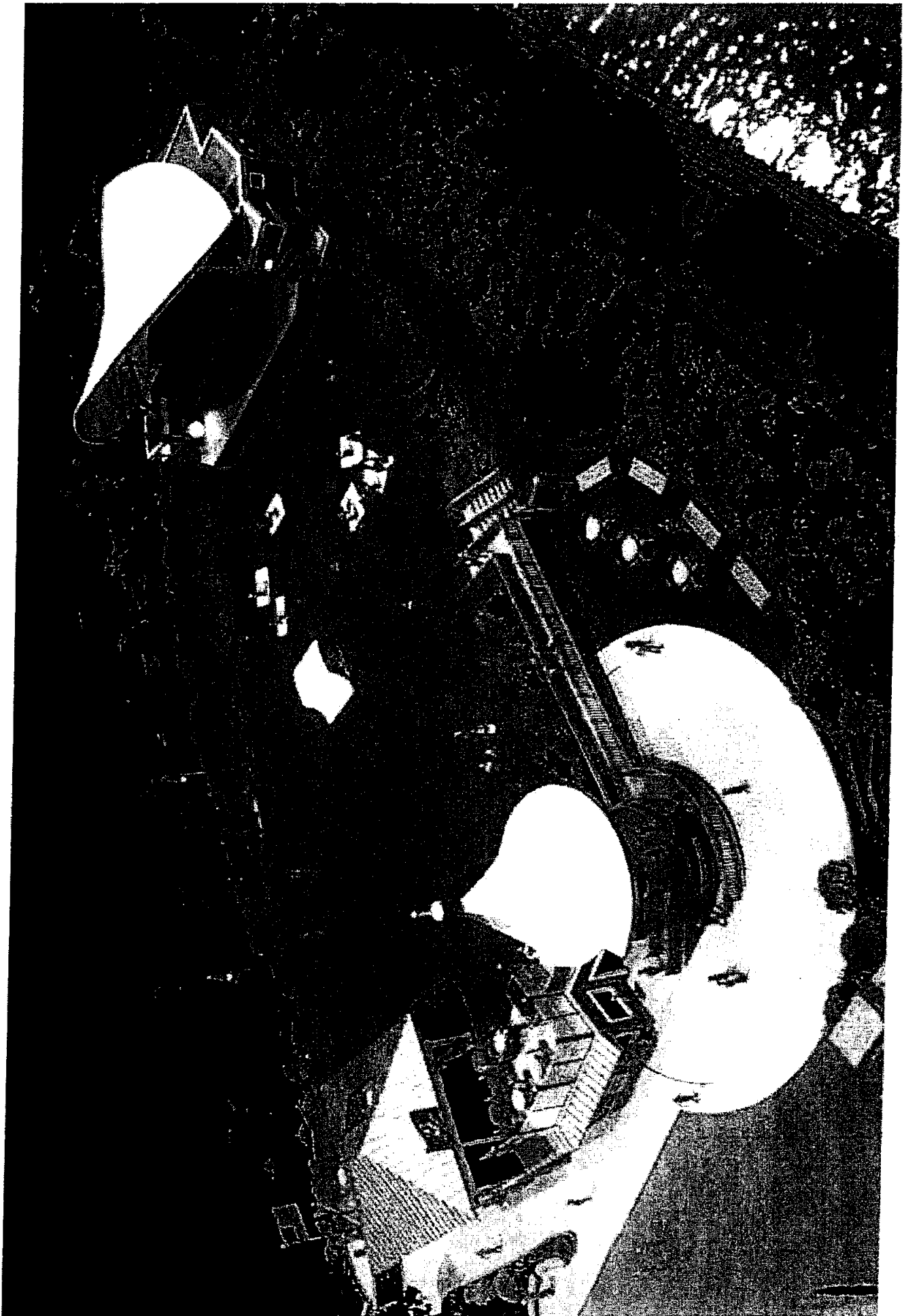
8. To the south of the entry area will be the new stage structure at the same location as the present temporary one, near the point of the peninsula. The new performance facility will have the latest in advanced acoustics and the low-maintenance cement shingles – made from recycled materials -- have the look of wood to be consistent with the residential zone. The new stage structure will have a green room, luncheonette and restrooms for the performers, as well as storage for equipment.

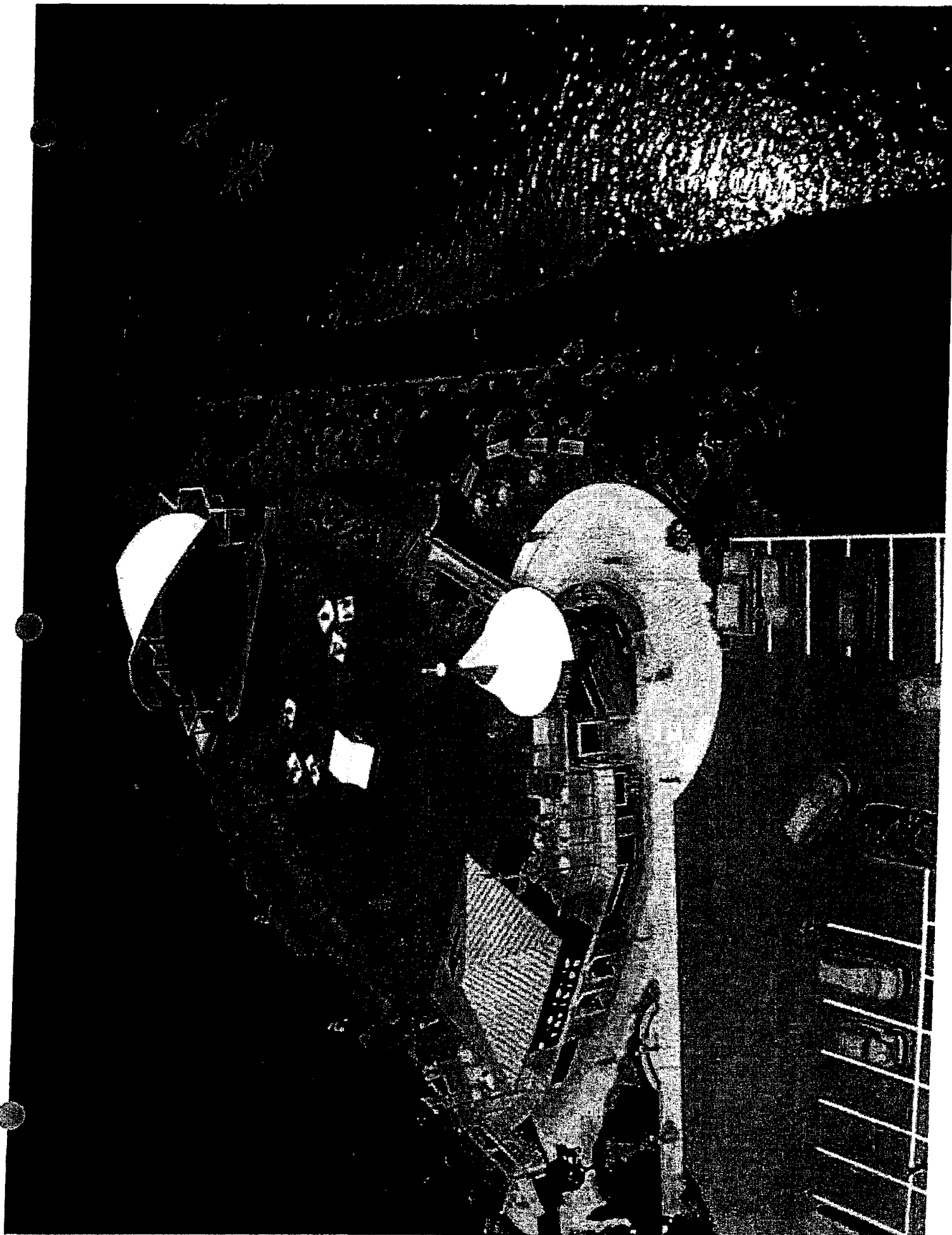
9. The roof covering of the stage is a geometric design, the hyperbolic paraboloid, to create a theatrical, nautical look in keeping with the river location. The white Teflon coating is self-cleaning and can withstand hurricane force winds and snow loads for this area. It does not absorb heat and will help the project earn a Leadership in Energy and Environmental Design (LEED) certification from the U.S. Green Building Council for sound environmental construction.

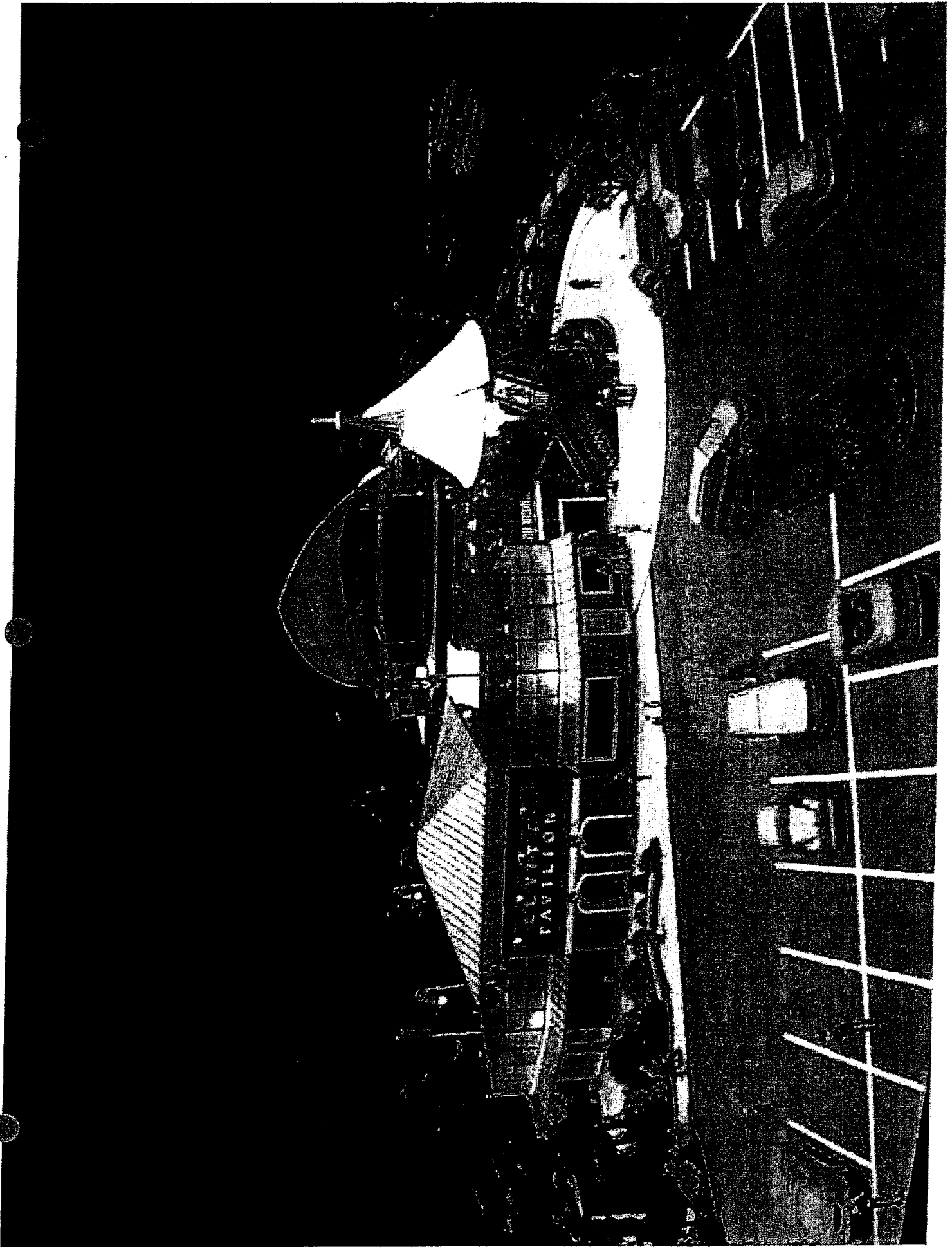
10. The New Levitt Pavilion with a new stage and entry pavilion with greater accessibility to the RiverWalk and picnic groves along the periphery of the facility.

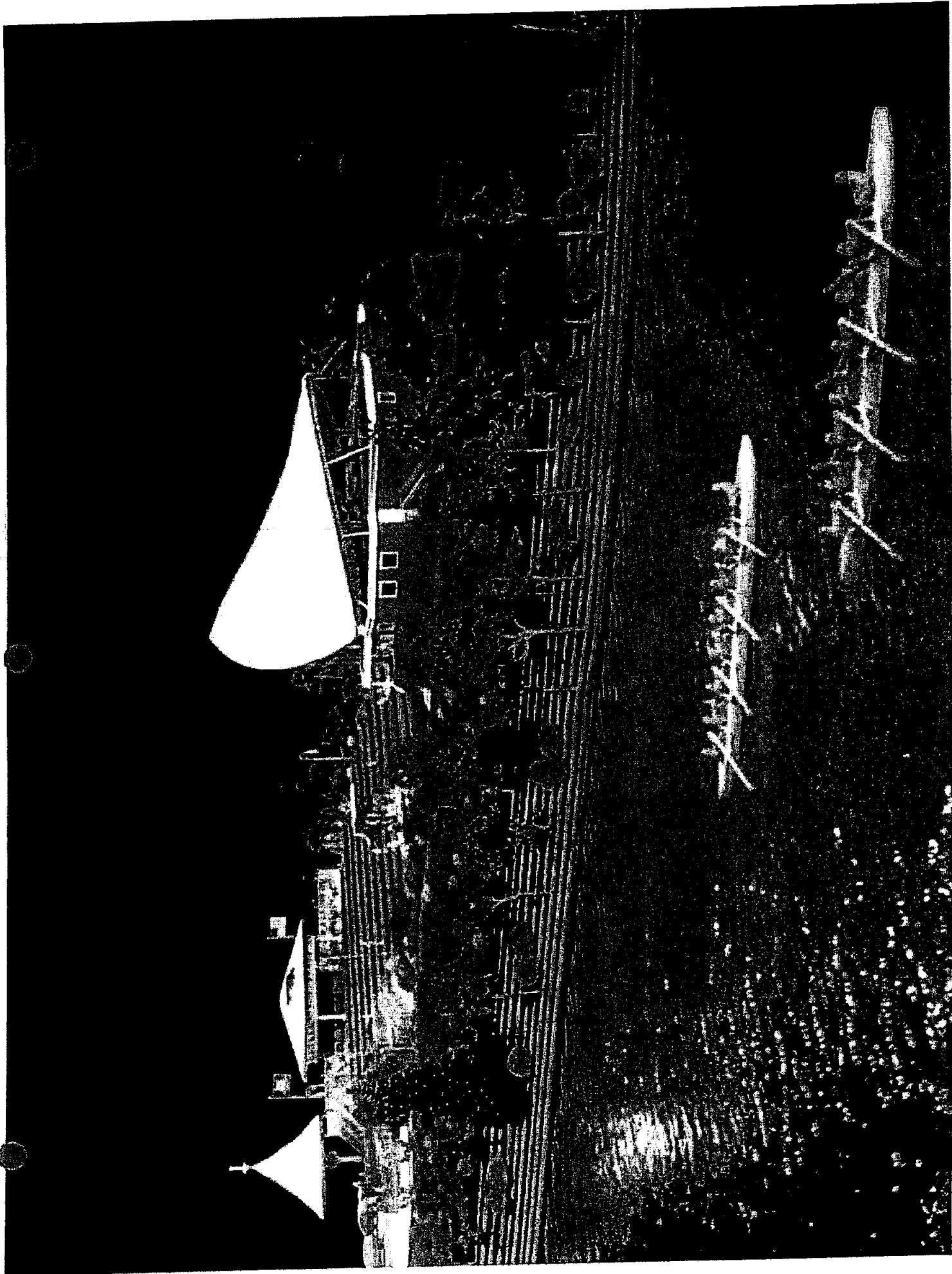


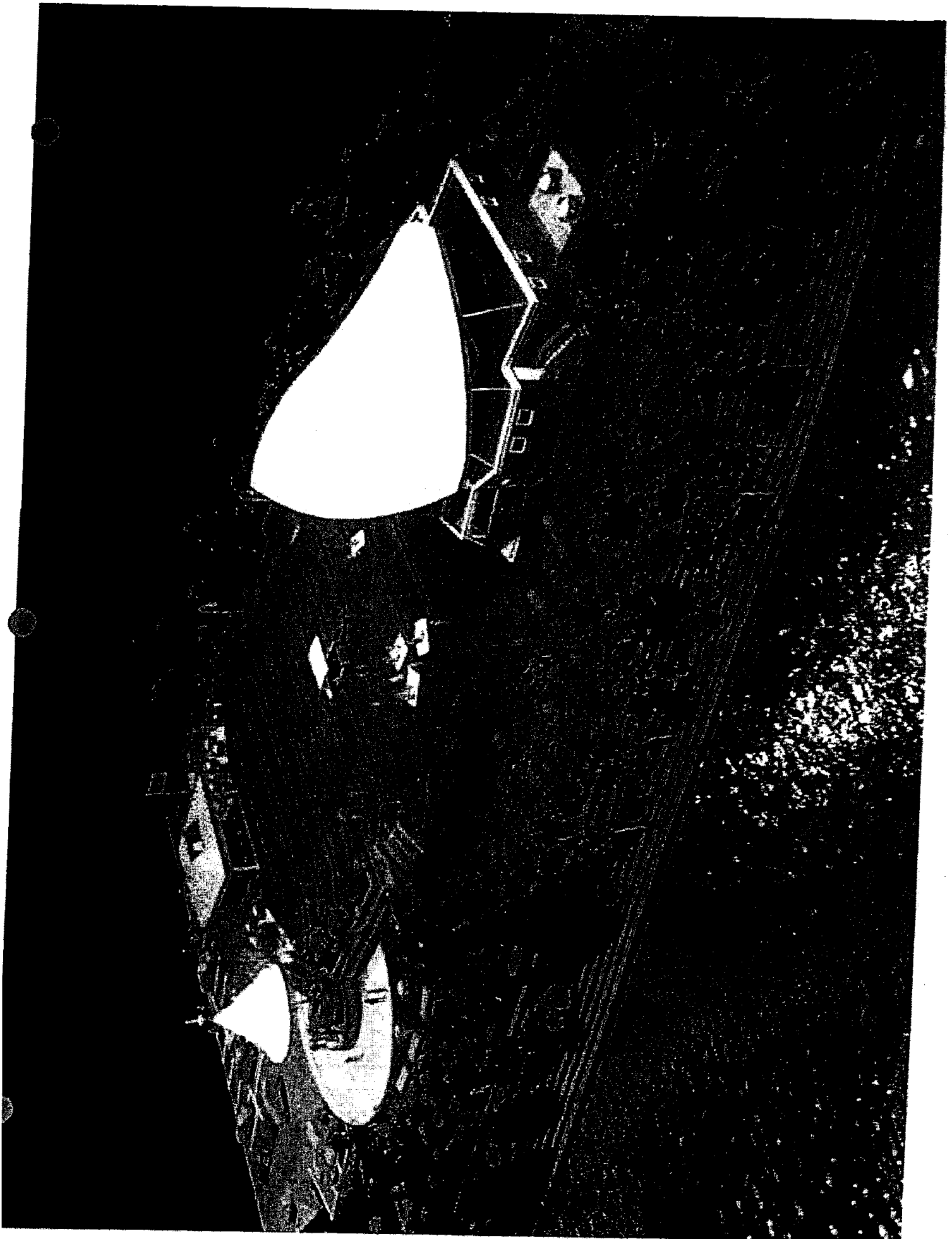


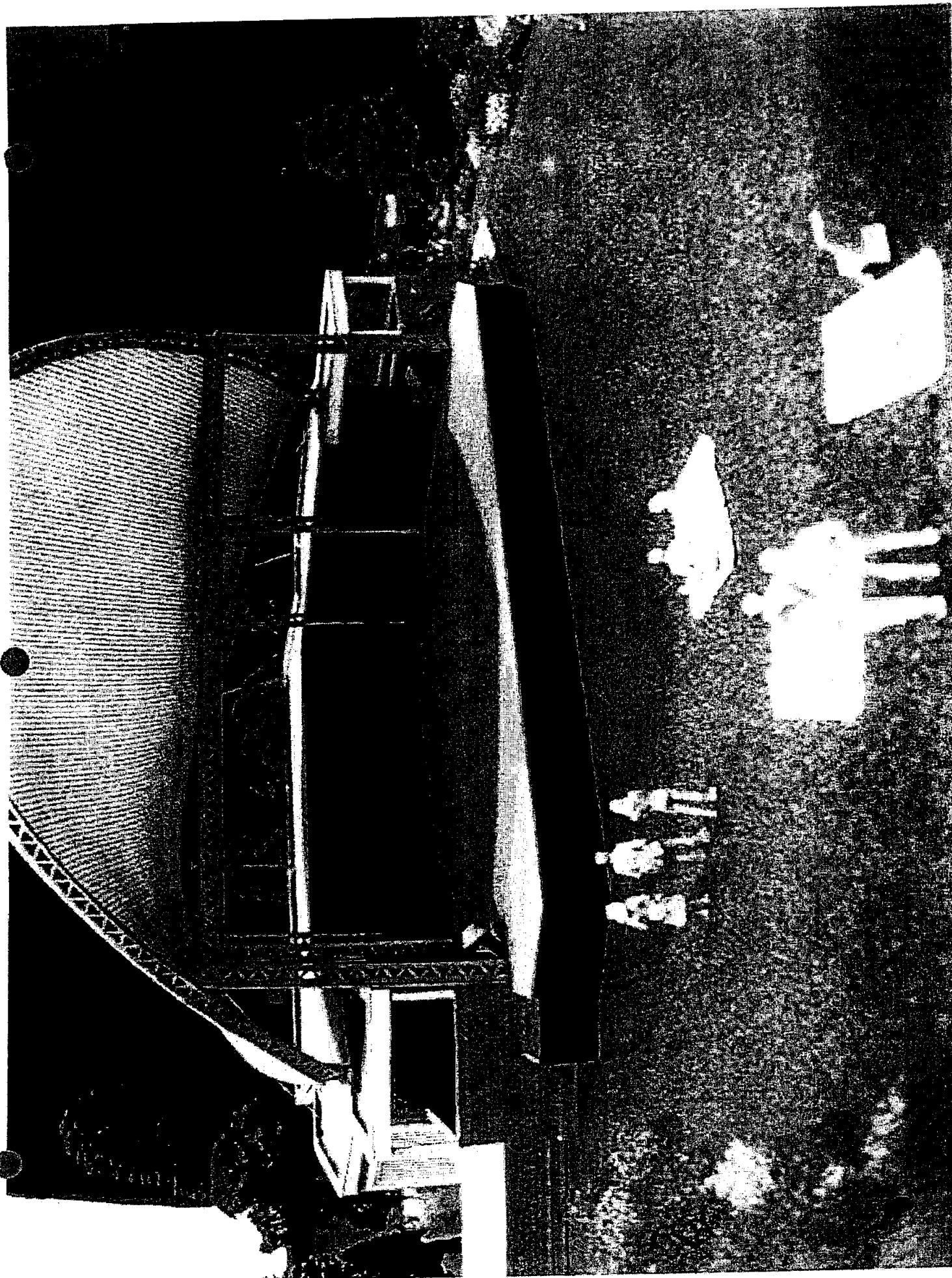


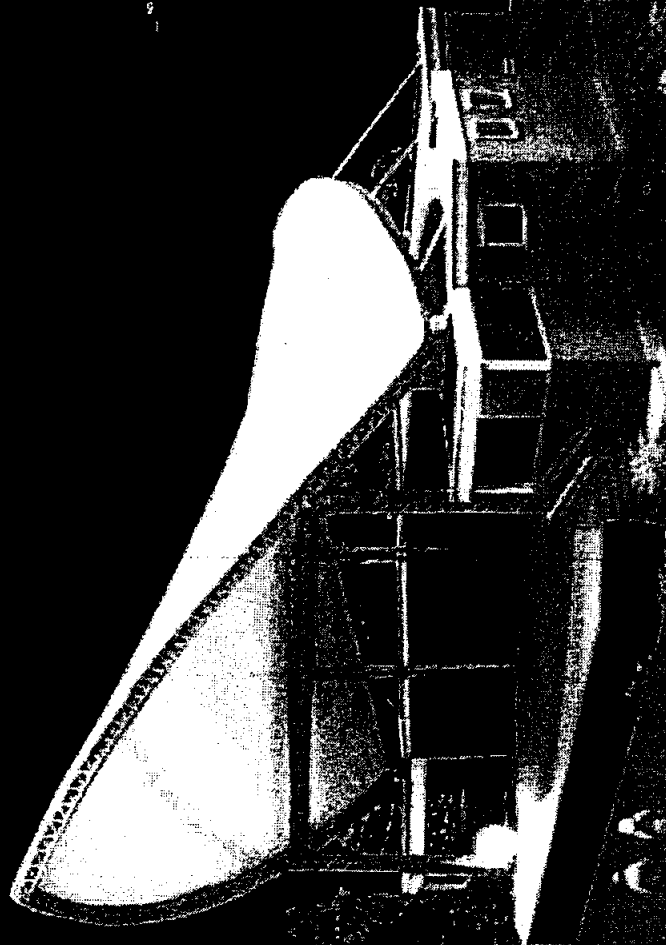














PRESS & APPLAUSE

- "Undoubtedly the most ambitious and entertaining free summer festival in Connecticut" – *New York Times*
- "The Pavilion can always be counted on to serve up a smorgasbord of musical treats sure to please every age and taste" – *Westport Magazine/Moffly Media*
- "Westport is indeed fortunate to be home to the Levitt Pavilion...a gem in our own backyard" – *Hearst Media*
- "It is estimated that more than half a million people have enjoyed free concerts at the Pavilion over the last three decades. It's time for the organizers to stand up and take a bow" – *Westchester Magazine*
- "Summer doesn't officially begin until the Levitt Pavilion opens" – *Westport Patch*
- "Pleasantly adventurous" – *New York Times*

From: The Lals
Sent: Friday, September 02, 2011 1:57 PM
To: Welsh, Carleigh
Subject: regarding DJ Rekha
Importance: High

A heartfelt THANKS to the team behind the Levitt Pavilion – for bringing DJ Rekha to Westport!

I was so excited to see DJ REKHA on the roster when the summer 2011 brochure arrived in the mail. I am not exaggerating when I say that it was surreal! In fact, till the last minute I could not believe that this is actually happening in Fairfield County Connecticut– so I called the Levitt Pavilion a few days before the event to confirm that DJ Rekha is indeed coming to Westport!

My husband and I hosted 40 of our close friends and family – we had such a blast that day. DJ Rekha was phenomenal! She made us all get on our feet and dance – NOT STOP. We enjoyed our wine and cheese, and danced to Bhangra music under the stars! Just like good old days in India. ☺

The best part about such an event being held at a venue like Levitt Pavilion was that people of all ages could participate. Our parents, and kids and in our family would not have been able to enjoy DJ Rekha's talent – had the venue been a nightclub. **This was a family-friendly perfection!** Looking forward to many such wonderful surprises!

Kind regards, Yamini Lal

From: ejay19
Sent: Saturday, September 10, 2011 3:16 PM
To: Welsh, Carleigh
Subject: Re: 9/9

Hi Carleigh,
We had a great time last night! Thank you! Civil Twilight was fantastic! I really hope you can have them back. I thought the Alternate Routes were equally terrific and look forward to their breakout, so you should have them back as often as you can, as well ;) The Wood Brothers and PJ Pacifico are also very talented original musicians. Great job having them for our enjoyment! I also had loads of fun with the Cast of Beatlemania, the Nu-Utopians, Keltic Kick, Cynthia Sayer, the Doughboys and Hank and Cupcakes.
Thanks so much!
Ejay

From: Cassidy Clark
Sent: Tuesday, September 27, 2011 9:43 PM
To: Welsh, Carleigh
Subject:

hi carleigh

my sister, dad, and i went to the civil twilight show at the levitt pavilion and i've known of civil twilight for a while and was so psyched/shocked you booked them!! and the fact the show was free! and the fact that the whole place is adorable !!

love what you guys are doing - it's such a great venue and such a great cause and it's so pleasant and i love knowing there are things out there that aren't just looking for a profit but is there just to entertain and bring people together via music for music's sake

so thank you for all of that
levitt pavillion = the best

take care :)

Go Forth
-Cassidy Clark

"The Levitt Pavilion is an absolute treasure and such a unique facility. To be able to see artists like Willie Nelson, the Beach Boys, Chuck Berry or Little Richard without leaving town is priceless and the 50-plus nights of free entertainment add such great value to summer in Westport " – Stuart McCarthy, Director of Westport Parks and Recreation, *Westport News*, April 4, 2011



ARTS & CULTURE

The Economic Impact of Nonprofit
Arts and Culture Organizations
and Their Audiences

ECONOMIC PROSPERITY IV

SUMMARY REPORT



The Arts Mean Business

BY AMERICANS FOR THE ARTS PRESIDENT & CEO ROBERT L. LYNCH

America's artists and arts organizations live and work in every community coast-to-coast—fueling creativity, beautifying our cities, and improving our quality of life. In my travels across the country, business and government leaders often talk to me about the challenges of funding the arts amid shrinking resources and alongside other pressing needs. They worry about jobs and the economy. Is their region a magnet for attracting and retaining a skilled and innovative workforce? How well are they competing in the high-stakes race to attract new businesses? The findings from *Arts & Economic Prosperity IV* send a clear and welcome message: leaders who care about community and economic vitality can feel good about choosing to invest in the arts.

Arts & Economic Prosperity IV is our fourth study of the nonprofit arts and culture industry's impact on the economy. The most comprehensive study of its kind ever conducted, it features customized findings on 182 study regions representing all 50 states and the District of Columbia as well as estimates of economic impact nationally. Despite the economic headwinds that our country faced in 2010, the results are impressive. Nationally, the industry generated \$135.2 billion of economic activity—\$61.1 billion by the nation's nonprofit arts and culture organizations in addition to \$74.1 billion in event-related expenditures by their audiences. This economic activity supports 4.1 million full-time jobs. Our industry also generates \$22.3 billion in revenue to local, state, and federal governments every year—a yield well beyond their collective \$4 billion in arts allocations.

Arts and culture organizations are resilient and entrepreneurial businesses. They employ people locally, purchase goods and services from within the community, and market and promote their regions. Arts organizations are rooted locally; these are jobs that cannot be shipped overseas. Like most industries, the Great Recession left a measurable financial impact on the arts—erasing the gains made during the pre-recession years and leaving 2010 expenditures 3 percent behind the 2005 levels. The biggest effect of the recession was on attendance and audience spending. Inevitably, as people lost jobs and worried about losing their homes, arts attendance—like attendance to sports events and leisure travel—waned as well. Yet, even in a down economy, some communities saw an increase in their arts spending and employment. As the economy rebounds, the arts are well poised for growth. They are already producing new and exciting work—performances and exhibitions and festivals that entertain, inspire, and increasingly draw audiences.

Arts & Economic Prosperity IV shows that arts and culture organizations leverage additional event-related spending by their audiences that pumps revenue into the local economy. When patrons attend an arts event, they may pay for parking, eat dinner at a restaurant, shop in local retail stores, and have dessert on the way home. Based on the 151,802 audience surveys conducted for this study, the typical arts attendee spends \$24.60 per person, per event, beyond the cost of admission.

Communities that draw cultural tourists experience an additional boost of economic activity. Tourism industry research has repeatedly demonstrated that arts tourists stay longer and spend more than the average traveler. *Arts & Economic Prosperity IV* reflects those findings: 32 percent of attendees live outside the county in which the arts event took place, and their event-related spending is more than twice that of their local counterparts (nonlocal: \$39.96 vs. local: \$17.42). The message is clear: a vibrant arts community not only keeps residents and their discretionary spending close to home, but it also attracts visitors who spend money and help local businesses thrive.

Arts & Economic Prosperity IV demonstrates that America's arts industry is not only resilient in times of economic uncertainty, but is also a key component to our nation's economic recovery and future prosperity. Business and elected leaders need not feel that a choice must be made between arts funding and economic prosperity. This study proves that they can choose both. Nationally as well as locally, the arts mean business.

ECONOMIC IMPACT OF THE NONPROFIT ARTS & CULTURE INDUSTRY (2010)

AREA OF IMPACT	ORGANIZATIONS	AUDIENCES	TOTAL
TOTAL DIRECT EXPENDITURES	\$61.12 BIL	+ \$74.08 BIL	= \$135.20 BIL
FULL-TIME EQUIVALENT JOBS	2.24 MIL	+ 1.89 MIL	= 4.13 MIL
RESIDENT HOUSEHOLD INCOME	\$47.53 BIL	+ \$39.15 BIL	= \$86.68 BIL
LOCAL GOVERNMENT REVENUE	\$2.24 BIL	+ \$3.83 BIL	= \$6.07 BIL
STATE GOVERNMENT REVENUE	\$2.75 BIL	+ \$3.92 BIL	= \$6.67 BIL
FEDERAL INCOME TAX REVENUE	\$5.26 BIL	+ \$4.33 BIL	= \$9.59 BIL

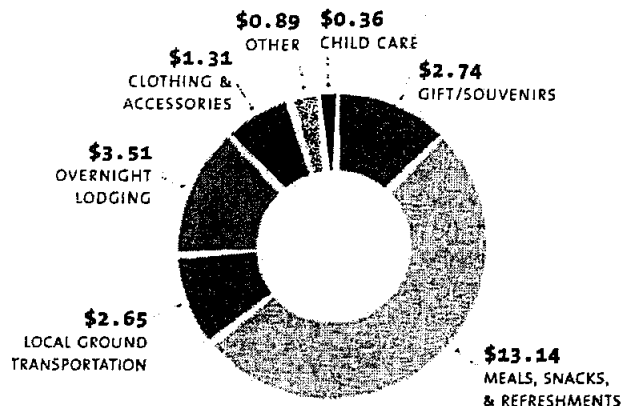
ORGANIZATIONS

In 2010, nonprofit arts and culture organizations pumped an estimated \$61.1 billion into the economy. Nonprofit arts and culture organizations are employers, producers, consumers, and key promoters of their cities and regions. Most of all, they are valuable contributors to the business community.

AUDIENCES

Dinner and a show go hand-in-hand. Attendance at arts events generates income for local businesses—restaurants, parking garages, hotels, retail stores. An average arts attendee spends \$24.60 per event in addition to the cost of admission. On the national level, these audiences provided \$74.1 billion of valuable revenue for local merchants and their communities. In addition, data shows nonlocal attendees spend twice as much as local attendees (\$39.96 vs. \$17.42), demonstrating that when a community attracts cultural tourists, it harnesses significant economic rewards.

AVERAGE PER PERSON AUDIENCE EXPENDITURES: \$24.60



Economic Impact of America's Nonprofit Arts & Culture Industry

Americans for the Arts - Arts & Economic Prosperity IV

Every day, more than 100,000 nonprofit arts and culture organizations populate America's cities and towns and make their communities more desirable places to live and work. They provide inspiration and enjoyment to residents, beautify shared public spaces, and strengthen the social fabric of our communities. This study demonstrates that the nonprofit arts and culture industry is also an economic driver—an industry that supports jobs, generates government revenue, and is the cornerstone of our tourism industry.

Nonprofit arts and culture organizations pay their employees, purchase supplies, contract for services, and acquire assets from within their communities. Their audiences generate event-related spending for local merchants such as restaurants, retail stores, hotels, and parking garages. This study sends an important message to community leaders: support for the arts is an investment in economic well-being as well as quality of life.

Nationally, the nonprofit arts and culture industry generates \$135.2 billion in economic activity every year—

\$61.1 billion in spending by organizations and an additional \$74.1 billion in event-related spending by their audiences. The impact of this activity is significant; these dollars support 4.1 million U.S. jobs and generate \$22.3 billion in government revenue.

Arts & Economic Prosperity IV is the most comprehensive study of the nonprofit arts and culture industry ever conducted. It documents the economic impact of the nonprofit arts and culture industry in 182 communities and regions (139 cities and counties, 31 multi-county or

multi-city regions, 10 states, and two arts districts), representing all 50 states and the District of Columbia. The diverse communities range in population from 1,600 to 4 million and from small rural to large urban. Researchers collected detailed expenditure and attendance data from 9,721 nonprofit arts and culture

ECONOMIC IMPACT OF THE NONPROFIT ARTS & CULTURE INDUSTRY (2010)

(Combined spending by both nonprofit arts and culture organizations AND their audiences)

TOTAL DIRECT EXPENDITURES
 FULL-TIME EQUIVALENT JOBS
 RESIDENT HOUSEHOLD INCOME
 LOCAL GOVERNMENT REVENUE
 STATE GOVERNMENT REVENUE
 FEDERAL INCOME TAX REVENUE

\$135.2 BIL
4.13 MIL
\$86.68 BIL
\$6.07 BIL
\$6.67 BIL
\$9.59 BIL

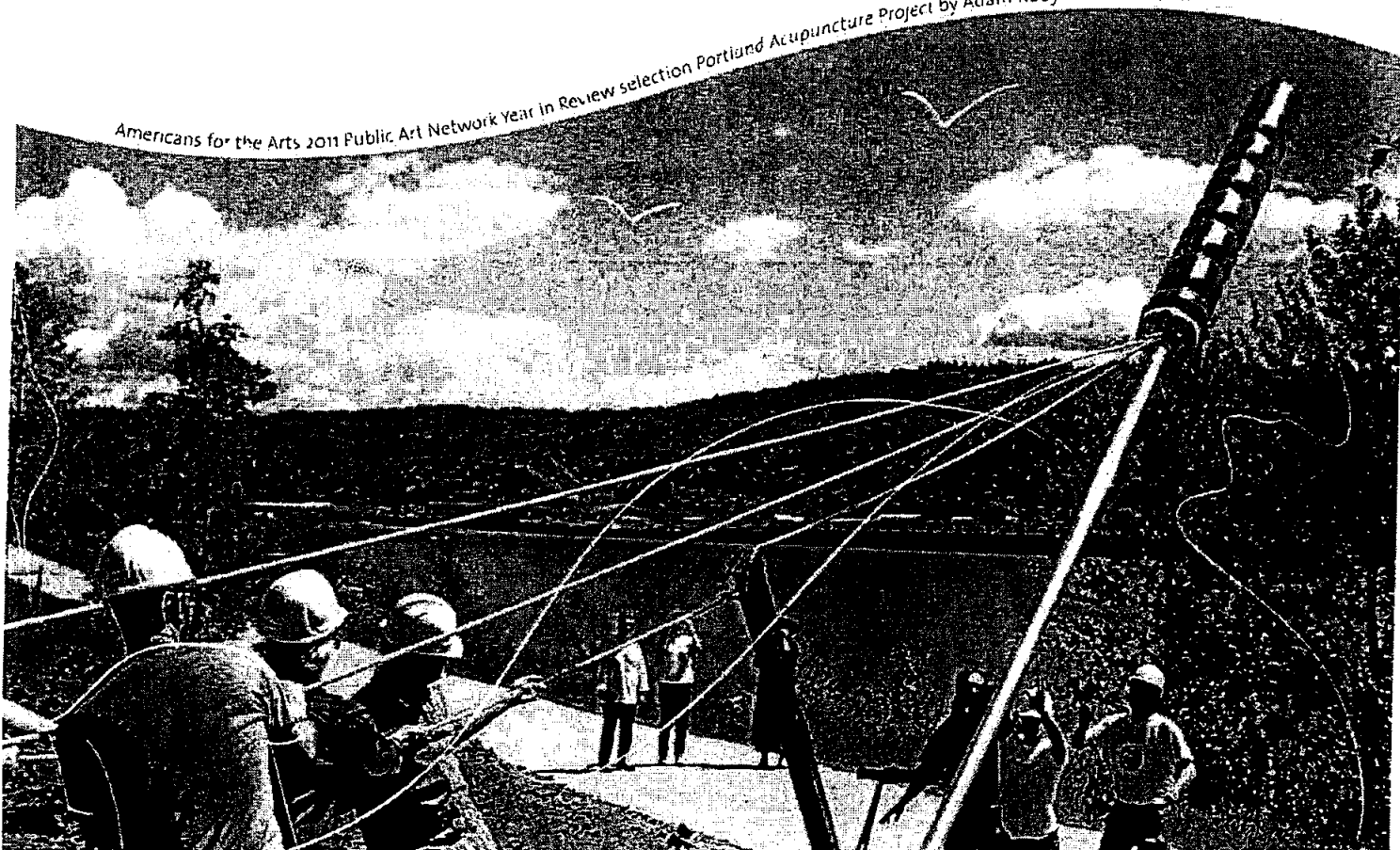
organizations and 151,802 of their attendees to measure total industry spending. Project economists from the Georgia Institute of Technology customized input-output analysis models for each study region to provide specific and reliable economic impact data. This study uses four economic measures to define economic impact: full-time equivalent jobs, resident household income, and revenue to local and state government.

- *Full-Time Equivalent (FTE) Jobs* describe the total amount of labor employed. Economists measure FTE jobs, not the total number of employees, because it is a more accurate measure that accounts for part-time employment.
- *Resident Household Income* (often called *Personal Income*) includes salaries, wages, and entrepreneurial income paid to local residents. It is the money residents earn and use to pay for food, mortgages, and other living expenses.

- *Revenue to Local and State Government* includes revenue from taxes (income, property, or sales) as well as funds from license fees, utility fees, filing fees, and other similar sources.

The *Arts & Economic Prosperity IV* study focuses on nonprofit arts and culture organizations and their audiences, but takes an inclusive approach that accounts for the uniqueness of different localities. These include government-owned and government-operated cultural facilities and institutions, municipal arts agencies, private community arts organizations, unincorporated arts groups, living collections (such as zoos, aquariums and botanical gardens), university presenters, and arts programs that are embedded under the umbrella of a non-arts organization or facility (such as a community center or church). The study excludes spending by individual artists and the for-profit arts and entertainment sector (e.g., Broadway or the motion picture industry).

Americans for the Arts 2011 Public Art Network Year in Review selection Portland Acupuncture Project by Adam Kuby in Portland, OR



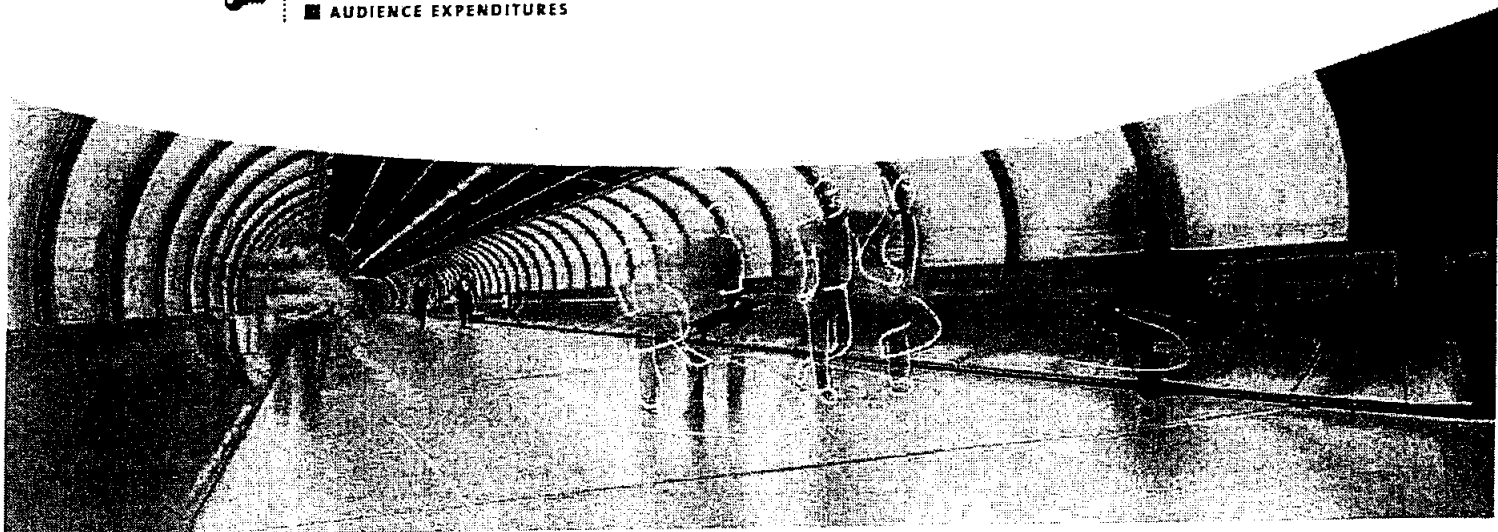
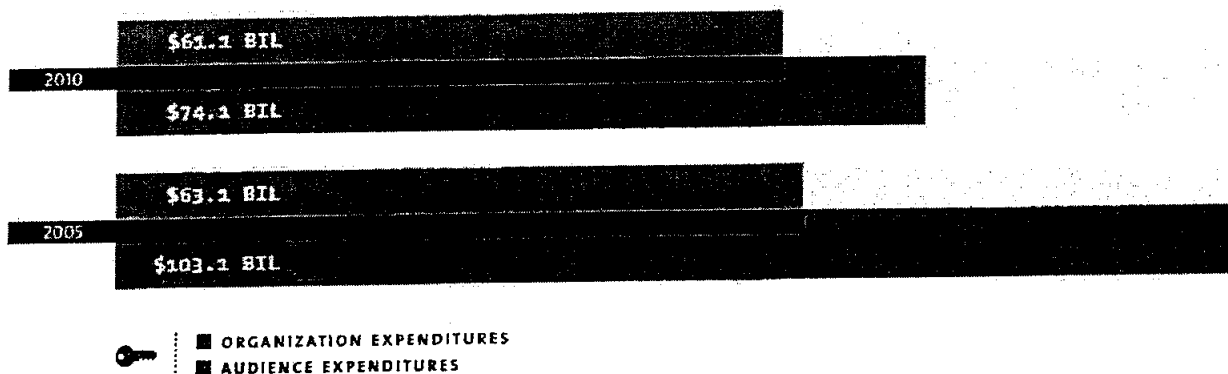
The Arts in the Great Recession

Arts & Economic Prosperity III was completed in 2005, and while study-to-study comparisons should be made cautiously, it is clear that the same economic headwinds that affected all industries in 2010 also impacted the nonprofit arts. Between 2005–2010, unemployment rose from 5.1 percent to 9.7 percent. Consumer confidence dropped from 101 to 54. Home foreclosures tripled to 2.9 million. As people lost their jobs and houses, arts attendance—like tourism, attendance to sporting events, and leisure travel—declined as well.

Like most industries, the Great Recession left a measurable financial impact on the arts—erasing the gains made during the pre-recession years and leaving 2010 organizational expenditures 3 percent behind their 2005 levels. The

more noticeable decrease was in total audience spending. Both the 2010 and 2005 studies boast large and reliable survey samples. The 94,478 audience surveys collected for the 2005 study showed an average event-related expenditure of \$27.79, per person per event, not including the cost of admission. The 151,802 audience surveys conducted for this report showed an 11 percent decrease to \$24.60 (-21 percent when adjusted for inflation). Compounding that drop was a decrease in the share of nonlocal attendees. In 2005, 39 percent of attendees were nonlocal, versus 32 percent for this study. Finally, average per person spending declined for both locals (\$19.53 in 2005 vs. \$17.42 in 2010) as well as for nonlocals (\$40.19 in 2005 vs. \$39.96 on 2010). Thus, not only was there a decrease in the share of nonlocal arts attendees—both groups also spent less per person, per event.

ECONOMIC IMPACT OF THE NONPROFIT ARTS & CULTURE INDUSTRY



Direct & Indirect Economic Impact: How a Dollar Is Represented in a Community

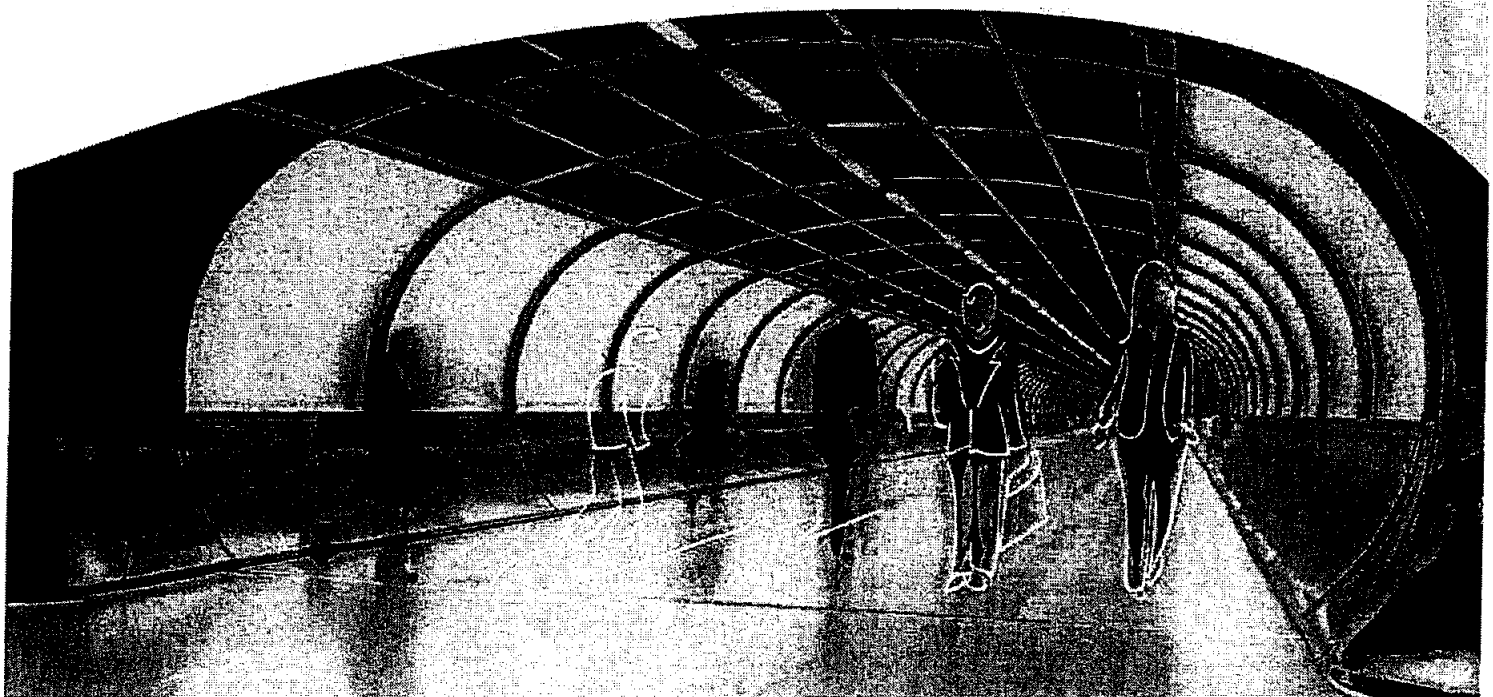
Arts & Economic Prosperity IV uses a sophisticated economic analysis called input-output analysis to measure economic impact. It is a system of mathematical equations that combines statistical methods and economic theory. Input-output analysis enables economists to track how many times a dollar is "re-spent" within the local economy, and the economic impact generated by each round of spending. How can a dollar be re-spent? Consider the following example:

A theater company purchases a gallon of paint from the local hardware store for \$20, generating the direct economic impact of the expenditure. The hardware store then uses a portion of the aforementioned \$20 to pay the sales clerk's salary; the sales clerk re-spends some of the money for groceries; the grocery store uses some of the money to pay its cashier; the cashier then spends some for the utility bill; and so on. The subsequent rounds of spending are the indirect economic impacts.

Thus, the initial expenditure by the theater company was followed by four additional rounds of spending (by the hardware store, sales clerk, grocery store, and the cashier).

- The effect of the theater company's initial expenditure is the direct economic impact.
- The subsequent rounds of spending are all of the indirect economic impacts.
- The total economic impact is the sum of all of the direct and indirect impacts.

Note: *Interestingly, a dollar "ripples" very differently through each community, which is why each study region has its own customized economic model.*



Nonprofit Arts & Culture Organizations

Nonprofit arts and culture organizations are good business citizens. They are employers, producers, consumers, members of their Chambers of Commerce, and partners in the marketing and promotion of their cities and regions.

Spending by nonprofit arts and culture organizations nationally was estimated at \$61.1 billion in 2010. This output supports 2.2 million U.S. jobs, provides \$47.5 billion in household income, and generates \$10.2 billion in total government revenue.

IMPACT OF NONPROFIT ARTS & CULTURE ORGANIZATIONS

(Expenditures by organizations only)

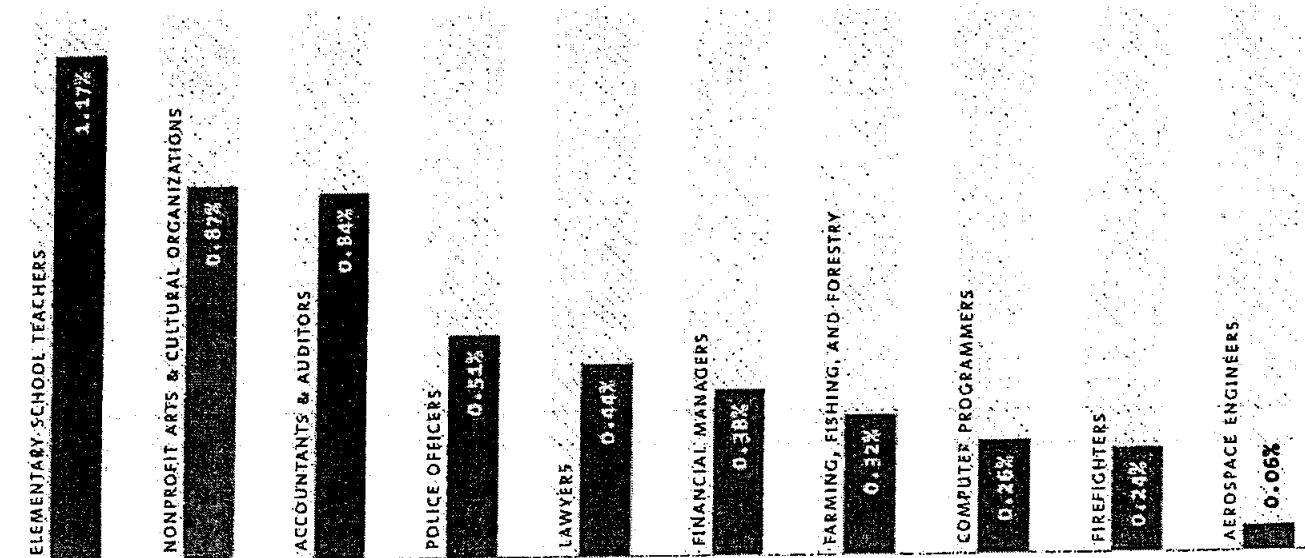
TOTAL DIRECT EXPENDITURES	\$61.12 BIL
FULL-TIME EQUIVALENT JOBS	2.24 MIL
RESIDENT HOUSEHOLD INCOME	\$47.53 BIL
LOCAL GOVERNMENT REVENUE	\$2.24 BIL
STATE GOVERNMENT REVENUE	\$2.75 BIL
FEDERAL INCOME TAX REVENUE	\$5.26 BIL

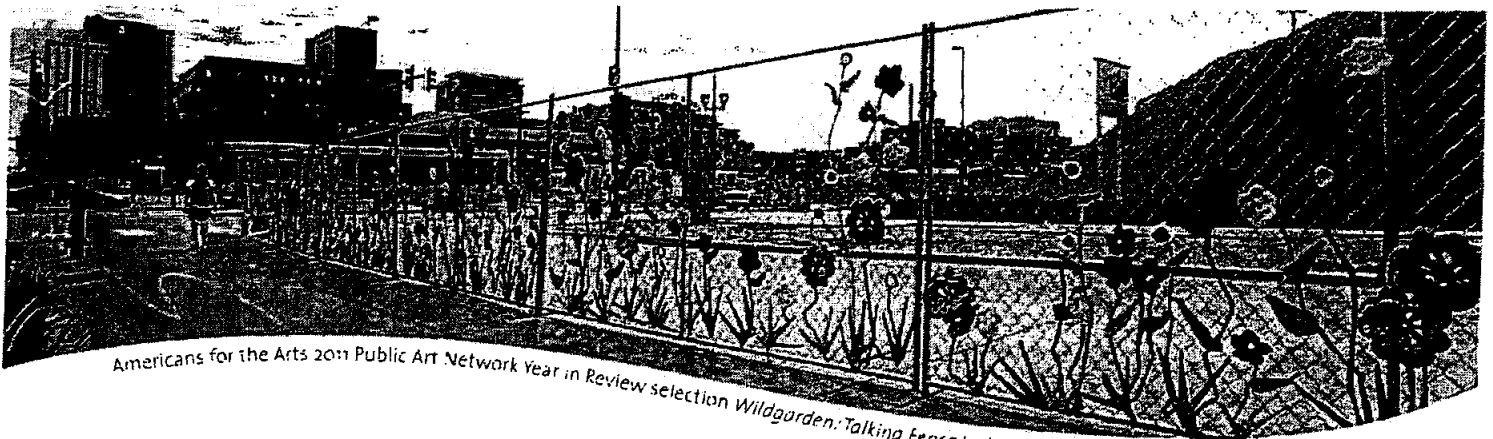
INDUSTRY EMPLOYMENT COMPARISONS

Spending by nonprofit arts and culture organizations provides rewarding employment for more than just artists, curators, and musicians. It also directly supports builders, plumbers, accountants, printers, and an array of occupations spanning many industries.

In 2010, nonprofit arts and culture organizations alone supported 2.2 million full-time equivalent jobs.

PERCENTAGE OF U.S. WORKFORCE (2010)





Americans for the Arts 2011 Public Art Network Year in Review selection *Wildgarden: Talking Fence* by Ladies Fancy Work Society in Denver, CO

Of this total, 1.1 million jobs were a result of “direct” expenditures by nonprofit arts organizations, representing 0.87 percent of the U.S. workforce. Compared to the size of other sectors of the U.S. workforce, this figure is significant. Nonprofit arts and culture organizations support more U.S. jobs than there are accountants and auditors, public safety officers, and even lawyers.

A LABOR-INTENSIVE INDUSTRY

Dollars spent on human resources typically stay within a community longer, thereby having a greater local

economic impact. The chart below demonstrates the highly labor-intensive nature of the arts and culture industry. Nearly half (48.4 percent) of the typical organization’s expenditures are for artists and personnel costs.

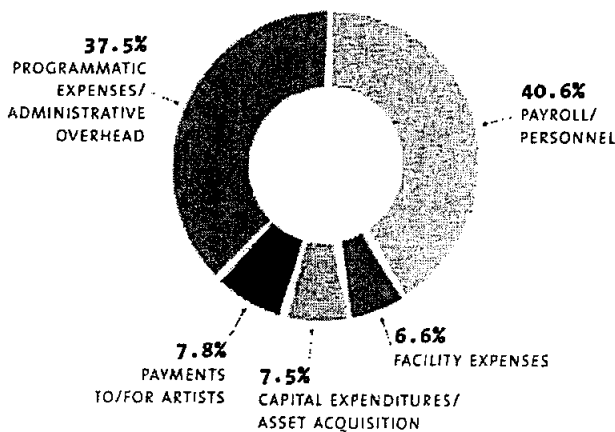
ARTS VOLUNTEERISM

While arts volunteers may not have an economic impact as defined in this study, they clearly have an enormous impact on their communities by helping arts and culture organizations function as a viable industry.

- The average city and county in the study had 5,215 arts volunteers who donated 201,719 hours to nonprofit arts and culture organizations, a donation valued at \$4.3 million.
- The participating organizations had an average of 116.2 volunteers who volunteered an average of 44.8 hours each, for a total of 5,204 hours per organization.

The Independent Sector places the value of the average 2010 volunteer hour at \$21.36.

EXPENDITURES BY NONPROFIT ARTS & CULTURE ORGANIZATIONS



VALUE OF IN-KIND CONTRIBUTIONS

The organizations that participated in this study provided data about their in-kind support (e.g., donated assets, office space, airfare, or advertising space). Sixty-five percent of the participating organizations received in-kind support, averaging \$55,467 each during the 2010 fiscal year.

Nonprofit Arts & Culture Audiences

The arts and culture industry, unlike most industries, leverages a significant amount of event-related spending by its audiences. For example, a patron attending an arts event may pay to park the car in a garage, purchase dinner at a restaurant, eat dessert after the show, and return home to pay the babysitter. This generates related commerce for local businesses such as restaurants, parking garages, hotels, and retail stores.

Total event-related spending by nonprofit arts and culture audiences was an estimated \$74.1 billion in 2010. This spending supports 1.9 million full-time equivalent jobs in the United States, provides \$39.2 billion in household income, and generates \$12.1 billion in government revenue.

Nationally, the typical attendee spends an average of \$24.60 per person, per event, in addition to the cost of admission. Businesses that cater to arts and culture audiences reap the rewards of this economic activity.

LOCAL VS. NONLOCAL AUDIENCES

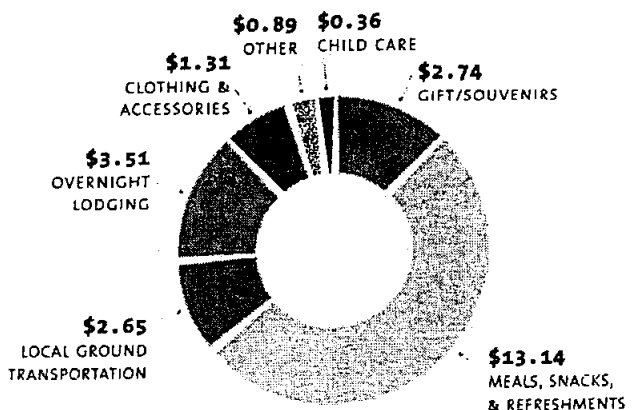
In addition to spending data, researchers asked each of the 151,802 survey respondents to provide his/her home ZIP code. Analysis of this data enabled a comparison of event-related spending by local and nonlocal attendees. Previous economic and tourism research has shown that nonlocal attendees spend more than their local counterparts. This study reflects those findings.

IMPACT OF NONPROFIT ARTS & CULTURE AUDIENCES

(expenditures by attendees to arts events only)

TOTAL DIRECT EXPENDITURES	\$74.08 BIL
FULL-TIME EQUIVALENT JOBS	1.89 MIL
RESIDENT HOUSEHOLD INCOME	\$39.15 BIL
LOCAL GOVERNMENT REVENUE	\$3.83 BIL
STATE GOVERNMENT REVENUE	\$3.92 BIL
FEDERAL INCOME TAX REVENUE	\$4.33 BIL

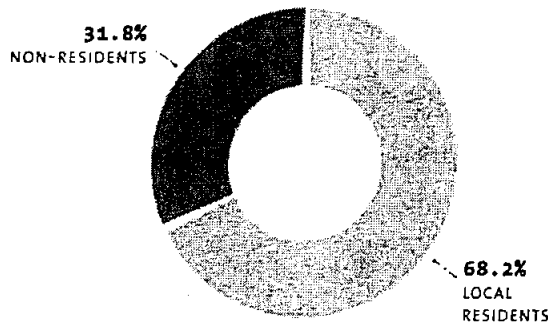
AVERAGE PER PERSON AUDIENCE EXPENDITURES: \$24.60



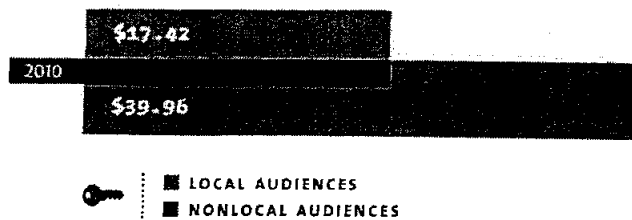
While the ratio of local to nonlocal attendees is different in every community, the national sample revealed that 31.8 percent of attendees traveled from outside of the county in which the event took place (nonlocal) and 68.2 percent of attendees were local (resided inside the county).

Local attendees spent an average of \$17.42 per person, per event in addition to the cost of admission. Nonlocal attendees spent twice this amount, or \$39.96 per person.

LOCAL VS. NONLOCAL AUDIENCES



EVENT-RELATED SPENDING BY LOCAL VS. NONLOCAL AUDIENCES



Nonprofit Arts & Culture Audiences Spend \$24.60 Per Person, Per Event

AVERAGE EVENT-RELATED SPENDING

(Expenditures made specifically as a result of attending a cultural event—excludes admission cost*)

EVENT-RELATED SPENDING	LOCAL ATTENDEES	NONLOCAL ATTENDEES	AVERAGE ATTENDEES
MEALS, SNACKS, & REFRESHMENTS	\$11.16	\$17.39	\$15.14
LODGING (ONE NIGHT ONLY)	\$0.29	\$10.39	\$3.51
GIFTS/SOUVENIRS	\$2.25	\$3.78	\$2.74
GROUND TRANSPORTATION	\$1.63	\$4.83	\$2.65
CLOTHING & ACCESSORIES	\$1.16	\$1.62	\$1.31
CHILD CARE	\$0.35	\$0.38	\$0.36
OTHER/MISCELLANEOUS	\$0.58	\$1.57	\$0.89
TOTAL (PER PERSON, PER EVENT)	\$17.42	\$39.96	\$24.60

*Why exclude the cost of admission? The admissions paid by attendees are excluded from this analysis because those dollars are captured in the operating budgets of the nonprofit arts and culture organizations, and, in turn, are spent by the organization. This methodology avoids "double-counting" those dollars in the study analysis.

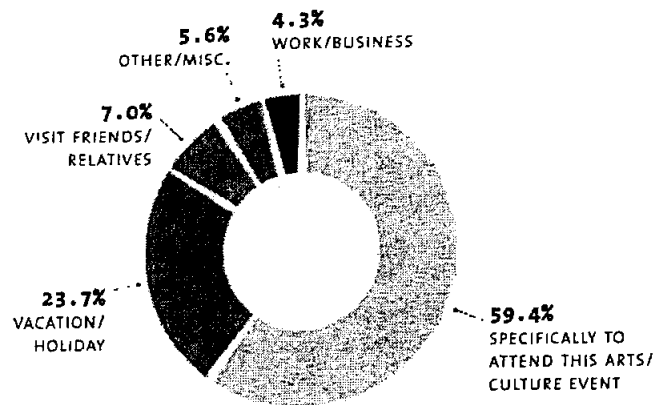
Nationally, 59.4 percent of all nonlocal arts attendees reported that the primary reason for their trip is "specifically to attend this arts/culture event."

In addition, 28.5 percent of nonlocal arts attendees report that they spent at least one night away from home in the community where the cultural event took place. Not surprisingly, the nonlocal attendees who reported any overnight lodging expenses spent more money during their visit, an average of \$170.58 per person, per event (four times more than the national nonlocal arts attendee average of \$39.96). In fact, nonlocal attendees who reported overnight lodging expenses spent more per person, per event in every expenditure category (e.g., food, gifts and souvenirs, ground transportation, etc.) than nonlocals who did not stay overnight in paid lodging. For this analysis, only one night of lodging expenses is counted toward the audience expenditure analysis.

CULTURAL EVENTS ATTRACT NEW DOLLARS AND RETAIN LOCAL DOLLARS

Nearly one-half of local cultural attendees (41.9 percent) say that if the cultural event or exhibit during which they were surveyed were not happening, they would have traveled

NON-RESIDENT PRIMARY REASON FOR TRIP



to a different community in order to attend a similar cultural experience. More than half of nonlocal attendees (52.4 percent) reported the same. These figures demonstrate the economic impact of the nonprofit arts and culture in its truest sense. If a community fails to provide a variety of artistic and cultural experiences, it will not attract the new dollars of cultural tourists. It will also lose discretionary spending by local residents traveling elsewhere for an arts experience. When a community attracts nonlocal arts attendees and other cultural tourists, it harnesses significant economic rewards.

NONLOCAL CULTURAL AUDIENCES WITH OVERNIGHT LODGING EXPENSES (28.5 percent) SPEND THE MOST

(Expenditures made specifically as a result of attending a cultural event)

EVENT-RELATED SPENDING	WITH OVERNIGHT LODGING EXPENSES	WITHOUT OVERNIGHT LODGING EXPENSES	AVERAGE NONLOCAL ATTENDEES
MEALS, SNACKS, & REFRESHMENTS	\$45.81	\$14.81	\$17.39
LODGING (ONE NIGHT ONLY)	\$95.49	\$0.00	\$10.39
GIFTS/SOUVENIRS	\$10.72	\$2.94	\$3.78
GROUND TRANSPORTATION	\$14.21	\$1.70	\$4.83
CLOTHING & ACCESSORIES	\$4.55	\$1.45	\$1.62
CHILD CARE	\$0.72	\$0.34	\$0.38
OTHER/MISCELLANEOUS	\$3.07	\$1.28	\$1.57
TOTAL (PER PERSON, PER EVENT)	\$170.58	\$24.82	\$39.96

Arts and Culture Tourists Spend More and Stay Longer

As communities compete for a tourist's dollar, arts and culture have proven to be magnets for travelers and their money. Local businesses are able to grow because travelers extend the length of their trips to attend cultural events. Travelers who include arts and culture events in their trips differ from other U.S. travelers in a number of ways. Arts and culture travelers:

- Spend more than other travelers.
- Are more likely to stay in overnight lodging.
- Are more likely to spend \$1,000 or more during their stay.
- Travel longer than other travelers.

Two-thirds of American adult travelers say they included a cultural, artistic, heritage, or historic activity or event while on a trip of 50 miles or more, one-way, in 2001. This equates to 92.7 million cultural travelers. Of this group, 32 percent

(29.6 million travelers) added extra time to their trip because of a cultural, artistic, heritage, or historic or event. Of those who extended their trip, 57 percent did so by one or more nights.

U.S. cultural destinations help grow the U.S. economy by attracting foreign visitor spending. There has been steady growth in the percentage of tourists who fly to the United States and attend arts activities as a part of their visit, according to International Trade Commission in the Department of Commerce. Arts destinations help grow the economy by attracting foreign visitor spending—effectively making the arts an export industry.

Marketing of cultural destinations and events accounts for the largest portion of all marketing expenditures (26 percent) by national tourism organizations.

Source: U.S. Travel Association; U.S. Department of Commerce.

PARTICIPATION IN THE ARTS

One-half of cultural attendees (50.1 percent) actively participate in the creation of the arts (e.g., sing in a choir, act in a play, paint or draw).

SURVEY: HOW FAR WILL YOU GO FOR A CULTURAL EXPERIENCE?

("If this event or exhibit were not happening, would you have traveled to another community to attend a similar cultural experience?")

	LOCAL ATTENDEES	NONLOCAL ATTENDEES	ALL CULTURAL ATTENDEES
NO, I WOULD HAVE SKIPPED THE CULTURAL EXPERIENCE ALTOGETHER	30.5%	27.0%	29.4%
NO, I WOULD HAVE REPLACED IT WITH ANOTHER NEARBY CULTURAL EXPERIENCE	27.5%	20.6%	25.4%
YES, I WOULD HAVE TRAVELED TO A DIFFERENT COMMUNITY	41.9%	52.4%	45.2%

Conclusion

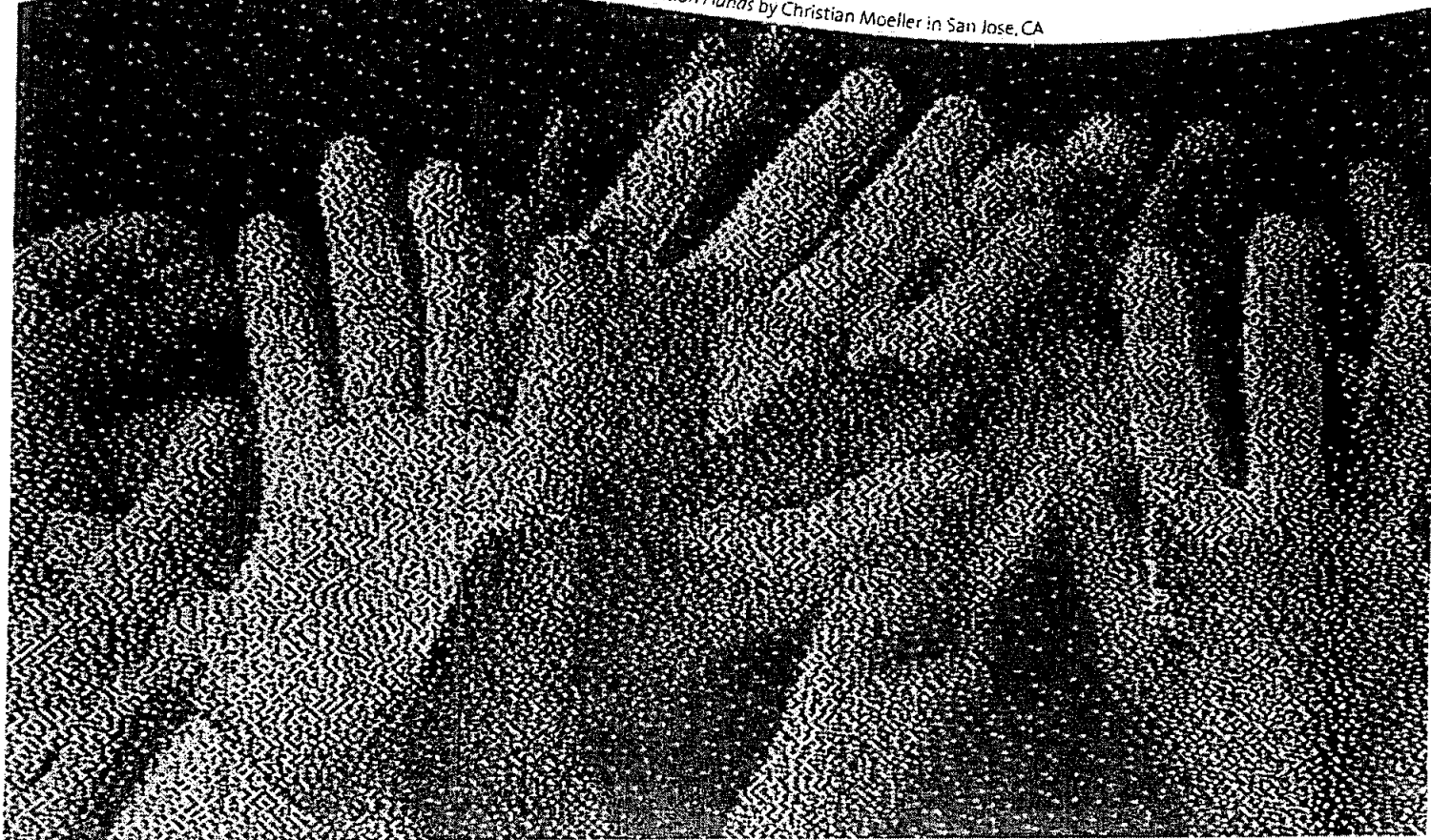
Nonprofit arts and culture organizations in the United States drive a \$135.2 billion industry—an industry that supports 4.1 million full-time equivalent jobs and generates \$22.3 billion in government revenue annually. Arts and culture organizations—businesses in their own right—leverage significant event-related spending by their audiences that pumps vital revenue into restaurants, hotels, retail stores, parking garages, and other local merchants. This study puts to rest a common misconception that communities support arts and culture at the expense of local economic development. In fact, communities are investing in an industry that supports jobs, generates government revenue, and is the cornerstone of tourism. This report shows conclusively that, locally as well as nationally, the arts mean business.

LEARN MORE ABOUT ARTS & ECONOMIC PROSPERITY IV

Visit www.AmericansForTheArts.org/EconomicImpact to access free resources you can use to help make the economic case for arts funding and arts-friendly policies in your community:

- A downloadable and customizable PowerPoint presentation that effectively communicates this study's findings
- *Arts & Economic Prosperity IV* Highlights Pamphlet
- *Arts & Economic Prosperity IV* Summary Report
- *Arts & Economic Prosperity IV* National Report, complete with national and local findings, background, scope, and methodology
- A press release announcing the study results
- Sample opinion-editorials (op-eds)
- The *Arts & Economic Prosperity* Calculator that enables users to estimate the economic impact of their organization

Americans for the Arts 2011 Public Art Network Year in Review selection *Hands* by Christian Moeller in San Jose, CA



About This Study

Americans for the Arts conducted *Arts & Economic Prosperity IV* to document the economic impact of the nation's nonprofit arts and culture industry. The study focuses on nonprofit arts and culture organizations and their audiences. It excludes spending by individual artists and the for-profit arts and entertainment sector (e.g., Broadway or the motion picture industry). Detailed expenditure data was collected from 9,721 arts and culture organizations and 151,802 of their attendees. Project economists from the Georgia Institute of Technology customized input-output analysis models for each study region to provide specific and reliable economic impact data about the nonprofit arts and culture industries, specifically full-time equivalent jobs, household income, and local and state government revenue. This allows for the uniqueness of each local economy to be reflected in the findings.

STUDYING ECONOMIC IMPACT USING INPUT-OUTPUT ANALYSIS

To derive the most reliable economic impact data, input-output analysis was used to measure the impact of expenditures by nonprofit arts and culture organizations and their audiences. This is a highly regarded type of economic analysis that has been the basis for two Nobel Prizes in economics. The models are systems of mathematical equations that combine statistical methods and economic theory in an area of study called econometrics. The analysis traces how many times a dollar is re-spent within the local economy before it leaves the community, and it quantifies the economic impact of each round of spending.

Project economists customized an input-output model for each of the 182 participating study regions based on the local dollar flow between 533 finely detailed industries within its economy. This was accomplished by using detailed data on employment, incomes, and government revenues provided by the U.S. Department of Commerce, local tax data, as well as the survey data from the responding nonprofit arts and culture organizations and their audiences.

CALCULATION OF THE NATIONAL ESTIMATES

To derive the national estimates, the 139 city and county study participants only—multi-city and multi-county regions, states, and individual arts districts are excluded from this analysis—were first stratified into six population groups, and an economic impact average was calculated for each group. Second, the nation's largest 13,366 cities were assigned to one of the six groups based on their population, as supplied by the U.S. Census Bureau. Third, each of the 13,366 largest cities was assigned the economic impact average for its population group. Finally, the values of the cities were added together to determine the national economic impact findings. Several outlier regions were removed when calculating the national estimates due to their comparably high levels of economic activity in their population categories.

About Local & Regional Study Partners

The 182 study regions include 139 individual cities and counties, 31 multi-city or multi-county regions, 10 states, and two arts districts. They represent all 50 U.S. states and the District of Columbia. The diverse communities range in population from 1,600 to 4 million and from small rural to large urban. The research partners agreed to complete four participation criteria: 1) identify and code the comprehensive universe of nonprofit arts and culture organizations located in their study region; 2) assist with the collection of detailed financial and attendance information from those organizations and review the information for accuracy; 3) conduct audience-intercept surveys at a broad, representative sample of cultural events that take place in their study region; and 4) pay a modest cost-sharing fee. No community was refused participation for an inability to pay.

DATA FROM ORGANIZATIONS

To collect the required financial and attendance information from eligible organizations, researchers implemented a multi-pronged data collection process.

In 131 of the 182 study regions, researchers used a web-based organizational expenditure survey instrument designed to collect detailed information about each organization's fiscal year that ended during 2010. The remaining 51 study regions are located in one of 10 states (Arizona, California, Illinois, Maryland, Massachusetts, Michigan, New York, Ohio, Pennsylvania, and Rhode Island), each of which participated in the Cultural Data Project (CDP) during fiscal year 2010. The CDP is a unique system that enables arts and culture organizations to

enter financial, programmatic, and operational data into a standardized online form. The primary data collection efforts were supplemented with an abbreviated one-page version of the survey which requested category totals only (rather than detailed, itemized financial information). In order to increase the overall response rates, all 182 study communities distributed the abbreviated one-page survey to eligible organizations that declined to participate in either the full organizational expenditure survey or the Cultural Data Project.

Using all three methods of data capture, information was collected from a total of 9,721 organizations for this study. Response rates among all eligible organizations located in the 182 study regions averaged 43.2 percent and ranged from 5.3 percent to 100 percent. Responding organizations had budgets ranging from as low as \$0 to as high as \$239.7 million. It is important to note that each study region's results are based solely on the actual survey data collected. There are no estimates made to account for non-respondents. Therefore, the less-than-100 percent response rates suggest an understatement of the economic impact findings in most of the individual study regions.

DATA FROM AUDIENCES

Audience-intercept surveying, a common and accepted research method, was completed in all 182 study regions in order to capture information about spending by audiences at nonprofit arts and culture events. Patrons were asked to complete a short survey while attending an event. A total of 151,802 attendees completed the survey. The randomly selected respondents provided itemized

"The success of my family's business depends on finding and cultivating a creative and innovative workforce. I have witnessed firsthand the power of the arts in building these business skills. When we participate personally in the arts, we strengthen our 'creativity muscles,' which makes us not just a better ceramicist or chorus member, but a more creative worker—better able to identify challenges and innovative business solutions. This is one reason why the arts remain an important part of my personal and corporate philanthropy."

CHRISTOPHER FORBES

Vice Chairman, Forbes, Inc.

"As all budgets—local and national, public and private—continue to reel from the effects of the economic downturn, some may perceive the arts as an unaffordable luxury reserved for only the most prosperous times. Fortunately, this rigorous report offers evidence that the nonprofit arts industry provides not just cultural benefits to our communities, but also makes significant positive economic contributions to the nation's financial well being regardless of the overall state of the economy. This certainly is something to applaud."

JONATHAN SPECTOR

President & CEO, The Conference Board

travel party expenditure data on attendance-related activities such as meals, souvenirs, transportation, and lodging. Data was collected throughout the year to guard against seasonal spikes or drop-offs in attendance as well as at a broad range of events—a night at the opera will typically yield more spending than a Saturday children's theater production, for example. Using total attendance data for 2010 collected from the participating eligible

organizations, standard statistical methods were then used to derive a reliable estimate of total expenditures by attendees in each community. The survey respondents provided information about the entire party with whom they were attending the event. With an average travel party size of 2.69 people, this data actually represents the spending patterns of more than 408,000 attendees.

Thank You to Our Partner Organizations

ALABAMA

Cultural Alliance of Greater Birmingham

ALASKA

Fairbanks Arts Association
Juneau Arts & Humanities Council
Ketchikan Area Arts and Humanities Council

ARIZONA

Flagstaff Cultural Partners
Mesa Arts Center
Phoenix Office of Arts and Culture
Tucson Pima Arts Council
West Valley Arts Council

ARKANSAS

Walton Arts Center

CALIFORNIA

ArtPulse
Arts Council Silicon Valley
City of Glendale Cultural Affairs Division
City of Los Angeles Department of Cultural Affairs
City of Oakland Cultural Arts & Marketing Department
City of San Diego Commission for Arts and Culture
City of Santa Clarita Arts & Events Office
City of Walnut Creek Arts, Recreation, and Community Services Department
City of West Hollywood
Laguna Beach Arts Commission
Riverside Arts Council
Sacramento Metropolitan Arts Commission
San Francisco Arts Commission
San Jose Office of Cultural Affairs
Santa Barbara County Arts Commission

COLORADO

Beet Street
Boulder Arts Commission
Center for the Arts
Community Concert Hall at Ft. Lewis College
Cultural Office of the Pikes Peak Region (COPPER)
Telluride Council for the Arts and Humanities

CONNECTICUT

Connecticut Commission on Culture and Tourism

Cultural Alliance of Fairfield County
Greater Hartford Arts Council

DELAWARE

Delaware Division of the Arts

DISTRICT OF COLUMBIA

Cultural Alliance of Greater Washington
DC Commission on the Arts and Humanities

FLORIDA

Arts and Cultural Alliance of Sarasota County
Broward County Cultural Division
City of Gainesville Cultural Affairs Division
City of Orlando
City of Winter Park
Cultural Council of Palm Beach County
Lee County Alliance for the Arts
Miami-Dade County Department of Cultural Affairs
Orange County Arts & Cultural Affairs
Osceola Center for the Arts
Polk Arts Alliance
Seminole Cultural Arts Council
United Arts of Central Florida
Volusia County Parks, Recreation, and Culture

GEORGIA

Athens Area Arts Council
City of Atlanta Office of Cultural Affairs

HAWAII

Hawai'i Arts Alliance

IDAHO

Boise City Department of Arts and History

ILLINOIS

Arts Alliance Illinois
ArtsPartners of Central Illinois
Rockford Area Arts Council

INDIANA

Arts Council of Indianapolis
City of Bloomington Department of Economic and Sustainable Development

IOWA

ArtsLIVE
City of Dubuque
Iowa Cultural Corridor Alliance

KANSAS

City of Wichita Division of Arts & Cultural Services

KENTUCKY

LexArts, Inc.

LOUISIANA

City of Slidell Department of Cultural and Public Affairs
St. Tammany Parish Department of Cultural and Governmental Affairs

MAINE

Creative Portland Corporation

MARYLAND

Arts & Humanities Council of Montgomery County
Baltimore Office of Promotion and the Arts
Prince George's County Arts Council

MASSACHUSETTS

City of Pittsfield Office of Cultural Development

MICHIGAN

Cultural Alliance of Southeastern Michigan

MINNESOTA

Rochester Arts Council

MISSISSIPPI

Greater Jackson Arts Council

MISSOURI

Allied Arts Council of St. Joseph
Arts Council of Metropolitan Kansas City
St. Louis Regional Arts Commission

MONTANA

Missoula Cultural Council

NEBRASKA

Adams County Convention and Visitors Bureau
Columbus Area Arts Council
Lincoln Arts Council
Museum of Nebraska Art
Nebraskans for the Arts

NEVADA

Metro Arts Council of Southern Nevada

NEW HAMPSHIRE

Art-Speak—The City of Portsmouth's Cultural Commission
 Arts Alliance of Northern New Hampshire
 City of Rochester Department of Economic Development
 Greater Concord Chamber of Commerce
 New Hampshire State Council on the Arts
 Newmarket Heritage and Cultural Center Committee (a subcommittee of the Lamprey Arts & Culture Alliance)

NEW JERSEY

Arts Council of Princeton
 Bergen County Division of Cultural and Historic Affairs
 Newark Arts Council

NEW MEXICO

City of Albuquerque Cultural Services Department

NEW YORK

ArtsWestchester
 Auburn Historic and Cultural Sites Commission
 Chenango County Council of the Arts
 Community Arts Partnership
 Le Moyne College Division of Management

NORTH CAROLINA

Arts Council of Fayetteville/Cumberland County
 Arts Council of Moore County
 Arts Council of Wayne County
 Arts Council of Winston-Salem/Forsyth County Arts & Science Council
 City of Asheville Cultural Arts Division
 Community Council for the Arts
 Durham Arts Council
 North Carolina Arts Council
 Orange County Arts Commission
 Pitt County Arts Council at Emerge
 Rutherford County Department of Recreation, Culture, and Heritage
 Town of Cary Department of Parks, Recreation & Cultural Resources
 Transylvania Community Arts Council
 United Arts Council of Greater Greensboro

United Arts Council of Raleigh and Wake County (in partnership with the City of Raleigh Arts Commission)
 Watauga County Arts Council

NORTH DAKOTA

Minot Area Council of the Arts

OHIO

Athens Municipal Arts Commission
 Greater Columbus Arts Council
 Power of the Arts

OKLAHOMA

Greater Enid Arts and Humanities Council

OREGON

Arts and Business Alliance of Eugene (a project of the Eugene Area Chamber of Commerce)
 Regional Arts and Culture Council

PENNSYLVANIA

ArtsErie
 Central Pennsylvania Festival of the Arts
 Citizens for the Arts in Pennsylvania, (in partnership with the Pennsylvania Council on the Arts)
 Greater Philadelphia Cultural Alliance
 Greater Pittsburgh Arts Council
 Indiana Arts Council
 Jump Street
 Lackawanna County Department of Arts and Culture
 Lehigh Valley Arts Council
 Northern Tier Cultural Alliance
 Pennsylvania Rural Arts Alliance

RHODE ISLAND

Providence Department of Art, Culture & Tourism

SOUTH CAROLINA

Cultural Council of Richland and Lexington Counties

SOUTH DAKOTA

Aberdeen Area Arts Council
 Sioux Falls Arts Council
 South Dakota Arts Council

TENNESSEE

Allied Arts of Greater Chattanooga
 ArtsMemphis

TEXAS

Arts Council of Forth Worth & Tarrant County
 City of Austin Cultural Arts Division
 City of Dallas Office of Cultural Affairs
 City of San Antonio Office of Cultural Affairs
 Houston Arts Alliance
 McKinney Arts Commission
 North Texas Business Council for the Arts

UTAH

Cedar City Arts Council

VERMONT

Arts Council of Windham County

VIRGINIA

Arlington County Cultural Affairs Division
 Arts Council of Fairfax County
 City of Alexandria Office of the Arts
 City of Fairfax Commission on the Arts
 Loudoun Arts Council
 Piedmont Council for the Arts

WASHINGTON

Allied Arts of Whatcom County
 Seattle Office of Arts & Cultural Affairs
 Tacoma Arts Commission

WEST VIRGINIA

Helianthus LLC
 Parkersburg Area Community Foundation

WISCONSIN

Creative Alliance Milwaukee
 Dane County Arts & Economic Prosperity Collaborative
 Eau Claire Regional Arts Council
 Fox Cities Performing Arts Center
 Performing Arts Foundation Inc. (dba The Grand)
 Viterbo University Fine Arts Center
 Wisconsin Arts Board

WYOMING

Center for the Arts

Glossary

CULTURAL TOURISM

Travel directed toward experiencing the arts, heritage, and special character of a place.

DIRECT ECONOMIC IMPACT

A measure of the economic effect of the initial expenditure within a community. For example, when the symphony pays its players, each musician's salary, the associated payroll taxes paid by the nonprofit, and full-time equivalent employment status represent the direct economic impact.

DIRECT EXPENDITURES

The first round of expenditures in the economic cycle. A paycheck from the symphony to the violin player and a ballet company's purchase of dance shoes are examples of direct expenditures.

ECONOMETRICS

The process of using statistical methods and economic theory to develop a system of mathematical equations that measures the flow of dollars between local industries. The input-output model developed for this study is an example of an econometric model.

FULL-TIME EQUIVALENT (FTE) JOBS

A term that describes the total amount of labor employed. Economists measure FTE jobs—not the total number of employees—because it is a more accurate measure of total employment. It is a manager's discretion to hire

one full-time employee, two half-time employees, four quarter-time employees, etc. Almost always, more people are affected than are reflected in the number of FTE jobs reported due to the abundance of part-time employment, especially in the nonprofit arts and hospitality industries.

INDIRECT IMPACT

Each time a dollar changes hands, there is a measurable economic impact. When people and businesses receive money, they spend much of that money locally. Indirect impact measures the effect of this re-spending on jobs, household income, and revenue to local and state government. It is often referred to as secondary spending or the dollars "rippling" through a community. When funds are eventually spent nonlocally, they are considered to have "leaked" out of the community and cease having a local economic impact. Indirect impact is the sum of all the rounds of re-spending.

INPUT-OUTPUT ANALYSIS

A system of mathematical equations that combines statistical methods and economic theory in an area of economic study called econometrics. Economists use this model (occasionally called an inter-industry model) to measure how many times a dollar is re-spent in, or "ripples" through, a community before it leaks out (see Leakage). The model is based on a matrix that tracks the dollar flow between 533 finely detailed industries in each community. It allows researchers to determine the economic impact of local spending by nonprofit arts and culture organizations on jobs, household income, and government revenue.

LEAKAGE

The money that community members spend outside of a community. This nonlocal spending has no economic impact within the community. A ballet company purchasing shoes from a nonlocal manufacturer is an example of leakage. If the shoe company were local, the expenditure would remain within the community and create another round of spending by the shoe company.

RESIDENT HOUSEHOLD INCOME (OR PERSONAL INCOME)

The salaries, wages, and entrepreneurial income residents earn and use to pay for food, mortgages, and other living expenses. It is important to note that resident household income is not just salary. When a business receives money, for example, the owner usually takes a percentage of the profit, resulting in income for the owner.

REVENUE TO LOCAL AND STATE GOVERNMENTS

Local and state government revenue is not derived exclusively from income, property, sales, and other taxes. It also includes license fees, utility fees, user fees, and filing fees. Local government revenue includes funds to governmental units such as a city, county, township, school district, and other special districts.

"In Nebraska, we understand that cultural excellence is crucial to economic development. The economic impact of arts organizations on our state is significant, and without the quality and diversity of the arts, it would be difficult to attract and promote business development. Arts-related industries create jobs, attract investments, and enhance tourism. Additionally, the arts connect us to each other and add richness to our lives."

LT. GOVERNOR RICK SHEEHY
Chair, National Lt. Governors Association

"Americans for the Arts continues to develop the tools for arts advocates and the evidence to persuade decision-makers that the arts benefit all people in all communities."

JANET BROWN
Executive Director, Grantmakers in the Arts

Frequently Asked Questions

1 How is the economic impact of arts and culture organizations different from other industries?

Any time money changes hands, there is a measurable economic impact. Social service organizations, libraries, and all entities that spend money have an economic impact. What makes the economic impact of arts and culture organizations unique is that, unlike most other industries, they induce large amounts of event-related spending by their audiences. For example, when patrons attend a performing arts event, they may purchase dinner at a restaurant, eat dessert after the show, and return home and pay the babysitter. All of these expenditures have a positive and measurable impact on the economy.

2 Will my local legislators believe these results?

Yes, this study makes a strong argument to legislators, but you may need to provide them with some extra help. It will be up to the user of this report to educate the public about economic impact studies in general and the results of this study in particular. The user may need to explain (1) the study methodology used; (2) that economists created an input-output model for each community and region in the study; and (3) the difference between input-output analysis and a multiplier (see question 9). The good news is that as the number of economic impact studies completed by arts organizations and other special interest areas increases, so does the sophistication of community leaders whose influence these studies are meant to affect. Today, most decision-makers want to know what methodology is being used and how and where data was gathered. You can be confident that the input-output analysis used in this study is a highly regarded model in the field of economics (the basis of two Nobel Prizes in economics). However, as in any professional field, there is disagreement about procedures, jargon, and the best way to determine results. Ask 12 artists to define art and you will get 12 answers; expect the same of economists. You may meet an economist who believes that these studies should be done differently (for example, a cost-benefit analysis of the arts).

3 How can a community not participating in the *Arts & Economic Prosperity IV* study apply these results?

Because of the variety of communities studied and the rigor with which the *Arts & Economic Prosperity IV* study was conducted, nonprofit arts and culture organizations located in communities that were not part of the study can estimate their local economic impact. Estimates can be derived by using the *Arts & Economic Prosperity IV* Calculator (found at www.AmericansForTheArts.org/EconomicImpact). Additionally, users will find sample PowerPoint presentations, press releases, op-eds, and other strategies for proper application of their estimated economic impact data.

4 How were the 182 participating communities and regions selected?

In 2010, Americans for the Arts published a call for participants for communities interested in participating in the *Arts & Economic Prosperity IV* study. Of the more than 200 participants that expressed interest, 182 agreed to participate and complete four participation criteria (see page 16 for more information).

5 How were the eligible nonprofit arts organizations in each community selected?

Each of the 182 study regions identified the comprehensive universe of eligible nonprofit arts and culture organizations located in their regions. Eligibility was determined using the Urban Institute's National Taxonomy of Exempt Entities (NTEE) coding system as a guideline. Communities were encouraged to include other types of eligible organizations if they play a substantial role in the cultural life of the community or if their primary purpose is to promote participation in, appreciation for, and understanding of the visual, performing, folk, and media arts. These include government-owned or -operated cultural facilities and institutions, municipal arts agencies and councils, private community arts organizations, unincorporated arts groups, living collections (such as zoos and botanical gardens), university presenters, and arts programs that are embedded under the umbrella of a non-arts organization or facility. For-profit businesses were strictly excluded from this study. In short, if it displays the characteristics of a nonprofit arts and culture organization, it was included.

6 What type of economic analysis was done to determine the study results?

An input-output analysis model was customized for each of the participating communities and regions to determine the local economic impact their nonprofit arts and culture organizations and arts audiences. Americans for the Arts, which conducted the research, worked with a highly regarded economist from the Georgia Institute of Technology to design and customize the input-output models used in this study (see page 15 for more information).

7 What other information was collected in addition to the arts surveys?

In addition to detailed expenditure data provided by the participating eligible organizations, extensive wage, labor, tax, and commerce data were collected from local, state, and federal governments for use in the input-output model.

8 Why are admission/ticket expenses excluded from the analysis of audience spending?

Researchers make the assumption that any admission fees paid by attendees are typically collected as revenue by the organization that is presenting the event. The organizations then spend those dollars. Thus, the ticket fees are captured in the operating budgets of the eligible nonprofit arts and culture organizations that participate in the organizational data collection effort. Therefore, the admissions paid by audiences are excluded from the audience spending analysis in order to avoid "double-counting" those dollars in the overall analysis.

9 Why doesn't this study use a multiplier?

When many people hear about an economic impact study, they expect the result to be quantified in what is often called a multiplier or an economic activity multiplier. The economic activity multiplier is an estimate of the number of times a dollar changes hands within the community (e.g., a theater pays its actor, the actor spends money at the grocery store, the grocery store pays the cashier, and so on). It is quantified as one number by which expenditures are multiplied. The convenience of the multiplier is that it is one simple number. Users rarely note, however, that the multiplier is developed by making gross estimates of the industries within the local economy and does not allow for differences in the characteristics of those industries. Using an economic activity multiplier usually results in an overestimation of the economic impact and therefore lacks reliability.

Acknowledgements

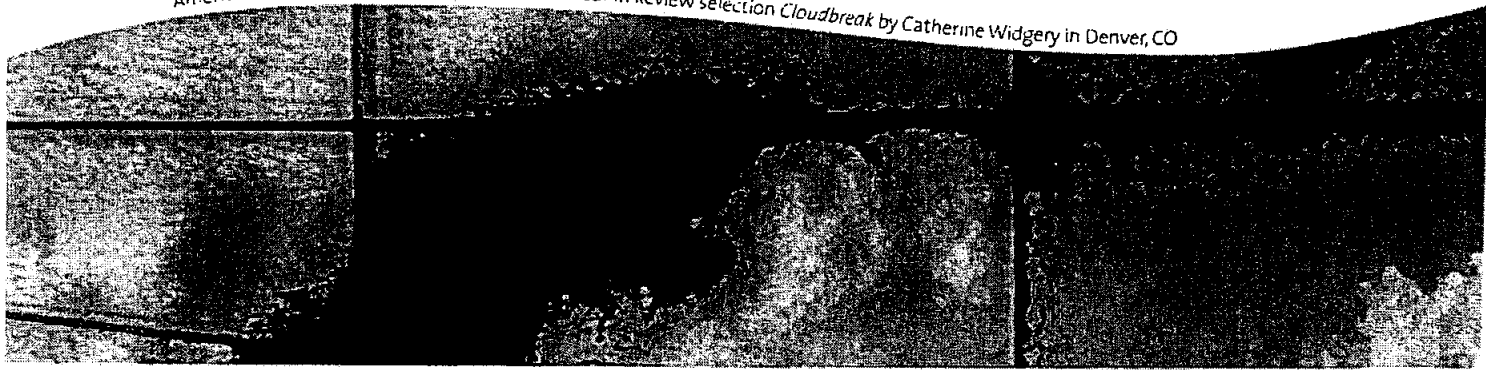
Americans for the Arts wishes to express its gratitude to the many people across the country who made *Arts & Economic Prosperity IV* possible and assisted with its development, coordination, and production. A study of this size and scope cannot be completed without the collaboration of many partnering organizations.

Special thanks to the John D. and Catherine T. MacArthur Foundation and The Ruth Lilly Fund for Americans for the Arts for their financial support. Thanks also to Cultural Data Project for their research partnership.

Finally, each of our 182 local, regional, and state-wide research partners contributed both time and financial support toward the completion of this study. Thanks to all of you. This study would not have been possible without you.

A study of this magnitude is a total organizational effort; appreciation is extended to the entire board and staff of Americans for the Arts. The Research Department responsible for the production of this study includes Randy Cohen, Ben Davidson, Amanda Alef, and Sam Myett.

Americans for the Arts 2011 Public Art Network Year in Review selection *Cloudbreak* by Catherine Widgery in Denver, CO



PARTNERS

The following national organizations partner with Americans for the Arts to help public- and private-sector leaders understand the economic and social benefits that the arts bring to their communities, states, and the nation



BCLC Business Civic Leadership Center
AN OFFICE OF THE U.S. DEPARTMENT OF COMMERCE



NAGO National Association of Counties
Counties Care for America



Grantmakers in the Arts
Supporting a Creative America



NATIONAL CONFERENCE OF STATE LEGISLATURES
THE VOICE FOR AMERICAN STATES



National League of Cities



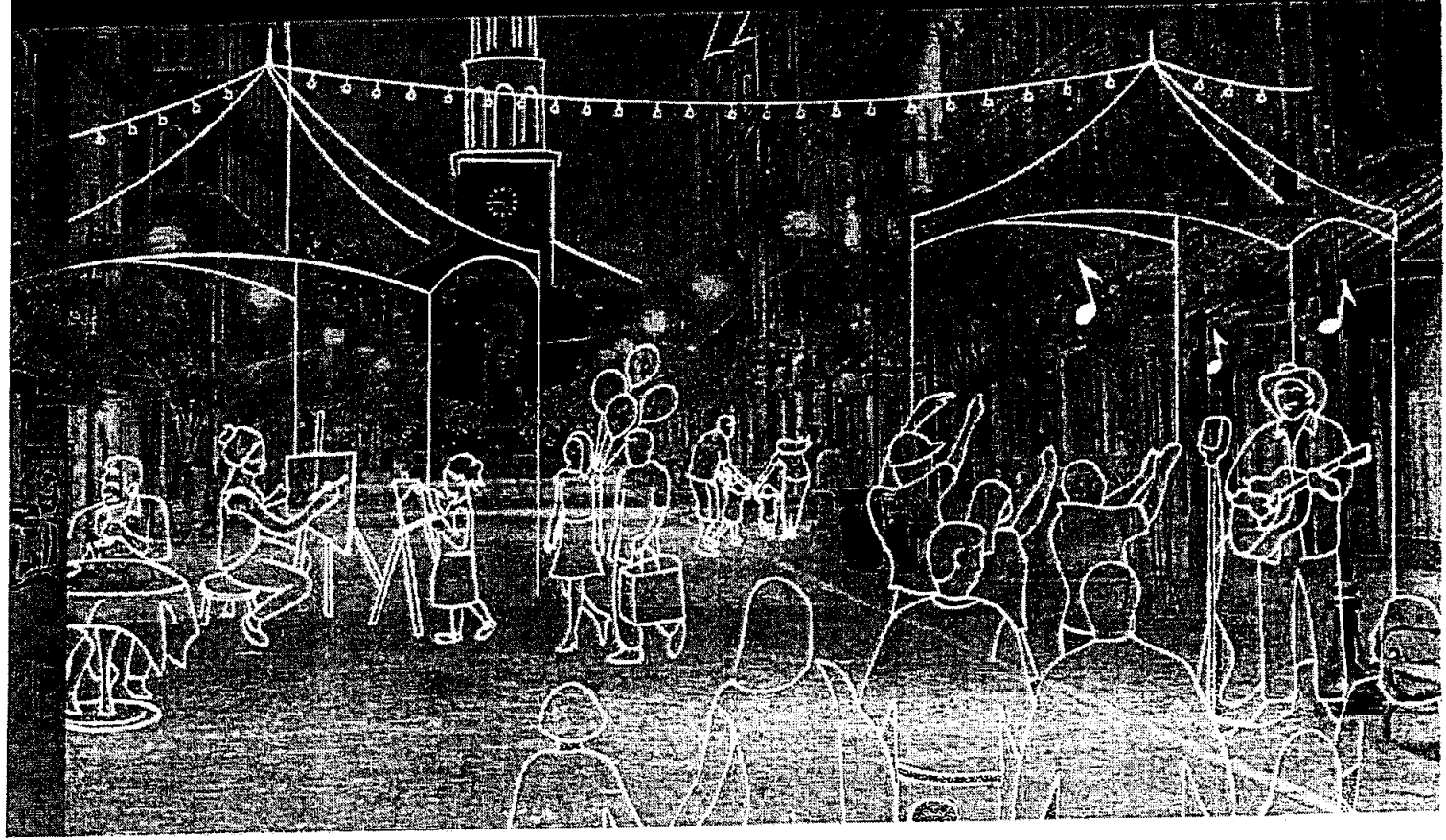
THE CONFERENCE BOARD
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Americans for the Arts is the nation's leading nonprofit organization for advancing the arts in America. Established in 1960, we are dedicated to representing and serving local communities and creating opportunities for every American to participate in and appreciate all forms of the arts.



RESOLVED: That upon the recommendation of the Board of Finance, the Town of Westport hereby appropriates for the sum of \$6,700,000 for the costs associated with the construction of a new Levitt Pavilion which costs include architectural, design, environmental, temporary and permanent financing, engineering, inspection, site development, and other soft costs(the "project").

Section 1. As recommended by the Board of Finance and for the purpose of financing the foregoing appropriation, the Town shall borrow a sum not to exceed \$6,700,000 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 years from the date of issue and the last installment to mature not later than twenty (20) years 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 first installment to mature not later than three years from the date of issue and the last installment to mature not later than twenty (20) years 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.

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 made by the appropriation resolution enacted concurrently herewith.

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 thereof. 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 party, grants or in aid of further financing the project.

Section 9. 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.

Section 10. The First Selectman and other Town officials are authorized to seek grants, and other contributions for the costs of the Project. Any such grants or contributions received prior to the issuance of the Bonds authorized herein shall be applied to the costs of the Project or to pay at maturity the principal of any outstanding bond anticipation notes issued pursuant this resolution and shall reduce the amount of the Bonds that can be issued pursuant to this Resolution. If such grants and contributions are received after the issuance of the Bonds, they shall be applied to pay or defease the Bonds or as otherwise authorized by the Board of Selectmen, Board of Finance and Representative Town Meeting provided such application does not adversely affect the tax exempt status of the Bonds.

RTM Finance Committee Meeting
July 18, 2012

17
Members Present: Jeff Wieser, Chair; Allen Bomes; Dick Lowenstein; John McCarthy; Cathy Talmadge; Gil Nathan; Arthur Ashman; Lee Arthurs;.
Others Present: Stuart McCarthy, Dir., Parks & Rec.; Freda Welsh, E.D., Levitt Pavilion; Gary Conrad, Fin. Dir.; Helen Garten, BOF.

Stuart McCarthy presented the request by the Friends of the Levitt Pavilion for a Capital Appropriation from the Town for \$1.1 million.

Our conversation was long and covered many aspects of the request, but the main concerns were:

- 1) That the Town, in all respects would be "on the hook" for a maximum of only \$1.1 million. The request asks for a bond authorization of \$6.7 million, but Stuart explained that while this wording is required for the town to be contractually able to build the Levitt, the entire \$5.6 million difference will be in the bank before the construction commences. He assured us that there is no situation in which the Town will need to provide greater than \$1.1 million to complete the project. The remaining \$5.6 million will come to the Town in the form of gifts already received and pledged for over \$3 million and a "line of credit" for up to \$2.5 million that the Friends of the Levitt will fund through an anonymous donor. That line of credit will in no way become an obligation of the Town.
- 2) We talked about any attempts to change the nature of the Levitt. While some members thought that the Levitt might charge more actively for premium seating, the general mood was that the Levitt should not change its character of being a haven of free music for all citizens of the town. Stuart and Freda assured us that the Levitt would continue, as part of its charter, to provide at least 50 free nights of music every summer for the life of this facility.
- 3) The costs of LEED Recognition. Stuart discussed why this was so important and expressed that the expense to achieve LEED Recognition (not the more complete and expensive Certification) was very useful for this seasonal project.

In response to the straw poll that the BOF held at its July meeting, we discussed having a straw poll instead of an actual committee vote. But in anticipation of the actual vote that the BOF will be taking on August 1, and given the general view of the Committee, we opted to vote on the following resolution:

"To authorize an appropriation of \$6.7 million (with bond and note authorization) to the Capital Account for the construction of the Levitt Pavilion. The Town of Westport's portion will be no more than \$1.1 million and this will be confirmed by bond counsel prior to the RTM vote. Our vote is subject to BOF Approval"

The vote by the committee was unanimous: 8-0.

Respectfully Submitted,
Jeff Wieser, Chair

Strauss, Patricia

From: McCarthy, Stuart
Sent: Friday, July 27, 2012 11:02 AM
To: Lowenstein, Richard A.
Cc: Welsh, Freda; Kenneth Bernhard
Subject: RE: Levitt Pavillion

BACK UP MATERIAL
 RTM ITEM # 8

Dick - Please find responses below. Most of your questions relate to the policies and procedures of the Levitt Pavilion so these responses have been coordinated with Freda.

Stuart S. McCarthy
 Director of Parks and Recreation
 260 South Compo Road
 Westport, CT 06880
 (203) 341-5088
 (203) 341-5073 FAX
smccarthy@westportct.gov

www.westportrecreation.com

-----Original Message-----

From: Dick Lowenstein [mailto:bankside@juno.com]
Sent: Thursday, July 26, 2012 5:38 PM
To: McCarthy, Stuart; Welsh, Freda
Subject: Levitt Pavillion

I still have questions regarding the pavilion building, which I would like answered before the RTM meets:

- What is the purpose of the cupola? The Cupola is an architectural feature. At one point it also housed follow spot lights but that feature had been accommodated elsewhere in the design.
- The materials speak of a "food concession and hospitality terrace to provide refreshments for concert-goers as well as a revenue opportunity."
 - How much roof-top seating will be provided in the hospitality terrace? Will the terrace seating only be rented in its entirety or can it be partially rented, in which case will the public be allowed to use the other seating on a first come, first served basis? The details on the use of that space have not been determined. There is no established capacity. Capacity would depend on the type of seating, standing room, accommodation for food service etc. It is currently anticipated the area may be reserved either for a fee or as an area for the Levitt to host guests. When not reserved we anticipate this space to be available to the general admission guests.
 - Is the food concession only going to be open when there are stage events or will it serve as a general restaurant? Will alcoholic beverages be served at public events? For fee-based events, whether Levitt sponsored or used by other organizations? Concession will be open during performances only. Not a general restaurant. Alcohol is being contemplated. At this point it is only sold at special events. Any future decision would require the action of the Levitt Board and application for a permit to any

appropriate bodies.

- Will Levitt attendees be permitted the same informal arrangements they have always had on the grass? YES
- If the Town-requested appropriation is not approved, how would the construction plans change? If the Town chose not to participate financially, the project most certainly would not go ahead this year. It would be up to the Board whether they wanted to go ahead at all without a commitment from the Town. Right now the gift from the Friends of the Levitt is contingent on the Town's participation. It also is clear that several of the large pledges would not be forthcoming if the Town withdrew its financial participation.

Dick Lowenstein

RTM Meeting
June 5, 2012

The Call

1. To take such action as the meeting may determine, upon the recommendation of the Historic District Commission, to amend Chapter 38-24 of the Code of Ordinances of the Town of Westport by adding the property and building(s) located at 42 Compo Road North as a historic property. (Second reading. Full text available at the Town Clerk Office)
2. To take such action as the meeting may determine, upon the recommendation of the RTM Library, Museum & Arts Committee, in accordance with Section C1-3 (4) of the Town Charter, to appoint Trustees of the Westport Public Library for four-year terms beginning July 1, 2012.
3. To take such action as the meeting may determine, upon the recommendation of the Conservation Director in accordance with Section 2-57(b) of the Town Code, to amend Section 2-55, Land Use Fees-Schedule, to the extent it relates to fees for land use applications reviewed by the Conservation Commission and the Conservation Department. (Second reading. Full Schedule of Fees available in the Conservation Department).
4. To take such action as the meeting may determine, to amend Section 6-1 of the Code of Ordinances, "Permitted Hours for Sunday Sales", by increasing the hours during which the sale of alcoholic beverages by restaurants may take place. (Second reading. Full text available in the Town Clerks Office.)

Minutes

Moderator Hadley Rose:

This meeting of Westport's Representative Town Meeting is now called to order. We welcome those who join us tonight in the Town Hall auditorium as well as those watching us streaming live on www.westportct.gov, watching on cable channel 79 or ATT channel 99. My name is Hadley Rose and I am the RTM Moderator. On my right is our RTM secretary, Jackie Fuchs. Tonight's invocation will be by Mr. Meyer.

Invocation, Bill Meyer, district 3:

I'd like to read something tonight that is probably the most beautiful verse in the bible, Corinthians, Paul. This is something that you can relate to everything you do in life:

Love is patient and kind; love does not envy or boast; it is not arrogant or rude. It does not insist on its own way; it is not irritable or resentful; it does not rejoice at wrongdoing, but rejoices with the truth. Love bears all things, believes all things, hopes all things, endures all things. Love never ends.

At my wedding, that was read. It was probably read at more weddings than any other verse.

There were 28 members present. Dr. Cunitz, Wieser, Rossi, Talmadge, Arthurs, Batteau, Dr. Heller, and McCarthy notified the Moderator that they would be absent.

There were no corrections to the minutes of May 7 or May 8. If anyone finds any corrections, please let Jackie Fuchs, Patty Strauss, or Mr. Rose know.

Birthday greetings: We have Ms. Flug, Mr. Keenan and Ms. Cady. Happy birthday to you all.

Mr. Rose:

One of the major perks of being the Moderator, in addition to the fact that I get paid twice as much as all of you, is that occasionally, I can make an announcement that doesn't fit into the format of a birthday greeting. On that note, Robin, I think you're watching, happy 30th anniversary. [Applause.] I hope she is applauding also.

Our next RTM meeting is scheduled for July 10 because July 3 is the fireworks evening. As of this moment, there is an excellent chance we will not need it. Please watch your email. I will let you know at least a week and a half in advance.

There were no committee announcements.

RTM Announcements

Bill Meyer, district 3, Eileen Flug, district 8 and Diane Cady, district 1:

Mr. Meyer: What's going to happen on June 30?

Ms. Flug: It's the duck race!

Mr. Meyer:

We have raised \$30,000 for charity and it all goes to charity. Is there a real duck in the house? This is a rubber duck. Here she is.

Ms. Cady (dressed as a duck): Quack, quack.

Mr. Meyer:

Our Moderator, Hadley Rose, just bought my 100th ticket and Steve Rubin bought 101, so we're on a roll.

Ms. Flug:

The Duck Race is June 30 at Parker Harding Plaza. All of the proceeds go to benefit local charities. Tickets are \$20 and you can buy one from any Rotarian or from Fairfield County Bank. They have them there, as well.

Mr. Meyer: Everybody say quack, quack.

Audience: Quack, quack.

Matthew Mandell, district 1, and Mr. Meyer:

Bill, here's my ticket. I'd like to make an announcement about a project called the Got Field Project. Right here. It is a project to bring the Girl's Softball Varsity Team home to Staples to have their own field. Currently, they are using the Green's Farms Elementary School field as their home field. It's time to have them have their own field which would have dugouts, a fence to hit over and a real field for them to call their home. It's all private funds that are being raised. It's called "Got Field". You can go to Gotfield@gmail.com, send an email, find out more about it. Send in your donations. We are looking to raise \$80,000 or \$85,000. We are a good part of the way there but we need your help and anybody who is watching on television, we need their help to help us bring the Girl's Varsity field home. Just to let you know, the Parks and Rec. Commission has unanimously approved it and it is moving through the process at this time. Bill, do you want to say something? Bill, who has a softball field named for him, the Bill Meyer Field. Tell us about softball.

Mr. Meyer:

This is all part of Title IX, equity for girls. I went to the sports banquet the other night and there were just as many girls honored as boys. At Staples, 71 percent of the kids are on teams and half of them are girls. You see that Jack when you are up there, right? There are two celebrities back there. Do you want to introduce them?

Mr. Mandell:

We've got the two people back there who are helping out, Susan Jacobsen and John Friend, who are heading up the project. That's it, remember the "Got Field Project. Let's bring the girl's softball team home to Staples.

Mr. Meyer:

One more announcement, Westport Community Theater. It's our final play of the year, a musical, five weeks. Anyone who wants to go, I'll give you one free ticket. It's a real winner, right downstairs. Free parking. Next four weeks.

Mr. Rose:

One further announcement. One of our RTM members, Heather Cherry, district 8, was recently confronted with an incredibly difficult decision. It was either to stay on the RTM or clerk for a Federal Judge. I know she agonized on this. I know this was very difficult. This will be her last meeting. She is resigning. The only thing I ask of you is please don't come back and sue us on a P&Z issue. Thank you for your time.

The secretary read item #1 of the call – Adding the property and buildings at 42 Compo Road North as a historic property. The motion passed unanimously.

Presentation

Mr. Randy Henkels, Chair, Historic District Commission:

We've presented this to you for the first reading but we are here tonight to request that you amend the regulations to adopt this property at 42 Compo Road North as a local historic property. This is a house, not as old as many of the houses in Westport, but we think it has a very distinct character. We think it contributes a lot to the overall character of Westport. It's a house that we believe was originally part of the Westport Sanitarium property built at the turn of the century, 1900. It is a very simple two story building. We think it was sold by the sanitarium to the Hunt's in about 1939 and added onto at that time and converted into a salt box, which is what it basically appears to be today. The current owner, Claire Everhart, is the widow of Rex Everhart who was a well-known stage and screen actor in New York and a resident of Westport from 1964 until he passed away earlier in this decade. Claire still lives in the house and she is very interested in seeing the house preserved in perpetuity. She has come before us to request that it be designated as a historic property. We enthusiastically support her in that request and request that you support her, as well, and adopt this.

Committee Report

Ordinance Committee, Ms. Flug:

The proposed ordinance provides for the designation of the property and buildings at 42 Compo Road North, Westport, as historic landmark properties in accordance with Connecticut General Statutes. At its meeting held on Feb. 29, 2012, those present at the RTM Ordinance Committee voted unanimously that the above proposed ordinance is ready for RTM consideration. Attending and voting were Eileen Flug, Chair, Lee Arthurs, Don Bergmann, Allen Bomes and George Underhill. David Floyd was absent. Also attending were Carol Leahy of the Historic District Commission and Assistant Town Attorney Gail Kelly. The RTM Ordinance Committee reviewed the proposed ordinance using the Ordinance Committee Checklist. The Ordinance Committee concurs with the responses of the checklist. The Committee notes that the request for designation of the property at 42 Compo Road North as a historic landmark property was sought by the owner of the property and the designation was approved by the action of the Westport Historic District Commission at its meeting of February 14. Respectfully submitted by the Ordinance Committee, Don Bergmann, reporter.

Members of the Westport electorate – no comment

Ms. Flug read the resolution and it was seconded by Mr. Rubin.

RESOLVED: That upon the recommendation of the Historic District Commission, the amendment to Chapter 38-24 of the Code of Ordinances of the Town of Westport adding the property and building(s) located at 42 Compo Road North as a historic property, is hereby approved. (Second Reading, Full text is as follows.)

ARTICLE II, SPECIFIC HISTORIC DISTRICTS AND LANDMARKS, 38-24 Historic landmark properties

The property and building(s) at 42 Compo Road North, to be known as the Alvilde and John Hunt House, situated in the Town of Westport, County of Fairfield and State of Connecticut being shown on a certain map entitled "Map of property to be transferred from Alvilde L. Hunt to Theodora J. Scarburgh, Westport, Conn. Jan. 1941, 558/1000 acres, Scale 1" = 60' W.J. Wood, Jr. Civil Eng. & Surveyor" which map is on file in the Westport Town Clerk's office as Map No. 1561.

Members of the RTM – no comment

The motion passed unanimously.

The secretary read item #2 of the call - To appoint Michael Guthman and Jessica Cohn Trustees of the Westport Public Library for four-year terms beginning July 1, 2012. The motion passed unanimously.

Presentation

Arthur Ashman, district 7:

As many of you already know, the RTM has the job of electing two members to the Library Board of Directors. They are called Trustees of the Board. On May 24, we met with the Library Committee. The Library Committee had to pick two people and the RTM Library, Museum and Arts Committee had to pick another two people. We were supposed to interview four people. One person, at the last minute, for personal reasons, had to back out. So, out of the four candidates, we had three remaining, Jessica Cohn, Ken Bernhard and Mike Guthman. Since half of the applicants were to be voted on by the library and the other half by the RTM, it was mutually decided to divide the candidates, two for the RTM and one for the library. It was thought that, at a later time, the library will institute a search for one other person and vote privately, not requiring the presence of the RTM Committee. The RTM Committee interviewed and voted positively for Mike Guthman and Jessica Cohn to join the Library Board, both of whom are here tonight and I would like to introduce them afterwards. The vote was four to zero. Since we did not have present a majority of the committee, our vote was considered a strong recommendation of these candidates. The final vote shall be taken by the full RTM membership. In addition, there was a unanimously approved motion to recommend the reappointment of Ross Baris for a second term of four years. Mr. Baris had been an RTM approved candidate previously, so it was our responsibility to approve or disapprove his second term. A vote was taken again. Again, it was four – zero so he is approved by motion. Mr. Chairman, I would like to introduce them. I don't know if it's normal for them to say something.

Mr. Rose: No. That's not necessary.

Dr. Ashman:

Mike and Jessica, come up please. By the way, Jessica will be one of the youngest members of the board. Her credentials are really quite, quite impressive. Mr. Guthman, is there anything you would like to say to this group?

Mike Guthman:

No. I'm not used to standing here and speaking before this group.

Mr. Rose: Thank you.

Members of the Westport electorate – no comment

Ms. Flug read the resolution and it was seconded.

RESOLVED: That upon the recommendation of the RTM Library Museum & Arts Committee, in accordance with Section C1-3 (4) of the Town Charter, Michael Guthman & Jessica Cohen are hereby appointed as trustees of the Westport Public Library for four-year terms beginning July 1, 2012.

Members of the RTM

Dr. Ashman:

It was pointed out that I made an error in Mr. Baris' name. Instead of Ross, it should be Russ.

The motion passed unanimously, 28-0.

Mr. Rose: Thank you both for serving on the board.

The secretary read item #3 of the call - To amend Section 2-55, Land Use Fees-Schedule, to the extent it relates to fees for land use applications reviewed by the Conservation Commission and the Conservation Department. The amendment passes 23-5. Opposed: Izzo, Mall, Keenan, Cherry, Rubin.

Presentation

Alicia Mozian, Director, Conservation Department and Lynn Krynicki, Conservation Analyst, Certified Soil Scientist and Licensed Sanitarian:

We are here tonight to ask for your approval to include additional fees and one correction to the Fee Schedule which is Appendix C of the Town Code. Hopefully, you got the fee schedule in the packet before the first reading. The additional fees are intended to support a policy change recently adopted by the Conservation Commission. The new policy will help facilitate using the most accurate wetland boundaries we can when issuing permits for site improvement projects. Specifically, the policy spells out the procedure we will be using to establish and verify an accurate wetland boundary. We are proposing three new

fees that fall into two basic categories: two for \$125 are to cover the cost of a site inspection by staff for wetland boundary determinations; the third, for \$200 is for a map amendment presented by staff to the Commission. There is a fourth change that corrects an omission that took place during publication of the Code. A \$625 fee is charged for alterations or modifications to an existing commercial structure. That was accidentally left out during the printing of the code change last year. Under the Inland Wetlands and Watercourses Act, my staff and the Conservation Commission is charged with protecting the wetlands and watercourses of the Town of Westport. The regulations grant us the authority to investigate the presence and location of these resources. The new policy will require the delineation of the wetland and watercourse boundaries by a certified soil scientist as part of every application submitted to the Conservation Department. Submitting this information do many important things including avoiding violations, design changes and time delays. It will further protect the resources. Up until the adoption of the new policy by the Commission, a boundary established by a soil scientist was not required. An applicant relied on the wetland maps of the town which are intended as a guide and not as a vehicle for establishing the boundaries for development purposes. The town maps that we have now were devised by taking 1975 aerial photographs and some ground-truthing by soil scientists and adopted in 1983. The scale that they are at and the way they are drawn only enables them to be a guide. They are not accurate enough for development purposes. Because of their general nature and because they have missed some wetlands and watercourses altogether has led to a lot of problems with applications including violations, the need for wetland restorations and changing site development plans so it was time to correct this problem and that's why we have come forth with this policy change. The RTM Ordinance, Finance and Environment committees reviewed the fee changes. The Finance Committee questioned the elimination of the verification of a boundary by a second soil scientist. To be clear, we have not eliminated the requirement of verification of a boundary line. It has always been and will continue to be the policy of the Conservation Department to verify a boundary line. Before I explain the process, let me make it clear that the real focus of this policy change is to acquire accurate information without which we cannot protect the wetlands and watercourses, as required. Until now, people have relied on the town maps which are not accurate. I will briefly outline the new procedure:

First, the wetland flagging performed by the applicant's soil scientist will be inspected in the field by the staff. My staff is composed of trained professionals using their judgment as to whether the line is accurate. (This is in reality the second opinion.) Photos are taken, soil samples are collected and brought back to the office for a collaborative decision. After review, if the staff questions the applicant's soil scientist, we would meet that soil scientist on the site. If the boundary still cannot be resolved, then staff will call in an outside, independent soil scientist paid for by the applicant. Please note, the Commission has requested us to report back to them after six months to review the policy change and determine if any changes will be needed. As I stated in the First Reading, we

have sent this out to 123 stakeholders and received little to no negative feedback. In fact, most builders and engineers etc. are required to delineate a wetland boundary as a matter of course when seeking a wetland permit in almost any other town in Connecticut including all the adjacent communities to Westport. Since word has gotten out about our policy change which will take effect July 1st, we've already had at least four property owners come forth with documentation from a soil scientist. To conclude, the reason for the fees is to cover the cost of inspecting the site, verifying the information and then correcting the town maps by way of a map amendment. The fees are fair and the policy is consistent with our regulations and helps to ensure the protection of the wetlands and watercourses.

Committee reports

Conservation Committee, Ms. Flug:

The Conservation Commission is seeking to amend the fees governing applications brought before the Conservation Commission and Conservation Department as part of a policy change regarding wetland and watercourse boundaries that was adopted by the Conservation Commission on March 21, 2012 as Alicia explained. The proposed amendment creates new fees of \$125 for wetland boundary site inspections in connection with applications for administrative or commission review under the Inland Wetland and Watercourse Regulations and Waterway Protection Line Ordinance; creates a \$200 fee for staff time and legal notice requirements to amend the town wetland map when requested by the staff, specifies that the existing map amendment fees only relate to map amendments requested by an owner, and corrects a typographical error in the fee schedule that had omitted the dollar amount for fees for alterations or modifications of non-resident structures. Conservation Director Alicia Mozian explained the benefits of the proposed fee changes and the new policy changes to the Committee, as more fully described in her memo to the RTM dated April 30, 2012, which is on file at the Town Clerk's office. Upon motion duly made and seconded, those Committee members present voted unanimously that the proposed fee amendment is ready for RTM consideration. Attending and voting were Eileen Flug, Chair, Don Bergmann, George Underhill and David Floyd. Absent were Lee Arthurs and Allen Bomes. Also present were Alicia Mozian, Director of the Conservation Department, and Assistant Town Attorney Gail Kelly.

Respectively submitted, RTM Ordinance Committee.

Finance Committee, Allen Bomes, district 7:

I am reading this for Jeff Wieser who is away tonight. Alicia Mozian presented the Conservation Commission's request for our endorsement of the revised fees that the Conservation Department proposes to charge for the resolution of wetland boundary locations in town. She advised that the Wetlands maps currently in use by the town are occasionally inaccurate and are updated through field investigation by soil scientists retained by both the owner and the Town. While it might be useful to redo all of the maps that are over 30 years old, this exercise

would cost the town close to \$200,000. The maps are questioned around 20-25 times a year, and this expense is therefore both unwarranted and most probably not possible. The new fees follow on a proposed new policy which allows Conservation staff to review on-site an application for an amendment to the wetlands map and determine more quickly the accuracy of that amendment. Currently a soil test is required and if that test conflicts with other information, a broader review is necessary, including the hiring of a second soil scientist by the applicant. Our committee did not question the new fees, and we were perhaps amenable to approving them, but we questioned the wisdom of the new policy which seemed to eliminate the second opinion review component of wetland map amendments from the procedure currently in place. Ms. Mozian acknowledged the committee's concern and agreed to come back to the full RTM meeting with a response to how we can incorporate a review feature into the new procedures. No vote was taken.

Members of the Westport electorate - No comment

Ms Flug read the resolution and it was seconded by Mr. Rubin.

RESOLVED: That upon the recommendation of the Conservation Director, an amendment to Section 2-55, Land Use Fees-Schedule, is hereby approved. (Second reading, Full text, Appendix A)

Members of the RTM

Dick Lowenstein, district 5:

I have a point of information and I guess it's addressed mostly to the Ordinance Committee. Normally, when we have ordinance changes, we have an ordinance checklist and I notice there is no ordinance checklist provided with this proposal nor is there one for the one that is forthcoming on the liquor law as well. I would like to see those kinds of reports in the future. They answer some of the questions that I am going to ask right now. That is, considering these new fees, is there any estimate of total revenue that will come either projecting into the 12/13 year or applying these same fees in the 11/12 year. How much additional money will be raised?

Ms. Mozian:

I can't give you an accurate number. It is an estimate. It is anticipated that we will be collecting more fees than we do under the existing policy. Right now, as I explained, it is voluntary for someone to come forth to amend the town wetland map. That application for a one acre property is \$650. We get 20-25 of those a year. That money is used to hire a second soil scientist. That runs us about \$350 so I have a fees and services account. The money comes in and goes out. Now with this new change, we are anticipating that because we have to go out and investigate nearly every application that we get, and then if there is an amendment to the town map required, there is a fee for that. Together, let's say, it is \$325. Even though that is half of the cost of what we are charging now, we figured that there will be at least double or triple the number of applications that

we get now. Our office issues close to 200 permits a year. I'm not saying that we will go to have to go out to 200 sites but even if we go to 100 sites, that would be 80 more than we are taking in with those map amendment applications now if we are only getting 20-25 a year. So, I think it will be an increase in revenue.

Heather Cherry, district 8:

How do you propose, do you have the manpower to do all these site visits? Will it push back the timing on people's projects?

Ms. Mozian:

I would say that right now when you drop off a permit that is eligible for administrative approval, meaning it doesn't have to go to the Commission for full public hearing, we normally tell people five to seven business days. I would say that maybe that would extend to seven to 10 business days. Certainly, we are going to have to schedule staff to have certain days of the week where we go out and do these investigations. Your question about staffing, no, I don't think it will require additional staffing. Certainly, it will require time management but I know your question was whether it will delay in which a person will get a permit. I said maybe instead of five to seven business days, it will take seven to 10 business days; however, right now if you want to do a project, let's say, you want to put in a pool and you have wetlands on your property and you don't agree with the town line and you hire a soil scientist and flag the line and that line is different than the town map shows, we now require that you file a map amendment application that is required by statute to go to a public hearing. That's about a month delay. Then you can pull your permit for the pool. So, by us being proactive, by us going out to the site, we're saving the applicant almost a month's time in getting the pool permit.

Mr. Loselle, district 5:

Alicia, I'm interested in when these fees will kick in. For example, if you want to put in a deck or pool or new septic system and your property has zero wetlands according to the town map, will any of this apply?

Ms. Mozian:

There are exemptions to this new policy. Let's say the town maps do not show any wetlands. We are going to go out to the site and we are going to use our professional judgment, based on our experience, to determine if that indeed is the case. We can also have at our disposal aerial photographs; we have prior files, anything that is at our disposal to confirm that there is no wetland boundary. Some of that might be our knowledge of the Town. I think I used as an example at the Finance Committee if somebody said are there wetlands at 110 Myrtle Avenue, I just know that there aren't. There are certain areas of the town that I just know that there aren't. So, we would not require this. Also, using those topographic maps that we have, we are able to read the contours of the land and we are able to get a pretty good idea of where water courses might be, where wetland pockets might be that are not showing up on the town maps but that site

investigation will be an important component to verify that no soil scientist would be required.

Mr. Loselle:

Given that, if a property currently shows no wetlands on the current map, you would still come and make a verification. There would be no fee for the citizen if that were the case. What I am trying to get at, every single piece of property in town, Myrtle Avenue is a good example. It shows zero wetlands. We're now going to make a visit and charge a fee when we already know there's no chance of wetlands.

Ms. Mozian:

No. We are probably not going to charge a fee for that. I guess I wanted to also tell you that I could probably list five properties off the top of my head where no wetlands are shown on the town map and this has caused problems for the applicants because in trying to build a project because one way or another, we find out about it. So, even though we may not be charging for that inspection, we are still going to go out.

Mr. Loselle:

As a follow up question, if you have a property, let's say a two acre property in district eight, and somebody has a little corner of the property showing wetlands and they want to put a deck on the other side of the property. It's obvious that it's not near the wetlands. Are they going to have to hire a soil scientist to prove that an acre away is not near the wetlands?

Ms. Mozian:

No. We would go out to the site and we would see what they are proposing relative to the location of the wetlands. We would determine there is minimal to no adverse impact to the wetland and hiring of a soil scientist would not be necessary. That's not to say the next time they are proposing a tennis court, we might say, now you need one. But something as minor as a deck, so far away, no.

Mr. Bomes:

Let me cite what the Finance Committee's concerns were. Right now under the present law, if an applicant has to hire a soil scientist to map where he feels the wetlands are, if those differ from the town wetland map, then a second soil scientist is hired to draw a map and they have dueling wetland maps. The staff would sort that out. Under the new policy, if the soil scientist from the applicant remaps the wetlands, a staff member could go out and determine outside a public hearing, the staff member could make an administrative review and determine the new wetlands are fine and the town's weren't very good. The concern was we felt there was the potential for abuse if a staff member was doing the review and not a second soil scientist confirm the mapping. You'd have two maps by two soil scientists paid for by the applicant versus one map, one

remapping, and an administrative review outside of a public hearing. You mentioned in the report that you were going to come back and address this and I haven't heard how this is being addressed.

Ms. Mozian:

I did mention when I read my report to you, the policy is going to be that first the wetland flagging is performed by the applicant's soil scientist. We inspect that in the field. Then we are going to take photos, collect soil samples and bring that back to the office for a collaborative decision at the staff level. We added that extra step because you were afraid, if I heard you right, that staff is out in the field and they could be strong-armed by the applicant to say they didn't need to hire another soil scientist. Just go with our guy's line. So, we wouldn't make that decision out in the field and it would be a collaborative decision amongst the staff.

Mr. Bomes:

You read that earlier tonight? I'm deaf. I've got a lot of mud on me from Meyer field. It's fine.

Mr. Mandell:

While I'm keenly aware of the added expense, I just want to make sure that when you go out and double check this, you will be erring on the side of the environment and not just doing it quickly and saying there are not wetlands. If you have a piece of property where there is a possibility, you will call in a soil scientist. I just want to make sure that we are on the side of the environment.

Lynn Krynicki, Conservation Analyst:

I have been working with the soil scientists who have been delineating the wetlands in Westport for a little over seven years. I would like to attest to the fact that they are professional and our office is professional and I would like to assure the RTM that we will always be vying on the side of the environment.

Ms. Cherry:

If someone had wetlands changed on their property when you came out when they filed a permit for a deck or whatever and they had a barn or a swing set on what they thought was not wetlands, would they then be required to remediate or remove that item?

Ms. Mozian:

That happens all the time now. I don't think that's going to go away with this new policy change. Usually what happens in those cases is, if there is a structure in a wetland that was not previously approved, they will have to address it one way or the other. Most times, they address it before they get a certificate of compliance for the project. Sometimes they have to apply to legalize it before the Conservation Commission, at which time, they are given an opportunity to prove why there is no adverse impact to the wetland; so, it doesn't always result in the

removal of the structure. It may result in having to do some type of mitigation. Also, our wetland regs didn't come into effect, I use 1975 as the date for grandfathering because we have 1975 aerials so I can prove the presence of a structure through those aerials. Similarly, with the WPLO that was adopted 1980, I use 1975 aerials as well as a baseline. I guess it depends on the structure, how old it is, if they can move it, how they apply to legalize it, does it go to the commission? Can we ask for mitigation? It's not a fait accompli that they have to get rid of it.

Ms. Cherry:

Just so I understand, if I have something on the property already approved because my property had no wetlands and I wanted to build a deck and you came in and said I had wetlands and the structure was on the wetlands, most likely I would have to move it?

Ms. Mozian:

If this structure has been there forever and it was found that it had no permit because it was built after 1975, so it was illegal, you would have to apply to legalize it. You're right. It wouldn't have been illegal because you didn't think there were any wetlands. I guess, for me to issue the next permit, if there was an opportunity to provide some mitigation if that structure was causing some adverse impact, maybe I'd do that but the fact that something was built on a wetland renders it no longer a wetland. A lot of this town, a lot of the houses are built on filled wetlands. That's another reason our maps are wrong. You could see a wetland line right through the middle of a driveway. That makes no sense at all because it could no longer be a wetland realistically. That's the reason a lot of times why people voluntarily want to hire a soil scientist and change the map. They know the wetlands aren't out there. That may be the case in your scenario. If the barn was there built on a wetland, chances are it's not a wetland anymore

The amendment passes 23-5. Opposed: Izzo, Mall, Keenan, Cherry, Rubin.

The secretary read item #4 of the call - To amend Section 6-1 of the Code of Ordinances, "Permitted Hours for Sunday Sales", by increasing the hours during which the sale of alcoholic beverages by restaurants may take place. The motion passes 26-2. Opposed: Lowenstein, Mall.

Presentation

Mr. Mandell:

I am submitting this minor modification to Westport's Permitted Hours of Sunday Sales Ordinance 6-1 of the Town Code in effort to promote the usage of our restaurants in town. I call it "The Three Day Weekend Rule." Currently, Westport allows establishments to sell liquor on Sundays between the hours of noon and 11 p.m. The state allows it between 11 a.m. and one a.m. the following morning. I was contacted by a number of restaurateurs informing me of this difference. They

explained that people were not coming to the Westport venues on those days, or leaving earlier to frequent a Norwalk or Fairfield establishment where the hours of sales follow the less restrictive state rules. While this modification could be done for all Sundays, the merchants only sought to have this done for Sundays prior to a national holiday on a Monday. Their reasoning was that those Sundays are much like Saturday nights for people who do not have to work Monday and are looking to enjoy themselves and be out later. It is essentially a three day weekend. They were not interested in making it every Sunday. Another piece of information I found out is that restaurants must stop serving food one hour prior to liquor being terminated and that means that 10 p.m. on Sundays and, again, that was another reason people were moving to Fairfield or Norwalk for their dining pleasure. Essentially, after the modification that will be done by the Ordinance Committee, which I will agree with, it changed the original number of the days from six to 10 days a year, being prior to Christmas, New Years, Martin Luther King Day, Presidents' Day, Memorial Day, July 4th, on and on, any Federal Holiday, so that could become six to 10 Sundays per year for a total of 46 possible Sundays over seven years. So, it's a minor modification of two hours a day over 46 times over seven years. The effective date of this according to the State Statute would make this the first day of the next month so if we do vote for it tonight in June, the first day this could take effect is July 1 but, effectively, since it only occurs on the day before a national holiday, the next time we would be looking at this is the Sunday prior to Labor Day, two months away. As to the [Ordinance Committee] checklist, Mr. Lowenstein brought up that there was no checklist. There was, but I put it up online. I spoke with Patty Strauss today and she asked if she missed something. I said, no, I put it up all online. There it is on the smart phone. Anybody could have gone to the website. I emailed everyone twice to say to go to the website. All the information was there including letters from the restaurateurs, a letter from the Chief of Police saying there would be no impact and his support of it and other information. We can discuss if this is the best way for us to move forward in other ordinances by putting it on a website or must it be put into the town record so it's there and sent in a packet. I was hoping to save paper. That's essentially it. It's The Three Day Weekend Rule. It's a minor modification that is a win-win for our community. It helps our restaurants and it also helps our community and our residents be able to enjoy Westport restaurants and I hope you will support it.

Mr. Rose:

Mr. Mandell, would you like to discuss the Ordinance Committee change?

Mr. Mandell:

As I mentioned, there was a change by the Ordinance Committee and what they suggested the change to be, the second paragraph:

However, when a U.S. Federal holiday falls on a Monday, and when Independence Day falls on a Monday or Tuesday, the sale of alcoholic liquor shall be allowed between the hours of 12:00 noon on the immediately preceding Sunday and 1:00 a.m. that Monday.

I guess you will be asking for unanimous consent to allow us to change it from the original piece that I submitted to what the Ordinance Committee proposed.

Committee Report

Ordinance Committee, Dave Floyd, district 4:

The current Town ordinance provides for the sale of alcoholic liquor beverages in all establishments operating under the liquor permits cited in C.G.S. § 30-91(a) (i.e., restaurants, taverns, brew pubs and similar establishments) on Sundays between the hours of 12:00 Noon and 11:00 p.m. The proposed ordinance would extend those hours until 1:00 a.m. on the next Monday (a two hour increase) at such times during the year when Memorial Day, Labor Day, New Year's Day and Independence Day are celebrated on a Monday. The Ordinance Committee reviewed the proposed ordinance using the checklist and we agreed with all the responses to the checklist. The committee notes that the request for extended hour liquor sales on Sundays during the year which are immediately followed by a U. S. Federal holiday was sought by several restaurants in Westport to remain competitive with similar establishments in Fairfield and Norwalk. At its meeting held on May 23, 2012, those present at the RTM Ordinance Committee voted unanimously that the proposed ordinance should be amended to cover all U.S. Federal holidays that fall on a Monday, rather than only the four listed in the proposed ordinance, and also cover the prior Sunday when July 4 falls on a Tuesday, since employers often close on the preceding Monday when July 4 falls on a Tuesday. Upon motion duly made and seconded, the Ordinance Committee voted unanimously to recommend that the second sentence of the proposed ordinance be replaced with the following:

However, when a U.S. Federal holiday falls on a Monday, and when Independence Day falls on a Monday or Tuesday, the sale of alcoholic liquor shall be allowed between the hours of 12:00 noon on the immediately preceding Sunday and 1:00 am that Monday.

Upon motion duly made and seconded, the committee then voted unanimously that the proposed ordinance is ready for RTM consideration. Attending and voting were Eileen Flug, Chair, Don Bergmann, George Underhill and David Floyd. Absent were Lee Arthurs and Allen Bomes. Also present were Matthew Mandell (RTM District 1, who is presenting) and Gail Kelly. Members of the public who were in attendance were Harry Brady and Bob O'Mahony, both of Viva Zapata.

Members of the Westport electorate – no comments

Mr. Rose:

Before Ms. Flug reads the resolution, what I'd like to propose, I believe you've all seen what's in the packet the change that was suggested by the both the committee and the proponent. It's a minimal change. As opposed to having to debate that as an amendment, I would prefer if we could just make the change right now and give unanimous consent to make that change. You could certainly criticize it as part of the debate if you choose to do so. I'm just saying instead of

debating the amendment change and then going back to the main motion, we could do it as one shot. If there's a real objection to that, somebody could object.

There is not unanimous consent. Mr. Lowenstein objects.

Ms. Flug read the original resolution and it was seconded by Mr. Rubin.

RESOLVED: That an amendment to Section 6-1 of the Code of Ordinances, "Permitted Hours for Sunday Sales", increasing the hours during which the sale of alcoholic beverages by restaurants may take place, is hereby approved. (Second reading, Full text is as follows.)

Sec. 6-1. - Permitted hours for Sunday sales.

The Town shall allow the sale of alcoholic liquor on Sunday between the hours of 12:00 noon and 11:00 p.m. in all establishments operating under the liquor permits cited in C.G.S. § 30-91(a). However, when Memorial Day, Labor Day, New Year's Day and Independence is celebrated on a Monday, the sale of alcoholic liquor shall be allowed between the hours of 12:00 noon on the immediately preceding Sunday and 1:00 am that Monday.

I was just going to say that the amendment that the Ordinance Committee proposed also cleaned up some of the language.

Mr. Rose:

Seconded by Mr. Rubin. Would anyone like to make an amendment?

Mr. Mandell:

I would like to amend the prior amendment, replace the second sentence: However, when a U.S. Federal holiday falls on a Monday, and when Independence Day falls on a Monday or Tuesday, the sale of alcoholic liquor shall be allowed between the hours of 12:00 noon on the immediately preceding Sunday and 1:00 am that Monday.

Seconded by Mr. Rubin.

Members of the Westport electorate - No comment

Members of the RTM

Mr. Lowenstein:

I have several questions. First of all, I would like to have enumeration of exactly what Federal holidays are going to be added to the list. Since Christmas appears to be one of them, it seems to be inappropriate to have Christmas as a holiday in which you can drink to one a.m. the following day. If New Year's is falling on a Monday, it appears inappropriate that one a.m. is the time. New Year's Eve is quite often an evening when you go to two a.m. or three a.m. in the morning. I don't understand the purpose of these amendments. Also, why July 4, the

Monday preceding it, if it is on a Tuesday as a national holiday? I don't think many companies close on the Monday. Some companies may and some may not. So please, list the holidays, an understanding of why Christmas is included and why New Years included but not a longer closing and, finally, a Monday before July 4 is being included. It is somewhat inappropriate.

Mr. Mandell:

The Federal holidays listed by the Ordinance Committee, going in chronological order: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor day, Columbus day, Veterans Day and Christmas. Those are the Federal holidays. There are 10 of them. Christmas, New Years and Independence Day move. The other ones are always Mondays so we know what's going on. That's why I originally said 6-10 days per year because we don't know when they move. Let's talk about Christmas. Christmas was never discussed by the restaurants. They mostly close down on Christmas eve. If they want to be open on that Sunday before a Monday Christmas, I don't see a difference between any other day if they want to be open but most of the restaurants close down so it doesn't become an issue. As for New Years, the state allows for later hours on New Years Eve. There was some writing in the state statute about it. As for how Westport wants to deal with it, if people want to ignore it, they can but the rule is 1 a.m. in Westport. That's the law. We shouldn't be monkeying around whether it's New Years or not. We have a steadfast stop at 1 a.m. We are making law. As for Independence Day, it is a well known concept; if Independence Day is on a Tuesday, July 4, many, many companies have the Monday off. The restaurants, when they came to me, mostly were looking for the summertime. That was the original concept dealing with those holidays more than the other ones in the wintertime. It's the summertime when they mostly wanted to be able to do that. If we feel that July 3, being on a Monday, and Independence Day, on a Tuesday, is important, then we should have that in there for the restaurants. I think most people who have that Monday off would like to be able to spend time in a restaurant at a reasonable hour rather than having to go to Norwalk or Fairfield to do what they could do in Westport. That's the point of this amendment to have us enjoy our town.

Mr. Lowenstein:

I just want make the observation that Columbus Day and Veteran's Day, while they may be federal holidays, most businesses are open on those days. They are normal days although the schools might be closed. I think it is inappropriate to classify all federal holidays as being equal. They are not. We celebrate Columbus Day; we hardly ever celebrate it any more. Veteran's Day is generally observed at 11 o'clock in the morning for the observance of the Armistice. I think this is getting a little too broad. I will not vote to support the amendment.

Hope Feller, district 6:

I agree that some of the holidays are different. We should look at every different holiday if we really want to go through this. I do support the amendment but I do

think that New Years Eve should be treated differently from the other holidays because we have to be as competitive as possible with the towns close to us to draw people to Westport restaurants and drinking establishments.

Mr. Rose:

We are voting on the amendment to substitute the following wording for the second sentence:

However, when a U. S Federal Holiday falls on a Monday and when Independence Day falls on a Monday or Tuesday, the sale of alcoholic liquor shall be allowed between the hours of 12:00 noon on the immediately preceding Sunday and 1:00 am that Monday.

The motion passes 26-2. Lowenstein and Mall opposed.

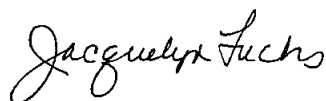
Discussion of the amended motion:

Members of the RTM – no comments

The amended motion passes 26-2. Opposed: Lowenstein, Mall.

The meeting adjourned at 9:15 p.m.

Respectfully submitted,
Patricia H. Strauss
Town Clerk



by Jacquelyn Fuchs
Secretary

ATTENDANCE: June 5, 2012

DIST.	NAME	PRESENT	ABSENT	NOTIFIED MODERATOR	LATE/ LEFT EARLY
1	Don Bergmann	X			
	Diane Cady	X			
	Matthew Mandell	X			
	Cornelia Olsen	X			
2	Catherine Calise	X			
	Jay Keenan	X			
	Louis Mall	X			
	Sean Timmins	X			
3	Jimmy Izzo	X			
	Melissa Kane	X			
	Bill Meyer	X			
	Hadley Rose	X			
4	Jonathan Cunitz, DBA		X	X	
	David Floyd	X			
	George Underhill	X			
	Jeffrey Wieser		X	X	
5	Dewey Loselle	X			
	Richard Lowenstein	X			
	Paul Rossi		X	X	
	John Suggs	X			
6	Hope Feller	X			
	Paul Lebowitz	X			
	Catherine Talmadge		X	X	
	Christopher Urist	X			
7	Arthur Ashman, D.D.S.	X			
	Allen Bomes	X			
	Jack Klinge	X			
	Stephen Rubin	X			
8	Lee Arthurs		X	X	
	Wendy Batteau		X	X	
	Heather Cherry	X			
	Lois Schine	X			
9	Eileen Flug	X			
	Velma Heller, Ed. D.		X	X	
	John McCarthy		X	X	
	Gilbert Nathan	X			
Total		28	8		