

December 1, 2020

**The Call**

1. To take such action as the meeting may determine, to elect a Moderator of the Representative Town Meeting.
2. To take such action as the meeting may determine, to elect a Deputy Moderator of the Representative Town Meeting.
3. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Fire Chief, to approve an appropriation in the amount of \$4,635,408.00 along with bond and note authorization to the Municipal Improvement Fund account to replace the Public Safety Radio System.
4. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Director of Public Works, to approve an appropriation of \$80,000.00 along with bond and note authorization to the Municipal Improvement Fund Account for the design and permitting for rehabilitation of the Old Mill Walkway and Tide Gate Structures.
5. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Director of Public Works, to approve an appropriation of \$230,000.00 along with bond and note authorization to the Municipal Improvement Fund Account for construction costs for repairs and improvements to the Jesup Green Seawall.
6. To take such action as the meeting may determine, pursuant to CGS Section 7-273c and upon the recommendation of the RTM Transit Committee, to appoint a director to the Westport Transit District to fill a vacancy which expires April 30, 2022.

**The meeting**

Moderator Velma Heller:

Will RTM members please mute their mikes, remember to unmute when recognized to speak and then mute after you comment.

Good evening. This meeting of Westport's Representative Town Meeting is now called to order and we welcome those who are joining us the evening. My name is Velma Heller and I'm the RTM Moderator. Procedures for this electronic meeting: Pursuant to the Governor's Executive Order No. 7B, this meeting is being held electronically. It will be live streamed on [westportct.gov](http://westportct.gov), and shown on Optimum Government Access Channel 79 or Frontier Channel 6020. Members of the electorate who wish to have their comments read during the public comment period for each agenda item may email their comments to [RTMcomments@westportct.gov](mailto:RTMcomments@westportct.gov). We will make every effort to read comments if you state your full name and address and are received during the comment period for each agenda item. Public comments will be limited to three minutes. Please note that meeting materials are available at [westportct.gov](http://westportct.gov) along with the meeting notice posted on the Meeting List and Calendar page.

Tonight's invocation will be delivered by a long time Westporter. A man of many talents, he is a writer, a High School soccer coach and mentor, an innovator in online journalism - the man behind 06880, Dan Woog.

Invocation, Dan Woog:

Thank you Velma. We go back a long way, don't we. Good evening. Five days ago, Westporters celebrated Thanksgiving. Our tables were smaller than usual. So were our turkeys. We missed many friends and loved one who gather with us every year. We Zoomed with them, sure – but as anyone joining in tonight knows, that cannot take the place of joining together, live and in person, in the same room. Earlier last month, Westporters voted in an important election. It too looked and felt different, in some ways. Some were pleased with the result; others were not. All were proud though, to take part in a near-250-year tradition. We will do all we can to make sure it endures for centuries more. The RTM is its own tradition. It is non-partisan. It represents every segment of town. It is unique. It is quirky. It is ours. Thank you for your service. Thank you for your insights and deliberations. Also, thank you for showing us the insides of your homes, and for muting yourselves and your pets. Most of all, thank you for all you do, for all of us in Westport. We would not be who or what we are without you.

Dr. Heller:

Thank you for knowing us and thank you for appreciating our quirkiness and thank you for doing the same thing for the whole town, Dan.

Now we have our Pledge of Allegiance which follows presents a montage of RTM members compiled by Matt Mandell, District 1 Representative. [The film did not show.] Hang in. We've had a couple of quirky things tonight. Matt Mandell, do you still have that flag?

Matthew Mandell, district 1:

I can't share my screen but Eileen is looking for it. She'll find it.

Eileen Zhang:

The computer just got updated and the sharing screen does not work.

Dr. Heller: I think we can all say the Pledge.

There were 35 members present. Mr. Keenan notified the Moderator that he would be absent. Ms. Bram and Ms. Rea left early and did not vote on items #3, #4, #5 or #6.

Dr. Heller:

The minutes of the November meeting have been posted. If there are no corrections at this time, the minutes are accepted as submitted. If anyone has corrections, please contact Jackie Fuchs, Town Clerk Patty Strauss or myself.

### **Announcements**

Birthday greetings tonight to Seth Braunstein, Cathy Talmadge and Harris Falk-  
Congratulations to all, our December babies.

Our next RTM meeting is scheduled for Tuesday, Jan. 5 at 7:30 p.m. and please note that the annual attendance from October 2019 to September 20 is in your packet for your review. This is per the Town Code Section A162-9.

### **RTM Announcements**

Mr. Mandell:

A few things the Chamber of Commerce is doing related to restaurants... We're trying to get people in there and, hopefully, the first one you've seen is the "Bring your own blanket" campaign. It's getting chilly out there but they still want people to come and eat outside if you choose. You can still eat inside if you choose. If you want to eat outside, they've done it in Europe for many years and we have a great little video done in town and we hope that people will bring their blankets and eat outside. The other concept we've put together is "restaurant savings time". As you know, last month, the Governor put a curfew on businesses. They must close by 10 o'clock. Restaurants must stop serving by 9:30. So, the idea, just like Daylight Savings, we shift an hour back, their eating, so the restaurants have as many seatings as they had before. So, those are the two ideas. So, hopefully, you are still going out and eating and being as safe as you possibly can.

A quick congratulations to Grandpa Jim Marpe. We heard earlier that he is a grandfather. I want to wish him all the best in the world as his family has a new grandchild.

Dr. Heller: That's lovely. Thank you Matt.

Kristan Hamlin, district 4:

Velma agreed that I could briefly honor an important American anniversary at this RTM meeting. Last week was the 400<sup>th</sup> anniversary of the Mayflower Compact. One realizes how significant that event is to us today when one considers this history. The Mayflower's destination was the English colony of Virginia but storms forced it to anchor off Cape Cod. Provisions were dangerously low. Since they would not be settling in an English colony, some of the non-Puritan passengers, who the Puritans called *strangers*, said they would use their own liberty for none had the power to command them. It is remarkable what these passengers did before disembarking when one considers this context. Here they were, wracked by hunger and disease, their lives depending on disembarking soon but, before doing so, 41 of the passengers proposed and signed a covenant. That covenant, the Mayflower Compact, is widely agreed by historians to be the first example of American self-governance. It was the foundation of liberty based on law and order. This November, those long tethers that bind us were severely tested. Yet, in state after state, this past month, what prevailed was that 400 year old community norm, respect for the law. The Mayflower's women passengers were not allowed to sign the compact because women were considered property. The Puritans faced a desperate first winter. More than half of the passengers died of disease and starvation. Amazingly, on the 400<sup>th</sup> anniversary, we face another scary winter of disease with the pandemic, COVID. In one of those Puritan families, the Fullers, husband, wife

and their 12 year-old son Sam, the parents gave their own food to little Sam so he could live. Both parents died of starvation, leaving that little boy orphaned in a foreign land. Our Westport community's parents today are, likewise, making so many sacrifices for their children during COVID. The name of the father, Robert Fuller, is well recorded in history like so many women in our history, goodwife Fuller's first name is unknown. Like so many female ancestors, women who worked equally hard and sacrificed for their families to build this nation but who history treats as nameless. Goodwife Fuller died of starvation on Jan.11, 1621. On that precise day, January 11, 11 generations later, her ancestral granddaughter was born and she will finally witness the first woman Vice President in this nation's history to be inaugurated next month. That 11<sup>th</sup> generation granddaughter is me. A woman's long awaited ascension to the Vice Presidency in many respects honors all our grandmothers who fought and sacrificed for us all. I am sharing this story with my colleagues to remind us how these threads of history bind us together; how we have successfully overcome worse and how the end of desperate winters, we don't just survive, but we can and we must move closer to a more just world that honors all our grandmothers.

Jimmy Izzo, district 3: I got a negative on my COVID test. I'm clean.

Dr. Heller: Halleluiah, good for you Jimmy.

Tonight we want to recognize two extraordinary RTM appointees who have served our town admirably as Directors of the Westport Transit District. We offer our deepest thanks to Patricia Cimarosa, that's Patsy, and Martin Fox, that's Marty, whose volunteer efforts over the past years have gone well beyond the call of duty. Patty Strauss, our Town Clerk, will take it from here,

Town Clerk Patty Strauss:

Thank you Velma. It is my pleasure to present Service Recognition Awards to the outgoing and outstanding Westport Transit District Directors, Martin A. Fox and Patricia S. Cimarosa, known to many of us as Marty and Patsy. Both recipients were appointed in March 2016 to fill vacancies on the Transit Board. Both recipients brought their personal expertise to the Board. Marty's diverse management and consulting background and Patsy's supervisory and management experience with the Housing Authority guided the Westport Transit District to many creative solutions to the day-to-day issues that were presented to them. Their financial analysis and presentations to our Boards were always informative and thorough. Now, after 4-1/2 years of service, I want to thank them by virtually presenting them with a certificate.

In recognition of meritorious service [to each] as a member of the Board of Directors of the Westport Transit District for the Town of Westport.

Here's your certificate and it will be mailed to you. Thank you Patsy and Marty for your service.

Martin Fox: Thank you very much.

Peter Gold, district 5:

I have known Marty for many, many, many years and Patsy since she was appointed. I'm not really good at flowery things but I want to thank Marty and Patsy for their many years of dedicated service to the Westport Transit District. When I first approached Marty about serving as a Director almost five years ago, he foolishly believed me when I told him the job wouldn't be too time consuming and signed on for an initial four-year hitch. Patsy, the former Executive Director of the Westport Housing Authority, also signed on with a primary concern for protecting the Transit District's door-to-door services for the elderly and people with disabilities. Together, they put in untold hours over the past four and a half years, overseeing the normal, day-to-day operation of the Transit System, developing the annual budgets and shepherding them through the Town's budget approval process, setting a high bar with their many accomplishments on behalf of the Transit District and the Town. The following is a list of only a few of their many accomplishments:

- They changed the process of dispatching vehicles for Door-to-Door service within Westport achieving annual savings of \$100,000 per year.
- They worked with the Norwalk Transit District, which operates the buses for the Westport Transit District, to develop better financial information and ridership reports for analysis and decision making.
- They completed two Westport Transit District Town-wide surveys, which achieved high participation rates of 1,500 and 1,700 responses and provided valuable information on citizen attitudes, awareness of the Transit District's services, demographics and train usage information.
- They worked with Human Services to evaluate alternative delivery models for Door-to-Door services. As part of this effort, they developed two RFP's and then evaluated the responses. It turned out this process showed that continuation of the current arrangements with Norwalk Transit District is best for Westport.
- Implemented myStop App allowing riders to track locations of shuttles and developed instructions for using the App tailored to Westport residents. That allowed them to track the shuttles in real time so they didn't have to wait out in the cold.
- They successfully applied for continuation of a State Matching Grant program for Door-to-Door services in Westport resulting in \$31,600 in annual grants for 2017, 2018, 2019 and 2020.
- They worked with WESTCOG and NTD in 2017 to ascertain the density of people around WTD routes and unserved or underserved areas of Town. This analysis confirmed that the Transit District's fixed route structure was reasonable given the available resources. It is important to note that the area served by the commuter shuttles has recently been expanded to nearly the entire town with the recent change from the fixed route system to the new Wheels2U Westport microtransit model.
- They worked with Rob Feakins, an award winning advertising executive, to develop several comprehensive integrated marketing programs promoting the WTD, the myStop app, and, most recently the new microtransit system. The programs consisted of emails to RR parking permit holders, people on permit waiting list and Parks and Rec email lists (more than 10,000 people), "Take One cards" distributed at train stations, Saugatuck coffee shops, the library, real

estate agencies and other locations in Town, ads in the Chamber of Commerce Directory and on WestportNow.com, and posters at the Greens Farms and Saugatuck train stations.

- Most recently and most significantly, they developed and rolled out the new Wheels2U microtransit program. The program changes the old, fixed route system of commuter shuttles to an on-demand, door to train platform service with a greatly expanded service area covering nearly the entire town. It covers more trains during peak commuting hours than the fixed route system it replaces and, since the Wheels2U vehicles will travel only where commuters need to go instead of following a fixed, circular route, it will be more environmentally friendly, result in shorter commutes to and from the station for many commuters and lower operating costs for the Transit District.

As the end of their terms approached this past January, with no new Transit Directors on the horizon to take their places, the COVID pandemic descending on us all, Marty and Patsy graciously agreed to stay on to continue to supervise the rollout of Wheels2U. Now that Wheels2U has been successfully launched, they want to finally move on. I've worked closely with Marty and Patsy over the past four and a half years and it has been a true pleasure to have watched their professionalism, skill and devotion to their tasks. I want to thank them immensely for their service.

Dr. Heller:

Thank you Peter and thank you, again, Marty and Patsy. We were so lucky to have you take us through these very challenging times with transit.

Moving on, we get to the part of the program that is, in a way, kind of emotional because I'm going to talk to you now about Patty Strauss. As the Clerk of the RTM and the Town Clerk, she has made a tremendous contribution to the smooth running of the RTM and to the Town of Westport for the past 22 years. It is difficult to picture the Town Hall without Patty – they seem to go hand in hand. On a personal level, I have seen her strengths related to RTM operations, often on a daily basis and under pressure. Her expertise in Town matters, her knowledge of procedures related to RTM business and her aptitude as historian have been invaluable. But for so many of us, her most noteworthy qualities are the warm, congenial, professional manner in which she gets the most complex tasks accomplished gracefully and efficiently. Tonight we honor our very own Patty Strauss, upon her retirement. How we will miss you Patty! We are so grateful for your service to the Westport RTM and, of course, to the Town. First, we would like to make a presentation. I know that, in general, you are always the giver of certificates. This evening, you are going to be the recipient of a certificate. Yes, it's this certificate. You may recognize it, Patty. You've given a lot of these. I'd like to read it to you:

In recognition of meritorious service to the Town of Westport Connecticut,  
Patricia H. Strauss, Town Clerk, Clerk of the Representative Town Meeting, July  
13, 1998 to December 21, 2020.

Patty, we thank you for all the wonderful things you've done for us as a town. That's the first thing we wanted to do. Moving on, we have something that's just a little more personal than that. We wanted to express it in a Haiku form starting with Kris Hamlin.

BETHESDA daughter  
Became a WESTPORT pillar  
With cheer and kindness  
Kristan Hamlin

Kind and conscientious  
Positive smile caring eyes  
Patty you'll be missed  
Matt Mandell

She's always smiling  
Like Her job has no pressure.  
It does; well, it did!  
Jeff Wieser

Ancient stars glow gold,  
Time is a trick of the light.  
Say Farewell but wink.  
Wendy Batteau

Our Bright, Shining Star  
Dazzling soon in Southern Skies;  
Brilliant from afar.  
Velma Heller

Patty, we thank you once again and to follow up on that you may think that we should go on and on and on, that's what we're doing. We want you to have this work by Tracey Sugarman, one of Westport's distinguished artists. You may recognize a familiar landmark, the Cribari Bridge, the market that sold live lobsters and surroundings as it was some years ago; a bit of Westport to take with you.

Ms. Strauss: It's wonderful. Thank you.

Dr. Heller:

Actually, we have a couple of other people to thank for this. Matt Mandell had a hand in it and Norman Kramer, Karen Kramer's husband, helped out with it, as well. It is a big thank you from all of us. We wish you the very best in your next adventure!

Ms. Strauss:

All I want to say is it has been my pleasure to serve you and I can't believe when you said 1998 because it sounds so long ago. Now it feels like yesterday. The time flew by

and I really appreciate the opportunity all of you have given me to serve you in my capacity as Town Clerk. I will be watching you. Don't you worry, from afar. Thank you again.

Dr. Heller:

Before we turn to the call, traditionally, the senior member of the RTM conducts the portion of the meeting pertaining to the election of a Moderator. Mr. Klinge is our senior member, having served for 23 years. Will the Secretary please read item #1 of the call.

**The secretary read item #1 of the call - To elect a Moderator of the Representative Town Meeting.**

Jack Klinge, district 7:

Tonight is our organizational meeting for election of the Moderator and Deputy Moderator. The way our procedures work is that I will run the election for the Moderator and then the Moderator who is elected will return to her position in charge and I will be back to my normal seat in the gallery as chief seconder. Will the secretary please read item #1 of the Call.

Jackie Fuchs, RTM secretary:

Okay, I'll read it again. To take such action as the meeting may determine, to elect a Moderator of the Representative Town Meeting.

Mr. Klinge:

May I remind everyone that this is not a resolution so, as a nomination, it may be seconded but does not need to be. We're acting under section A162-11 of the RTM Rules of Procedure, voting for the election of the Moderator or Deputy Moderator shall be by signed ballot; however, if only one candidate is nominated then we'll choose to have the election by raising of hands. (That will be how we will do it this evening if there is only one nominee for each office.) I will mention that you got an email from Velma of how to show your hands and how to vote. I'm going to add one other suggestion. If you are going to raise your hand, put it next to your right ear. Don't block your face so we can count the votes. I'm going to ask Ms. Fuchs for the number of people in attendance tonight.

Ms. Fuchs: Right now we have 35 members. (Jay Keenan has not come in.)

Mr. Klinge:

At this time, the floor is open for nominations for the position of Moderator of the RTM. The Chair recognizes Seth Braunstein.

Seth Braunstein, district 6:

Thank you Jack. Good evening. I am going to try my very best to keep this short and to the point as we have a busy schedule ahead of us tonight. As everyone knows, it's that time of year again...the time that we pause, and consider who will have the honor of



assuming the role of Moderator for the RTM for the coming year. I am a big believer in assessing empirical evidence and reaching logical conclusions. After a year unlike any other, filled with pandemic related challenges, social change, and a fair amount of national political turmoil, I feel compelled to acknowledge the work of our current Moderator, Dr. Velma Heller. Velma has helped navigate the RTM through this difficult year with a steady hand, a clear and compassionate approach and has exemplified great patience and thoughtfulness in leading this body. It hasn't always been easy as these have been challenging times, and we have certainly had to navigate through big change – I have been amazed that the transition to meeting online has gone as smoothly as it has (at least, until this evening) - and we've certainly faced some very big and potentially contentious issues this past year. Yet, never have I felt that the focus of this body or substance of our meetings strayed from the important business set before us. This is not a coincidence – Velma Heller has worked hard to maintain order and guide this group through this strange and potentially distracting year. I would like to nominate Dr. Heller to continue as our Moderator for the next year. Beyond the clear empirical evidence of Velma's demonstrated achievement as our Moderator she has a lengthy and accomplished track record of community involvement that is frankly a great inspiration to us all. Having settled in Westport nearly 60 years ago she and her family have rolled up their sleeves and actively engaged for the betterment of our town. Velma, her husband Garson, and their son Grant have all been RTM members – you might say, serving our community is a family affair for the Hellers. Prior to joining the RTM almost 20 years ago, Velma spent more than three decades as a fixture in the Westport School system as a teacher, vice principal, principal and district administrator. All three of Velma and Garson's children attended Westport public schools as have three of their grandkids. This is a person who cares deeply about family, education and our community, a person who listens when people have issues, sees when things need to be addressed and works to make sure that the RTM charts the right path forward. I hope you will join me in supporting Dr. Heller in continuing in her role as our Moderator. Thank you.

Mr. Klinge:

Are there any other member of the RTM who would like to speak to this nomination? I recognize Lauren Karpf.

Lauren Karpf, district 7:

It is an incredible honor to second the nomination of Dr. Velma Heller to serve once again as our Moderator. We are so fortunate to have someone as committed and capable as Velma willing to serve as our leader for another term. Velma has a resume that speaks for itself. She dedicated over 30 years to the Westport school system. She also worked for Sacred Heart University as a student teacher supervisor and adjunct professor, and then for 15 years as a full-time faculty member in the Graduate Education Program, where she ran the program leading student teachers. Velma has dedicated her career to teaching, advising, and helping others better themselves. Even now, through public service, she continues to lead, to educate and to better the lives of Westport residents. She has served two decades on the RTM, acting as Chair of

the Education Committee for nine years, Deputy Moderator for four years, and as our Moderator since late 2017. Velma and her husband Garson combined have dedicated over 70 years of public service to our town (and that doesn't even include her son Grant's time on the RTM)! While Velma is undoubtedly qualified, it is her passion, selfless commitment, and dedication to her position as Moderator that set her apart. She moves discussions forward while enabling everyone to feel heard. She exhibits respect, poise, and impartiality while identifying rational and practical solutions. Her moderate temperament and ability to understand both sides of an issue have earned her the respect and trust of town employees, elected officials, and RTM members alike. We are so lucky to have Velma as our Moderator, giving her time, energy and talents unsparingly, year after year. I am unbelievably proud to support the nomination of my mentor and friend, a role model for girls everywhere, and a true leader, Dr. Velma Heller, to another term as our Moderator.

Mr. Klinge:

Thank you Ms. Karpf. Are there any other nominations for Moderator of the RTM? Are there any hands? Seeing none, we will proceed to public comment. Traditionally, there has been little or no public or RTM comment during these elections; however, such comment is allowed by our Town Charter. Is there anyone from the Westport electorate who would like to comment? Mr. Wieser are there any comments from the public?

Jeff Wieser, district 4: Mr. Marpe has his hand up.

Jim Marpe, First Selectman:

I second and third and heartily endorse the nomination of Velma Heller to be the Moderator. Working with Velma these last number of years has been truly a pleasure and an honor and, frankly, a lesson in how one governs a large body like this. I can't imagine that we can do better and we are so fortunate that we have Velma to lead us for another year so I heartily endorse the nomination and hope that you will vote unanimously to do that.

Mr. Klinge: Thank you Mr. Marpe.

Mr. Wieser: I don't see any other comments.

Mr. Klinge:

Thank you Mr. Wieser. Seeing no further comments, we will go to the vote. Since there is only one nominee we can proceed with a show of hands. If you cannot show your hand, contact Jackie Fuchs or she will call on you. All those in favor of Velma Heller as Moderator please raise your hand. If you are unable to raise your hand Jackie Fuchs will call on you.

Mr. Klinge:

The vote is unanimous. Velma Heller will be the next Moderator of the RTM again. The microphone is yours.

Dr. Heller:

Thank you Mr. Klinge. First I want to thank you for your continued vote of confidence; I'm particularly grateful to Seth and Lauren for their very kind and supportive words. I hope I can live up to some of the things you said. I've been honored to serve as a member of the RTM, representing District #9 and before that, District #6 as your Deputy Moderator for several terms and most recently as your Moderator. For almost 20 years, as a member of this RTM, I have never ceased to be impressed by the outstanding strengths of our body. Who are we anyway? As non-partisan legislators of Westport, we are able to draw upon the collective experience, expertise and energy of our members for the benefit of our town. We bring varied backgrounds from the world of business, education, finance, law, journalism, the arts and more as members to our town's legislative body. We represent multiple generations, from the "so called" silent generation to the boomers, generation Xers, the millennials and so on. We may have different approaches to gathering and interpreting information and we may come to differing conclusions. We may sometimes agree to disagree. However we are connected by a common purpose, by collaborative effort and a climate of trust based on open, respectful dialogue. Our differences may well enhance the depth and breadth of our conversations and better inform our decisions. Why are we all here? As far as I know it's not for glory or fame or certainly not for financial reward. There's clearly a higher goal, that common purpose - to serve what is in the best interest of the town we've chosen to be our home. This outcome most likely occurs when we assume collective responsibility for studying the issues at hand in a climate of courteous, civil discourse. I have every confidence that this RTM, that blends experience and expertise with renewed vitality and enthusiasm, is up to that challenge. I am grateful for the opportunity to experience with you the power of connection, of common purpose, and of our collective responsibility. Thank you for your support, and your trust in me to contribute to this process. I'm really glad to be back. Thanks again.

Our next order of business is the election of the Deputy Moderator. Will the secretary please read item #2 of the call.

**The secretary read item #2 of the call - To elect a Deputy Moderator of the Representative Town Meeting.**

Dr. Heller:

The interest of efficiency, we will use the same procedures for election of Deputy Moderator as for Moderator. This is not a resolution. A nomination may be seconded but does not need to be. Under section A162-11 of the RTM Rules of Procedure, voting for the election of of Deputy Moderator shall be by signed ballot; however, if only one candidate is nominated is nominated then the vote for these offices may be by a show of hands at the discretion of the Moderator which I choose to do . At this time, nominations are open for the Deputy Moderator of the Representative Town Meeting. The Chair will recognize Cathy Talmadge.

Cathy Talmadge, district 6:

Thank you Madam Moderator and congratulations. It is my honor and privilege to be here this evening to nominate Jeff Wieser to be Deputy Moderator of the RTM for the 2020 term. I have worked closely with Jeff since 2007 and cannot imagine a more thoughtful and qualified candidate which he has demonstrated since his initial election to Deputy Moderator in August of 2017. As an aside, I had to laugh when Jeff and I spoke about this speech and he asked me to keep it short and sweet, which is indicative of his modest and unassuming manner but difficult to execute because of his impressive history and many accomplishments and contributions to our town over the years. Additionally, there are many new members that may not be familiar with his impressive accomplishments and contributions to our community. I have had the pleasure of working with Jeff most directly as a member of the Finance committee since 2007 when we were both new to the RTM. He has chaired that committee since 2011. His depth of experience, patience, diligence, organization and diplomacy make him perfectly suited for this demanding role. He is tireless, thoughtful and pragmatic and his committee meetings are run efficiently with consideration of the members and Town staff's time. He is also an incredible listener and is able to gently diffuse emotion when needed. His delightful sense of humor, which we've all seen in action when he steps to the podium during wide-ranging debates, often helps to ground the discussion and diffuse tension. He gets to the heart of the matter and is a voice of reason.

His multifaceted professional background includes an impressive 30-year career in international banking and in 2010, a pivot to a second career as President and CEO of Homes with Hope here in Westport and, since February 2020, he has been President and CEO of Goodwill of Western and Northern Connecticut. While writing this speech, I found an interesting interview with Jeff regarding his career move from international banking to being CEO and President of Homes with Hope in 2010. I was surprised to learn that it was a spur of the moment decision. He had been active in the organization since 1995 as a Board Member and they had completed a national search for the new leader which had turned up empty when Jeff ran into another Board Member of the town who suggested that Jeff consider the position. His gut reaction was "I'm a banker" but it was a Columbus Day weekend and the serendipitous event came when Jeff was ready for a change given the taint of the financial crisis on the banking world. He jokes that if it hadn't been for the three-day Columbus Day weekend, he probably would still be a banker. Aren't we lucky for this serendipitous event? During his nine years, he oversaw successful operations at the Gillespie Center and the Bacharach Community and expanded the portfolio of 44 supportive housing units. During this time, Project Return, which provides services homeless young women merged with Homes with Hope. Under his leadership, Homes with Hope has become a national role model, demonstrating how a suburban town can be effective in responding to homelessness. But he hasn't stopped there. Although he intended to retire, he was approached by Goodwill for Western and Northern Connecticut and found that he couldn't say "no" so

he took over the helm there in February of 2020 in a soon to be COVID-19 dominated world. What a challenge! One of Jeff's many major accomplishments within his tenure on the RTM was the passing of the plastic bag ban. He, along with Liz Milwe, Jonathan Kunitz and Gene Seidman cosponsored the ordinance and worked tirelessly, developing, passing and implementing the bag ban by providing educational materials for local businesses and the community in general and conducting a bag designing a bag designing competition. As you know, passing an ordinance is a long arduous process and they spent months educating the business and general community along with us, the RTM, by bringing in experts and enumerating the benefits as well as addressing the concerns. It was not a slam dunk---there was much concern about financial impact and the plastics industry was relentless in their attempts to dissuade the community and efforts at the State level to ban the ban. Slowly, the team overcame objections, answered our questions and got it all done. The ordinance and approach have become a regional model and I know, over the years since then, Jeff and the team have consulted with other towns in the tristate region. His Board and other volunteer work include Trustee at Earthplace and the Y, the Rotary, Positive Directions, five years as leader and advisor with B3. He is a powerful advocate for the homeless beyond our community in his role in Opening Doors of Fairfield County and as Board Chair of Supportive Housing Works. Additionally, many other organizations that have benefited from his expertise. In summary, Jeff brings a wealth of historical information about the RTM and our town and informed decision making. He is a natural leader and an outstanding listener and good at taking action, when needed. He takes this job to heart and has made substantial contributions to our government and community. We are so lucky that he is willing to take on this vital role. I sincerely hope you will join me in supporting his re-election as our Deputy Moderator. We truly cannot ask for a better candidate.

Kristin Mott Purcell, district 1

Congratulations to Velma. I am so pleased we will continue to operate under your kind, patient and even-handed direction for another year. I am happy to join Cathy and am extremely proud to second Jeff Weiser's nomination as Deputy Moderator. Well done Cathy! I am happy to add to your very fine nomination and continue extolling Jeff virtues and qualifications for the continued role as Deputy Moderator for another year. Jeff not only brings a wealth of experience and encyclopedic memory of all things related to Westport, he is a true community stakeholder having volunteered with so many of our community institutions, truly helping shape Westport into who we are today as a town. Included are such organizations as the Westport Rotary, YMCA, Earthplace, Staples Tuition Grants and Builders Beyond Borders and many, many more. On a recent walk, Jeff and I discussed his many attempts at retiring, which seems to be a real challenge for him, of which we are all the beneficiaries. As Cathy mentioned, when Jeff "retired" after 30 plus years as an investment banker, it was only three months until he was back at work, this time as President of Homes with Hope, which he ended up leading for well over eight years. When it was time to "retire" from that role, I think it was a matter of weeks before he was asked to take on the role of interim

President of Goodwill of Western and Northern Connecticut. As of my last conversation with Jeff, I believe “interim” has been dropped and Jeff has continued to lead the organization through the current COVID crisis and beyond. As to the RTM, thankfully, he has not retired here either and continues to serve us as well in various roles across committees and as Deputy Moderator. I know I am not alone in my immense appreciation of all the time, work and leadership Jeff has contributed to the RTM since joining in 2007. But, it is Jeff’s informal “lead by example” role that I truly appreciate and seek to emulate as do many of us. In particular, it is Jeff’s judicious and caring use of the public pulpit and his thoughtful, non-partisan and extremely pragmatic contribution to our work of representing the best of and for this town that makes us all better representatives of this great community. With that, I couldn’t be more excited and honored to second the nomination of Jeff Weiser for Deputy Moderator for 2021 and hope you will vote alongside me to extend his Deputy Moderator role another year.

Dr. Heller:

Thank you very much Kristin. Are there any further nominations for Deputy Moderator of the RTM? Seeing no hands raised, traditionally we do not receive public comment; although it is allowed. Mr. Wieser, have we received comments from the public?

Mr. Wieser: No comments from the public.

Dr. Heller:

Seeing no comments, we will go to the vote. Since there is only one nominee, we will have a show of hands. If you are unable to raise your hand, Jackie Fuchs will call on you. It is unanimous. I am happy to say once again, the next Deputy Moderator will be Jeff Wieser. I am happy to welcome you back.

Mr. Wieser:

Thank you to the RTM for your confidence as well for another year and thank you Cathy and Kristin for those way too kind words. I keep hoping my family is listening in on these calls. I never hear that around here! It’s really astounding. After my guidance, I’d better be brief on this. I thank everybody for raising your hand in that tortuous manner. But it all worked out so thank you. I do want to just go back to really, very briefly, what Dan said. I’m not sure why, sometimes, but I really do enjoy my time on the RTM. I enjoy our conversations, most of them, and I enjoy all the things we talk about, debate about and Dan really summed it up tonight when he said the RTM is unique, it’s quirky and it’s ours. That’s pretty much what I feel about it. It’s a great Westport institution and that sums it up so I’m happy to be involved for another year. So, thank you everyone and, especially, thanks to Velma for being such a good partner in all this. She bears an awful lot of the brunt of what we all do and I appreciate that. So, thanks to everybody.

Dr. Heller:

Thank you Jeff. I particularly caught onto Dan Woog’s word, “quirky” because it is part of the endearing quality on any organization that there is a quirkiness and it goes along with things that can, at times, be complicated. Again, congratulations Jeff. It is a pleasure to be going forward in this.

**The secretary read item #3 of the call - To approve an appropriation in the amount of \$4,635,408.00 along with bond and note authorization to the Municipal Improvement Fund account to replace the Public Safety Radio System.**

**Presentation**

Matt Cohen, Fire Department:

First off, congratulations to the newly elected Moderator and Deputy Moderator. I promised I would not filibuster this meeting so I will go over the presentation I made in the committees. I feel it is really important for everybody to digest the information and ask any questions that they see fit so I will take up as little time as possible and just touch upon the points.

We are looking to upgrade the town-wide communication system. This is not just a Fire Department project. This is benefitting all emergency services and it has the potential to benefit all town services down the road as their legacy systems become antiquated. What this project is about is improving communications systems both from a local level, State level and any mutual aid partners including Federal Agencies. We are moving to a common platform that we will touch upon and we are looking to update the outdated and no longer supported equipment that the town has purchased. The current system that we are operating off of was purchased in 2005 and it was sold as a 15 year system. We are now 15 years later. The cost at that time was \$3 million. We purchased a multi-site visual system for Police and Fire Department. Both of them operate on independent systems. EMS was not included in that upgrade so their system is approximately 25 – 30 years old. Our subscriber units which are the portables and mobiles that you will find operating out on the street were discontinued in 2013 and are no longer repairable after quarter II of this year. We've had them returned to us as unrepairable when we sent them in for repair. The EMS radios are a mix of discontinued radios that are mostly unrepairable at this point. The current system that we have is a simulcast site. I am not going to go through all the components but this is what we are looking to update and replace. Currently, we have two transmit sites and four additional receiver sites and what we are looking to do is to migrate to a common shared system which, for the most part, has been built out by the State and what it will do is it will allow us to move all the sites that we currently maintain down to a single site. Why are we coming now? It's not so much that it is 15 years and that is what we told you it would be, but our system parts are becoming unrepairable and part replacements are becoming more and more difficult to gain. We have had to resort to order parts offline based on discontinued status of them. Also, our current system relies heavily on leased copper telephone lines. Our current vendor is Frontier and they are the only copper vendor in town and they are currently in bankruptcy. So, we are looking to some stopgap measures to put in place to try and upgrade our site connectivity on the existing site, if we had to buy some more time, but, if it is not upgradable just do to age and the lack of IP due to the age and the time it was designed. It is also a favorable time right now to update the system because we were able to leverage a new partnership with the State which allows up increased discounts and hardware for both fixed infrastructure and the subscriber units that are out on the street. We are in a large system discount, which is what it's called, which

gives us greater purchasing power with the same amount of money. As I touched upon, our current system has had several outages to a varying degree. Some have just been degraded coverage; some have been complete system outages. In those times, the system that we are proposing we migrate to tonight which is the State radio system. As you can see here on this list, every one that is listed here is some form of derogated service. It was not a component level failure that didn't effect; every one of these affected units on the road, the ability to communicate or the ability to dispatch calls completely. What we are proposing is a migration to the Connecticut Land Mobile Radio System (CLMRN) which is the State-wide trunked radio system built out by the State of Connecticut. It is a state of the art trunked radio network that allows us to leverage much of the equipment that Westport will not have to purchase. We are required to build out based on the agreements with the State based on whatever coverage that we are looking to achieve; we are looking at a minimum of 95 percent coverage. What it does is it allows us to leverage. Obviously, we have substantial cost savings because we are not building coverage. The State already has very good coverage throughout the town and throughout the region. So Westport expansion side of the project will be leveraging the existing coverage that's already in town. The State already has a site at Route 1 and the Sherwood Island Connector behind Walgreen's so we will be using that site and we will be adding a site up at Bayberry which we currently own and we currently have infrastructure at. So, we are not looking to build any towers. We are not looking to change any configuration which would obviously add certain headaches with environmental impact studies, FEMA studies, zoning, all that. So, we are going to leverage our existing infrastructure grid. The scalability of the system allows additional users and channels without infrastructure. As I said, in 2005, this really wasn't a practical option for us. So, we built out individual professional systems for police and fire. Any upgrades to the police system don't benefit fire, don't benefit EMS or any of the other town entities. The beauty of a trunked radio system is that they are truly shared resources. Any infrastructure upgrades benefit all users on the system. Based on the MOU with the State, we will add roaming ability on any of the Fairfield County sites which are the Troop G subsystem and we will be looking to add in the Troop A and Troop I potentially which would give us radio coverage from on an east/west line, the New York border up to about East Haven and from a north/south border, Waterbury down to Long Island Sound. So, we will be able to do all that without having to purchase a single radio site. Again, we are looking to leverage our existing network. We didn't just jump in and say this was the best system for the town. We did a comparative analysis. We came down to four main options that we had. CLMRN migration, we talked about some of the pros here. There are some cons associated with it. We are tied to the State upgrade roadmaps so whenever updates have to be performed, we are bound to it because we are utilizing their system. It should have minimal impact. Based on the MOU they are required to give us six months notification of any major upgrades but as you'll also find out what we were able to build into the system plan are basically pre-paid updates and warranties. So, this also happened to come in as our lowest replacement item at \$3.7 million. I will briefly touch upon the other plans that we had looked at. Replacing the conventional systems that we currently have now with new subscriber units and the pro to that is we decide how we want the systems set up because it's our system. The cons to that: we are not gaining an operability if we just forklift in new



equipment. Our Police Department still can't talk to EMS; they still can't talk to Fire and vice versa because we're all on disparate bands. EMS is on VHF; Fire is on UHF and Police Department is on 800. There is no scalability. As I said, we buy a repeater and that is only good for one channel's use. We can't add additional users without buying additional infrastructure. We also don't gain any wide-area coverage being that we designed the system to be in the footprint that is Westport and that is the footprint that we use so when we respond to mutual aid, the Police Department goes mutual aid and ends up on the highway or has to go to court to deliver paperwork, as soon as they leave the system footprint, they no longer have radio communications to get back to the town. That ROM estimate came in at \$7 million. We also looked at a campus system off of the CLMRN which gives more control because it's designed to be a sub-system so it's still leveraging a lot of the equipment which gives us still a good amount of cost savings. It does increase the cost somewhat because we are not able to use that site at the Connector. Again, we would have to build out full coverage because it's a subsystem off of the Troop G system. The primary system would also be designed to cover Westport; however, we would be able to gain roaming rights onto the Troop G and, hopefully, the Troop A and Troop I subsystems. That estimate came in at \$7 million so we are still creeping up because we do have to build in some redundancy in the network but we are not looking at option 4 which is building out our own standalone trunk system. What this does is it gives us complete autonomy. We have nobody to answer to. We can run the system how we want and we upgrade the system how we want. The cons of it, there's the glaring one which is the price tag that is attached to that. There is also the expense and the need for duplicate equipment. It's currently 86 percent coverage on the State network in town. If we were to build our own network, it's starting at zero and engineering the need for full coverage throughout town. So, we're not able to leverage any of the existing network. We're also unable to leverage neighboring system enhancements. This is a big one because we're not pioneering this. There are currently several municipalities that are currently using the State system since it was opened up. Part of the mindset behind that is the State decided that number one, their system is built out with quite a bit of capacity and redundancy and they were not using quite a bit of that so they decided to open it up to other local and State agencies. Most of the agencies that have migrated onto this as well as quite a few of the municipalities. Fairfield is currently going through the plumbing process to join the system. Norwalk has money set aside and they are going through the engineering phase. And Wilton and Weston are in discussion with the State for the same thing. I talked about shared infrastructure, as they put sites up, we are able to use those sites as we roam. As I touched upon, radio waves don't know the town border so when Fairfield puts a site in in their north end which might not be a good coverage area for us, we can roam onto their site and it's transparent to the end user. It's similar to a cell phone as you drive down the road. It switches towers every few miles and you never know when it happens. So, that's the beauty of this system. It's a true shared system and resource. Here's a boilerplate snap shot of what we're looking to purchase for subscriber units. These are the Motorola APX units. Again, ours are no longer serviceable, upgradable and are discontinued. The scope of the project is actually threefold. First and primary is replacing the radio system subscribers. That's going to be the bulk of the project and the bulk of the money. Secondary is the call logging recorder

which records all the radio traffic that goes over the system. That's not going to be installed initially. That comes down the road because, as you all know, we're working on joining the 911 centers with Fairfield. This will be a little bit further down the road but close enough that it is running concurrent with this project. The third part is the replacement of the Fire and EMS alerting systems. Those are the tones that go off when there is a call. In our current system used by the Fire Department, it is no longer supported. It is outdated and it is based on a copper line system. We are looking to migrate to a fully IP based system which will allow us to discontinue our leased copper lines. Each copper line, each dedicated circuit, currently costs about \$300/month. We have six that we're paying for. We'll be able to get rid of those when we move to an IP based system. EMS currently does not have any station alerting and we will be adding it on as an additional part of the project. Scalability and the Future: We are looking at sharing resources through a regionalized system. That has been the buzzword for a while: How can we save money through regionalization and shared resources? This is the way as you saw through the price tags and the systems themselves. The next few slides show the ongoing costs and the significant savings going on the State system versus our own. Our coverage guarantee, these are engineered maps. I did not draw these maps. Using software and theoreticals for the system, we were able to obtain a 95 percent portable radio on hip with speaker mic and a light commercial building. That language is important because it has to do with the level of infrastructure that we're building out because your body absorbs quite a bit of radio spectrum because it's electromagnetic and your body absorbs that as does the speaker microphone wiring as does any buildings or anything that gets in the way of that line of sight clear view from the radio to the tower site. Having that language built into the agreement is important because if we didn't have that specification and we just said we want 95 percent coverage, we could measure that by holding the portable in the air which is not practical for the end user. The guaranteed coverage for the Troop G area is illustrated here. The MOU guarantees us coverage in the Troop G footprint. This is 98 percent outbound mobile radio coverage. Each of those red marks shows the existing sites which we will be able to leverage minus the Bayberry Lane which is our addition to the system. We measure the outbound mobile radio coverage because that is the weaker side of the communications loop, towers being between 140 and 200 feet in the air. They have a much better propagation of sound than radios at ground level so if we have radios at ground level that are getting coverage, we know it's getting back to the tower. We are looking at adding in the Troop A which covers up in this north area all the way up towards Waterbury and the Troop I area to the New Haven area and almost into Hartford. The cost breakdown: Our radio system and subscribers, their costs are \$3.7 million; the call recorder is \$113,000. That is for equipment, software and licensing as it is delivered out the door and set up. The Fire Station alerting currently is an estimate because this gets into the area with the new dispatch center being built. Anything within the dispatch center comes out of the dispatch center build and operations budget and is split with Fairfield so we took the estimated costs from the vendors and took just the station alerting components, the stuff that is housed in Westport to make the system work and that comes out to \$325,000. We have servers and controlling equipment that lives within the center and that is a 50/50 split with Fairfield. We haven't been able to select a vendor yet because we have to do that in line with Fairfield and the systems

have to match what they upgrade to so we are currently working with them as part of the combined Dispatch Working Group. An RFP has been prepared and we are waiting for purchasing to send out the RFP. We did work with three different vendors. We took the highest cost from the three vendors so this should be a worst case number. Ongoing costs are always the big question. Most companies now have now migrated to software as a service platform so the old days of 2005 when we bought our system and we owned it until we got rid of it, we only had to repair the stuff, is no longer valid. Currently, there is software licensing and upgrades that needs to be done. As I touched upon in the Board of Finance and Committee meetings, our radio networks have become more and more computer-based than actual radio-based. With that, there are numerous switches and routers and interconnectivity that has to be done that requires software and maintenance upgrades from a security aspect. The radio system itself has a maintenance and what is called a SUA-II agreement, software upgrade agreement through Motorola and that's what's going to cover us and make the cost predictable. Currently, if we have failures in the system or need upgrades, we don't know when they're going to come. The SUA-II agreement puts everything into a schedule. We are able to build it out for the next seven years what the maintenance and replacement costs are going to be. That SUA-II agreement covers equipment that becomes outdated in the system also. As I said, it's much more computer based so if we have a router or a switch that can no longer take a newer version of software, Motorola is on the hook to replace that and keep it up to date with the newest version. The call recorder is \$7,000/year for maintenance and licensing. Again, that is not something that the town of Westport is going to see as part of this project. It will be covered under the combined dispatch operating budget. Fire Station alerting has some licensing and maintenance fees. For the most part, they have been fairly consistent. That is to be determined based on the vendor selection process. This is a breakdown compounded out for the next seven years. The first year is included as part of the warrantee. Year two, you can see that's all scheduled maintenance, tuning, optimization of the system including emergency call ins for failures and equipment that is unable to be upgraded because it has reached its planned obsolescence. It's compounded out for the seven years out. This is what I was talking about before. Not only are we seeing an up-front savings by going with the State system, we are seeing a huge savings in maintenance and SUA savings. We did price out maintenance and SUA on a stand-alone system and, as a practical example, Stamford has a similar system currently in place, they did a stand-alone system which they are currently in the process of signing over to the State because of the costs. They were paying almost \$200,000 a year just in systems maintenance and warrantees. We are looking at substantially less by joining that system that is in place. We are just covering just what we need for that one site that we need to build out. There are currently 37 State and local agencies on the CLMRN. Region 1 is either a MOU or buildout process. Fairfield/Bridgeport is building out a campus system which was our option 3. Trumbull is weeks away from cutting over fully to the system. They have installed the radio equipment and they are simulcasting on the system which means they are using their old and new system while they work out any system issues. Currently, in region 1, Wilton and Weston are in talks. The breakdown of the total costs for the system is \$3.7 million for the radio system, \$113,000 for the recorder, the Fire and EMS station alerting is \$325,000, project administration and advocacy for the

town's part was figured in at about \$40,000, the subtotal for the project is \$4,214,008; we built in a 10 percent contingency. I will explain why we decided to go with a 10 percent contingency. We are dealing with infrastructure and marked structures, for that matter. The cost can go up pretty quickly on those. Based on our preliminary site engineering of all of the radio sites that were affected, we cannot truly grasp any structural issues until we start tearing the old stuff out and putting the new stuff in so the contingency is important. For example, our primary link into the State's network is going to be a microwave link from Bayberry up to the Wilton State Police site which is their prime site for the region. The Bayberry site is not at capacity. The Wilton site is close to capacity so there may be a requirement to stiffen that site which, alone, could come at a cost of \$80,000 just to stiffen that tower to allow it to bear more weight. The cost adds up quickly. Our structure at Bayberry is a pre-cast concrete structure. We're not too concerned with it but if we pull the old equipment out and find big foundational cracks and have to replace it, we could be looking at a \$40,000 cost for a pre-cast concrete structure. So, we do feel it is important to have that contingency to address problems and not delay the project. During the cut-over phase, we will be required to take our system offline while the new one is installed in the equipment shelter so we don't want to extend that down time. The contingency will allow us to bring in outside electrical vendors or HVAC vendors that need to be dealt with on an urgent basis should a problem arise especially during down time. So the grand total is \$4.6 million; \$4,635,408 is what we're looking for. I kind of breezed through this and I hope you got the gist of the project. The big question is what if we don't do anything? Can we hold this off for another year? Two years or five years? It has been in the five year forecast and the initial entry was based on building out our own system. It was not an option to join the State system at the time we put that in. That was a fairly recent development. The place holder was in there for \$9 million. If we don't do anything, we're just looking at an increasing difficulty in finding parts. Our current service centers have difficulty working on several of our components. A lot depends on our tech's knowledge and ability. As they've had retirements, the new techs are not trained to work on some of the equipment in our case. They don't know how to operate it and can't get parts for it. We are going to end up having to buy additional radios whether we take it for operational budgets or go for a separate capital expenditure, if this got voted down, because I've got numerous subscriber units that I can't get fixed any more. We've gone through our spares. We have almost all available radios out on the streets right now. The system relies heavily on a failing copper telecommunication network that is being maintained by a company that is in bankruptcy. We are looking at increased outages and down time which will result in an inability to dispatch services to emergency calls or delays. Some of our last outages, we've had to call in units off the street to get spare portables and had to operate on the State system during those outages which took time to deploy. We've kept the system running as best we can for as long as we can. I think we can just upgrade and replace what we have because we can no longer maintain it. With that being said, I hope that I did not filibuster this meeting too much. I think we go to questions now?

Dr. Heller:

Thank you very much Matthew. We are moving on. We have a report from the RTM Public Protection and Finance Committees.

**Committees report**

Jimmy Izzo, district 3:

Velma, congratulations on your re-election! I want to thank Matt for a phenomenal presentation again. It's one of the best that I've seen in my 10 years on the RTM. It's kind of like my old flip top phone. Matt doesn't want to use flip top anymore. We voted unanimously to the full RTM to approve this from both Finance and Public Protection.

Dr. Heller: Are there any comments from the electorate?

Mr. Wieser: I do not see any comments from the electorate.

Dr. Heller: Perhaps we can come back and take a look again.

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

Mr. Wieser read the resolution and it was seconded.

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Fire Chief, the sum of \$4,635,400.00 along with bond and note authorization to the Municipal Improvement Fund account to replace the Public Safety Radio System is hereby appropriated.

Dr. Heller:

It has been moved and seconded to approve the resolution just read.

**Members of the RTM**

Jack Klinge, district 7:

Thanks for a wonderful presentation, Matt. I heard it in committee. For the RTM, could you briefly summarize what are the two or three biggest issues you had to resolve as you moved through the process to make a decision.

Mr. Cohen:

Our biggest issue was with the scalability and how much autonomy we wanted to have and how much control and oversight we wanted over the system itself. That would probably be the biggest issue that we had to decide. We looked at a \$6 million savings from our own system which made our decision pretty easy in the end. The only benefits that we are really losing, it's not a coverage issue, it's not an end user issue, it's more from a system management, resource management side. It's a partnership so now, instead of us making decisions about features and system operation, we need to work with the State. We've had a good relationship with them. I've been working with them for seven or eight years now with the regional radio project and they've been very good to work with. That's some of the issues that we're working with. From an engineering standpoint, we're trying to maximize spectrum efficiencies and coverage of the system to cost. We would love to have 100 percent coverage in every single building but we

would certainly have to pay for that. It's trying to assess which sites will be the most beneficial for the most area. What we were able to find was that we were not gaining much by abandoning our current Bayberry site and looking for more real estate and we are probably taking on more headaches by doing that. What we are looking at through the engineering is 96 or 97 percent coverage. So, we're getting a really good system for the lowest amount possible. It is close in dollar amount to option 2 which would not give us anywhere near the capacity that we're getting with this system.

Wendy Batteau, district 8:

First, congratulations Jeff and Velma. Thank you for an excellent report. All the questions that I had mainly were answered throughout. It was extremely informational. Where is the Bayberry site, exactly?

Mr. Cohen: It is behind the Health Department at 180 Bayberry Lane.

Ms. Batteau:

In other towns, has there been any information or any kinds of health reports on any kinds of health impacts from the microwaves in the area of the towers?

Mr. Cohen:

A microwave is a very focused beam. It is actually so focused that if it moves off the line by a few inches, that connection will be broken. On an Omni broadcast, which is your regular antenna, which is made to cover large areas around the site including above and below that site, a microwave is a really focused beam from point one to point two. Based on its elevation, it has minimal to zero impact for ground radiation.

Ms. Batteau:

I know what microwaves are. You are saying in this case, there is essentially no environmental microwave radiation anywhere in the area?

Mr. Cohen:

Correct and it's microwave in the sense of the frequency in which it operates. It's an 18 gigahertz (GHZ) microwave system we have so we would be replacing that with an 11 gigahertz microwave. The waves themselves are microwaves but it still is RF energy. Again, there are no ground effects based on the focal nature of that beam.

Ms. Batteau:

I have one other little question. In terms of the practical effects that Westport residents will see, hopefully, it's improved response time and less drop out and that kind of thing?

Mr. Cohen:

The coverage is better than what the current system. Response times are subject to many other variables as well. What we are looking at is an improvement in system reliability so response times during power outages or system degradation periods would be better.

Harris Falk, district 2:

My questions will be all over the place because I had questions and then there was the presentation which was very nice. One of the questions was how long is this contract for with the State?

Mr. Cohen:

The contract is for five years and then it automatically renews for additional terms so it's a 20 year contract.

Mr. Falk: Do we know the rates or how much it will increase?

Mr. Cohen:

The rate is free. The State does not charge the town for the use of the system. There are several state models on state-wide systems where there is a subscriber unit cost. The State of Connecticut has opted to not charge municipalities for the use of the system because the taxpayers within that system already paid for the system.

Mr. Falk:

That is fantastic. It does include buying the new radios. [Correct.] For the switchover, is there going to be a day where everybody is carrying two radios or will the new radios work with the old system and then the switchover happens?

Mr. Cohen:

So, typically, what we do in a system migration is we'll do what is called "simulcast" so the system level will tie the legacy and the new system together. As people are using the old radios, it will be broadcast through that system switch to the new system and as people are using the new radios, it will be simulcast over the old system. Normally, there will be a simulcast period set up just for testing and insuring that the actual system meets the engineering specs. Once we decide to do the actual switch over, both will be simulcast until the switch over is done and the old system will be decommissioned.

Mr. Falk:

So there will be a day or a week with everybody carrying two radios or two radios in every car.

Mr. Cohen:

No. The two systems will be simulcast. So, if someone has an old radio, it will broadcast both systems during that rollout.

Mr. Falk:

If we come up with some new technology that affects the bandwidth, will that affect the contract?

Mr. Cohen:

That's the beauty of that SUA agreement. If there are major requirements for hardware, that's included in the SUA agreement. The system itself is built out. We had to provide

usage studies over a multi-month period to the State because the State is very protective of the health of the network. They have an entire team of people dedicated to the health of the network. Every time someone looks to join the system, they do an impact study prior to extending an offer to them. That's the reason Bridgeport is not joining the system. They are forced to do a campus system because the impact they would have, based on their usage, would impact this regional system too much. Their Police Department had about one million push-to-talks during the impact study over a one month period. The State looked at it and said 'You have too much potential to negatively impact for everybody. You have to build your own system.'

Mr. Falk:

We currently have six stations. What happens to those? Are we suddenly getting property or are they towers on buildings?

Mr. Cohen:

They are currently located at existing safety facilities. They are not large towers. The second large tower that we have that we would not necessarily use for communication systems is the Fire Headquarters site. The town makes quite a bit of money leasing out tower space to the cell providers and other utilities. It's probably in the town's best interest to maintain that site. The other sites are basically 25 or 30 foot monopoles. It's like a flagpole. So, we are not taking anything down and they all exist on town public safety property.

Mr. Falk:

You said we already have a microwave connection? [Yes.] I know microwaves are impacted by things like weather and fog and things like that. If we are already running something then we already know what the system will be like and yay. The tower that we will be building at Bayberry, is that the old Nike station?

Mr. Cohen:

It is. We're not actually building it. We already have a tower that our current system runs on. We're replacing the infrastructure on the physical tower but we're not doing anything to the actual tower.

Mr. Falk:

This is the same tower that Staples uses. [Right.] In that case, darn. I was hoping we would get a new tower for Staples broadcasts. It was helpful when we needed communication during the hurricane.

Mr. Cohen:

We are actually working with them to upgrade that infrastructure as part of another project we started looking into in Emergency Management.

Mr. Falk:

Great. Fantastic. Even better then. I think that has taken care of all my questions then. Thank you.



Rick Jaffe, district 1:

I have the honor of serving on both the Public Protection Committee and the Finance Committee so I have already voted on this proposal twice. Westport is a very fine place to live. We all know it's our school system and because of the dedicated effort of all of our public service employees and volunteers including the esteemed RTM. The Public Protection folks make up a key component of our quality of life. This is the most cost effective way to solve the problem and continue to serve the town at the high level that they do.

Dr. Heller:

Matthew, I want to thank you so much for the clarity and thoroughness of your presentation which I have now seen twice and I would really recommend that everybody, as much as you can, go to the committee meetings because it give you a tremendous insight into not only what's going to come up at the meeting but, I think, greater understanding because these are complex issues and I would also like to commend your ability to make very complex stuff understandable. That's a sign of a good teacher as well as a good presenter. Thank you so much.

Dr. Heller: Ms. Rea has left and Ms. Bram has left. There are 33 members present.

**By roll call vote, the motion passes unanimously 33-0.**

**The secretary read item #4 of the call - To approve an appropriation of \$80,000.00 along with bond and note authorization to the Municipal Improvement Fund Account for the design and permitting for rehabilitation of the Old Mill Walkway and Tide Gate Structures.**

**Presentation**

Pete Ratkiewich, Director, Public Works:

I am going to go ahead and share my screen. This is a request for \$80,000 along with bond and note authorization to the Municipal Improvement Fund Account for the design and permitting for rehabilitation of the Old Mill Walkway and Tide Gate Structures. The Tide Gate Structures go from the Old Mill parking lot to Tide Gate Structures and one piece of land over to Compo Mill Cove. These structures keep water in Mill Pond. We did go to bid. The \$65,000 request that went to the Board of Finance was increased to \$80,000 because we went to RFP and came in with a number of bids. This [photo] is a shot of the Tide Gate structure right now at water level when the tide gates were drained. You see a lot of deterioration. You can see that this bracing is disconnected from this piling. That's consistent all along this structure. I just wanted to give you that visual of what is underneath the walkway that everyone uses during the summertime. One of the questions that one of the Board of Finance members asked was 'Would this structure just catastrophically collapse?' The answer to that is probably *no* but this is a vulnerability. In any coastal storm, it could cause major damage and it's the only walkway out to Compo Mill Cove. I'm going to go into some of the presentation here.

This is the existing map of the Tide Gate Structure. Over here on the left hand side is where the drift way comes down the Old Mill parking lot. This structure here is a timber walkway. We just looked at a picture of it underneath. This was built in the early 90's. Previous to that, the structure came along here and went by this private residence. This was added on in the 90's as well as a rehabilitation of the West Tide Gates and the East Tide Gates. In between there is a split of land here that is partially owned by Jeff Northrup out in the pond. He owns a lot of leases out there but he also owns this piece of land. This piece of land to the south of the walkway was one that the town acquired through a FEMA grant after Storm Sandy because the houses were so destroyed that it was cheaper to take them down and we built that into a park. So, just to give you an orientation: This is the west tide gate, the east tide gate. There are timber walkways on both sides and a lot of timber structure in between. This part here is asphalt on land but, in order to connect to Compo Mill Cove properties over here, we have to maintain these walkways. It was built, as I said, in the early 90's under a partial grant from the Long Island Sound Program. It requires us to maintain this walkway all the way across as well as to maintain public access to this whole structure. If you think about it, if you walk out on the structure, there is a beautiful view of the Sherwood Mill Pond, Long Island Sound, so it is Long Island Sound access for the public. It was built in the 90's so it is around 30 years old. We've already noticed some deterioration of pilings but this is an initial assessment of what we think we're going to find when we investigate this. That is deterioration of pilings and bracing, hardware corrosion on the tide gates, on the gate stop which is what holds the tide gate from swinging past its stop point. Underneath the tide gates is a concrete substructure that we believe, through our efforts to clean them every year, is falling and cracking and has some structural issues. That's consistent on the west tide gate and also on the east tide gate. Here are some close ups, when we actually drained the pond, you can see here, this is the tide gate walking down to the west tide gate. Some of these pilings have 50 percent of their base lost. The bracing, where it connects to the piling, is deteriorated to the point where it's disconnected and it's consistent all along. It's pretty rotten. This is an extreme example of where it has gotten down to two or three inches. This piling will hold the structure up but there is no bracing on it. This is a vulnerability in the event of a storm or an extreme event. The idea is for an engineer to come in and look at the structure as a whole and come up with a plan for the next 30 years. One of the things about structures of this kind, they are built of timber and even though we pressure-treat the timber very intensely, it's really only good for 25 to 30 years. This is right on schedule. We see this deterioration and we need to be proactive and address it before it becomes a big issue. The same with the concrete underneath the tide gates. We can't get a picture of it because it's always under water. These are the next steps that we propose to take: Back in September, we issued an RFP for design services, permitting services and a plan to address this entire structure. We did not request anybody to redesign the structure. There have been several concerns by the public about changing the vista or changing the footprint or changing the layout of the structure. The fact is that we really just want to address the issues that we're looking at right now. So, back in September we put out an RFP for design, permitting and a plan. We got seven responses. We went through those responses with former Director Steve Edwards who was involved intimately with the reconstruction of these tide gates. The first firm that was chosen was actually a

transportation firm back in 1988 and they came back with a plan that was very expensive and very unworkable. Back in 1989 and 1990, the town went back out to bid because the cost of the other engineer was so much and hired a coastal engineer which was Ocean and Coastal Consultants and redesigned it. That's why it took a couple of years to get this built. Ultimately, they chose the coastal engineer to redesign the gates and they have lasted so long. Of the seven responses, we chose Roberge Associates Coastal Engineers as the lowest responsible proposal. They were very familiar with the tide gates from a lot of work that has happened over the last 30 years. They are probably the best consultants for the job. We would propose to award a contract, if approved for funding, in December and go on to preliminary design completion in February. We still have to go through DEEP permitting and Army Corps of Engineer permitting. We do expect to get a certificate of permission from the DEEP and a general permit from the Army Corps of Engineers. We anticipate that that could be completed by March 2021. We would have final design in July 2021, contract drawings, late July, maybe early August, the bid process in September and the construction in the fall to winter 2021 – 2022, the time period where people are not using the walkway as much.

Dr. Heller:

Pete, I wanted to say thank you very much for presenting this. Being able to share the screen makes it very clear what we're looking at.

### **Committees report**

Finance and Public Works Committees, Mr. Wieser:

We met on November 24 and, as always, Pete has covered so much of what we talked about. I just want to emphasize a couple of things Pete said that we focused on particularly and that is this is the design; it is not the construction. So, after the design to prepare what is done is contemplated, going through a few more hearings for people to talk about what is done, it is anticipated that nothing will change. There was quite a strong discussion that we wanted to keep the look the way it is. We also talked about who is responsible for paying for the design and the ultimate construction because it does visually lead to Old Mill Beach but Pete pointed out very strongly that the beneficiaries of this walkway basically are all the houses that circle Old Mill Pond, the Old Mill residents as well as all the people in the summer who wander down there in the nice weather. He also pointed out as he pointed out tonight that the town has an obligation to keep access to Long Island Sound available so it really is the town's responsibility to do that. He anticipated that the ultimate construction would cost about \$1 million because it will be expensive to drive the piles again. That was a real rough number. I don't know that we're going to hold Pete to that. Basically, he was just warning us that it's not going to be cheap but we're required to do it. The Finance Committee voted 7-0 to recommend to the full RTM and the Public Works Committee voted 6-0-1 with Jay Keenan abstaining.

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

Mr. Wieser read the resolution and it was seconded.

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$80,000.00 along with bond and note authorization to the Municipal Improvement Fund Account for the design and permitting for rehabilitation of the Old Mill Walkway and Tide Gate Structures is hereby appropriated.

Dr. Heller: The resolution has been made and seconded.

**Members of the RTM**

Chris Tait, district 1:

Pete, I know you went over this and Jeff mentioned it but a lot of my constituents have emailed me. It's in my district. The Old Mill is down where I live and I think it is very important since it is almost an historic type bridge that we keep the design, fixing the problem, not redoing the bridge. I think that Peter has already stated that it is something we want to do. My understanding is the focus will be fixing the problem with the pylons and not redesigning the bridge.

Mr. Ratkiewich:

Yes. I want to verify that. Where pilings have deteriorated, we will repair them. Where there is concrete that is structurally compromised, we need to replace it. We don't need to do anything else with this structure. It works fine. The one thing that is excluded from this project is the actual motor works that opens and closes the tide gates. We have a whole program where we are maintaining those motors every year. We replace one or two motors every year so those are in fine shape. It's really the timber, the concrete and the actual structure. We just want to look under the hood and make sure we're addressing anything that we need to, to make sure it lasts for the next 30 years.

Mr. Tait: I appreciate that. Thank you Peter.

Ms. Batteau:

I'm not really addressing this item but I thought it was an appropriate time to ask. We have been approving so many bonding issues and will approve more tonight. I just wondered if at some point, say, before the next meeting, we could get from the Board of Finance or the Finance Department some reckoning of what our debt is over the last year. I am assuming part of the reason we are doing this is that interest rates are so favorable but if we could have that in the minutes and get some kind of report. Otherwise, this project, it seems like something we need to do.

Karen Kramer, district 5:

I think it's very important. I know that I've dealt with that company and we're talking about safety again. We don't have a choice and as interest rates are low, it seems like a good time. I don't think we should wait for the bridge to fall in.

**By roll call vote, the motion passes unanimously 33-0.**

**The Secretary read item #5 of the call - To approve an appropriation of \$230,000.00 along with bond and note authorization to the Municipal Improvement Fund Account for construction costs for repairs and improvements to the Jesup Green Seawall.**

**Presentation**

Mr. Ratkiewich:

This is a view of the Jesup seawall from the Post Road bridge. It extends from the Post Road past Jesup Road all the way down past the library. This [photo] is a shot at low tide. Here's a plan view of the same section from the Post Road all the way along the same section past the Jesup parking lot and past the library a couple of hundred feet where it become no seawall and a bank. It's about 600' south of the Post Road. Here is a shot of the Federal Channel in the Saugatuck River which we have been looking to dredge out for many years now. The seawall is right at the terminus of the Federal Channel. This leg up here is the Town Channel. So, this location which includes both a wall and a staircase are very prominent to this Federal Channel. They connect downtown to the channel. Here's a little history of the wall. I did some research on it but the original date of the construction is unknown. It seems to have evolved over the years with the shipping in Westport center and probably is [inaudible.] Over the years the wall has been repaired many times due to storm damage and aging. After Hurricane Gloria in 1985, there were minor repairs to be done but after another storm in 1994, Gordon, there were major repairs done to the wall as well as a southern extension. The staircase that is in the middle of the wall was completely wiped out and had to be disassembled and rebuilt. Then there were minor repairs in 2002 due to ongoing deterioration of the wall. Since 2002, the wall has been through a number of storms, Irene and Sandy, and a couple of storms in 2006 and 2007 that were river rain storms that brought a lot of flow down the river. Right now the wall is showing signs of major deterioration. When you look at the wall, it looks like there is riff raff at the bottom of the wall but that is rocks that have fallen out of the wall and landed on the mud flats below. I'm going to show you a picture in a minute but the staircase is once again displaced and deteriorated and not a safe structure to walk down. So, it really is time to repair this wall again. Here's a shot of some of the deterioration. You can see the rocks that have fallen down into the mud flats and the holes in the wall. You can see the deterioration of the staircase as well. Here is a shot of what the staircase looks like right now. The treads are displaced and they were protecting the wall. Now there are a lot of voids in that wall. This is downtown. It is a structure that goes along the walkway next to the library. With the library being reinvented, there is a lot more traffic along this walkway. We would like to make sure this wall stays up because it supports the walkway. More importantly, there is absolutely no protection along the top of the walkway for someone falling off of here onto the mud flats. These are some of the concerns. We have been made aware by an RTM member that there are many residents who are concerned about the unprotected drop off. If you fall off this wall at low tide, this is what meets you at the bottom. It's about a 10' drop off the top. There is virtually nothing to prevent someone from falling off the wall except for a small section of fence just past the staircase and hitting the river bank at low tide. A couple of years ago, I think eight years ago, there was a First Night event where someone did fall off the wall in the middle of

winter. It was not low tide at the time, luckily. With the completion of the renovations to the library, there is a lot more traffic along here, as well. Our proposal is to fix the wall and install a fence that would protect people from falling off of that 10' drop off. We don't want to destroy the river walk so we would put heavy protection boards over the river walk and then reach over the wall with a large excavator and essentially repair the wall by taking the rocks from the bottom, chaining them into place, replacing them in the wall, if they need to be mortared and stabilizing the wall. If we have to supplement the wall stone, we would use similar stone and tighten up the wall face all the way along. This is before we would even consider putting in any kind of a fence because it would make no sense to put a fence up and then have to repair the wall. The staircase itself needs to be disassembled, rebid; we need to replace the wall behind the staircase and then reset the stone treads. There is 600' of wall to do in this manner. Upon completion, we would like to erect a railing along the top of the wall to prevent anybody from falling off. We have a process we would have to go through. We would have to go through the Village District Joint Review Committee of the ARB, the HDC and we've also determined that we need to go to the Parks and Rec. Commission because they are in charge of this property. Our initial proposal for the railing is a simple iron post with stainless steel wire. That's just an initial proposal. I'm sure there are going to be a lot of opinions. But this is what we'd like to go ahead with. The reason is that we feel that this is going to obstruct the view minimally and it is consistent with the design of the site. The ultimate design would be up to the approval of the Village District Committee, the Parks and Rec. Commission and any other board or body that needs to weigh in on this. The wall itself is maintenance. The fencing does have an impact on the vista so we do need to go through all of our approval processes. And with that, I would like to take any questions.

Dr. Heller: We will go next to the committee report.

**Committee report**

Public Works Committee, Lou Mall, district 2:

I am pinch hitting for Jay Keenan from the Public Works Committee.

The Finance and Public Works Committee met on Tuesday, Nov. 24 at 6:30 p.m. The purpose was to review requested expenditures by Public Works Department for costs related to the repairs to the Jesup Green Sea Wall and addition of Protective Rail above. The presenter was Peter Ratkiewich, Public Works Department. The Public Works Department is requesting an expenditure of \$230,000 to repair the Jesup Green Seawall and install a railing on top of the wall. The last time the wall was repaired was in the 1980's, with some minor repairs done since then. The age of the wall is not known. The work will consist of pulling the existing stones from the river bed which have fallen, raising them up into place with a backhoe and installing them back into the wall; additional stones may be necessary to supplement the existing. The project also contemplates installation of a railing on top of the wall. The addition of the railing is not required but, if installed, must meet code which calls for a 4" sphere not to be able to pass through. Public Works is proposing a wire railing with top cap to minimize obstruction of the river views. The approval of the railing will need approval at HDC, ARB and P&Z. Both committees voted to recommend approval to the full RTM. In

attendance from the Public Works Committee were Jay Keenan (Chair/reporter), Lou Mall, Chris Tait, Andrew Colabella, Jack Klinge, Cathy Talmadge, Peter Gold. From the Finance Committee were Jeff Wieser (Chair), Jessica Bram, Christine Meiers Schatz, Richard Jaffe, Seth Braunstein, Stephen Shackelford and Cathy Talmadge.

Dr. Heller: Thank you Mr. Mall.

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

Mr. Wieser read the resolution and it was seconded.

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the request by the Director of Public Works, the sum of \$230,000.00 along with bond and note authorization to the Municipal Improvement Fund Account for construction costs for repairs and improvements to the Jesup Green Seawall is hereby appropriated.

Dr. Heller: It has been moved and seconded to approve the resolution just read.

**Members of the RTM**

Mr. Falk:

Safety is paramount. One stone falls out and another stone falls out and suddenly, there is no wall and everything falls out. As you said about the fence, there are going to be opinions. I'd like to be the first with opinions. I was wondering, if it doesn't add to the cost too much if we could get electrical power in the fence because I know the library likes to have events around there and perhaps the town would like to have events and I have done events. If electricity could be run through, that would be fantastic if it doesn't cost too much. That would be great.

Ellen Lautenberg, district 7:

I don't think you addressed my question. Obviously, this wall has been repaired a number of times in the past. Is this going to be the kind of repair that is much longer lasting so we don't have this come up every few years? It's hard for me to tell from the details you mentioned whether that would be the case.

Mr. Ratkiewich:

I would say that this wall is going to have to be repaired again and again and again and again like every 15 years to be proactive and make sure it doesn't fall down.

Ms. Lautenberg:

Was there a process that was considered that was a longer lasting process or was that just too complicated considering it is historical and the materials and where it's located?

Mr. Ratkiewich:

It would be a much more expensive process. Considering we did this back in the 90's and now it's 2020, there were some minor repairs during the 30 years. I would say that this, I'm not going to say how long it's going to last. Marine environment is very, very harsh on any sort of structure. I would venture to say that this structure has been

rehabbed a lot more than my history goes back into the 60's and the 70's. We're going to do what makes sense right now and that is to try to put it back together rather than take the entire wall apart which would be a major endeavor and probably cost in the millions of dollars. Instead, if we continue to maintain this on a proactive basis, this wall can last for a very long time. We haven't done anything since the 2002 storm except for minor maintenance and this has been on the capital forecast for about 10 years if not longer. Take this and do it now and put it on the capital forecast for 15 or 20 years out. It's certainly going to last that long.

Mr. Mandell:

I'm glad that Harris is looking to add electricity and put in lights or something like that. I thought he was going to electrify the fence so no one would go over it! My question is about a gate being introduced into it. Many people have talked about launching kayaks from that area so you might want to throw that into the mix. I don't know if that's in the works anywhere.

Mr. Ratkiewich:

There's no intent of closing off the staircase. The staircase would still be open. Down the way, if that staircase can facilitate access to a marine structure to give access or just remain a staircase as it is, you can walk your kayak down and launch it on the river.

Mr. Mandell: Good. I was just making sure we still have access.

Mr. Jaffe:

Bill Harmer and his staff have gone to a lot of trouble to make the library into the beautiful building it is now. The fence would be part of the look and feel of the library area so I request that, as a courtesy, you solicit Bill Harmer to see if the library and the library's architect have input they would like to give.

Mr. Ratkiewich: I will do that.

Mr. Mall:

I want to make sure, Pete. We're asking for \$230,000 for the sea wall or are we including in that the fence that we haven't had approval on yet.

Mr. Ratkiewich: The estimate does include the fence and the seawall.

Mr. Mall: It does include the fence. Approximately, how much is the fence?

Mr. Ratkiewich:

I'm going to have to come back to my share screen in your package for an estimate. Unfortunately, it printed out on two pages. The linear fence was estimated at 460 linear feet of the 600' of wall because there are some portions that do have a fence already at \$150/foot which is fairly consistent with current prices. Our estimate for resetting and repointing 10' x 160' wall masonry plus some incidentals is \$25/s.f. The second page is the totals so \$69,000 is for the fence itself. And we have a contingency of \$21,000.



Mr. Mall:

I was down there Saturday walking around and one of the things is that area is a totally unobstructed view of the river. I think there are a lot of people who might object to the fencing. When you go to the other side of the river, you have that low railing with cable. It's quite unique on the library side of not having any obstructed view. I think that has to be carefully weighed by people. I think people should take the time when they are downtown to walk the river and to get a sense of the unobstructed views. One of the things that I'm curious about is that we've only had one person fall into the river and that was on New Year's Eve. It sounds kind of suspicious to me. I don't think we have an immediate safety hazard. I noticed families were throwing bread into the river for the ducks and the geese and parents didn't seem so concerned. I would be nervous if I had a little toddler. I would be holding onto them but this is how these parents were. One of the things that we'd always have a problem in this area is who is responsible for this property? Is it the library? Is it Public Works? Is it Parks and Rec.? I think one of the things we should have a concern about is the trees along that river walk. They haven't been maintained. They haven't been pruned and taken care of and we have some widow-makers there and a lot of poison ivy. I think those things need to be addressed as well as any kind of safety precautions for the fence. I would really like RTM members when they are downtown to take time and just see what the lay of the land is out there and what else might be done to improve that because that is really a spectacular area now that we have that walkway from the library to the Levitt Pavilion.

Amy Kaplan, district 3:

Pete, I'd like to thank you for your presentation. I am the RTM member that Pete was referring to. I heard from quite a few people around town that they are nervous about that drop off. It is true that it has not had a fence although other areas north of the bridge do have a barrier. It is a different type of fence than what we would be talking about installing in this location but it is a barrier, visual and otherwise to the waterfront. I think the concerns about safety really should be paramount. We are using that area along the river front much more frequently, as Matthew Mandell noted, as well with various activities and with the recent renovation of the library reorienting towards that area. It has become a public space that does get quite a lot of use. There are a lot of young families that use that space. You can take materials out of the library and bring them out into that space to play with and to utilize. Again, with the renovation to the library, there was a huge uptick in the number of daily users of the library such that before COVID shut everything down, we were averaging almost 2,000 daily visitors. Not all those visitors are going to visit that area outside the library but a good portion of them do, especially in nice weather. Not all those visitors are from Westport or, even if they are from Westport, they may not have been residents for a long period of time and they may not be particularly aware that the river front is as close as it is and the drop off is as high as it is. It is a tidal river so sometimes it doesn't appear too deep but, as Pete pointed out, at low tide, it is a good 10 feet drop and the landing is not soft. Toddlers and children have a habit of scooting very far away in the blink of an eye. I think the fact that we have escaped without someone being seriously injured so far is a minor miracle but I am not comfortable coasting on that into the future. I think that the fence, as

proposed, is a very minimal design. Because the drop off is 10', there are some building regulations that need to be followed. That's what Pete was referring to in terms of the four inch spread so somebody couldn't get their head stuck in it, I'm assuming, and also in regards to the height but that being said, the height being proposed is four feet so that an adult strolling along river walk, your view would not be obstructed at all by a minimalist railing that would reach no further than your waist. I understand the reticence of not wanting to close off the view but I don't feel that would not be the practical effect and I feel that not doing this leaves us, as a town, with a huge legal liability that is just waiting to happen.

Richard Lowenstein, district 5:

I want to echo the statements made by Ms. Kaplan. The property by the river walk there essentially belongs to Parks and Rec. Last year, I noticed a huge outbreak of poison ivy and the library said it was not their responsibility. Parks and Rec. did acknowledge that it was theirs. They did send somebody down to spray the property which made a big difference. My concern is that as you build a wall or a fence rather, it will encourage more people to walk toward it and, therefore, walk through poison ivy so what I recommend is that before any work is done, the poison ivy be eradicated because this also will pose a liability to people who use the area.

Brandi Briggs, district 7:

I just want to reiterate everything that Amy Kaplan just said about the railing. I believe this is very important. The family that this happened to, years back, happened to be very close friends of mine. It was not a toddler. It was not a drunk incident. It was a seven year old girl who was walking with friends and her sibling behind her parents and a group came by and pushed her in. Someone turned around and said 'Where is she?' and a little girl said, 'I think she went that way.' Thank goodness the dad jumped in and was able to save her. It was night. Had he not been able to save her or if they didn't know where she was, we would have had a giant tragedy on our hands. Now that the town is on notice and this has happened, we have to be safe first. That's what is most important. Also, people do hang out there. Toddlers do run quickly. You can't always have them right with you and they go quick and they are looking at the ducks and the geese and they can fall over. I think the railing is of the utmost importance.

Sal Liccione, district 9:

First I want to thank Amy Kaplan for bringing this up to us. When I met with Amy earlier this year with Parks and Rec., we discussed this then. For a safety hazard, we really need the fence. Down here at Jesup Green, as Lou Mall says, we have to pay more attention to it because the town does not pay as much attention as it should and Lou who cares about parks as much as I do, we really need to start micro-focusing on the parks and Jesup Green and all those areas to start taking care of these more. We need to sit down with DPW and the Parks and Rec. and have a really good discussion about the parks and these incidents. We have to bring them up to task. I will vote for this. It's in my district. I used to live right next door. So, thank you Amy Kaplan for bringing this up.

Mr. Tait:

Thanks Peter for your presentation. I want to support this for a couple of reasons. One is, as a taxpayer, I think this is a good investment. I think this wall plan brings into our capital plan to bring back the river to the town. The way things are going, as someone suggested, you have a kayak; fencing, because now with the Levitt and the library done, that whole area has become vibrant. It is no longer a dead space and I think as part of the revitalization of downtown, this all helps further that plan. I think investing in that area will help revitalize that and bring more people to our town and move to our town. I look at this as a taxpayer investment for the whole town together for our long-term plan. So, Amy, thank you for recommending the fencing. I totally agree with her. I appreciate it, Peter, and I am voting for this. One last thing, Lou Mall, who I really support, is finding that section to make sure who really owns that. I don't know, Peter, if you could find out. Once the wall is built, whoever owns that, the trees, if it is Parks and Rec., if it is, great. On the budgets, whoever's budget it needs to be on, I'll fight for. We just want to make sure we have that clear.

Mark Friedman, district 3:

I agree with the need for the fence due to the safety issues, a deep concern of mine for several years. I was there last weekend and I saw a two year old in a stroller and he had been pushed right to the edge and he was pointing at the ducks. I had to turn and walk away. I couldn't watch it. It was terrifying. So, I hope that we pass this and move forward with a fence that does permit sight lines but safety first. We've got to get this done.

Candace Banks, district 6:

Echoing what Brandi said, I also know the family. It was eight years ago. She was five at the time and her dad jumped in after her. They feel very strongly that we've been lucky since then and as Brandi said, fellow lawyer, the town is on notice. It's very important to them. They are district 9 residents and it's very important to them.

Kristin Schneeman, district 9:

I also wanted to voice my support for this and to thank Amy for bringing forward the idea of a fence and to Pete for being willing to add that to the project. This is also my district but it is relevant to people all over town. I spent years taking my kids down there and I was always terrified when they were toddlers but I'm almost equally terrified now that they're teenagers and they go down there not supervised and behave in equally not-sensible ways. I also wanted to make the comment that as much as I appreciate the unobstructed views from an aesthetic point, I think it's just what we're used to. If this is done well... I can't think of another town that has an active riverfront like that that doesn't have a fence, that doesn't have a barrier between an active public area and the river. I don't think we'll be out of step or out of character. I think at the committee meeting, Pete, I appreciated your minimalist rendering of the fence but you said that this was just you adding your artistic skill to the rendering to give an idea of what a fence might look like. But somebody made the comment that when you go before the Village District Joint Review Committee and the Architectural Review Board and HDC, they will typically make comments but they might not come with fresh ideas about what fence

alternatives might look like so I know at the meeting people had encouraged you and maybe Parks and Rec. to investigate a range of options for what the most unobstructive and not unattractive fencing options might be so I would definitely support that. Just one minor thing because Matthew brought up the river access. I have always wondered, obviously the steps have always been there longer than anyone can remember, and I've seen kids, my kids have gone down there to feed the ducks and I've always expected to see somebody walking with their kayak, trying to use it for river access but I have never seen that. You said there would be access to the staircase which implies there will be an opening in the fence or a gate but I suppose it's worth considering, is that necessary active river access that we need to preserve? Do we need the staircase is the question. I think we could keep it for nostalgia reasons but if people aren't using it for anything other than getting closer to the ducks, I think it's an open question of whether the staircase still needs to be there. Those are my comments. Thank you very much for bringing this forward.

Arline Gertzoff, district 3:

I'd like to make a couple of comments. After one of the hurricanes, we put up a very decent looking fence at Burying Hill Beach. That was a gorgeous view before there was a fence with lots of greenery. Friends of mine thought I was in the Bahamas. Then they put up a fence. Recently, a car drove right up to that fence and it was a good thing that fence was there because she would have gone over. She wasn't in the parking lot. She drove across the grass and the fence stopped her. My neighbor is Amy Kaplan and we've talked about this quite a bit. One thing I've observed (not this summer during the pandemic), I observed three youngsters and they did not go down the staircase. I observed them jump in the river. Their bikes were there. I was horrified. I went over to the Police Station because a little ole lady, they wouldn't listen to me. The police came over but by then they skedaddled. It's just too dangerous. With little kids, I see them run up and down that thing. I'm sure we can find a nice looking fence. I'd rather have an obstructed view of our beautiful river than have another incident. But, when I saw those kids, that was it for me. I said we absolutely need a fence. I understand the other structure needs to be repaired with the stones as well but there's no way...we need a fence so there is no way anyone could get in the river that way. And no, they did not use the steps. I watched them jump in the river. So, I am 100 percent in favor of fixing the stones and adding a fence. I'm sure a proper design can be found. The fence is more important. People's safety is much more important than if we don't have a perfect river view. We'll all survive.

Lisa Newman, district 8:

Two comments. My first perfectly piggy backs off of the point Arline just made. First I want to thank Amy Kaplan raising this issue well over a year ago. I remember speaking with her about it and I'm so glad she pursued it. As a mother of young children, that area has always worried me. My kids love to run around with other people's children, to Mark Friedman's point. I thank Amy for bringing this up and keeping pressure on it and to Pete for being open to it. My question for the record and I think it might be rhetorical at this point but whatever type of fence is installed, the type of youth that will jump from the rocks will jump from a fence. We need the fence, no doubt, but what I do fear is if it

is a structure that can be climbed at all, we are only making the jump higher especially at night. Kids do what they do. So, I hope we look at the type of fencing we see on roof deck areas that are wiry so you cannot climb, basically. It goes with the whole theme of a less obstructive view and it will form that barrier without being a structure that could be climbed upon if you are a sizeable person who might do something of that nature. So, I would like something that cannot be climbed on, whether it is a seven year old who is mischievous or a teenager looking for adventure. The design is going to be part of the safety so we're not just providing a higher point to climb and cause trouble from.

Mr. Gold:

In terms of the fencing Peter, since we are going to keep the staircase, at least for the time being, are you going to add a railing on the side of the stairs too?

Mr. Ratkiewich:

It would not be my intent. There's actually two staircases on the waterfront. One is on north on Jesup Green and one is here. I would not want to eliminate the staircase in its current form but I would want to put it back so it is traversable by people. Right now it's at an angle and it's not really safe. I would not propose a railing. It's pretty impractical when the tide comes up twice a day. Any railing structure there is going to get rotted out very quickly.

Mr. Gold:

Okay. Most staircases I've been on have railings. People are concerned about children jumping off the wall from the top they can certainly go down two steps and jump from two steps down. Also, refresh my memory, when we talked about the tide gates earlier this evening, did we consider putting a railing to keep people from jumping off the tide gates? Because I know that's much more common than people jumping off Jesup Green.

Mr. Ratkiewich:

That's a completely different topic that I would not want to go into right now. That was debated very robustly over the summertime. That was not considered at all on that particular appropriation request.

Mr. Gold: Because it's safer to jump off the tide gates than Jesup Green?

Dr. Heller: Why don't you just stick to this particular one right now.

Mr. Gold:

It is sticking to this item, Velma, because if we need it in one place, we need it in another. If we don't need it in one place, we don't need it in the other.

Dr. Heller: I still say we're talking about this item right now.

Mr. Ratkiewich:

Let me answer the question in a more general fashion Peter. It doesn't matter how high the fence is, if the kid wants to jump off of it, they're going to jump off of it. It was to the extent last summer where we put a "no jumping" sign down and the kids actually took the "no" and the "ing" off of it and made the sign say "jump". It's an impossible thing to continuously police. The best thing that we can do is follow our current code which says put a 42" fence up that does not allow a child to get their head stuck in the rails or the stiles on the fence. That's really what we're proposing. I agree with Lisa's point that perhaps we don't need a top rail on the fence because then, the only thing you can stand on is a wire. That has to be detailed out. I am confident that the appropriation request will cover that cost.

Mr. Gold: Thank you Peter.

Ms. Batteau:

I was going to ask the same question that Peter Gold did about railing on the stairways. My experience is that stairways are very slippery especially when wet. It would be worthwhile to look into some kind of railing that would be resistant to rot, maybe metal, and also that we should have a gate at the stairway so people don't slip and slide and bang their heads on the stairs. Otherwise, I certainly agree with everybody about the fence. The ARB might have some suggestions about the styling but, in any case, thank you all for thinking about it.

Ms. Kaplan:

I just forgot to mention first time around that I also support the needed repairs to the seawall in addition to the fence. I also did want to mention that I did bring this up to the Board of Directors at the library and the Executive Director, Bill Harmon, and as Bill said, that stretch of land is not the library's. We've touched upon this. There seems to be some sort of confusion, lack of taking responsibility for some of the maintenance in that area. But, as Pete pointed out, the area we really are talking about is Parks and Rec. property and, as such, the library has no authority to opine on whether there should or shouldn't be a fence but they had no objection seeing as how it is many of their patrons out there and they are concerned about the safety of everyone in Westport and using their facilities.

Mr. Mall:

Obviously, the fence is very important for safety and I have no qualms about doing everything we possibly can for public safety. If we are going to put in a fence that is to code on the south side of the Post Road, I think we also need to do the same on the north side. So, we're just doing a half-assed job again and that's part of my complaint about the whole area from the library to the Levitt, it is embarrassing. We spend millions and millions and millions of dollars to renovate a library, millions of dollars for the Levitt and then we have this weed patch and trees with dead branches and poison ivy and we can't finish the job. Either we do it right, 100 percent, or we don't do it. That's really the point that I'm trying to drive home tonight. Personally, I don't like to walk to the edge of the seawall. I get weak kneed with a 10' drop off just thinking about it. I stay on the

sidewalk where it's solid ground for me. I think if we're going to do it on the south side of the Post Road, we should do it on the north side. Do it right. Fix it up.

Mr. Wieser: There are no public comments.

**By roll call vote, the motion passes unanimously 33-0.**

**The secretary read item #6 of the call - To appoint a director to the Westport Transit District to fill a vacancy which expires April 30, 2022.**

**Presentation**

Mr. Lowenstein:

As you heard earlier this evening, Marty Fox and Patsy Cimarosa have resigned from the Westport Transit District as Directors. That resignation is effective at the close of this meeting tonight. Accordingly, the Transit Committee met on the 23<sup>rd</sup> of November to consider what to do and replace at least one of the people. Present were Candace Banks, Peter Gold, Kristan Hamlin, Amy Kaplan, Sal Liccione and myself. Our recommendations are as follows: The operational responsibilities of the Transit Director are currently being reviewed by the town administration. As a result, the committee felt it could not ask and advertise for a new Director or Directors because we don't know what the job is going to be. Given that we must have at least one Director for the District to manage its affairs, Peter Gold, our previous Chair and longtime Chair of the RTM Transit Committee offered to serve on an interim basis until we can make new arrangements for operating the District. I moved that Peter Gold be recommended to the full RTM to fill Patsy Cimarosa's seat. Candace Banks seconded that motion. The discussion that followed was whether Peter could be on the RTM and Director of the Transit District. In the report that you have received, there is a letter from Eileen Flug. The requirement is that the Director must be an elector of the town of Westport. Since the Westport Transit District is a designation of the State and not the town, Peter is eligible to serve on both the Transit District as the Director and the RTM. During the discussion that followed, former Transit Director Jennifer Johnson asked us to take no action on this and she advocated for a more regional approach. When we had the vote, we all voted in favor except Sal Liccione who said that his no vote was not against Peter Gold but because he wanted to leave the position open for the time being. At the conclusion of that vote, we had a discussion about what to do next and we set Jan. 12 of 2021 as a date for the committee to meet to make recommendations of what should be done to the District. I am quite hopeful that the Administration will be present at that meeting so they can tell us what plans that they have.

Dr. Heller:

We have just heard the committee report which is also a presentation of the request that is in the resolution.

**Members of the Westport electorate**

Mr. Wieser is reading an email from Jennifer Johnson:

First of all, the RTM Transit Committee minutes, Jennifer Johnson asks that it be changed to read:

Former Transit Director Jennifer Johnson asked the committee to take no action on the vacancy and said to table the vote until the town either appoints a current town employee or approves funding for a new position whose job includes serving as the Westport Transit District Director.

She goes on to comment:

For over 30 years, the RTM Transit Committee and the full RTM have worked in good faith to oversee the Transit District volunteer Directors. For at least the last decade, the Transit Directors and the full RTM have repeatedly maintained that the scope of work of the Transit Director is too extensive and too important to be filled by volunteers and in that time there have been repeated appeals to have the town appoint a town employee to take on the work of the Transit Director or to fund a new position. Nothing has changed. It's time the RTM acts to end the year in and year out funding battles with the Board of Finance. It is clear that the current model of relying on volunteers has not been successful for Westport. Rather than approve Peter Gold tonight as an interim Transit Director, I urge the full RTM to table this vote until after the Board of Selectmen and the Board of Finance vote on the upcoming budget. If the Board of Selectmen and the Board of Finance vote to restructure the Westport Transit District position as either a current town employee or a paid position, then the RTM can act to approve a new Transit Director at that time. Given the pandemic, there is no urgency for service. It is unlikely that any regulatory body will seek more specific requirements for Transit Director while the town works to restructure its Transit District. We are at the point in history where we have the time and reason to rethink what we have done before and restart in a new direction. If the Board of Selectmen and Board of Finance choose not to restructure and fund a position that incorporates a Transit Director role then that will signal the end of the Westport Transit District and its roughly 50 year town legacy. On behalf of all Westporters who seek better solution for our town's transportation needs, I urge the RTM to use its authority to begin the process of resetting how Westport manages our town's growing transportation needs. Please vote to postpone this decision until after the Board of Selectmen and the Board of Finance decide next year's budget. Thank you. Jennifer Johnson, 28 Tamarac Road.

Mr. Wieser:

Before I read the resolution in case I don't speak again, I would love to thank Marty Fox and Patsy Cimarosa for their work as Transit Directors. They really have done wonderful work.

Mr. Wieser read the resolution and it was seconded.

**RESOLVED:** That pursuant to CGS Section 7-273c and upon the recommendation of the RTM Transit Committee, Peter Gold is hereby appointed as a director to the Westport Transit District to fill a vacancy created by the resignation of Patricia Cimarosa with the term ending April 20, 2022.

Dr. Heller: It has been moved and seconded to approve the resolution just read.

## **Members of the RTM**



Sal Liccione, district 9:

Madam Moderator, I would like to make a motion to delay Peter's appointment until January.

Dr. Heller: Is this an amendment to the resolution?

Mr. Liccione:

Yes it is. I would like to delay the appointment until we have a bigger discussion with Mr. Marpe and the Board of Finance.

Dr. Heller:

It sounds like you are asking to make an amendment to the motion. Is that correct? [Yes.] The amendment reads:

Mr. Liccione:

I make a motion to delay this appointment until there is a major discussion with the First Selectman's office and the Board of Finance until we figure this whole situation out. It has been 10 years we have been discussing these things. As someone who has been on Citizen's Transit...

Dr. Heller: Stick to the wording of the amendment.

Mr. Falk: Is he actually asking to make an amendment or is he asking just to table it?

Dr. Heller: He's asking to postpone it.

Mr. Falk: So it's not an amendment.

Dr. Heller: It is.

Mr. Lowenstein: No.

Mr. Falk: No. Tabling is not an amendment.

Dr. Heller: It's not tabling. Tabling is off. Postponement is different from tabling.

Point of order, Mr. Gold: I think he is asking to postpone it to a date certain.

Dr. Heller: That's really what I was trying to get, what the date was as he was talking.

Mr. Gold:

It is not an amendment. He is asking to postpone it to a date certain. But the date certain is uncertain because the date is dependent upon the Board of Selectmen and the Board of Finance taking some action. He has to pick a date. It can be Jan. 12 when the Transit Committee is meeting again or the February RTM meeting but if it is going to be postponed to a date certain, you need a certain date.

Dr. Heller:

So to postpone it to a certain date, it would apply to this motion. Do you have a date in mind?

Mr. Liccione: Yes. Jan. 12, our next meeting.

Dr. Heller:

Okay. A motion has been made to postpone a vote on this proposal to Jan. 12. Is there a second?

Point of order, Mr. Wieser:

The next RTM meeting, I believe, is Jan. 5. The Transit Committee meeting is Jan. 12 so if Sal wants to wait until after that meeting, it would have to be ~~Feb. 5~~ or Feb. 2, I think it is.

Mr. Klinge: I agree totally. It should be the first meeting in February.

Dr. Heller:

The motion is **To postpone voting on this motion until the meeting in February. The date is Feb. 2** (Ground Hog Day.)

Seconded by Mr. Klinge.

### **Members of the RTM**

Ms. Kramer:

I think if Peter is willing to do this we have an incredible candidate. He was the Chair for a long time and he's dedicated and I don't think we can find much finer. That's my opinion. I'd like to vote on him tonight and vote him in, if possible, if he really wants to do this.

Ms. Gertzoff:

I've gone around a lot on transport with Peter and I think he's an excellent candidate; however, the only way I could support not postponing it is if we give a time limit for Peter to serve. If we don't, I'm afraid, as been happening for so long, that this is just going to go on indefinitely. This position is valuable. It needs to be a paid position. Gone are the days in the 80's when you just used a little transport bus and you went and hung out at the beach. That was fine but that was then and this is now. I just don't want to see this go for an indefinite period. Peter serves for three months and nothing is done and Peter serves for six months. Nothing against Peter. I just want to see some sort of fixed time limit where the town will act and make this into a paid position as it should be.

Mr. Lowenstein:

It's Dec. 2 and if we don't have a Director on the Transit District then we have no directors and there is no one to operate the district and provide all the guidance necessary to run it. The budget for 21/22 would not be prepared by the Board of

Selectmen. It would be prepared by the Transit District. It is a separate budget from the town's budget. If you delay this until February, as has been suggested, we'll have no action taken on the budget for the next fiscal year during the time that budgets must be prepared. I am going to let Peter speak for himself on the position itself but I'd like to point out that there is a time limit on this position. It is April 30, 2022. You are filling a vacancy and, therefore, you have to have a period of time for that vacancy to run. I'll leave it to Peter to say what his intentions are but, if we don't have a Director tonight, we'll have no directors at all, no one running the Transit District.

Mr. Gold:

Frankly, my desire to serve as Transit Director, I'll be happy to step down tomorrow if they figure out what to do. As Dick points out, there needs to be someone in charge starting tomorrow. There are decisions that have to be made, not only the budget but operating decisions with the microtransit, Wheels2u program that come up on a day to day basis that need to be resolved. There is nobody in town who is going to step in and solve those issues. There are other operating issues that need to be resolved. They bid out and Marty, if he's still on here, can give more details than I. The way Norwalk Transit does its routes, they are a union organization, they bid out the routes three months in advance so decisions have to be made now for things that are going to happen in April. So, I think you need somebody on an interim basis as much as I'd like to see this reorganized to some other fashion, that's-+ fine. To the point of employing a town employee to do it, again, that's a little tricky because the statutes require the Directors to be electors of the town of Westport. A lot of town employees are not. So, even if we appointed somebody to run it on a day to day basis, we would still need somebody in the position of Transit Director to take the responsibility or to wind up the Transit District. So, you need somebody. I'm happy to step down the day somebody figures out how to do it.

Mr. Jaffe:

Peter Gold is the best candidate I can imagine for this job. I have been with Peter in a number of presentations, discussions and Board of Finance meetings where public transit was discussed. Peter has a thorough understanding of the opportunities and challenges of running a public transportation system in a small town. I cannot imagine that we'd be in better hands. I urge our RTM to support him fully and immediately.

Andrew Colabella, district 4:

I can't think of a better candidate other than Peter Gold. Any time I have a question about transportation or just speaking to him in general, his knowledge of transportation in this town is beyond. I think, from a public administrator's point of view, if you were to leave this position vacant in the midst of contract negotiations with the unions, the budgets, and you're just going to leave this empty for the time being, I think it would be very ineffective and it would be completely improper from an RTM point of view if we were to just let this go. But according to Eileen Flug, under Connecticut General Statute 7-273, the only prerequisite for appointment by the RTM is that the person be an elector, a registered voter of the town; therefore, I do not see a conflict of him being on the RTM as well as the head of the Transit District and he has my full support.

Stephen Shackelford, district 8:

Just to be brief, I support appointing Peter to this right now. I understand the position of folks like Arline. We don't want to keep kicking this can down the road. But I don't think the way to do that is to leave the position vacant. We just have to make ourselves deal with this over the next couple of months. He's obviously a great candidate. I don't think anyone disagrees with that. I support getting this done and I'm sure Peter will help us move towards whatever we should do with the Transit District for the long term for no other reason than to move the job to someone else after he stepped in to help us on this. I do not support tabling this. I support approving Peter today.

Ms. Batteau:

I agree with everybody. I don't have any qualms about having Peter fill this role.

Dr. Heller:

Can I just interrupt you for a minute. What we are talking about right now is the propriety of this motion to postpone.

Ms. Batteau:

Yes. I understand. On the other hand, we've been historically going through this for years and years and years without resolution. So, we are looking now at a proposal to postpone until February. I would like to give ourselves a longer time than February. I don't think Peter should have this for another year and a half. In order to move this along, perhaps we could make the date certain be something like six months which would then push the administration to fairly consider the issues that Jenny Johnson brought up and we could all understand them a little bit better so I guess I would support a motion to postpone to a date certain; however, not that date certain.

Mr. Klinge:

I was the one who seconded the delay to a date certain but, if it's really important to fill the position tomorrow, clearly, Peter Gold is the one you want in that position. I thought we might be smarter after the Jan. 12 meeting. I'm not sure what is going to come out of that meeting. My personal feeling right now is Peter can take over tomorrow on an interim basis but I'd like to find out what's going to happen Jan. 12 which will lead us to make a more permanent decision on Feb. 2. So, I'm kind of conflicted. I'll be happy to withdraw my second if eventually we could agree to meet on it in our February meeting after the Jan. 12 meeting and we get a better sense of what the details are. But if it is important to have Peter there tomorrow, I want him there tomorrow. But I can't withdraw my second.

Ms. Schneeman:

I have a question. I'm not sure to whom this would be addressed. We have been talking about how the operational responsibilities of the Transit Director are currently being reviewed by the town administration. I'm not aware that there is a deadline for that review to be complete by. Is there a deadline or is it just the internal process?

Mr. Gold:

There is no deadline. We have been having discussions with Mr. Marpe for close to a year now about ways to restructure it. We knew Marty and Patsy's resignations were coming. We spoke to Jim several times. He's obviously had the pandemic on his hands since February but we spoke to him even before then. They're in no hurry, frankly.

Ms. Schneeman:

Peter, you've answered my second question already. I suspect that you would be happy to see somebody else, once this gets resolved and possibly not to serve until April 30, 2022. First of all, there is the point that Dick has raised and Peter both that there are operational responsibilities that have to be executed. Also, from a purely political perspective, I'm not sure why it would make sense not to have someone who is personally a very strong public transit advocate in the role of Transit Director when these conversations are happening. I feel like not having somebody in that role is ceding the territory to the people who have been kicking the can down the road and who are not, frankly, that supportive of the Transit District. Also, I think from a political perspective, having somebody in this role who will have a strong voice in getting this conversation resolved in a positive fashion is a good thing so I will not support the amendment. I will support the original resolution.

Kristin Purcell, district 1:

I also urge the RTM to not support the postponement of this. I had the fortune of working with Peter on the Long Term Planning Committee last year and his grasp of the transit was very superior to any grasp that I have on it and I think he would be a fine person to lead the helm on that and would trust that he would do it in a judicious manner with a voice in a position that, frankly, sounds like it really needs a voice not just in the long-term but in the short-term as these decisions are being made. So, again, I do not support the amendment to the motion.

Mr. Wieser: Three Kristin's (sic) in a row!

Ms. Hamlin:

Many, many months ago, I had anticipated that we'd be in this spot. I'm on the Transit Committee. Marty had indicated that it needs to be a paid position and I made a motion to make sure we had this vote regarding compensating it well in advance of us being in this situation today. That motion carried. We voted for it for whatever reason. The meeting was never scheduled despite my urging to do that. Nevertheless, despite the fact that it is absolutely correct that we should address the issue that Marty asked us to address which is making this a compensated position, at this point in time, I respectfully suggest that Sal's suggestion that we delay appointing Peter until the Jan. 12 meeting, which again, that meeting is scheduled on Jan. 12 because I pushed to get it scheduled on Jan. 12 to decide, at this point, delaying Peter's appointment makes no sense because this is not zero sum. We can appoint Peter and on Jan. 12 we can discuss and decide whether to compensate it. It makes no sense to put ourselves at an operational deficit for the next many, many weeks until we decide the compensation issue. As I

said, we can appoint Peter. He's clearly qualified to do this and in January, we can address this issue. So, the motion makes no sense and it should be defeated.

Mr. Braunstein:

Much of what I was going to say was pre-empted by two of the last three "Kristins". I would just reiterate, unless I'm missing some fundamental part of the argument, I don't see why we would need to have a vacancy in order to somehow force the Board of Finance's hand or the Board of Selectmen's hand in trying to determine what the future is. I will just reiterate two things. One: Peter Gold is, without question, exceedingly qualified to fill this position and two: I think it makes a hell of a lot more sense to have someone as advocate in the position to be a public facing or Board of Finance facing or Board of Selectmen facing component for public transit. I can't see how someone like Jennifer Johnson, who is obviously in favor of public transportation, how or why she thinks it would work in the interest of furthering the goal of having public transit, how that's benefiting by having the position vacant. It makes no sense whatsoever. I completely agree with Kris Hamlin's point. We should move forward with the original version of this and disregard the amendment.

Mr. Falk:

I can't really say this because there is a different motion on the floor but if this fails or Sal pulls it, I would recommend that we make an amendment to...

Dr. Heller: Hold with that.

Mr. Falk:

If I can explain why, then we might speed this along. So, if we amend it that Peter Gold is appointed as an interim Director until Feb. 3, then we get both. We have Peter who is an advocate and there is somebody in the position and then it comes back to the RTM after everybody meets and we get to discuss it again. So the position is filled.

Dr. Heller: We are still debating the propriety of this motion to postpone.

Mr. Mandell:

You need a driver of the bus to make it go and we can't have a bus not moving forward so we need to have someone in the seat and that is Peter. If you listen to Peter's answer, it was eloquent, it was sharp, he understood the issues so while we're dickering around trying to find a way to pay for this and move forward, at least the bus will continue to be driven by someone. We have to move forward. Let's put him into the position and then let's hear it out.

Mr. Wieser: Thank you for that especially appropriate analogy Matthew.

Mr. Lowenstein:

Everything I've heard tonight in terms of trying to achieve greater goals, the meeting on Jan. 12 is an RTM Transit Committee meeting. It is not a meeting where we can establish salaries; we have no budget; we can't hire people. This is a meeting to force

the town to come to terms with all the demands that everybody has made tonight that this be a paid position. I would encourage having a Transit Committee meeting with everybody attending but we can't just fill this vacancy by saying three months, four months, five months. We have to fill an existing term and that term is until April 30, 2022. Peter has indicated that he doesn't want to serve that long and I'm sure if we can get this other question resolved, he will want to leave. We can just have a short-term definition of the term for the Director. I urge you all to turn down this amendment and vote for the main motion.

Mr. Izzo: Let's vote this. I'm with Gold!

Ms. Batteau:

I have to apologize. I left the second part of what I had to say last time. I do not think we can postpone to February to that date certain. I think, in order to force the issue, we would like to see if we can get some kind of budgetary accommodation put in before we vote on the budget in February so I think it would be a good idea to, rather than appoint Peter to Patsy Cimarosa's position, that we appoint him as an interim Director until, say, the end of April which might force the issue of having a conversation about making this a paid position to be included in our next year's budget. I oppose this postponement.

Christine Meiers Schatz, district 2:

Respectfully, I think we should vote to oppose the motion to postpone to a date certain and I urge all of us not to make another motion to postpone to a different date certain. I don't understand the logic that by postponing certain, we would be having any sort of leverage whatsoever over the administration who is ultimately in control over whether this becomes a paid position or not. Whether Peter is appointed officially now or later, it's not going to affect anything. We need somebody to be in charge of the Transit District for now so, again, I would urge you to vote no to the postponement, to vote yes to what was originally on the table and have Peter appointed now.

Mr. Tait:

Can we put it on the floor to vote for this amendment now and after this vote immediately go to the original item on the agenda.

Mr. Wieser:

There's only one more hand up and it is Peter Gold. I think he's spoken twice on this so I think...

Mr. Gold: I think I have a solution to your problem, Jeff.

Dr. Heller: Mr. Tait has called the question.

Mr. Wieser:

I was just trying to see if there were no more hands without having to vote on calling the question. There are no more hands so, perhaps, we could vote on the amendment.

Dr. Heller:

We are voting on the **motion by Sal Liccione and seconded by Jack Klinge to postpone the resolution until Feb. 2.**

**By roll call vote, the motion fails 1-32. Mr. Liccione is in favor. All others opposed.**

Back to the main motion:

Mr. Gold:

The easiest way to get this to be a paid position is the Transit District prepares its own budget. It's not prepared by the town. We could a salary in the Transit District tomorrow. The Board of Finance will knock it out and it will come back to the RTM to restore it. If you guys vote to restore it, you've got a paid position. Simple enough.

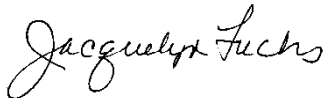
A vote on the main motion: **By roll call vote, the motion passes 32-0-1 with Ms. Gertzoff abstaining.**

Dr. Heller:

With that, our business is concluded. I want to thank you one more time for your support. We did have a very full agenda tonight and a lot of exciting things went on. I think all in all we accomplished some very good work. Thank you again for that. With that, the meeting is adjourned. I want to say stay safe and have a good holiday. We'll meet again in January.

The meeting adjourned at 11:40 p.m.

Respectfully submitted,  
Town Clerk



by Jacquelyn Fuchs



**ATTENDANCE: December 1, 2020**

| <b>DIST.</b> | <b>NAME</b>             | <b>PRESENT</b> | <b>ABSENT</b> | <b>NOTIFIED<br/>MODERATOR</b> | <b>LATE/<br/>LEFT EARLY</b> |
|--------------|-------------------------|----------------|---------------|-------------------------------|-----------------------------|
| 1            | Richard Jaffe           | X              |               |                               |                             |
|              | Matthew Mandell         | X              |               |                               |                             |
|              | Kristin M. Purcell      | X              |               |                               |                             |
|              | Chris Tait              | X              |               |                               |                             |
| 2            | Harris Falk             | X              |               |                               |                             |
|              | Jay Keenan              |                | X             | X                             |                             |
|              | Louis M. Mall           | X              |               |                               |                             |
|              | Christine Meiers Schatz | X              |               |                               |                             |
| 3            | Mark Friedman           | X              |               |                               |                             |
|              | Arline Gertzoff         | X              |               |                               |                             |
|              | Jimmy Izzo              | X              |               |                               |                             |
|              | Amy Kaplan              | X              |               |                               |                             |
| 4            | Andrew J. Colabella     | X              |               |                               |                             |
|              | Kristan Hamlin          | X              |               |                               |                             |
|              | Noah Hammond            | X              |               |                               |                             |
|              | Jeff Wieser             | X              |               |                               |                             |
| 5            | Peter Gold              | X              |               |                               |                             |
|              | Dick Lowenstein         | X              |               |                               |                             |
|              | Nicole Klein            | X              |               |                               |                             |
|              | Karen Kramer            | X              |               |                               |                             |
| 6            | Candace Banks           | X              |               |                               |                             |
|              | Jessica Bram            | X              |               |                               | Left 8:30 p.m.              |
|              | Seth Braunstein         | X              |               |                               |                             |
|              | Cathy Talmadge          | X              |               |                               |                             |
| 7            | Brandi Briggs           | X              |               |                               |                             |
|              | Lauren Karpf            | X              |               |                               |                             |
|              | Jack Klinge             | X              |               |                               |                             |
|              | Ellen Lautenberg        | X              |               |                               |                             |
| 8            | Wendy Batteau           | X              |               |                               |                             |
|              | Lisa Newman             | X              |               |                               |                             |
|              | Carla Rea               | X              |               |                               | Left 8:30 p.m.              |
|              | Stephen Shackelford     | X              |               |                               |                             |
| 9            | Velma Heller            | X              |               |                               |                             |
|              | Sal Liccione            | X              |               |                               |                             |
|              | Kristin Schneeman       | X              |               |                               |                             |
|              | Lauren Soloff           | X              |               |                               |                             |
| <b>Total</b> |                         | <b>35</b>      | <b>1</b>      |                               |                             |

**Appendix I – Item #3**

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Fire Chief, the sum of \$4,635,400.00 along with bond and note authorization to the Municipal Improvement Fund account to replace the Public Safety Radio System is hereby appropriated.

**BOND RESOLUTION**

RESOLVED: That upon the recommendation of the Board of Finance, the Town of Westport, Connecticut (the “Town”) hereby appropriates the sum of Four Million Six Hundred Thirty-Five Thousand Four Hundred and 00/100 Dollars (\$4,635,400) to fund costs associated with the replacement of the Town’s public safety radio system including related administrative, financing and other soft costs (the “Project”).

Section 1. As recommended by the Board of Finance and for the purpose of financing Four Million Six Hundred Thirty-Five Thousand Four Hundred and 00/100 Dollars (\$4,635,400) of the foregoing appropriation, the Town shall borrow a sum not to exceed Four Million Six Hundred Thirty-Five Thousand Four Hundred and 00/100 Dollars (\$4,635,400) 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 “Capital Equipment Bonds of the Town of Westport,” series of the year of their issuance and may be issued in one or more series, and may be consolidated as part of the same issue with other bonds of the Town; shall be in serial form maturing in not more than twenty (20) annual installments of principal, the first installment to mature not later than three (3) years from the date of issue and the last installment to mature not later than twenty (20) therefrom, or as otherwise provided by statute. The bonds may be sold at not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds, or notes, on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semiannually or annually. The bonds shall be signed on behalf of the Town by the First Selectman and the Finance Director, and shall bear the seal of the Town. The signing, sealing and certification of said bonds may be by facsimile as provided by statute. The Finance Director shall maintain a record of bonds issued pursuant to this resolution and of the face amount thereof

outstanding from time to time, and shall certify to the destruction of said bonds after they have been paid and cancelled, and such certification shall be kept on file with the Town Clerk.

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

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

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

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

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

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.

**Appendix II – item #4**

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$80,000.00 along with bond and note authorization to the Municipal Improvement Fund Account for the design and permitting for rehabilitation of the Old Mill Walkway and Tide Gate Structures is hereby appropriated.

**BOND RESOLUTION**

**RESOLVED:** That upon the recommendation of the Board of Finance, the Town of Westport, Connecticut (the “Town”) hereby appropriates the sum of Eighty Thousand and 00/100 Dollars (\$80,000) for costs associated with the evaluation, design and permitting for rehabilitation of the Old Mill timber walkway and tide gate structures including administrative, financing and other soft costs (the “Project”).

Section 1. As recommended by the Board of Finance and for the purpose of financing Eighty Thousand and 00/100 Dollars (\$80,000) of the foregoing appropriation, the Town shall borrow a sum not to exceed Eighty Thousand and 00/100 Dollars (\$80,000) 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 (3) years from the date of issue and the last installment to mature not later than twenty (20) therefrom, or as otherwise provided by statute. The bonds may be sold at not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds, or notes, on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semiannually or annually. The bonds shall be signed on behalf of the Town by the First Selectman and the Finance Director, and shall bear the seal of the Town. The signing, sealing and certification of said bonds may be by facsimile as provided by statute. The Finance Director shall maintain a record of bonds issued pursuant to this resolution and of the face amount thereof

outstanding from time to time, and shall certify to the destruction of said bonds after they have been paid and cancelled, and such certification shall be kept on file with the Town Clerk.

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

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

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

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

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

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.

**Appendix III – Item #5**

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the request by the Director of Public Works, the sum of \$230,000.00 along with bond and note authorization to the Municipal Improvement Fund Account for construction costs for repairs and improvements to the Jesup Green Seawall is hereby appropriated.

**BOND RESOLUTION**

RESOLVED: That upon the recommendation of the Board of Finance, the Town of Westport (the “Town”) hereby appropriates the sum of Two Hundred Thirty Thousand and 00/100 Dollars (\$230,000) for costs associated with repairs and improvements to the Jesup Green Seawall including the installation of a protective rail system and administrative, engineering, financing, contingency and other related costs (the “Project”).

Section 1. As recommended by the Board of Finance and for the purpose of financing Two Hundred Thirty Thousand and 00/100 Dollars (\$230,000) of the foregoing appropriation, the Town shall borrow a sum not to exceed Two Hundred Thirty Thousand and 00/100 Dollars (\$230,000) 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 (3) years from the date of issue and the last installment to mature not later than twenty (20) therefrom, or as otherwise provided by statute. The bonds may be sold at not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds, or notes, on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semiannually or annually. The bonds shall be signed on behalf of the Town by the First Selectman and the Finance Director, and shall bear the seal of the Town. The signing, sealing and certification of said bonds may be by facsimile as provided by statute. The Finance Director shall maintain a record of bonds issued pursuant to this resolution and of the face amount thereof

outstanding from time to time, and shall certify to the destruction of said bonds after they have been paid and cancelled, and such certification shall be kept on file with the Town Clerk.

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

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

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

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

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

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.