

RTM Meeting
January 5, 2021

The Call

1. To take such action as the meeting may determine, upon the request of at least 20 electors, to adopt an ordinance to create a Civilian Police Review Board. (First reading. Full text available in the Town Clerk's Office).

The Meeting

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, and shown on Optimum Government Access Channel 79 or Frontier Channel 6020.

This evening we will be hearing a First Reading of an Ordinance. Although the charter allows comment from the electorate, we traditionally don't have such comment at a First Reading since there will be further committee meetings with opportunities for additional input that may effect changes in the final draft. It is preferable that people be able to reflect on and respond to a more complete review of the ideas discussed. For this reason all are encouraged to hold their comments for the 2nd Reading when committee reports are also available. However, members of the electorate are allowed to comment. Those who wish to have their comments read during the public comment period for this agenda item may email them to RTMcomments@westportct.gov. Comments stating the full name and address of the elector, must be received during the comment period for the agenda item and be limited to three minutes. That is our general way of operating with any meeting and, as I said before, during a First Reading, it has often been done differently. People have held off on commenting until the second reading. Please note that: Meeting materials are available at westportct.gov along with the meeting notice posted on the Meeting List and Calendar page. Tonight's invocation will be delivered by Arline Gertzoff.

Invocation, Arline Gertzoff, district 3:

Good evening. I decided we needed a lighter touch so Happy New Year to all and tonight I'm going to present memories of the Westport Schools.

- When it rained at Bedford Elementary School we were herded into the auditorium to watch cartoons except we only had two cartoons 1928 "Steamboat Willie", the original Mickey Mouse and "Porky Pig". The nice part is I still know the projectionists.
- My brand new marshmallow barrel purse was stolen so our teacher said no recess. Like magic, the purse reappeared while we were eating mystery meat in the cafeteria.
- In fifth grade they introduced sex education. (It was segregated.) We got a little book with diagrams to take home .Being good little entrepreneurs we rented the books overnight to the kids not allowed to take the course, people who were

Christian Scientists, Ethical Culturalists or other religious groups. When the scheme got exposed the books were locked up at school.

- Via the five cent cokes at Ben Franklin's Variety Store in the middle of Main Street, we went to Bedford Jr High now King's Highway As soon as California plan Staples was ready on North Ave, you're going to like this, the student body was used as movers... boys: tables and chairs; girls: milk crates of books running relay races with an ice cream reward. Today, I'm sure the parents would have been up in arms that we would be breaking child labor laws.
- Then we faced the stench of the Saugatuck before it was dredged, weekly bomb scares. The two bombers lived on my street.
- And this time my camel hair coat with a raccoon collar disappeared. Principal Norman Flint got on the squeak box and said "Nobody is leaving until the coat is returned. No questions asked. My college roommate managed to marry Mr. Flint's son and we are still best friends. A mad dash drop off and we all got to leave.
- The highlight was a Westport in Bedford Junior High was the most extraordinary teacher in my school career, the teaching great, Dr. Francis T Humpreville, known as "Doc", with the gabardine belted dresses, granny glasses and the best down Maine accent you've ever heard.
- We made it to Staples. It was grades 10-12 then. When we had snow and ice, DPW sent up a crew with pick axes so we could walk between the buildings. So much for the California plan. Yup, my clothes got stolen again while I was working on a Staples Players production on the technical staff. I marched into Stan Lorenzen's office. You had to keep in mind that girls were not allowed to wear slacks or jeans in those days. He hit the PA. We used to call him "Stan the man." He was a dead ringer for Abraham Lincoln. He hit the PA saying all remain in their classrooms until the clothes are left at the office. Another mad dash and the cute little 60's mini dress reappeared.
- Made it to graduation and my name was misspelled on the diploma. My Dad went back to Stan Lorenzen's office for a new diploma and a Board of Ed. member was found to sign it.

Anyway I got a great education. I look forward to a kinder 2021 and maybe we can return to the auditorium. Thanks.

Dr. Heller:

Thank you Arline. It kind of reminds us of a simpler time that many of us remember.

The Pledge of Allegiance which follows presents a montage of RTM members compiled by Matt Mandell, District 1 Representative. We do, in fact, have a video.

There were 34 members present. Ms. Banks notified the Moderator that she would be absent and Ms. Rea was also absent. Mr. Wieser notified the Moderator that he would be late.

The minutes of the December meeting have been posted on the town website. If there are any corrections at this time, let us know. If there are none, we will accept them as

submitted. If you later find any corrections, please inform Jackie Fuchs, Tatiana Plachi or Dr. Heller.

Announcements

Dr. Heller:

We have birthday greetings this evening for Kristan Hamlin, Jack Klinge, Lou Mall, Brandi Briggs, and Mark Friedman. Congratulations to all of you January babies.

I wanted to mention to you the appointment of Special Communications Committee: The beginning of a New Year offers a timely occasion to take a step back and review RTM practices to see if there are opportunities for improvement. Section A162-20.1.A of the RTM's Rules of Procedure already requires RTM members to conduct themselves in a manner above reproach. In order to provide further guidance, and to clarify expectations regarding conduct at public meetings and in written communications, I have appointed a Special Committee in accordance with RTM Rules of Procedure, Sec. A162-18. I have appointed the following people to this committee: Jessica Bram, Mark Friedman, Peter Gold, Noah Hammond, Kristen Purcell, Lauren Soloff and Stephen Shackelford, Chair. The full text including the charge is available on the Town Website and is attached to the minutes.

RTM Announcements

Jimmy Izzo, district 3:

As many of you know, a couple of weeks ago, we lost not only a police officer but, to many of us, a friend of this community in Deputy Chief Vinny Pena. Vinny was somebody who I've known my whole life. I can't say enough on behalf of all of us on the RTM to his family; how much we do miss Vinny and what a great contribution he made to our community. Our thoughts and prayers are with the Pena family. I'd like all of us to say a prayer for his children as we move forward. That's all I can say right now. I had a big speech written. Vinny was a lifelong friend, a lifelong resident. All of our families came over from Italy together. We all worked high school jobs together. We worked within this community. Vinny worked from the ground up from patrolman all the way up to Deputy Chief. He was well-respected by his brothers and sisters on the Police Department, respected for his community service, working with his father, A. J. Pena and Co. He is going to be sorely missed by those of us in the community and in our town.

Sal Liccione, district 9:

I just wanted to say how Mr. Vinny Pena, our Deputy Chief, was a great influence in our community. As a close friend of mine, he really gave me good advice. Our members of the RTM will miss him. Deputy Chief Arciola will miss him and the Chief and the rank and file members and DPW. All the town of Westport will miss him. He was a great influence on a lot of people. He was always funny. A short story: I was always at the Black Duck with Pete Renzulli and he would always come and hang out with us. A great guy. He will be very missed. I wish us on the RTM could make a quick prayer for Mr. Vinny Pena, our Deputy Police Chief.

Andrew Colabella, district 4:

It's really hard to put into words how a man, only at the age of 51, could have had such a great influence on this town. We're always going to wonder how much more he could have given and for anyone who has read his obituary, his wife Denise was his entire life. His job and dedication to the town, the residents and visitors, he dedicated his life to. He was heavily involved in Sons of Italy. Along with him and many others, he was responsible for the Italiano Festival which is sadly resting in peace forever now. Last year, he had just purchased a boat. He was going to take his kids fishing. He finally got to do that. He leaves behind his sons Vincent and Nicholas, ages 15 and 14. I'm always going to miss him. My fondest memory of him was going down to the beach every night; his wife Denise always driving, always, and there was Vincent in the passenger seat, feet up on the dash, leaning back, one arm out the window and I'll always wonder what he was thinking about, what was going through his mind. You look at someone like that, how successful he was. There are a lot of role models in my life but he was one because he did everything I've always wanted to do: Find a way to live in this town forever; get married; have kids and raise them in this town with my family. I'll always miss him. It will never be the same.

Dr. Heller:

Thank you Andrew. It's clear that some people have a tremendous impact on others. I think this would be an appropriate time for a moment of silence for somebody who was so revered by so many.

First Selectman Jim Marpe:

Happy New Year to everyone on the RTM and thank you for letting me join you today. First of all, I want to echo all the sentiments we've just heard about Deputy Chief Vinny Pena. I got to know him pretty well myself; certainly not as well as Jimmy and some of the rest of you who have spent your lives with him. I was honored to be able to attend his memorial service but I was really honored to see nearly 200 uniformed officers from communities throughout Connecticut who turned out because they knew what a great guy Vinny was. He was what a police leader should be and he was what a father should be and what a great citizen of Westport should be so thank you for taking time to honor him today. It has been a sad week as well. I would be remiss not to mention we lost one of our high school students over the weekend, Timari Rivera who was, throughout his school year at Westport, part of the Open Choice program. He was a wonderful young man and a great basketball player with the Wreckers basketball team. Twelve years in the program; he started in first grade. He was a senior at Staples. Unfortunately, he passed away; as far as we know, not from COVID related illness but, nevertheless, tragic. So, a bit of a sad time in a time when we hope to welcome in a better new year. Again, thank you for recognizing Vinny and thank you for letting me talk about Timari.

Now to my original reason for joining you tonight: First of all, on December 22, you all received an email from Sarah Harris, our Operations Director, announcing that we have re-instituted the property tax deferral program. You will remember that you all voted on that and I'm very grateful for that, in the early days, back in April. In April and July a relatively small number of people took advantage of that, smaller than the analysis we expected. But, nevertheless, it's a program worthy of being offered. The Governor announced in early to mid-December that he wanted to reinstitute the programs. As long as it was the same program, there was no need to vote on it again. I would

encourage you to remind your constituents that they have until January 28 to apply for, in effect, a three month deferment of their property taxes. It's not a waiver. Come April 1, they owe the quarterly tax payment they would have otherwise made by January 31. They can defer. It's a simple form. And, basically, they just respond to one question. So, that's available if any of your constituents are beginning to struggle with the economic impact of the COVID pandemic, this is available to them.

The other thing I wanted to announce tonight, at your last meeting, you said good bye to Patty Strauss and we had a nice farewell party. I wanted to announce that we have selected a successor for Patty. I am pleased to announce that Jeffrey Dunkerton who is currently the Assistant Town Clerk of Danbury will be joining us on January 19 as our new Town Clerk. Jeffrey has quite a background, actually, in the role of Town Clerk. He's been with the city of Danbury for eight years as Assistant Town Clerk. The Town Clerk is an elected office so Jeff was the professional for what you can imagine was a very complex office in a city like Danbury. As a result, he brings a wealth of experience to the job and we're thrilled that he took the job. I know Patty knows Jeff and Velma was part of the interview team and since Jeff will be spending a certain amount of time with the RTM, I thought it was very important that there be RTM input. Obviously, he's new to town but knows what being a Town Clerk is all about. You'll all get a chance to know him very soon but come January 19, please be prepared to welcome Jeff Dunkerton as our new Town Clerk here in Westport.

Dr. Heller:

Just to second that, he certainly was a personable man and seemed to have a clear understanding of what Town Clerks do. I think he's had a great deal of experience and this is important because he is the clerk of the RTM, as well. I look forward to working with him and I'm sure you will enjoy working with him, as well. Thank you very much, Mr. Marpe.

Lisa Newman, district 8:

I wanted to take a moment to acknowledge that something very exciting happened today in Westport right here in my district. On August 28, 2018, my oldest daughter walked into Coleytown Middle School for her first day of sixth grade and three weeks later she and her sixth grade classmates walked back out uncertain if they would ever walk back in. Today, two years and six months later, those sixth graders, now eighth graders, walked back through those doors to finish their middle school careers in their cleaned up, cleaned out, beautifully renovated, now reopened Coleytown Middle School. This exciting reopening would not have been possible without the steadfast determination and hard work of so many who I would like to take a moment and recognize. First and foremost, thank you to Don O'Day and the entire Coleytown Middle School Building Committee who not only led this project but left no stone unturned and managed to get this Coleytown Middle School project pulled off in the middle of a pandemic. Thank you to the Board of Education, Board of Finance for approving the plans and funding that made this happen. Thank you to CMS Principal Kris Szabo who sounded the alarm for her building and students and faculty and staff and, no matter what, pushed for a better reality for the CMS community. Thank you for the 2018/2019 CMS PTA President Lee Goldstein, now on the Board of Ed., and Sue Herman. Their dedication to what CMS deserves knew no bounds. Thank you, probably most

importantly, to our Westport teachers, the CMS teachers who made room to welcome their CMS colleagues back in 2018 and who now, for two years, did what teachers do, caused miracles for their students in hallways and under stairwells and off carts inside and out of classrooms often on their own time and, finally, to all the middle school students who weathered the storm. Thank you for your patience and your faith that the adults in this town would deliver for you. Thank you for your resilience, in particular, the current eighth grade class at CMS: evacuated in the sixth grade, pandemic in the seventh grade and now, in eighth grade, heading back into a school you don't really know while still learning in a pandemic but because of all the efforts to make this happen, they will be graduating in the class of 2021 officially back in Coleytown Middle School. Thank you to everyone involved.

Mr. Izzo:

I'd like to add to that. Lisa, thank you very much for that announcement. I'd also like to thank Jim Marpe as well for putting together that great group and bringing in Don O'Day who you worked across the aisle from in the Board of Ed. when you guys did some phenomenal work for the school. Thank you for putting together that kick butt team. And the town taking over to show leadership which the Board of Ed. needed to happen at that time. Thank you very much.

Ms. Newman: Jimmy, great addition. Thank you so much.

Dr. Heller: It's really exciting to see things get done. Bravo, everybody!

Wendy Batteau, district 8:

I think we would also be remiss for not thanking Jay Keenan for making everything comprehensible to us and for all his great work on the committee. He did a terrific job right from moment one.

Dr. Heller:

I'm so glad I let you talk Wendy! What happens is a number of people send things in to me and say they would like to speak but this was very important.

Lou Mall, district 2:

I'm on the same subject as what Wendy was saying. I wanted congratulate Jim Marpe for selecting a terrific choice of the committee, Don O'Day, but the other members of the Building Committee were Vanessa Valadares, Sri Puttagunta, Joe Renzulli, Walter Mattera, Karen Kleine from the School Board, John Broadbin from Public Works and, of course, our own Jay Keenan which Wendy was very gracious in calling out, for doing this in their spare time, assuming they have spare time. So, the town owes a debt of gratitude to these people.

Jack Klinge, district 7:

This just came to mind after picking up last week's donation checks for the Westport Senior Center. I'd like to thank all the generous people in Westport, that our newsletter that went out in December which led to us raising over \$20,000 for the Friends of the Westport Senior Center. That's over \$12,000 more than we've ever raised before with a donation campaign. Those funds will be used for Senior Center programs and capital

projects that are not funded by the town. For example, every Friday afternoon, the town puts on a program for seniors that is funded by the Friends. We've donated \$16,000 for those programs back into the Senior Center so thanks to our generous donors we're in good shape financially and off to a good start this year. Thank you all.

Jeff Wieser, district 4:

I am here. Sorry for the late start. While there has been some really, really sad news tonight, there has been some nice news but I wanted to highlight something that happened a couple of months ago. This is the first time I've had a chance to do this and, also, honor a couple of town employees who have done some wonderful things for us. A number of weeks ago, now, the town was awarded a \$1 million grant from the State of Connecticut through the Small Cities Program. The Department of Human Services, a couple of years ago, put together a really incredible grant. Elaine Daignault worked really hard to put together a grant opportunity which allowed Westport to be the main recipient of a grant to hire 6.5 people to help divert people from homelessness throughout Fairfield County through Homes with Hope, coincidentally or not coincidentally, in Westport and Norwalk. Diversion means they come out and find people to keep them from becoming homeless because once they're homeless, it's really a hard thing to get out of. It's really, really important work. It's been really productive the last couple of years and it was successful enough that the town applied again. That grant was for about \$400,000. This year they were awarded \$1 million and it was split into three different elements: \$500,000 was for the Fairfield County Diversion Program and this is going to help people throughout the county including youth, a special person for youth, keep out of homelessness; \$250,000 was awarded to the town of Westport to make necessary improvements to the Gillespie Center downtown. Apparently, the Gillespie Center, which we all know and love, is an old maintenance shed turned into a homeless shelter over the years is not ADA compliant and it has been improved substantially over the last year for COVID compliance but some money will be used for that, as well. It will provide safer access to food and services, improve social distancing and growing service needs and safety essentials for those most at risk and another \$250,000 is set aside for the Department of Human Services for a rental assistance program for residents of Westport to avoid eviction and help with economic hardships. So, it really is a great tribute to Elaine Daignault of Human Services, Susan Stefenson, and the Marpe administration and the Commissioner of Housing, Sheila Mosquera-Bruno. Two years ago, we were the only town in Connecticut who had the gumption to apply for this and we got it then and it's expanded so kudos to Town Hall for making this happen. It's really good news.

Dr. Heller: Thank you Jeff. It is good to have good news.

Dick Lowenstein, district 5:

Next Tuesday, January 12, at 7:15 p.m., the Westport Transit District will be discussed by the Transit Committee. We will be beginning a discussion that began before I even got on the committee. Hopefully, we will be able to make some recommendations in the near future.

Matthew Mandell, district 1:

Happy New Year everybody. Chamber of Commerce: I wish I could tell you that we'd be running a Supper and Soul this month as we had in the last three Januarys but we haven't been able to do that. We can't put people inside yet. But we are working on the future, bringing back concerts outside when we can, again, in the spring. But what we are doing is next Wednesday at 9 a.m., we will have the Director of the Westport/Weston Health District speaking to the business community and everybody's invited to hear where things stand in terms of COVID, where things stand in terms of the vaccine and where things stand in terms of the rules and regulations that are applied to the town. Everyone is invited. Tomorrow it will be up on the website westportwestonchamber.com, free, and find out what's going on in terms of COVID. That's where we are at the moment. Enjoy this year. Hopefully, this year will be better than next year. We have put 2020 in hindsight.

Lauren Karpf, district 7:

No good news. I think there is a little bit of confusion about the emails that went out about the budget binder. Everyone is referring to it as the BOE's proposed budget. I just wanted to take one second to clarify that was the Superintendent's proposed budget. The way the process works, for anyone new to this, is that on this coming Friday, an all-day meeting, there will be a zoom link released, the Board of Ed, the Central Office, the Superintendent will meet and will go through that binder page by page, section by section, with opportunity for questions and comments and then the BOE will go back, revise the budget, and it's processed from there. The RTM is, of course, welcome to attend that meeting on Friday if you have any questions or concerns about the budget.

Dr. Heller:

Lauren, it's really important that that is the first step of the Superintendent's proposed budget and then it goes back and eventually it becomes the Board of Ed.'s proposed budget and then when it goes to the Board of Finance, it becomes the Board of Finance recommended budget which is what we vote on eventually.

Ms. Karpf:

It will be discussed at numerous Board of Ed. meetings so this is really the first step. I don't want anyone to see that binder and think this is what we're voting on and go through it with a fine tooth comb. It really is a first step and will be discussed on Friday.

Wendy Batteau, district 8:

I want to respond to Lauren. Every year I ask and maybe this year you could ask if the Board of Ed. members would attend some of our zoom meetings about our budget deliberations so they could see how everything fits in. They usually don't take me up on it.

Ms. Karpf: You mean to discuss the Board of Ed. budget or the town budget overall?

Ms. Batteau: The town budget, at least some of the committees.

Dr. Heller: Our next RTM meeting is scheduled for Tuesday February 2nd at 7:30 p.m.

The secretary read item #1 of the call - To adopt an ordinance to create a Civilian Police Review Board. (First reading. Full text available in the Town Clerk's Office).

Dr. Heller:

Please note that a revised text of the ordinance was sent to the website today. That is what will be presented tonight, I assume.

Presentation

Jason Stiber:

Good evening and Happy New Year, Mr. Marpe, Westporters and RTM members. I'd like to start out by sharing the sentiment for thoughts and prayers going out to the Penna family for their tragic loss. We attend the same church. He was a great neighbor. He will be truly missed.

My name is Jason Stiber and I am the lead petitioner for the more than 100 Westporters who signed the petition seeking a Police Review Board. You may recall that we had a first reading about this proposed ordinance more than a year ago. Since then, we have made a lot of progress and improved the proposed ordinance substantially. For this reason, we are here before you tonight with a new first reading. I would like to begin by thanking the dedicated members of the RTM Ordinance Committee who worked tirelessly to help us improve this proposed ordinance. I would also like to thank the Assistant Town Attorney, Eileen Flug, and the Town's Labor Attorney, Floyd Dugas, for their thoughtful comments and proposed changes, which have been incorporated in the version of the ordinance sent to you today. The ordinance also benefits from the important work done at the State level on this issue during the last year, as well as the studies and analysis performed by the Connecticut ACLU. The issue of police accountability has become an urgent national discussion. Those who follow detailed studies on the issue know that police brutality is directly linked to the problem with police unions working against accountability; sweeping problems of repeat offenders under the rug can have devastating consequences. Those of you who follow law enforcement issues have probably heard of the *broken windows theory*. It turns out that small scale offenses ultimately predict serious offenses. Failure to act when small offenses arise in a Police Department can create contagious behavior and an organizational cancer. To address this problem in our State, the State Legislature, working with the Attorney General and the Governor, studied the problems and passed the 2020 Police Accountability Act, which includes numerous separate provisions and measures needed to address this multifaceted problem. One of those measures that form the new Police Accountability Act is a law that gives RTMs the right to pass ordinances creating a Civilian Review Board. The ACLU and the Legislature both have found that critical to such a Board is the ability of the Board to be directly involved in the investigation, to eliminate bias when police are called upon to investigate civilian complaints against their own colleagues. In recognition of how critical it is to have the Review Board involved in the investigation, the State gave such Review Boards subpoena power, which is a key discovery tool in the search for truth. Additionally, in another part of the Act, the legislature changed the standard for "qualified immunity". This change alone makes it urgent and necessary that Westport changes the complaint and investigation process by enacting a Civilian Review Board, precisely in the way the Police Accountability Act permits. Why? Because now, with this new change of the

qualified immunity law, liability for police misconduct will be far easier to prove, and towns and taxpayers will now be found liable more and more often. With the change in the qualified immunity standard, there will now be a greatly increased potential of taxpayer liability for police misconduct. This potential for increased liability demands that we must now reform the complaint and investigation process, in order to meet our obligations to taxpayers. The town must get better at monitoring the 'broken window' police offenders and preventing a future pattern of more serious offenses. More importantly, however, we should make these reasonable reforms because it is the right thing to do. The three key principles of checks and balances, transparency and accountability, which are key to good clean government, demand this reform. Moreover, people of color seek justice equity, fairness and objectivity when they make complaints. When police buddies, conditioned by the blue line, are the arbiters of fact in investigations about their police buddies, civilians are not given a fair shake. We give police enormous powers: guns, the ability to arrest, take away citizen's liberty and even when citizens are absolved by a jury, those arrest records can have long-term employment consequences that last a lifetime. When a disciplinary complaint is lodged against an attorney or doctor, our system does not have the lawyer's law firm or the doctor's medical practice decide the discipline. It goes to a State Bar, and no one who knows the attorney is allowed to serve. For doctors, it goes to a medical review board. That objectivity is necessary even more for police, who we give even greater powers to take away citizen's life or liberty in the flash of a second. Moreover, the proposed ordinance allows the Chief of Police to ultimately make the disciplinary decision, so the police are involved and their views are embraced by this ordinance. This Civilian Review Board is a moderate, reasonable compromise. It reflects an effort to make moderate reasonable reform. This reform seeks to strike a balance between having a more objective, transparent complaint/investigation process that will give citizens confidence in their police department, and one that is fair to all involved. For that reason, this ordinance includes a provision that allows the Chief of Police to veto any recommended misconduct and disciplinary finding, but he must articulate the reasons for doing so. The ordinance is not anti-police, in any way, but it is pro-accountability, pro-transparency, and pro-checks and balances. Many of us believe that the majority of police are good, honest people. But all humans are flawed. Any organization made up of humans is imperfect. Even the best managers sometimes hire people who turn out to be mistakes, or who need progressive discipline. All organizations are imperfect and could be better. So it is no criticism of an organization overall to acknowledge those imperfections, and the need for improvement. Any person who claims that there is no room for improvement is engaging in magical thinking. Acknowledging that there is room for improvement is not anti-police. Acknowledging that complaints should be investigated independently is simply practical and consistent with our system of checks and balances. Some of you may have heard that, soon after the large protest this summer in Westport against police brutality, our First Selectman indicated he would form a panel and that he would appoint the Second and Third Selectman to it, and Harold Bailey. Then, months passed, and inquiries to one of the proposed panel members indicated that no progress had been made and it appeared to the petitioners that the proposal was an insincere feint. Then in December, on the eve of the third Ordinance Committee meeting on this ordinance, Mr. Marpe provided some more details about his proposed panel publicly. You may be wondering what is the difference between the proposed panel and this ordinance, and why Mr. Marpe's proposed panel

is insufficient. Let me take a moment to outline the differences and tell you why Mr. Marpe's proposed temporary panel is deficient, and not consistent with what the ACLU recommends, or "best practices." 1. First you might ask "Is the complaint process different between Marpe's proposed panel and the petitioners proposed review board?" The answer is yes. You might want to know what those differences are and what the ACLU and various studies say about what the best practices are for the complaint process. The ACLU and best practices both advocate that the complaint process have transparency and that complaints go to an independent body as well as to the Police Department at about the same time. The reason that is important is because so many have complained that Police Departments fail to characterize correctly citizens' complaints, fail to keep them, fail to treat their serious complaints as actual complaints, and failed to tell civilians what they need to do to fill out forms to ensure that their complaints are actually treated and filed like complaints. This problem is reported as a widespread problem around the country and the State and it is a problem that numerous Westporters have also identified that they have with their complaints to our Police Department. So the best practices is that there is transparency about the complaints and that civilian complaints go simultaneously to the police department and the Civilian Review Board and that civilians be informed that they should submit their complaints to both. The petitioners proposed ordinance does just that. It provides that recommended transparency to the complaint process so that citizens have confidence in the complaint process. However, the proposed ordinance is also balanced, because it also provides for the police to be simultaneously notified of those complaints. You might ask, "Does Marpe's panel do that, too?" The answer is "absolutely not!" His proposed panel has created none of the reform on the complaint process necessary. His panel would not handle the complaints in the initial stages of the process. Mr. Marpe's proposed panel offers zero reform about the broken complaint procedures, wherein complaints somehow get lost, misfiled, or not treated as complaints. 2. Second, you might ask "Is there a difference between the investigation process at the Civilian Review Board versus the investigation process that Marpe has proposed?" The answer is yes. The petitioners' ordinance follows the recommendations of the ACLU and the State Legislature regarding the most effective process. Clearly, the State Legislature indicated that its preference was for the review boards to be involved in the investigation, and that is precisely why the new Connecticut State Police accountability legislation gives the Civilian Review Boards subpoena power. In contrast, Mr. Marpe's proposed panel provides no reform on the issue of who does the initial investigation and who makes credibility findings. None. The ordinance proposes that the review board makes credibility determinations and that it is working jointly-- in conjunction with the Westport Police Department, when necessary, to do the investigations. The investigations would be done under the auspices of the Review Board, but with the assistance by the Westport Police Department as requested by the Board. The ACLU recommends that the Civilian Review Boards be involved in the initial investigations in order for them to be effective. In stark contrast, Mr. Marpe's proposed panel envisions zero reform on the issue of who does the initial investigation and who makes the credibility findings. Civilians need and are seeking a comfort level as to the objectivity of those credibility determinations and findings. Instead Mr. Marpe's proposed panel leaves the investigation of the complaints entirely at the Police Department and all of the credibility findings. as well. Mr. Marpe's proposed panel gets involved only if a complainant is concerned about the findings of the police; then, and only then, those potentially

skewed findings occur at the panel level. So, in another words, the format that Mr. Marpe has created is more of an appellate process and less of a factfinder initial hearing process. But we all know that once the findings of fact are made by potentially biased decision makers, it's very hard for a panel sitting on appeal to second guess those findings and credibility determinations. At any rate, the ACLU has made clear, as has the State Legislature, that best practices requires that the Civilian Review Board be involved in the initial investigations and as the finders of credibility. The panel that Mr. Marpe has come up with does not followed the recommendations of best practices. The ordinance and Mr. Marpe's panel are two separate systems that do not overlap. Mr. Marpe's proposal is an appellate process, whereas the ordinance is more akin to a trial level process. 3. Another question you might have is whether it is better to have the First Selectman appoint a panel, than to have a Review Board which is created and appointed or elected independently from the Executive Branch. The Connecticut ACLU has made clear that Mayors and First Selectmen should not be involved in appointing the board members. The reason is that the ACLU believes that there is evidence that a Mayor and/or First Selectman has a conflict of interest because he is the one who appoints the Chief of Police. Therefore, he has a vested interest, normally, in making the Chief, that he appointed, look good. Therefore, the Connecticut ACLU recommends that the review board be either directly elected by the voters (as this ordinance proposes), or appointed by the legislative branch. 4. Some of you might wonder why Mr. Marpe has come up with a temporary panel instead of a board, appointed pursuant to the Town charter, or pursuant to an ordinance. The answer appears to be because Mr. Marpe did not want a truly independent board. He wanted to appoint the Second and Third Selectmen to it. Under our Town Charter, Selectmen cannot sit on boards and RTM members and other board members cannot sit on other boards. So, instead, Mr. Marpe created a temporary panel which he can dismiss at any time and to which he can appoint people who otherwise would be prohibited by our Town Charter from serving on a board. 5. Some of you have asked what happens to this proposed Selectman's panel after Mr. Marpe leaves office, assumedly, in November 2021. The same thing happens to a First Selectman's appointed panels as happens to a Presidents' cabinet. Once Mr. Marpe is out of office, his appointees to the panel would not continue to serve unless reappointed, and the panel itself would dissolve at the time that Mr. Marpe's tenure ends. Another First Selectman would have to determine whether he or she wants a panel, and whether its contours and responsibilities should change. A changeable panel with changeable duties does not provide the continuity, regularity and predictability needed on this important subject. This points up one of the other serious problems with Mr. Marpe's proposal. Most boards in town have members elected to staggered terms so that there is always some seniority and experience transitioning from election to election. In the case of this proposed panel, however, unless the panel members are reappointed by an incoming administration, the panel members would have their tenures ending all at once and new members would have their tenure beginning all at the same time. This makes it far less likely that the necessary experience will transition between the terms. In any event, Mr. Marpe's proposed panel will dissolve when he leaves office, which may be this coming November, precisely the time that this new board that the petitioners propose would be elected and seated. 6. You might ask whether Mr. Marpe met with the petitioners to learn from them what their ideas were before he came up with his proposal for a panel. The answer is Mr. Marpe never met with any of the petitioners to find out what measures they thought were necessary, what

concerns they had and what their ideas were about how to make an effective board. Indeed, his panel completely ignores the recommendations made by the petitioners, members of the community. 7. For those of you who understand what an important discovery tool a subpoena is, you may ask whether Mr. Marpe's proposed panel will also have that subpoena power. The answer is a resounding "no." A First Selectman cannot give to a panel subpoena power. Subpoena power derives from State enabling legislation. The Police Accountability Act provides subpoena power to Civilian Review Boards that are created pursuant to a town ordinance passed by the RTMs. Therefore, Mr. Marpe's proposed panel would have the significant disadvantage of having no subpoena power. During the last year and a half, the petitioners have been consulting with the ACLU, reviewing ACLU materials, consulting with State Legislators, consulting with Westport citizens, meeting with the Ordinance Committee, police officials and town lawyers. The petitioners have been reviewing best practices and following ACLU recommendations and the format envisioned at the State level by our legislators, Governor and AG, when they enacted legislation that gives subpoena power to Civilian Review Boards that are created by Town ordinance. That is the model this ordinance follows. Mr. Marpe's proposed panel does not in any way follow the recommendations of the ACLU. The panel he has proposed is temporary and would be largely ineffective for the reasons cited. Moreover, as Mr. Gaudarrama explained in his letter to the RTM, the panel proved itself, in his case, to be precisely as deficient as expected. 8. Finally, you might ask whether Mr. Marpe's proposed panel would be involved in civilian awards to recognize exemplary police conduct. The answer is no. The proposed ordinance in contrast recognizes that most police officers are good and hard-working people, and the ordinance includes an annual award for police officers who are chosen by the Board to be recognized for their excellent performance. A private citizen has already volunteered to fund the first award in the amount of \$500. The year 2020 was quite a year. But if it proved anything, it proved that Americans are demanding police reform and progress. The petitioners hope that the RTM will embrace progress and we look forward to working with you to pass this important justice equity legislation.

Dr. Heller:

Normally, we would go to committee reports but we have no committee reports at this time. Committees have not yet completed their deliberations. As far as the electorate is concerned, as I said before, it has been traditional practice to hold their comments for the second reading; however, if there are comments that have come within the timeframe of this presentation, I would ask Mr. Wieser to read them.

Mr. Wieser:

I don't see any public comments at the present time but we'll keep it open for a while.

Dr. Heller:

I know that you did receive emails prior to this and those emails were sent to the RTM.

Mr. Wieser:

I forwarded the emails and copied the authors and got a few thank you's from the authors. Everyone saw those comments earlier.

Dr. Heller:

I heard from several people that they have read the comments.

There are no committee reports. There is no resolution to be read or seconded. Therefore, there is no RTM debate.

Mr. Wieser: I'm getting some comments.

Ms. Kim's comments:

She has suggested that my instructions are unclear and cryptic to electors who are unfamiliar with RTM procedures.

Are you saying that I need to submit my letter during the live RTM meeting in order to be considered by the entire committee? If that is the case, can you please provide a zoom link so I have notice of the time and presentation by the petitioner and, hopefully, time my submission at the exact appropriate time for my comments to be considered.

This arrived exactly after the presentation so:

Frankly, I'm not sure how the three minute limitation is enforced on a written submission so I'd like an explanation on that as well.

Perhaps she's listening in. That's the problem with reading long letters. I could read for three minutes as if they were presenting at the RTM meeting in the auditorium.

In any event, I'm sending my letter to the RTM, herewith, for the third time since last October and would like confirmation that it has been received within the timeframe proscribed in your email and will be considered by the committee.

I confirm that everybody has received or I believe everyone has received the letter from Cecilia Stiber Kim.

Point of order, Kristan Hamlin, district 4:

I think my point of order might be something timely. Here's my question and concern. For instance, we oftentimes, as RTMers get emails and those emails are ultimately filed by the Town Clerk at Town Hall. That's very different from a meeting transcript where comments are posted on the website and are very, very easily accessible. For instance, when we have transcriptions of everything that happened at a meeting, it's something that I and everyone can get on our computer system and you can see it and you can access it. I'm a little bit concerned that we're denying these electors, these members of the community, from having what they're saying be part of the transcript, part of what is posted on our computer and instead, one would have to go to Town Hall to access as an email. For instance, the emails between us, most of the time are not posted on the computer. So, it's sort of a different level of publication and access and town knowledge about what we're saying here. So, I can see what Ms. Kim is talking about here. She would like to have her comments read, made part of the transcript, she's obviously entitled to do that under our charter and, instead, what we're saying is 'We've seen it' but the public won't have access to it readily without going to Town Hall which nobody does. It's a really big distinction and we shouldn't say it doesn't matter and it's not real. I think we should follow the charter and COVID rules and read the comments. That's what the rules require. Let's do it.

Dr. Heller:

The COVID rules, as they were given to us stipulated that these emails were to come in at the time of the agenda item. That was the COVID rules that we were given in running a zoom meeting. I'd like to ask Eileen Flug if she would speak to that issue.

Eileen Lavigne Flug, Assistant Town Attorney:

The rules that are stated on the agenda are that comments that are sent in before the meeting will not be read at the meeting. It may not specifically say that but the intent of the rule stated on the agenda is that if you want your comment read at the meeting, you need to submit it during the public comment period at the meeting at rtmcomments@westportct.gov. The RTM does not include comments that are sent to the RTM members before the meeting. They are not read at the meeting. They are not included in the packet. It is a communication that is outside of the meeting. The minutes of the meeting, which you are calling the transcript, are a record of what happened at the meeting not what happened before the meeting, not all the records that were received before the meeting. It is a record of what was said at the meeting so if a comment comes in during public comment, then it's included in the minutes. It's read and included in the minutes just as if the person were sitting in the auditorium and came up to the podium and made their comment. I'm sure you remember an agenda item that generated 300 comments. I remember those days myself, the Board of Ed. budget. There's no way those 300 comments are going to be read. They are not going to be included. They are archived at the Town Clerk's Office like all emails to the RTM. The minutes of the RTM are a record of what actually happened during the meeting. So, if the public wants to make a comment, it's like they have to participate in the meeting by logging in and presenting an email during the public comment period during the meeting.

Dr. Heller:

You don't start talking before you say point of order first. This is not a conversation.

Point of order, Ms. Hamlin:

Thank you Velma. So, Eileen, I understand what you're saying but this lady, Ms. Kim has actually submitted during the meeting so she wanted to have her comments as part of the record. So, my question is are we going to make her comments as part of the record of what happened today or are we going to just say 'She sent us an email' so we don't have to read it? In the recent past, we had a session where we did a racism sense of the meeting and all the comments were read out loud. Actually, usually, we have the public comments first and then we have the RTM comments. We were well into the RTM comments but for some reason we abrogated the rules and allowed people from the public continue to comment during the RTM section. I just think it is very important for us, as an RTM, as a member of government, to be very consistent in our application of the rules. Here we are in a situation where Ms. Kim has submitted something appropriately during the comment period and at the time of this discussion and we read, during the sense of the meeting not only what people were submitting during the public comment section but actually, inappropriately, during the RTM comment section and we read it out loud. Here, we are being told 'Well, it was submitted by email. We don't need to read it.' I don't think it's right.

Dr. Heller: There is a response to your point.

Assistant Town Attorney Flug:

Let me just understand. I think Jeff Wieser stands ready to read all comments that are received during the public comment period. He just read one.

Ms. Hamlin: He didn't read it at all. You are wrong about that. He did not read it.

Ms. Flug: I thought I just heard him read an email from somebody.

Mr. Wieser:

Madam Moderator, what I read was Ms. Kim request for confirmation that the letter has been received within the timeframe limit in your email and it will be considered by the committee. I have sent it to the committee so everyone has received it. We've already spent enough time on this that I could have read the letter and I am happy to read the letter.

Dr. Heller:

I think you should read as much as the three minutes allow even though people have received it because she bothered to send it again. That was her intent. I know people have received her letter but she would like it included in the minutes. That is why it will be read again.

Ms. Hamlin: Thank you Madam Moderator for that appropriate call.

Mr. Wieser:

I do take some umbrage about consistency only in that the difference is last time on the question that Ms. Hamlin was referring to, we were having a vote. This time, we're not having a vote so it's a little bit different. We are consistent. I think we have been supportive through COVID of making sure the public is heard. If somebody else could time me, that would be great. I'll read very quickly.

Dear RTM Ordinance Committee Members: I write to express my support for instituting a Civilian Review Board ("CRB") in Westport, which is supported by, at least, more than one hundred Westport petitioners, in writing, and replacing the current police commission panel appointed and installed by Mr. Marpe. An appointed police commission panel is not what Westport residents want, and is contrary to checks and balances, a basic tenet of our democracy. I spoke before you as a reader for the First Reading for a proposed ordinance of a CRB when the efforts to install a police review commission first commenced in 2019, and I continue my vigorous support for an elected and independent civilian police conduct review board that serves the people of Westport. At the national stage, issues of social justice, systematic racial inequalities, and police misconduct are front and center of lawmakers' efforts in pursuit for a fairer system for everyone in our community. To that end, the state of Connecticut has passed a new law specifically providing power to every town in Connecticut to create civilian review boards. Westport can't take a step back now. We need a police review board that is composed of civilian members elected by Westporters, not appointed by Westport politicians. We must solidify Westporters' right to civilian review of

police conduct, like all other towns in Connecticut is entitled, by codifying an independently elected CRB into ordinance. We cannot continue to allow a systematic ill that enables an appointed panel to be dissolved or empaneled at our First Selectman's whim, whether now or in the future. As a female Asian-American legal practitioner in Connecticut, who sees and experiences the ills of unconscious bias and systematic injustices, and at the same time, the benefits of independent oversight and cross-cultural collaboration and awareness, I cannot stress more the importance of an oversight body that is reflective of the collective of which it serves. An elected police oversight panel rebuilds trust in a community where some may have been lost, gives integrity and transparency to a narrative that may otherwise be fraught with misunderstanding, distrust, and suspicion. And as a mother of four daughters in Westport, I stress to my children, on a daily basis, our individual responsibility of raising our voices in the political process and when empowered, heeding the voices of those in need and acting in anticipation as opposed to in reaction. An adoption of an elected and independent CRB sends an urgently needed message to Westporters, whether minority or young or old, that the promise of democracy that we teach our children throughout Westport schools ring true in how we carry out our civilian and political duties day in and day out in this town. And that we are all better served, and are better serving, our electorate by honoring the petitions of our peers, and meeting the needs of our community.

Sincerely, Cecilia Stiber, Esq.

Seth Braunstein, district 6: Two minutes and 50 seconds. Well done!

Dr. Heller:

I just want to say something once again. This is important. At the very beginning of every meeting, I go through our procedures. I explain that we are dealing with these COVID regulations. We have an electronic meeting and pursuant to this order, there are certain things that take place every time. Every time I say:

Members of the electorate who wish to have their comments read during the public comment period for this agenda item may email them to RTMcomments@westportct.gov. Comments stating the full name and address of the elector, must be received during the comment period for the agenda item and be limited to three minutes.

This is said at every meeting. I also said that often at first readings there has been a tradition that there has not been public comment. That doesn't mean that there cannot be or could not be. I did say that at the beginning of the meeting and there was plenty of time because we had all of our announcements. I am reinforcing this because I want people to know that we plan things very carefully. Yes, we know that people sent things in early but we also want it to be possible if they wanted them included in the minutes to do so. That was what was done.

Mr. Wieser:

Madam Moderator, I have two more that can be done in six minutes and we'll be done.

Dr. Heller: Let's go. Let's finish the public comment.

Mr. Wieser:

This is much longer so I apologize to Nancy Mahmoud if I cannot read the entire letter. Everyone has this letter so you can read along with me and continue reading at the end.

Dear RTM Committee Members:

My name is Nancy Mahmoud. I am a Muslim-American and Arab-American attorney and resident of Westport for the past eight years. I previously supported the police accountability law that has recently been passed in Connecticut.

I used to work as an indigent criminal defense attorney in NYC and have witnessed firsthand how some bad police officers over stretched and abused their authority. Cops routinely abused or intentionally picked fights with young, black and brown teenagers in order to justify an arrest so that they would have enough "bodies" for line ups prior to an arraignment, when legal counsel is not required for line ups. I have witnessed a police officer arrest a 17 year old grocery delivery boy for riding his bike on the sidewalk when he was locking up the bike in order to deliver his groceries. Then, after the arrest, the police officers stole the young boy's delivery money and threw him into a line up for murder - which they knew he did not commit. They subjected this young boy to a night in the "pen" with grown men (some of whom were criminals) simply because they required more bodies for a line up for a murder when they had the suspect already in custody. And again, they did this because the law does not require legal counsel to be present at a line up prior to the official arraignment of the suspect. Doing this is a dangerous practice because this innocent young boy could have been picked out of the line up by accident. This young boy lost his mother to cancer and his father to street violence and was supporting his Jamaican immigrant grandmother with the money he earned from delivering groceries after school. I represented this young boy at his arraignment and the only charge the police had against him was riding a bike on the sidewalk. White people never got arrested for minor grievances such as this and if they were stopped for "quality of life" violations, they simply walked away with a minor citation. Furthermore, in NYC where else (other than the sidewalk) would you park your bike to ensure it's safekeeping until you get back from your grocery delivery? The cops knew this and waited at the grocery store for him to come out and followed him until he got on the sidewalk, knowing he would do so.

While bad cops are a minority, they inflict a great deal of damage in the communities in which they serve and make it more difficult for good cops to patrol our streets safely. As a licensed attorney, grievances can be filed against me and if I am found to have committed a violation I can be publicly sanctioned by the State Bar Association, fined and even lose my ability to practice law permanently. I believe any arm of law enforcement should be held to the same standard. Police officers represent the law just as attorneys do. In fact, in some ways, they are the first face of the law. When I represented indigent populations, I have been subjected to verbal abuse by clients, urination and one time a client even attempted to strike me. However, I had to remain calm and carry myself with professionalism. If I am expected to do that by the State Bar Association, police should be held to the same standard. They represent the law just as I do. Nurses are in a similar predicament dealing with patients who are mentally ill or intoxicated. Yet, they too can also be sanctioned, fined, sued or punished for poor behavior. Cops should not be allowed to behave egregiously or wantonly

without little to no repercussions. The Civilian Review Board is a necessary element in holding police accountable and helps to serve as a deterrent to poor police behavior. The CRB should be a neutral board compiled of diverse people in the community who are elected by their peers and not designated by the First Selectman.

There is another paragraph and a half which simply asks that the police be held to the same standard.

Then there is a letter from Michael Guadarrama which is much longer. Seth, please time me on this.

Dear fellow Westporters: I understand that the RTM is considering an ordinance to establish a CRB. I provide an account of my recent encounter with the Westport Police Department, the Chief and the Civilian Review Panel for your consideration for your deliberation.

Alarm calls are a routine occurrence for the Westport Police Department and 99 percent are uneventful. Perhaps many of you have had an accidental alarm. The police arrive, ring your doorbell, ask if everything is okay, you apologize for the mistake, and then they leave. Maybe a week later, you get a bill for too many false alarms. Most of you, if not all of you, have experienced this outcome. All my friends and neighbors have received this simple, friendly response from the WPD on alarm calls. I did not. On 24 Oct. 2020 at 8:00 a.m., I accidentally set off my home alarm. My security service called me. I informed them it was a false alarm and told them there was no need to call the police. Shortly afterward, as I was preparing to leave to pick up breakfast, my doorbell rings. It was the police. For context, it was a warm, well-lit morning; my alarm was not ringing, my property was well-maintained, there was no suspicious car in my driveway, no signs of forced entry, nothing to make this false alarm call different from the 99 percent.

The Facts of the Encounter • I immediately open the door - I was wearing a US Open Cap, a Caltech facemask, a Patagonia t-shirt, and Lulu Lemon men's jogger pants. • I immediately apologize to the officer for the mistake. The officer then assumes a direct, authoritative, and aggressive stance with me. "What's your name, date of birth, and cell phone number?" I become upset with how the officer is treating me and ask why this information is required. The officer says, "My supervisor needs it...it's for billing purposes." I provide my name and tell the officer that my name and address are more than adequate for billing purposes. I ask the officer to leave my property. He refuses. The second officer now tells me they will not leave until they see my photo ID. • As requested, I retrieve my ID from my kitchen drawer. As I return with my ID in hand, I see the officer reaching for his firearm. I call out to the officer, in outrage, to this direct threat to my life. The officer removes his hand from his firearm, approaches, reads my ID, and eventually leaves my property. These are the facts, they are not in dispute, and the bodycam footage corroborates these facts. No one I have spoken with has reported providing their name, DOB, and cell phone during an alarm call. For some reason, I received different treatment from the police. Importantly, I am of Hispanic descent with brown skin, and I recorded most of the scene with my cell

phone, including the portion where the officer reaches for his firearm. The Complaint: I subsequently filed a complaint to express my outrage. The officer was discourteous to me. He refused to leave my property when I provided his billing information. The officer reached for his firearm against me when I returned with my ID, the first critical step towards a deadly encounter. I believed the officer racially profiled me, and his treatment towards me was only consistent with considering me a possible suspect with no probable suspicion other than my skin color.

Frankly, I was shocked by how the WPD and Mr. Koskinas demonized me and focused on building an outlandish narrative to justify the officer's behavior. After I received no contact from the CRP, the WPD professional standards department notified me that they found my complaint to be unfounded. I assert that the WPD gave my complaint a white-wash, the CRP rubberstamped it, and they swept it under the rug. I have no evidence to conclude otherwise. [Three minutes.] The facts are clear. The officer's treatment was more consistent with seeing me as a possible suspect rather than a normal Westporter. The simple thing to do was for the WPD to admit it made a mistake. No Westporter should experience that.

Ms. Stiber Kim resent her letter to make sure we got it but those were the only public comments. So we're done.

Dr. Heller:

Mr. Braunstein, I thank you for what you've done. You could definitely get a new job if you are interested.

Mr. Braunstein: Time keeper. Absolutely.

Ms. Batteau:

There is another option here for which there is much precedent. When we have had complicated issues with many parts on other occasions, we've made webpages. We've made pages that are then posted on the town's website under the RTM section so, for example, Jimmy and I did together, when we did coyotes, we posted all the different kinds of documentation that arrived, we posted the ordinance, we posted positive and negative reports; we had a section called public testimony or public comments with all the letters we received went on them and they became part of the record. I know Matt has done this on numerous occasions for various Planning and Zoning issues. I did it when we had the WPLO versus Summit and on various other occasions. I think it would be useful for Kristan or whoever is involved with this to create one of those pages to be posted on the RTM website of the town which would include not just the proposed ordinance but the presentation that Mr. Stiber made and the ACLU information and at an Ordinance Committee prior to this one, somebody from the Police Union gave a presentation. Perhaps the Police Chief would like to give a presentation. Perhaps we could have also Mr. Marpe's committee statement and Mr. Stiber's articulation of all the differences and all the public comments so that we could have access to all this

because no matter how clearly these kinds of things are read in zoom meetings, it would be more impactful to be able to look at them clearly, have them be part of the public record and be able to think about them.

Jack Klinge, district 7:

I want to thank Jeff for speed-reading all of those letters and really ask all of us here, how many of you want to take a quiz on what you heard read to you over the last nine minutes? I suspect none of you would. I am more than happy to take time to read every letter that comes in on my computer and digest it and make notes, think about it and react to it personally. We have gone over many other issues where our constituents have sent us messages. So, I'm happy with that and I look forward to seeing all the letters that come in sent to my address so that we could all read them together or independently and make our own conclusions. But I don't think the answer is to try to speed read them during this meeting. I look forward, over the next month, to committee meetings, presentations, dialog, questions, answers, assumptions, previous examples, histories, why we're here, what happened to generate this proposal so that come February, or perhaps March, we can have a real dialog on what's going on. I don't think speed reading letters tonight is the answer.

Dr. Heller:

Mr. Stiber, did you have a question? Normally, your presentation is over at this point.

Mr. Stiber:

I understand that. I was CC'd on a comment and that comment was not read. I would want the comment entered into record.

Dr. Heller: Was the comment sent to our email?

Mr. Stiber:

Yes. It was sent to *RTMcomments*. Mr. Wieser, can you please check?

Mr. Wieser: It was not received this evening.

Mr. Stiber: I received it at 8:39. It was from Mr. Jonathan Prager.

Mr. Wieser: I didn't receive it.

Point of order, Ms. Hamlin:

Jeff, you might want to check your spam because sometimes on the Ordinance Committee we've looked in our spam.

Mr. Wieser: I get all of them from *RTMcomments*.

Ms. Hamlin:

There are a number of things from Brandi that we haven't gotten so just as a suggestion...

Mr. Stiber: I've just sent it to *RTMcomments*.

Mr. Braunstein:

I'd just like a clarification. I'm wondering if some of my colleagues on the RTM have a similar question. Having seen ordinances introduced numerous times over the period I've been involved with the RTM, it was always my impression and I'm wondering if it's a false impression, that we don't have commentary at the first reading because, in theory, the first reading is really the first opportunity for the RTM members who are not on the Ordinance Committee to have a meaningful exposure to the ordinance that is being introduced. So, is it that we've just had a custom in the past that has basically not provided for commentary the first time around or is there some change in the way we are approaching the ordinance this evening?

Dr. Heller:

First of all, we haven't had to deal with it on zoom before. This is a new wrinkle. But traditionally, we have not had comments at the first reading. However, when you look at the Town Charter, it does say that public comments are allowed. Public comments are allowed at a first reading just as any other time so it was necessary to make that clear.

Mr. Braunstein:

I appreciate the clarification. I might suggest for the petitioners and anyone in the public that has a desire to comment on this, it's more difficult for the RTM members who haven't been exposed to the full text to have a great appreciation for what the commenters are trying to contribute to the topic. It's of much greater impact to the people who will ultimately vote on this to have the comments after the ordinance has been fully digested and considered at the committee level. I read each and every one of the letters that was sent today. I think having them forwarded was great. I somewhat echo Jack's comment. To somewhat artificially force the text into a three minute window is wildly inefficient for everybody involved here. I think it's a lose/lose all around. It's a lose for the petitioner. It's a lose for the RTM member who is here to listen to what the commenter will provide. But, with that said, COVID is obviously necessitating changes. If this were non-COVID time, each person would have to get their three minutes and we have to live within the bounds that have been proscribed to us, I assume, by the Governor about how the procedure is supposed to unfold. Unless we can change that, unfortunately, we have this artificial three minute restriction. Is there a way to be a bit more thoughtful. Perhaps, it's along the line of thinking that Wendy had. There could be a site where all this information could be provided for everybody's benefit so that the petitioners aren't wasting their time putting these well thought out letters together and we aren't wasting our time trying to comprehend Jeff's excellent speed reading. I'll just leave my comments there.

Dr. Heller:

This is particularly so at a first reading. I think we've had some interesting suggestions come out of this. People may want to have some discussion and perhaps there will be a more specific plan presented to the RTM concerning websites or whatever else. Eileen, is there anything that would stop us from doing that?

Assistant Town Attorney Flug: From having comments put up on a website?

Dr. Heller: To have a webpage that would go up on the website.

Assistant Town Attorney Flug:

If you look at the RTM page on the town website, as Wendy pointed out, there are sections for back up materials for certain agenda items. They are items that have been in the packet. They are materials that have been distributed to RTM members but they are on the website for the public to review easily. I would probably be reluctant to have all emails that go to all RTM members be put up automatically on the town website. If people send emails to RTM members, there is a place that they are archived in the Town Clerk's office. I think you are starting a precedent for all agenda items, for all emails from anybody to one or more RTM members. I think it is going to be very difficult to see that through and make it fair for every person who sends a comment to an RTM member. So, I would be very reluctant to have emails to RTM members be put up, to pick and choose which emails are put up on a website. I don't think that portion of the RTM page was intended for communications by the public to the RTM.

Mr. Braunstein:

Just as a quick follow up, is there a way to have it effectively read into the record without this artificial three minute limitation?

Assistant Town Attorney Flug:

The three minute limitation is the same three minute limitation as if they are in the auditorium and they come to the podium. They are given three minutes to speak.

Mr. Braunstein:

So maybe our instruction to the commentators should be 'We welcome your comments but make sure that they are within a three minute time constraint.'

Dr. Heller: That is part of the instruction already.

Assistant Town Attorney Flug:

It's on the agenda to the meeting. It's not just what Velma says. Most of the agendas for this type of meeting say your comments should be limited to three minutes.

Mr. Wieser:

So, we do have this one comment. I did not see if from the RTM comments page. It was copied to Mr. Stiber. He sent it and I sent it around to the full RTM. For the record, it's an email from Jonathan Prager, titled "In support of an independent, elected, Civilian Police Oversight Board". I would hope that would be sufficient to represent his support of a CRB and maybe his comment could be read into the record next time we are reviewing the vote.

Ms. Hamlin: Jeff, could you please read it? It came in.

Mr. Wieser: I just explained why.

Mr. Stiber:

I'm CC'd on the email. It was addressed to *RTMcomments*. I don't know why.

Dr. Heller: I'm not going to argue.

Ms. Hamlin: It's a technical issue. Let's not deprive him. Just read it.

Dr. Heller:

We will have a second reading. Any of these comments can be made at the second reading. We are not voting tonight. There will be a second reading. There will be committee meetings. Any of these comments can go to the committees as well. There is a statement that this should come into RTM comments. The fact that Mr. Stiber sent something that he said was sent to RTM comments, it never came to RTM comments. Let's hold off.

Mr. Wieser:

Jackie Fuchs, can you confirm. Did you receive something from Mr. Prager?

Ms. Fuchs: I can't check it now.

Mr. Stiber:

I just took a picture that it was sent to *RTMcomments* and sent it to the distribution list.

Ms. Hamlin:

Since it was made very clear by Eileen in her email and her citation of the charter, that there is an absolute right for electors to comment on every agenda item, Mr. Prager has made a comment. Apparently, there is some sort of technical glitch. We should err on the side of due process. I don't know what he said. I haven't read it. I haven't seen it.

Mr. Wieser: I just said what he said.

Ms. Hamlin:

I think you should read the whole thing Jeff because that's what our rules say, our charter says. You should just read the whole thing.

Assistant Town Attorney Flug:

I think that since Jeff has the email and it was sent to Jeff during the public comment period, I think Jeff should read the email. I don't think the fact that he didn't receive it from the proper email address, I think what Mr. Stiber said, the person who wrote the email intended it to go to Jeff. Now Jeff has it. I think that Jeff should just read it.

I support the creation of an independent Civilian Review Board for the Westport Police. It is shocking that any town in the United States, let alone, one as sophisticated and prominent as Westport, has never had any kind of supervision of its Police Department. Civilian oversight of police is an intrinsic element of democratic government. Indeed, it is one of the pillars which supports transparency, prevents abuse and promotes freedom. Lack of independent supervision leads to abuse of power. Police are known for abusing power. A politically appointed panel is no substitute for a duly elected independent Civilian Review Board. A committee beholden to the First Selectman supports the likelihood of cover ups, glad handling and cronyism. It is simply human nature for

any department to cover up misconduct when encouraged to support its own. The outcry for racial equality fomented by the brutal murder of George Floyd, Briana Taylor and others has created a public passion and political support for appropriate police supervision. In a department comprised of 64 people, the Westport Police Department has one black officer. National protest means nothing if it does not influence local action. In the community in which we live and work, it is imperative that the police be held to the highest ethical and procedural standards. The State has empowered municipalities to create their own independent police civilian boards. The time is now to create an independent elected Westport Civilian Police Review Board with its own independent powers to investigate and subpoena. If the Westport police have nothing to hide, it's cheap and the First Selectman should welcome such a board which, in the best case scenario, will serve to confirm their presently unverifiable assertions of sound, honorable and upstanding police conduct.

That is the end of his statement. We're all done with public comments.

Dr. Heller:

Thank you very much. I would like to thank you all for the suggestions. Sorry for the technical glitch and the hang-ups on that. Let's hope that we don't have further technical glitches on this. We haven't had that many public comments over the zoom meetings but, obviously, these are people who wanted to be heard and they should be heard.

Kristen Schneeman, district 9:

I'm not sure this is a point of order but I would like to make a suggestion. Members of the public have been using rtmcomments@westportct.gov email address to send comments in advance of the meeting which none of us see unless Jeff or Jackie forward them to us. Only Jeff and Jackie have access to that email.

Mr. Wieser: And I have forwarded them.

Ms. Schneeman:

Yes, you have and I do appreciate that because I want to see those emails. That email address is meant for forwarding emails only during the actual public meeting. If people want to send comments in advance of the meeting, that's terrific but they should use the regular RTM group email list so that we all get it at the same time and don't have to rely on Jeff to forward it to us and, as Seth and Jack have said, many of us appreciate the opportunity to read through everything and reflect on it. So, if there are people in the community who are interested in commenting on this between now and the next public opportunity, make sure they are using the appropriate regular RTM email list as opposed to *RTMcomments*. I want to make sure the public understands that *Rtmcomments* is only meant to be used during an actual public meeting so we don't not see them.

Dr. Heller:

I think you've raised a good point. I'm wondering if we might also put that on the agenda.

Mr. Wieser:

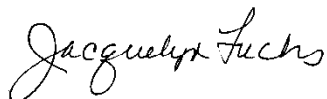
For the record, the chat points out, from Jackie Fuchs, that Mr. Prager used the wrong email address. He used "westportct.org" not "westportct.gov" so, apologies. I wasn't trying to not read a properly submitted letter.

Dr. Heller:

I think, Jason and everybody else, it is important for you to know, we work very hard to deal with all of these complications within the process of a zoom meeting and everything else. We've tried to think of all the possible glitches that could come up. The wrong email address didn't help the situation. I think perhaps it would be helpful to somehow get on the agenda that if people want to send emails to RTM members, to use the RTM address and to clarify that that address is for public comment at RTM meetings. I think that is a good suggestion, as well, but we've had many good suggestions. Whenever we come up with something new, we find there is something else that needs to be done. Now I am finally going to get to this very last statement: There are no committee reports. There is no resolution read or seconded at a first reading. Therefore, there is no RTM debate on this topic. As you know, there will be meetings of the Ordinance Committee and the Public Protection Committee. These will be announced so they are available. Of course, people are invited to come and give input and to listen. We will hear from them when they have recommendations to move further on this item. We have completed our business for the evening. With no objection I would like to adjourn the meeting. Thank you all for coming. Be safe. Be healthy and I hope to see you soon.

The meeting adjourned at 9:25 p.m.

Respectfully submitted,
Jeffrey Dunkerton
Town Clerk

A handwritten signature in cursive script that reads "Jacquelyn Fuchs".

by Jacquelyn Fuchs

ATTENDANCE:

Revised 11/13/19

DIST.	NAME	PRESENT	ABSENT	NOTIFIED MODERATOR	LATE/ LEFT EARLY
1	Richard Jaffe	X			
	Matthew Mandell	X			
	Kristin M. Purcell	X			
	Chris Tait	X			
2	Harris Falk	X			
	Jay Keenan	X			
	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		X	Arr. 8 p.m.
5	Peter Gold	X			
	Dick Lowenstein	X			
	Karen Kramer	X			
	Greg Kraut	X			
6	Candace Banks		X	X	
	Jessica Bram	X			
	Seth Braunstein	X			
	Cathy Talmadge	X			
7	Brandi Briggs	X			
	Lauren Karpf	X			
	Jack Klinge	X			
	Ellen Lautenberg	X			
8	Wendy Batteau	X			
	Lisa Newman	X			
	Carla Rea		X		
	Stephen Shackelford	X			
9	Velma Heller	X			
	Sal Liccione	X			
	Kristin Schneeman	X			
	Lauren Soloff	X			
Total		34	2		

Appendix I - Appointment of Special Committee

The beginning of a New Year offers a timely occasion to take a step back and review RTM practices to see if there are opportunities for improvement. Section A162-20.1.A of the RTM's Rules of Procedure already requires RTM members to conduct themselves in a manner above reproach. In order to provide further guidance, and to clarify expectations regarding conduct at public meetings and in written communications, I have appointed a Special Committee in accordance with RTM Rules of Procedure, Sec. A162-18.

The Committee's charge shall be to develop a Code of Conduct, articulating desired behaviors that embody our values and principles as an organization. It will cover topics such as Freedom of Information Act issues, the general use of email and social media, and commonly accepted standards of decorum for participation in public discourse, whether in person or on line. The Code of Conduct shall link these behaviors to prevailing codes, statutes and standards such as the First Amendment, the RTM Rules of Procedure, the RTM Code of Ethics, and Roberts Rules of Order. Should the Committee consider it appropriate, it may make recommendations to amend the RTM Rules of Procedure consistent with this charge.

I have appointed the following people to this committee: Jessica Bram, Mark Friedman, Peter Gold, Noah Hammond, Kristen Purcell, Lauren Soloff and Stephen Shackelford, Chair.