

RESOLUTIONS

(1)

RESOLVED: That upon the recommendation of the Board of Finance, the First Selectmen salary increase to \$150,000.00 per year is hereby approved.

(2)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Human Services, the sum of \$75,000.00 for Architectural Services and an Environmental Evaluation for Asbestos and Lead at the Gillespie Center is hereby appropriated. These funds are eligible for reimbursement through a previously approved State Grant.

(3)

RESOLVED: That upon the request of at least 20 electors, a Civilian Police Review Board Ordinance is hereby adopted. (Second reading. Full text is as follows).

Sec X-XXX. - Civilian Police Review Board.

(a) Establishment.

There is hereby established a civilian police review board ("Review Board") to investigate complaints concerning members of the Westport Police Department ("WPD"), to participate in hiring decisions for officers of the WPD, and to receive and make recommendations for service awards for officers of the WPD who are nominated by civilians for their outstanding contributions to the community. It is in the interest of Westport residents and the WPD that investigations of complaints concerning police officers and hiring decisions be thorough, transparent and impartial.

(b) Composition.

(1) The Review Board shall be comprised of five voting members appointed by the Representative Town Meeting (RTM) by a majority vote of a quorum of the RTM. The RTM shall also appoint two alternates. Except as provided in subsection (b)(5) below, each member shall serve for a term of four-years or until his successor is appointed and sworn in.

(2) The appropriate RTM committee, as appointed by the Moderator, will interview candidates for the Review Board; the recommended nominees will be considered and voted on by a quorum of the entire RTM. Relevant considerations for Review Board candidates include, amongst other considerations, those with legal and evidentiary skills, investigative skills, and diverse backgrounds. Subject to the approval by vote of a quorum of the entire RTM, TEAM Westport shall either nominate one of its members to be one of the five members of the Review Board, or shall nominate a Westport resident

from outside TEAM Westport. If the RTM does not approve TEAM Westport's nominee, TEAM Westport shall submit subsequent nominees, until one TEAM Westport nominee is approved.

(3) Review Board members shall be electors of the Town who are at least 21 years of age and who have no felony convictions. Review Board members shall not be current employees of the WPD or the Town of Westport, elected officials of the Town of Westport or an immediate family member of a current WPD employee.

(4) Party Affiliation of Members. In accordance with CGS § 9-167a and Chapter 2 of the Town Charter, no more than a bare majority of members of the Review Board shall be members of the same political party.

(5) Staggered Terms. Board members will serve staggered terms. For the term beginning in November 2021, three members shall each be appointed for four-year terms and two members shall be appointed for two-year terms. The RTM will make the initial appointments before March 15, 2022. Beginning in 2023, appointments, except those filling the vacancy in accordance with subsection (c), shall be for four-year terms.

(6) Review Board members shall be sworn to the faithful performance of their duties and shall serve without compensation and will not be reimbursed for personal expenses such as travel or paper/ink for home printing. Any actual expenses and disbursements such as expenses for stenographer, transcripts and subpoena service costs incurred in the performance of the Review Board's duties shall be paid from the Westport Town treasury.

(c) Resignation.

Any member of the Review Board who misses three consecutive regularly scheduled Review Board meetings or four regularly scheduled Review Board meetings in a twelve consecutive month period shall be considered to have resigned. Any vacancy on the Review Board occasioned by resignation, death, inability to serve, or otherwise shall be filled for the unexpired term in accordance with Section C38-3 of the Town Charter.

(d) Powers, Jurisdiction and Duties Regarding Complaints.

(1) With the assistance of the WPD as indicated in subsection (e), the Review Board shall review, investigate and have jurisdiction over all citizen complaints against WPD officers. The Review Board, as a Board within the Town government, shall have the authority and responsibility to review and investigate civilian allegations of police misconduct, and to review input from WPD's Professional Standards Division to ensure that reports and conclusions are complete, accurate and factually supported, to hold hearings and make credibility determinations, and to make recommendations to the Chief of Police or Acting Chief of Police ("Chief") in connection therewith.

(2) The Review Board and WPD shall inform all complainants that complaints should be filed contemporaneously with both the WPD and the Review Board. Upon receipt of a complaint, the WPD and Review Board shall promptly share such complaints with each other in order to ensure both have been contemporaneously notified of a new complaint. The WPD shall post a sign in the lobby of WPD headquarters and on the WPD website informing complainants of the dual-filing requirement. The WPD and Review Board complaint forms must have the same dual-filing instructions clearly printed at the top of the complaint forms, along with notification that the Review Board will investigate and respond to the complaint. Complaints are to be filed with the WPD in accordance with CT Gen Stat § 7-294bb.

(3) The Review Board shall have the power to issue subpoenas to compel witness attendance before the Review Board and to require the production of records it deems relevant to any matter under investigation or in question.

(i) The person to whom such subpoena is issued may, not later than fifteen days after service of such subpoena, or on or before the time specified in the subpoena for compliance if such time is less than fifteen days after service, serve upon the board written objection to the subpoena and file such objection in the Superior Court which shall adjudicate such objection in accordance with the rules of the

court.

- (ii) If the person to whom such subpoena is issued fails to appear or if having appeared refuses to testify or produce the evidence required by such subpoena, the Superior Court, upon application of such board, shall have jurisdiction to order such person to appear or to give testimony or produce such evidence, as the case may be.
 - (4) The Review Board may take measures, as permitted under the law, to promote independent testimony and to deter witness intimidation. Except as provided under the Law Enforcement Officers Safety Act (LEOSA), 18 USC §§ 926B and 926C, and other applicable law, no firearms will be permitted at a Review Board hearing.
 - (5) The Review Board may refer to the Connecticut Rules of Evidence for guidance during all hearings, proceedings, and in determining the scope of subpoenas. The Review Board may refer to the Connecticut Rules of Civil Procedure for guidance in proceedings to the extent the Board members consider it useful or necessary.
- (e) WPD Support for the Review Board
- (1) The WPD shall provide members of the Review Board with copies of the policies, procedures and directives of the WPD relevant to the WPD's duties.
 - (2) The Review Board and WPD's Professional Standards Division shall have access to the same files and reports to the extent legally permissible.
 - (3) When requested by the Review Board, the Chief shall assign the Captain of Professional Standards to advise the Review Board as to police policies and procedures and to attend any meetings at which the Review Board requires his or her presence, and to assist with Board investigations of complaints pursuant to (e)(5), below.
 - (4) All aspects of the investigation of the complaint shall be delegated to the WPD to perform with the following exceptions: as provided in (g)(3) below, the Review Board will conduct the interviews and take the sworn testimony of the complainant and his or her identified and designated witnesses, and the accused police officer and the identified and designated police or respondent witnesses. The oath for such sworn testimony shall be administered by either a Connecticut admitted attorney who is a member in good standing of the Connecticut Bar, an officer of the Superior Court, a justice of the peace, a notary public, the town clerk, assistant town clerk, or anyone else qualified to administer such oaths under CGS1-24.
 - (5) If, prior to the Board's determination and final recommendation, the complainant objects to any portion of the investigation that was performed by the police, the Board will review the portion of the police investigation complained of, and determine whether it was done appropriately, and will have the power to conduct that portion of the investigation directly, when the Review Board deems it necessary to do so. As necessary in accordance with this provision, the WPD shall assist the Review Board with the Review Board's investigations when reasonably requested to do so by the Review Board.
- (f) Evaluation of Prospective Police Hires.
- The Review Board shall be included in the evaluation process for prospective police officer hires and will make recommendations to the First Selectman and Chief in connection therewith. Solely for purposes of hiring decisions, the Chief shall serve as an *ex officio* non-voting member of the Review Board.
- (g) Operations.
- The Review Board shall elect one (1) of its members to be Chair and one (1) of its members to be Secretary on an annual basis. It shall hold regular monthly meetings whenever there are open complaint investigations or hiring decisions to be made and shall keep written records of

all meetings. Such monthly meetings can be cancelled with advance notification if there is no business to be conducted. When sufficient cause exists, the Review Board may convene special meetings, in accordance with its policies and procedures, with advance published notice as required by FOIA. A majority of the members of the Review Board shall constitute a quorum.

(1) The Review Board shall designate a spokesperson for, and as liaison between, the Review Board and the First Selectman with respect to each decision, recommendation and finding, as described further herein.

(2) The meetings of the Review Board shall be open to the public, except that the Review Board may hold executive sessions in accordance with state law. Meetings of the Review Board shall be held at Town Hall or at such other place, or electronically, as determined by the Chair of the Review Board and permitted by state law. The Review Board can adopt rules and regulations for its operation, so long as they are not inconsistent with this legislation.

(3) In the course of its proceedings with respect to citizen complaints, the Review Board may take testimony from witnesses concerning the alleged conduct which is the subject of the complaint. All testimony by witnesses before the Review Board shall be sworn under oath, and recorded or transcribed. The Review Board may require a WPD officer to participate in a meeting where the Review Board is evaluating a complaint against that officer, provided that no such WPD officer shall be compelled to testify in the event his or her Fifth Amendment right is implicated.

(4) Following the review of a citizen complaint, the Review Board will determine whether or not the citizen complaint is upheld and make its recommendation for or against disciplinary action. The Review Board will promptly report its findings and determinations to the Chief. A copy of the complaint and the Review Board's findings and determinations shall be maintained by the Review Board. Final decisions upheld by the Chief shall be maintained in the WPD officer's personnel file.

(5) (i) The Review Board will use its best efforts to complete its review of every civilian complaint within sixty (60) days of receipt thereof. In the event that circumstances prevent the completion of a review of a civilian complaint within sixty (60) days, the Review Board will submit written cause for the delay and reason(s) for the same to the office of the First Selectman.

(ii) The Chief shall consider the findings and recommendations of the Review Board and decide whether to accept or reject the recommendation within two weeks of the Chief's receipt of the Review Board's decision. In the event that the Chief seeks an extension, the Board may grant it if good cause is shown. Within two weeks of receipt of the Review Board's decision, or upon the end of any extension granted by the Review Board if later, the Chief shall notify the Review Board in writing of his or her decision and the reasons for said decision related to each specific civilian complaint.

(iii) The Chief must impose the discipline, if any, as soon as possible, after notifying the Review Board of his or her decision, unless the Chief determines that public safety requires discipline to be imposed earlier.

(6) Nothing herein shall prevent the Chief from immediately placing an employee on administrative leave, should circumstances so warrant.

(h) Continuous Improvement of Complaint Process. The Review Board may also make recommendations to the Chief and First Selectman for revision of specific police department policies and procedures related to the civilian complaint process.

(i) Accountability.

(1) The Review Board shall prepare an annual report to the First Selectman indicating: the total number of complaints filed, the number of each type of complaint filed, the names of police officer(s) about whom complaints were filed, the name and number of complaints filed against each police officer against whom multiple complaints were filed, and the disposition of

the complaints.

(2) The Chief shall prepare an annual report to the Review Board and the First Selectman indicating any disciplinary actions taken and training offered to police officer(s) against whom civilian complaints were received.

(j) Police and Citizen Awards.

Westport citizens may also submit to the Review Board any recommended commendations of WPD officers whose conduct goes above and beyond the call of duty. Each year, the Review Board shall determine whether to recognize WPD officers for commendable service, to be announced at an annual awards ceremony.

(k) Effective date.

This ordinance shall be effective November_____, 2021.

(4)

RESOLVED: That upon the request of the RTM Code of Conduct Special Committee, the Westport Representative Town Meeting Conduct Guidelines and Expectations is hereby adopted. (Full text is as follows).

WESTPORT REPRESENTATIVE TOWN MEETING CONDUCT GUIDELINES AND EXPECTATIONS

STATEMENT OF PURPOSE

This document describes the expected behaviors, manners, and courtesies of Representative Town Meeting (RTM) members as we carry out our vital commitment to the Town. Section A162-20.1A of the RTM's Rules of Procedure requires RTM members to conduct themselves in a manner above reproach. The primary purpose of these precepts is to provide more specific guidance, including, in particular, to clarify expectations regarding member conduct at public meetings and in written communications.

The consistent theme throughout these guidelines is Respect: for Westport citizens, for Town employees, for each other, and for all elected officials. RTM members sometimes experience stress in making decisions that impact citizens' lives. At times, the impacts of decisions on the entire community must be weighed against the needs of only a few. Despite these pressures, RTM members are called upon to exhibit appropriate, respectful behavior when engaged in RTM business or when otherwise representing themselves as RTM members.

The RTM strives to create an inclusive environment where anyone, of any background, can contribute.

These guidelines do not in any way supersede the Westport Town Charter, Code of Ordinances, the RTM Rules of Procedure, Robert's Rules of Order, or applicable local, state and federal laws, rules, regulations, or policies.

In addition, these guidelines are not meant to stifle debate or to prevent RTM members from enthusiastically defending issues and positions. The First Amendment to the U.S. Constitution, as well as the Constitution of the State of Connecticut, protects the free speech rights of RTM members just as much as the free speech rights of their fellow citizens. This Code provides guidance to help ensure that RTM members, who

hold a unique position of authority in our Town, exercise their First Amendment rights with due respect for one another and for the many different stakeholders in our Town.

Resources that are helpful in defining the roles and responsibilities of RTM members can be found in the Westport Town Charter, Code of Ordinances, the RTM Rules of Procedure, and Robert's Rules of Order.

It all comes down to respect.

Respect for others as individuals of diverse backgrounds, personalities, capabilities and abilities, values, opinions, and goals . . . respect for the validity of different opinions . . . respect for the democratic process . . . respect for the community that we serve.

RTM MEMBERS' CONDUCT WITH ONE ANOTHER

In RTM Meetings

• Participation in meetings

All RTM members should:

- Participate fully in monthly RTM meetings and meetings of RTM Committees of which they are members, while demonstrating respect, kindness, compassion, courtesy, and attentiveness to others.
- Be visible when speaking or voting during electronic meetings.
- Prepare for meetings by becoming familiar with agenda items in advance.
- Respect other people's time. Stay focused and act efficiently during public meetings.

• Nonpartisan nature of RTM as a body

The RTM as a body strives to act in a nonpartisan manner, seeking to do what is best for the Town without regard to party affiliations. Traditionally, RTM members refrain from mentioning their party affiliations during RTM meetings.

• Practice civility, professionalism and decorum in discussions and debate

Difficult questions, challenges to points of view, and criticism of ideas and information are legitimate elements of a free democracy in action. RTM members, however, should take great care to treat all attendees with respect and courtesy, even—or especially—when debating the most contentious issues.

Treating one another with respect and courtesy includes avoiding personal attacks on one another.

• Honor the role of the Moderator and Committee Chairs in maintaining order

It is the responsibility of the Moderator and Committee Chairs to keep the comments of all speakers on track during meetings. Under state law, RTM and Committee meetings can only discuss items on the agenda. RTM members should honor efforts by the Moderator and the Chairs to focus discussion on current agenda items. Any disagreements about the agenda or the Moderator's or Chair's actions should be voiced politely and with reason, following procedures outlined in Robert's Rules of Order.

RTM members may speak only after being recognized by the Moderator or the Chair, unless the Committee Chair has expressly permitted a more "informal" conversation to take place on a particular issue. In particular, RTM members should not interrupt each other, or other speakers. Doing so conveys to those who are being interrupted the sense that their views are not welcomed.

The admonition against interruptions applies even when an RTM member has questions for a particular speaker. The member should wait until the speaker is finished, and ask any questions only after being called upon by the Moderator or Chair.

RTM members sometimes invoke "*Point of Order*" incorrectly to justify an interruption. According to Robert's Rules, an interruption by calling "*Point of Order*" can only occur if a member believes that the rules of the assembly, or federal, state, or local rules of procedure, are being violated, and must generally be called at the time the violation or breach occurs. "*Point of Order*" is not an appropriate interruption for any other reason, including to voice disagreement with a speaker, or to ask a question of a speaker.

- **Be punctual**

RTM members have made a commitment to attend meetings and to partake in discussions. It is important for RTM members to be punctual out of respect for others and so that meetings can start on time.

- **Addressing disruptive or inappropriate behavior**

Should there be a concern about a breach of any of these guidelines, including by unwarranted interruptions or personal attacks, an RTM member may raise it with the Moderator or Chair, including by privately raising the issue, or by calling a *Point of Order* to note a breach at a meeting. It is the responsibility of the Moderator or the Chair to address any breaches, consistent with Robert's Rules and the Connecticut Freedom of Information Act (FOIA), up to and potentially including ejection from a meeting.

In Private Communications With Other RTM Members

- **Continue respectful behavior in private**

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private communications among RTM members.

- **Don't forget FOIA**

Avoid emails among a quorum of the RTM or a Committee to avoid unnoticed meetings. *In particular, do not use "Reply All" to engage in substantive discussions.* Be aware that all records, including electronic records like e-mails and texts, that relate to the conduct of RTM business, including communications with constituents, may be disclosable under FOIA. You should consult the RTM FOIA handout from the Town Attorney's office for details.

- **Even private conversations can have a public presence**

Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them. Conversations may be overheard, parking lot debates observed, and casual comments noted before and after public meetings.

RTM MEMBERS' CONDUCT WITH TOWN STAFF

- **Treat all staff with respect**

RTM members should treat all Town staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. RTM members must remember that Town employees work for the Town, not for the RTM. Any concerns about a Town employee's performance, other than in connection with an agenda item under discussion by the RTM, may be raised either to the employee or to the employee's department head or the First Selectman, but should not be aired in a public meeting.

Part of the job of RTM members is to scrutinize requests we receive from Town departments, and RTM members are always free to disagree with, and criticize, such requests. Yet as a matter of respect, RTM members should take care that disagreement with proposals does not devolve into personal attacks on Town employees.

RTM MEMBERS' CONDUCT WITH THE PUBLIC

In RTM Meetings

Making the public feel welcome is a critical part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual RTM members towards any individual participating in an RTM meeting. Every effort should be made to be fair and impartial in weighing public testimony.

- **Be welcoming and cordial to speakers**

Speaking in front of the RTM can be an intimidating experience for many people. How RTM members treat people during public hearings can lessen or heighten discomfort and can encourage or suppress free expression. RTM members' language, facial expressions, and tone of voice may be experienced as intimidating, dismissive, or aggressive. Comments and non-verbal expressions should be appropriate, respectful, and convey appreciation for public participation.

- **Ask for clarification, but avoid debate and argument with presenters**

Questions directed by RTM members to presenters should seek to clarify or expand information, not to criticize or debate.

- **Be transparent about ordinances**

RTM members are always free to help petitioners draft potential ordinances for consideration by the RTM. When an RTM member has played an instrumental and ongoing role in formulating an ordinance, the RTM member should disclose this involvement when participating in meetings addressing the ordinance.

In Communications Outside Of RTM Meetings

- **Speak only on your own behalf**

RTM members will frequently be asked to explain an RTM action or to give their opinion about an issue as they meet and talk with constituents, when speaking before another Town board or commission, when contacted by the media for background and quotes, or when posting on social media. RTM members are free to report and comment on RTM actions, and may identify themselves as RTM members when doing so, but should make clear that their comments represent only their personal viewpoint, not those of other RTM members, an RTM Committee, or the RTM as a whole (unless they have their specific authorization to do so).

- **The Moderator is the official spokesperson for the Representative Town Meeting**

The Moderator is the designated representative of the RTM to present and speak on the official RTM position.

- **Social Media**

RTM members have the same rights as any other citizen to use social media to express their views and to participate in public debates. However, RTM members should remember that the guidelines in this document apply to RTM-related communications on social media, as well.

(5)

RESOLVED: That upon the request of 3 RTM members, an ordinance restricting the use of gas-powered leaf blowers in Westport is hereby adopted. (First reading. Full text is as follows).

DRAFT LEAF BLOWER ORDINANCE

CHAPTER 67

67-1. Purpose.

Consistent with the municipal powers granted under sections 7-148(c)(7) and (10) of the Connecticut General Statutes, including the protection of the health and safety of residents and abatement of nuisances, it is the intent of this ordinance to set specific controls on the use of LeafBlowers, in particular Gas-Powered Leaf Blowers.

67-2. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

“Leaf Blower” shall mean any device which is used or designed to move leaves, grass clippings, dust, dirt, or other matter by blowing them with air emitted by such device.

“Gas-Powered Leaf Blower” shall mean any Leaf Blower that is powered by an internal combustion engine utilizing gasoline, diesel, or any other similar fuel.

“Electric-Powered Leaf Blower” shall mean any Leaf Blower that is powered by electricity utilizing a plug-in cord or battery power.

67-3. Restrictions on Leaf Blower Activity.

(a) Except as provided in Sections 67-3(b) through (e),

(i) the use of Electric-Powered Leaf Blowers is permitted during the period from January 1 through December 31 on all properties within the Town; and

(ii) the use of Gas-Powered Leaf Blowers is permitted only during the periods from March 15 through April 30 and November 1 through December 15. No person shall operate or cause or permit to be operated any Gas-Powered Leaf Blower on any public or private property in the Town other than during such periods.

(b) No Leaf Blowers (whether Gas-Powered or Electric-Powered) may be used before 9:00 a.m. or after 5:00 p.m.

(c) The following restrictions on simultaneous use of Gas-Powered Leaf Blowers shall apply:

- On lots of less than one acre, no more than one (1) Gas-Powered Leaf Blower may be used simultaneously;
- On lots of between one and three acres, no more than two (2) Gas-Powered Leaf Blowers may be used simultaneously;
- On lots of more than three acres, no more than three (3) Gas-Powered Leaf Blowers may be used simultaneously.

(d) The following additional restrictions shall apply to any site that contains more than 20 acres: No Gas-Powered Leaf Blower may be operated within 100 feet of a residence, sidewalk, roadway, or pedestrian thoroughfare. The word "residence" in the preceding sentence shall be deemed to include a house, apartment building, hotel, and condominium unit.

(e) No Gas-Powered Leaf Blower may be used on any state or federal holiday.

(f) Notwithstanding the provisions of Sections 67-3 (a) through (e):

(i) the use of Gas-Powered Leaf Blowers and/or Electric-Powered Leaf Blowers shall be permitted if a Town, state, or federal authority determines that an emergency exists; and

(ii) golf courses may operate Electric-Powered Leaf Blowers before 9:00 a.m. if necessary, and the Department of Public Works may operate Gas-Powered Leaf Blowers before March 15 if necessary for winter sidewalk and road cleanup.

(g) Nothing contained in the Chapter 67 shall prevent or limit the right of any resident to bring a suit against a third party for damages or equitable relief in connection with the use of a Leaf Blower, including without limitation, a suit based on nuisance.

67-4. Penalty and Enforcement.

(a) The penalty for violation of this ordinance shall be \$90 and shall be considered an infraction.

(b) The Westport Police Department is hereby authorized to enforce violations of this Chapter by any owner or operator of a Leaf Blower, in accordance with Section C22-1 of the Town Charter.

67-5. Effective Date.

The provisions of this Chapter 67 shall become effective on January 1, 2022.



WESTPORT, CONNECTICUT

OFFICE OF THE TOWN ATTORNEY

EILEEN LAVIGNE FLUG
ASSISTANT TOWN ATTORNEY

MEMORANDUM

To: Brian Stern, Chair, Board of Finance
Velma Heller, Moderator, Representative Town Meeting
Lou Mall, Chair, RTM Employee Compensation Committee

CC: Ira Bloom, Town Attorney
Patty Strauss, Town Clerk

From: Eileen Lavigne Flug, Assistant Town Attorney

Date: April 12, 2019

Subject: Selectmen's Salary Changes

You asked me to research the procedure for changes to the Selectmen's salaries. The Selectmen's salaries can be changed every other year, as follows:

Salaries Established Prior to the Beginning of a Term of Office:

Under the Town Charter, the salaries of all three Selectmen and the Board of Assessment Appeals are to be established upon the recommendation of the Board of Finance in September and the approval of the Representative Town Meeting in October, and there can be no increase in the Selectmen's salaries other than a mid-term salary adjustment by the RTM.¹ Similarly, the Connecticut Constitution also provides that the compensation of an elected official with a 4-year term may only be increased once, by the legislative body, after the official has completed two years of his or her term of office.² The Constitution defines "compensation" as salary "exclusive of reimbursement for necessary expenses or any other benefit to which his office would entitle him."³

¹ Westport Town Charter §C38-4 (attached)

² Article XIX of the Amendments to the Connecticut Constitution (attached)

³ Article XIX of the Amendments to the Connecticut Constitution

The term of office begins upon swearing-in after an election, on the first Tuesday after the third Monday in November.⁴

The most recent swearing-in for the Selectmen and Board of Assessment Appeals was November 21, 2017. (One of the Board of Assessment Appeals members was elected in 2015, and his 4-year term will expire this November.)

Therefore, there can be no increase in the sitting Board of Selectmen's or Board of Assessment Appeals' salaries during their terms of office other than a mid-term salary adjustment.

Mid-term Salary Adjustments:

Both the Town Charter⁵ and the Connecticut Constitution⁶ prohibit an increase in the salary of the Selectmen other than once, after their completion of two years of their terms of office.⁷ Any such increase must be made only by the Representative Town Meeting. While the Constitution does not limit the amount of an increase, our Town Charter limits the increase for the Selectmen to a "cost of living increase."

Since this November will be the mid-term point for the current Selectmen, the RTM could implement a cost of living increase at this time, to be effective upon the beginning of the third year of holding the office, in November.

Please let me know if you would like to discuss this.

⁴ Westport Town Charter §C2-3B

⁵ Westport Town Charter §C38-4

⁶ Article XIX of the Amendments to the Connecticut Constitution.

⁷ Our Charter does not limit increases in the Board of Assessment Appeals salaries to mid-term adjustments, but the Constitution does and would control.

ARTICLE V. - COMMITTEES

Sec. A162-16. - Rules Committee.

- A. Composition of Rules Committee. The Rules Committee shall be composed of the Moderator as Chair, the Deputy Moderator as Vice Chair and one representative from each district to be selected by and from the members from each district. Vacancies shall be filled by the members from the district in which the vacancy occurs.
- B. Term of office. Members shall serve for one year commencing with the annual organization meeting and until their successors are designated.
- C. Responsibilities and duties. The responsibilities and duties of the Rules Committee are to report to the Representative Town Meeting upon the appropriateness of proposed amendments to the Rules of Procedure and upon such other matters as the Moderator of the Representative Town Meeting may refer to it.

Sec. A162-17. - Regular committees.

- A. Regular study committees shall be established by the Representative Town Meeting. They shall function as working committees to study Town affairs and to report their findings to the Representative Town Meeting members.
- B. Appointment of the membership of the committees shall be made by the Moderator, who shall give prime consideration to the personal interests and aptitudes of the Representative Town Meeting members.
- C. Each of these committees shall have such number of members as may be appointed by the Moderator, provided that each committee shall have at least three members.
- D. Any Representative Town Meeting member may attend any committee meeting as a nonvoting member.
- E. These committees shall be charged with the responsibility of keeping fully informed on the plans, activities and progress of the Town within the proper sphere of business of each committee. Specifically, these committees shall:
 - (1) Study and report to the Representative Town Meeting on items within their sphere of business which may come before the body.
 - (2) Provide advance information for Representative Town Meeting members on important matters that will eventually have to be considered and approved or disapproved by that body.
 - (3) Report on matters of importance pertaining to future legislation so that information and opinion can be of mutual benefit to any Town government body and the Representative Town Meeting.
 - (4) Study the accumulated information upon any matter which is within the proper sphere of business of each committee.
- F. In furtherance of the discharge of the responsibility of each committee, at least one member of each committee shall be present at each Board of Finance meeting which deals with an item of business for which a committee may be required to report to the Representative Town Meeting, and at least one member of each committee shall be present at the meeting of any other Town board or commission which deals with an item of business for which the committee is responsible.
- G.

The regular study committees and their proper sphere of action are listed in an Appendix attached to these rules. Questions and further interpretations shall be referred to and decided by the Moderator.

Sec. A162-18. - Special committees.

Special committees may be established by the Moderator or by the Representative Town Meeting. A resolution for appointment of a special committee need not be included in the agenda of a meeting; provided, however, that, upon an affirmative vote of 2/3 of the members present and voting, this item may be presented to and acted upon at any regular meeting during the period when other matters are in order or at such time during the meeting as the Moderator may permit.

Sec. A162-19. - Action by committees.

- A. Referral to committee. Any item with reference to which the Representative Town Meeting is to be required to act may be referred by the Moderator to a regular or special committee appointed by the Moderator for investigation and report, and any such item may be referred to a regular or special committee by appropriate resolution of any meeting. Any matter pending before a committee may, by vote of a majority of the Representative Town Meeting members present and voting at any meeting, be brought to the floor of the meeting for a discussion or for placing on the agenda of the next meeting; except that § A162-13 will apply if the matter is a nonagenda item.
- B. Reports by committees. The report of a committee on any item referred to it shall:
- (1) State its recommendation, the vote thereon in committee and any facts which, in the opinion of the committee, should be considered by the Representative Town Meeting in determining any controversy which may be found to exist.
 - (2) Be subscribed to with the name of only those committee members who have reviewed and approved the report.
 - (3) Be mailed to the members prior to the meeting in accordance with the schedule for such mailing forwarded to the Representative Town Meeting members by the Town Clerk on or about the time of each organization meeting.
- C. See § A162-24 regarding voting by committee chairs.

Appendix A - Regular Committees

The regular study committees of the Representative Town Meeting, with their complete names and a brief description of their responsibilities, are as follows:

The proper sphere of business of the RTM Education Committee shall include study of the operations of the education system and the budget appropriations for these systems.

The proper sphere of business of the RTM Employee Compensation Committee shall include the study of salary rates and other methods of remuneration of Town employees and retainers.

The proper sphere of business of the RTM Environment Committee shall be to help create and maintain a better ecological environment in Westport by initiating and/or studying legislation to this end, including all matters pertaining to the Conservation Commission and all matters pertaining to the disposal and handling of solid and liquid waste and the budget appropriations therefor.

The proper sphere of business of the RTM Finance Committee shall include the study of Town revenues, appropriations, and financial policies and practices, exclusive of individual department budgets. This Committee shall work with the responsible Town officials to secure adequate financial reports for the

Representative Town Meeting. This Committee shall further study the current financial position, the financial aspects of the annual budget, capital requirements and long-term financial planning.

The proper sphere of business of the RTM Health and Human Services Committee shall cover all general health and welfare matters, including the provisions by the Town of social services to the young, the elderly, the disabled and others with special needs, along with the activities of the Human Services Department, the Commission for Senior Services, the Youth Commission, the Westport/Weston Health District, and similar Town or regional committees or organizations, and the budget appropriations therefor.

The RTM Information Technology Committee shall consider matters pertaining to Town information technology and the budget appropriations for these activities.

The proper sphere of business of the RTM Library, Museum and Arts Committee shall include study of the operation of the library facilities of the Westport Public Library, the facilities and operations of the Earthplace: the Nature Discovery Center (but only so long as Town funds are being used therefor), the facilities and operations of any municipal museums which may come into being and the facilities and operations of any arts council and/or arts programs for which appropriation of Town funds are sought or made and which are not under the jurisdiction of the Board of Education.

The RTM Long-Range Planning Committee shall consider matters pertaining to long-range plans for the Town including, but not limited to, long-range plans for open space and other real property as well as the study of long-term projects such as periodic revision of the Town Plan of Conservation and Development and the Town Charter. The committee is encouraged to act as liaison with other RTM committees and other Town boards and committees to study long-range plans for the Town.

The RTM Ordinance Committee shall consider matters pertaining to Town ordinances and regulations, including the establishment and application of criteria for the review of ordinances and regulations that come before the RTM.

The proper sphere of business of the RTM Parks and Recreation Committee shall include the administration, acquisition and use of parks and other recreational facilities, the recreational program and the budget appropriations for these facilities and activities.

The proper sphere of business of the RTM Planning and Zoning Committee shall include all matters pertaining to Town planning, zoning legislation and the budget appropriations for these activities.

The proper sphere of business of the RTM Public Protection Committee shall include all matters concerning the operation of the Police and Fire Departments and shall include all aspects of traffic and public safety and the budget appropriations therefor.

The proper sphere of business of the RTM Public Works Committee shall include the operations of the Department of Public Works and the Public Site and Building Commission and the budget appropriations therefor.

The proper sphere of business of the RTM Transit Committee shall include all matters concerning the operation of the Westport Transit District and all parking within the Town of Westport, including the Railroad Parking Authority and the budget appropriations therefor.

§ C38-4. - Compensation:

The members of all boards and commissions, except the Selectmen and members of the Board of Assessment Appeals, shall serve without compensation unless otherwise provided by the Representative Town Meeting. The Board of Finance will recommend in September and the Representative Town Meeting will approve in October the salaries of the Selectmen and members of the Board of Assessment Appeals. Mid-term salary adjustments may be approved by the Representative Town Meeting without the recommendation of the Board of Finance. The Board of Education shall fix the salaries of the officers and employees appointed by it. The compensation of all other appointed officers shall be fixed by the First Selectman. All compensation fixed as provided herein shall be subject to appropriation according to law. Outside of a cost of living increase, the Selectmen shall not have an increase during their term in office.

CHAPTER 6 - Board of Finance

§ C6-1. - Composition and Election.

- A. The Board of Finance shall consist of 7 elected members, who shall be electors of the Town. No more than 4 shall be members of the same political party.
- B. Members of the existing Board of Finance shall continue in office for their respective terms for which they were elected. Beginning in 1987, 4 members shall be elected at the regular Town election, and 3 members shall be elected at the next succeeding regular Town election and thereafter alternately. The term of each member shall be 4 years and until a successor shall have taken office.

§ C6-2. - Powers and Duties.

The Board of Finance shall have all the powers and duties respecting the annual budget of the Town and other Town appropriations, the determination of the tax rate, the preparation and publication of the Town report, and shall recommend, subject to the other provisions of this Charter, the issuance, reissuance, refinancing, repurchase or the call of bonds and other instruments of indebtedness, and any lease, acquisition or disposition of real property, and all other powers and duties conferred or imposed by law on Boards of Finance. The Board of Finance shall have the power to hire independent auditors who shall have the authority to audit all of the books and records of the Town in accordance with General Statutes and accounting standards applicable to municipalities. It shall notify the Moderator of the Representative Town Meeting of its action on appropriation requests within 1 week of such action. The Board of Finance may appoint a Clerk, who shall not hold any other Town office. Notice of each meeting and agenda shall be published at least 5 days before each regular meeting in a newspaper having a substantial circulation in the Town. In determining the 5 days, neither the day of notice nor the day of the meeting shall be counted.

Last Name	First Name	Location Desc	Group/BU Desc	Pay Annual Salary
CONRAD	GARY	FINANCE DEPARTMENT	SUPERVISORS	184,442.05
KOSKINAS	FOTIOS	POLICE	SUPERVISORS	169,000.00
YOST	ROBERT	FIRE DEPARTMENT	SUPERVISORS	167,077.00
RATKIEWICH	PETER	ENGINEERING	SUPERVISORS	157,593.75
ARCIOLA	SAMUEL	POLICE	SUPERVISORS	154,963.03
KRONICK	MICHAEL	FIRE DEPARTMENT	SUPERVISORS	152,676.81
GIBBONS	NATHANIEL	FIRE DEPARTMENT	SUPERVISORS	152,376.81
ZHANG	EILEEN	INFORMATION TECHNOLOGY	SUPERVISORS	147,665.88
FARRELL	DAVID	POLICE	SUPERVISORS	145,782.02
PAULSSON	RYAN	POLICE	SUPERVISORS	145,782.02
BROADBIN	JOHN	ENGINEERING	SUPERVISORS	141,834.38
SMITH	STEPHEN	BUILDING INSPECTION	SUPERVISORS	141,320.50
CHETCUTI	RALPH	PERSONNEL	SUPERVISORS	140,116.98
CABANA	JILLIAN	POLICE	SUPERVISORS	136,850.84
GOUVEIA	MATTHEW	POLICE	SUPERVISORS	136,850.84
PREZIOSO	ANTHONY	POLICE	SUPERVISORS	136,850.84
WOLF	DAVID	POLICE	SUPERVISORS	136,850.84
WOODS	ERIC	POLICE	SUPERVISORS	136,850.84
KIRBY	BRETT	FIRE DEPARTMENT	FIRE LOCAL 1081	135,858.00
FRIIA	PAUL	ASSESSOR	SUPERVISORS	135,801.80
FAVA	JENNIFER	P&R ADMINISTRATION	SUPERVISORS	135,764.68
YOUNG	MARY	PLANNING & ZONING	SUPERVISORS	133,103.68
COHEN	MATTHEW	FIRE DEPARTMENT	FIRE LOCAL 1081	131,858.00
GOOTMAN	JEFFREY	FIRE DEPARTMENT	FIRE LOCAL 1081	131,858.00
HESSBERGER	PHILIP	FIRE DEPARTMENT	FIRE LOCAL 1081	131,858.00
MEADOWS	BRIAN	FIRE DEPARTMENT	FIRE LOCAL 1081	131,358.00
SULLIVAN	SCOTT	HIGHWAY	SUPERVISORS	128,118.19
SACHS	JAMIE	INFORMATION TECHNOLOGY	SUPERVISORS	123,516.92
CAREY	SHEILA	FINANCE DEPARTMENT	SUPERVISORS	121,419.42
DAIGNAULT	ELAINE	SOCIAL SERVICES	SUPERVISORS	119,771.25
FURTADO	MANNY	SEWAGE TREATMENT	SUPERVISORS	118,063.58
MOZIAN	ALICIA	CONSERVATION	SUPERVISORS	115,736.19
SCULLY	LYNN	FINANCE DEPARTMENT	SUPERVISORS	113,714.80

DOBSON	SERENITI	POLICE	POLICE LOCAL 2080, #15	111,466.30
BAGLEY	RICHARD	POLICE	POLICE LOCAL 2080, #15	111,466.00
HAYES	MICHAEL	POLICE	POLICE LOCAL 2080, #15	111,466.00
DUNN	TERRENCE	FIRE DEPARTMENT	FIRE LOCAL 1081	110,944.00
LIBRANDI	DAVID	POLICE	POLICE LOCAL 2080, #15	110,766.00
RUSSO	SHARON	POLICE	POLICE LOCAL 2080, #15	110,466.00
PIPER	JONATHAN	FIRE DEPARTMENT	FIRE LOCAL 1081	110,444.00
REILLY	TIMOTHY	FIRE DEPARTMENT	FIRE LOCAL 1081	109,944.00
HARRIS	SARA	SELECTMAN	SUPERVISORS	108,000.00
FRAWLEY	MICHAEL	BUILDING MAINTENANCE	SUPERVISORS	107,163.75
MARPE	JAMES	SELECTMAN	SUPERVISORS	104,925.00
WHITELEY	HARRY	TAX COLLECTOR	SUPERVISORS	102,500.00
THOMPSON	BRYAN	SEWAGE TREATMENT	SUPERVISORS	100,860.00
WILBERG	KEITH	ENGINEERING	SUPERVISORS	100,860.00
DUMAS	KEVIN	FIRE DEPARTMENT	FIRE LOCAL 1081	100,732.90
KRONENBERGER	JASON	FIRE DEPARTMENT	FIRE LOCAL 1081	100,732.90
MAISANO	ANTHONY	FIRE DEPARTMENT	FIRE LOCAL 1081	100,732.90
MARSAN	NICHOLAS	FIRE DEPARTMENT	FIRE LOCAL 1081	100,732.90
MCHUGH	BRENDAN	FIRE DEPARTMENT	FIRE LOCAL 1081	100,732.90
OSTAPCHUK	TOBIAS	FIRE DEPARTMENT	FIRE LOCAL 1081	100,732.90
PFISTER	SUSAN	SENIOR SERVICES	SUPERVISORS	100,436.21
RACHO	BENJAMIN	FIRE DEPARTMENT	FIRE LOCAL 1081	100,232.90
ARNSON	JOSEPH	FIRE DEPARTMENT	FIRE LOCAL 1081	100,032.90
GIUNTA	RICHARD	P&R ADMINISTRATION	SUPERVISORS	100,000.00

TOWN OF WESTPORT FIRST SELECTMAN SALARY REVIEW									
FISCAL YEAR	SALARY	CAR ALLOW	TOTAL COMP	MGMNT INCREASE	SALARY	TOTAL COMP	CPI INCREASE CPI-W*	SALARY	TOTAL COMP
7/1/2003	\$ 101,475	\$ 4,800	\$ 106,275						
7/1/2004	\$ 101,475	\$ 4,800	\$ 106,275	3.00%	\$ 104,519	\$ 109,319	3.160%	\$ 104,682	\$ 109,482
7/1/2005	\$ 101,475	\$ 4,800	\$ 106,275	3.15%	\$ 107,820	\$ 112,620	3.420%	\$ 108,262	\$ 113,062
7/1/2006	\$ 101,475	\$ 4,800	\$ 106,275	3.19%	\$ 111,251	\$ 116,051	3.760%	\$ 112,332	\$ 117,132
7/1/2007	\$ 101,475	\$ 6,000	\$ 107,475	3.38%	\$ 115,011	\$ 121,011	3.670%	\$ 116,455	\$ 122,455
7/1/2008	\$ 101,475	\$ 6,000	\$ 107,475	4.19%	\$ 119,830	\$ 125,830	2.950%	\$ 119,890	\$ 125,890
7/1/2009	\$ 101,475	\$ 4,800	\$ 106,275	2.93%	\$ 123,341	\$ 128,141	4.260%	\$ 124,999	\$ 129,799
7/1/2010	\$ 101,475	\$ 4,800	\$ 106,275	0.00%	\$ 123,341	\$ 128,141	4.710%	\$ 124,999	* \$ 129,799
7/1/2011	\$ 101,475	\$ 4,800	\$ 106,275	3.00%	\$ 127,041	\$ 131,841	2.160%	\$ 127,698	\$ 132,498
7/1/2012	\$ 101,475	\$ 4,800	\$ 106,275	2.65%	\$ 130,408	\$ 135,208	3.250%	\$ 131,848	\$ 136,648
7/1/2013	\$ 101,475	\$ 4,800	\$ 106,275	2.25%	\$ 133,342	\$ 138,142	2.050%	\$ 134,551	\$ 139,351
7/1/2014	\$ 101,475	\$ 4,800	\$ 106,275	2.50%	\$ 136,676	\$ 141,476	1.600%	\$ 136,704	\$ 141,504
7/1/2015	\$ 101,475	\$ 4,800	\$ 106,275	2.50%	\$ 140,093	\$ 144,893	1.250%	\$ 138,412	\$ 143,212
7/1/2016	\$ 101,475	\$ 4,800	\$ 106,275	2.50%	\$ 143,595	\$ 148,395	1.010%	\$ 139,811	\$ 144,611
7/1/2017	\$ 101,475	\$ 4,800	\$ 106,275	2.50%	\$ 147,185	\$ 151,985	1.020%	\$ 141,237	\$ 146,037
7/1/2018	\$ 101,475	\$ 4,800	\$ 106,275	2.50%	\$ 150,865	\$ 155,665	1.030%	\$ 142,691	\$ 147,491
7/1/2019	\$ 101,475	\$ 4,800	\$ 106,275	2.50%	\$ 154,636	\$ 159,436	1.020%	\$ 144,147	\$ 148,947
7/1/2020	\$ 101,475	\$ 4,800	\$ 106,275	2.25%	\$ 158,116	\$ 162,916	1.010%	\$ 145,603	\$ 150,403
Current	\$ 104,925	\$ 4,800	\$ 109,725						
* U.S. Bureau of Labor Statistics Consumer Price Index - Urban Wage Earners and Clerical Workers (CPI-W) New York, Northern New Jersey - Long Island, NY-NJ-PA (1982-1984 + 100)									
** There was a salary freeze for fiscal year 2010-2011.									

Salary Survey - Fiscal Year 2020/2021

Survey_MunicipalPosit	TownName	Population	Mill Rate	Government Type	ActualSalary	Benefits Eligible	Pension Eligible	Additional Comp	Has Car Allowance	AdditionalComp mp	Offered DBPlan	^{de} 98 Employer Contribution	DC Vesting Schedule
First Selectman	Fairfield	62105	26.79	Representative town meeting	\$145,072	Yes	Yes	No	Yes	No	Yes	0	5
First Selectman	Ridgefield	25187	28.12	Selectman-Town Meeting	\$138,417	Yes	Yes	Yes	No	Yes	Yes	8	5
First Selectman	Darien	21887	16.47	Representative town meeting	\$135,000	Yes	Yes	No	No	No	Yes	0	5
First Selectman	Redding	9233	32.84	Selectman-Town Meeting	\$123,334	Yes	Yes	No	No	Yes	Yes	14.95	5
First Selectman	Guilford	22283	32.03	Selectman-Town Meeting	\$114,714	Yes	No	No	No	Yes	Yes	0	5
First Selectman	Brookfield	17133	29.14	Selectman-Town Meeting	\$112,750	Yes	No	Yes	No	Yes	Yes	5	5
First Selectman	Newtown	27965	34.77	Selectman-Town Meeting	\$108,678	Yes	Yes	No	No	Yes	Yes	2	1
First Selectman	Southbury	19571	29.1	Selectman-Town Meeting	\$108,009	Yes	Yes	No	Yes	No	Yes	0	5
First Selectman	Waterford	19007	27.98	Representative town meeting	\$107,595	Yes	Yes	No	No	Yes	Yes	0	0
First Selectman	Suffield	15698	28.72	Selectman-Town Meeting	\$107,371	Yes	No	No	No	No	Yes	21.2	5
First Selectman	Branford	28111	29.07	Representative town meeting	\$105,788	Yes	No	No	No	No	Yes	13	0
First Selectman	Westport	28042	16.86	Representative town meeting	\$104,925	Yes	No	No	Yes	No	Yes	96	5
First Selectman	Madison	18196	28.35	Selectman-Town Meeting	\$100,000	Yes	No	No	No	No	No	0	5



THE DEPARTMENT OF HUMAN SERVICES

TOWN HALL, 110 MYRTLE AVENUE
WESTPORT, CT 06880
(203) 341-1050 FAX (203) 341-1073
EMAIL: HUMANSRV@WESTPORTCT.GOV

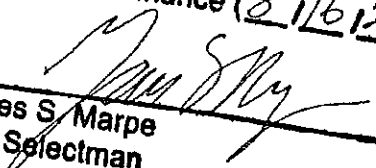
~~Item 5~~
BOF Approved 9/1/21

BACK UP MATERIAL
RTM ITEM # 2

TO: James Marpe, First Selectman
CC: Gary Conrad, Finance Director
Steve Smith, Building Official
FROM: Elaine Daignault, DHS Director
DATE: August 13, 2021
RE: **BOF REQUEST: September 1st, 2021**

Please find the below request from DHS and the Building Department for the September 1st, 2021 Board of Finance agenda:

To approve a \$75,000 reimbursable appropriation to implement pre-project activities associated with the Special Round CARES ACT Small Cities Grant #SC2015803, awarded to the Town of Westport for Westport Homeless & Food Insecurity Improvements at Gillespie Center (Homes with Hope).

Approved for submission
To Board of Finance (8/16/21)

James S. Marpe
First Selectman

MINUTES OF THE MEETING OF
RTM HEALTH AND HUMAN SERVICES COMMITTEE
AUGUST 23, 2021

The RTM Health and Human Services Committee meet on August 23, 2021 at 7:00pm via Zoom. Attendees were as follows:

RTM Members – Jessica Bram, Committee Chair, Andrew Colabella, Arlene Gertzoff, Karen Kramer, Jack Klinge, Kristin Schneeman, Lauren Soloff and Chris Tait

Other Town Employees – Elaine Daignault, Director of the Health and Human Services Department, and Steve Smith, Westport Building Inspector

The first order of business was to discuss a request of the Director of Health and Human Services to approve an appropriation in the amount of \$75,000 for architectural services and the environmental evaluation of asbestos and lead at the Gillespie Center. Although at the time of the meeting the request had not yet been presented to the Board of Finance, HHS wanted to provide the committee with background information. The request will go before the RTM again, if approved by the Board of Finance at its September 1, 2021 meeting.

Elaine Daignault presented the request, explaining that Westport previously was granted a \$500,000 Department of Housing grant for improvement to the Gillespie Center as part of a special round of COVID-19 Cares Act funding via a previously approved the Small Cities Grant. The grant was awarded for the purpose of preventing the spread of COVID-19 in the shelter environment. The proposed project incorporates a renovation to the shelter that will allow safe distancing, better access to the food pantry and laundry area, and separate office space for staff to meet with clients. The \$75,000 request will specifically cover the continuation of pre-project activities, including funding for the architect's contract and a preliminary environmental assessment of the building. She explained that these funds are eligible for reimbursement through the previously approved grant.

The committee discussed the overall usage of the Gillespie Center which presently has ten occupied beds for men (15 before Covid), and two occupied beds for women (4 before Covid). In addition, there are cots available for the community room to shelter additional individuals in the cold weather. Last year eighty-eight people received shelter at the center. The Gillespie Center also serves approximately 2100 meals a year to those in need, and houses the food pantry which distributes approximately 1400 bags of nonperishable food annually.

Although this item will return to the RTM for review following Board of Finance approval, the Committee did vote on the matter. Jack Klinge made a motion to approve, and Kristin Schneeman seconded. The Committee voted unanimously to support the request. (Note that although Lauren Soloff is a board member of Homes with Hope, it was determined that she need not recuse herself from this vote.)

Following the vote, Elaine Daignault presented the Committee with an outline of the funds that the Health and Human Services Department anticipated requesting from the town as part of the allocation of the \$8 million American Rescue Plan funds received by Westport. The future request may include the following: \$15,000 for a memo of understanding with the VNA to provide support services to homebound seniors as a stop gap measure until WWHD is back up and running; \$50,000 for financial assistance for counseling services and enhanced access to mental health supports through non-profit partnerships (Positive Directions, Liberation Programs, Mentor Program, prevention efforts); \$75,000 to provide short-term emergency assistance funds to benefit income-eligible residents experiencing housing insecurity and financial hardship due to COVID-19 related loss of income; \$40,000 for enhanced public transportation for lower-income individuals (local shopping loop); \$150,000 for improvements to Project Return; and \$55,000 for an Affordable Housing Administrator. The total anticipated request is \$385,000.

The Board of Finance and the RTM will review the allocation of the American Rescue Plan funds once the Board of Selectmen receives public input and makes a final recommendation.

Following our discussion of ARPA funds, the meeting was adjourned.

Respectfully submitted by:

Lauren Soloff, RTM District 9

Sec X-XXX. - Civilian Police Review Board.

(a) Establishment.

There is hereby established a civilian police review board ("Review Board") to investigate complaints concerning members of the Westport Police Department ("WPD"), to participate in hiring decisions for officers of the WPD, and to receive and make recommendations for service awards for officers of the WPD who are nominated by civilians for their outstanding contributions to the community. It is in the interest of Westport residents and the WPD that investigations of complaints concerning police officers and hiring decisions be thorough, transparent and impartial.

(b) Composition.

(1) The Review Board shall be comprised of five voting members appointed by the Representative Town Meeting (RTM) by a majority vote of a quorum of the RTM. The RTM shall also appoint two alternates. Except as provided in subsection (b)(5) below, each member shall serve for a term of four-years or until his successor is appointed and sworn in.

(2) The appropriate RTM committee, as appointed by the Moderator, will interview candidates for the Review Board; the recommended nominees will be considered and voted on by a quorum of the entire RTM. Relevant considerations for Review Board candidates include, amongst other considerations, those with legal and evidentiary skills, investigative skills, and diverse backgrounds. Subject to the approval by vote of a quorum of the entire RTM, TEAM Westport shall either nominate one of its members to be one of the five members of the Review Board, or shall nominate a Westport resident from outside TEAM Westport. If the RTM does not approve TEAM Westport's nominee, TEAM Westport shall submit subsequent nominees, until one TEAM Westport nominee is approved.

(3) Review Board members shall be electors of the Town who are at least 21 years of age and who have no felony convictions. Review Board members shall not be current employees of the WPD or the Town of Westport, elected officials of the Town of Westport or an immediate family member of a current WPD employee.

(4) Party Affiliation of Members. In accordance with CGS § 9-167a and Chapter 2 of the Town Charter, no more than a bare majority of members of the Review Board shall be members of the same political party.

(5) Staggered Terms. Board members will serve staggered terms. For the term beginning in November 2021, three members shall each be appointed for four-year terms and two members shall be appointed for two-year terms. The RTM will make the initial appointments before March 15, 2022. Beginning in 2023, appointments, except those filling the vacancy in accordance with subsection (c), shall be for four-year terms.

(6) Review Board members shall be sworn to the faithful performance of their duties and shall serve without compensation and will not be reimbursed for personal expenses such as travel or paper/ink for home printing. Any actual expenses and disbursements such as expenses for stenographer, transcripts and subpoena service costs incurred in the performance of the Review Board's duties shall be paid from the Westport Town treasury.

(c) Resignation.

Any member of the Review Board who misses three consecutive regularly scheduled Review Board meetings or four regularly scheduled Review Board meetings in a twelve consecutive month period shall be considered to have resigned. Any vacancy on the Review Board occasioned by resignation, death, inability to serve, or otherwise shall be filled for the unexpired term in accordance with Section C38-3 of the Town Charter.

(d) Powers, Jurisdiction and Duties Regarding Complaints.

(1) With the assistance of the WPD as indicated in subsection (e), the Review Board shall review, investigate and have jurisdiction over all citizen complaints against WPD officers. The Review Board, as a Board within the Town government, shall have the authority and responsibility to review and investigate civilian allegations of police misconduct, and to review input from WPD's Professional Standards Division to ensure that reports and conclusions are complete, accurate and factually supported, to hold hearings and make credibility determinations, and to make recommendations to the Chief of Police or Acting Chief of Police ("Chief") in connection therewith.

(2) The Review Board and WPD shall inform all complainants that complaints should be filed contemporaneously with both the WPD and the Review Board. Upon receipt of a complaint, the WPD and Review Board shall promptly share such complaints with each other in order to ensure both have been contemporaneously notified of a new complaint. The WPD shall post a sign in the lobby of WPD headquarters and on the WPD website informing complainants of the dual-filing requirement. The WPD and Review Board complaint forms must have the same dual-filing instructions clearly printed at the top of the complaint forms, along with notification that the Review Board will investigate and respond to the complaint. Complaints are to be filed with the WPD in accordance with CT Gen Stat § 7-294bb.

(3) The Review Board shall have the power to issue subpoenas to compel witness attendance before the Review Board and to require the production of records it deems relevant to any matter under investigation or in question.

(i) The person to whom such subpoena is issued may, not later than fifteen days after service of such subpoena, or on or before the time specified in the subpoena for compliance if such time is less than fifteen days after service, serve upon the board written objection to the subpoena and file such objection in the Superior Court which shall adjudicate such objection in accordance with the rules of the court.

(ii) If the person to whom such subpoena is issued fails to appear or if having appeared refuses to testify or produce the evidence required by such subpoena, the Superior Court, upon application of such board, shall have jurisdiction to order such person to appear or to give testimony or produce such evidence, as the case may be.

(4) The Review Board may take measures, as permitted under the law, to promote independent testimony and to deter witness intimidation. Except as provided under the Law Enforcement Officers Safety Act (LEOSA), 18 USC §§ 926B and 926C, and other applicable law, no firearms will be permitted at a Review Board hearing.

(5) The Review Board may refer to the Connecticut Rules of Evidence for guidance during all hearings, proceedings, and in determining the scope of subpoenas. The Review Board may refer to the Connecticut Rules of Civil Procedure for guidance in proceedings to the extent the Board members consider it useful or necessary.

(e) WPD Support for the Review Board

- (1) The WPD shall provide members of the Review Board with copies of the policies, procedures and directives of the WPD relevant to the WPD's duties.
- (2) The Review Board and WPD's Professional Standards Division shall have access to the same files and reports to the extent legally permissible.
- (3) When requested by the Review Board, the Chief shall assign the Captain of Professional Standards to advise the Review Board as to police policies and procedures and to attend any meetings at which the Review Board requires his or her presence, and to assist with Board investigations of complaints pursuant to (e)(5), below.
- (4) All aspects of the investigation of the complaint shall be delegated to the WPD to perform with the following exceptions: as provided in (g)(3) below, the Review Board will conduct the interviews and take the sworn testimony of the complainant and his or her identified and designated witnesses, and the accused police officer and the identified and designated police or respondent witnesses. The oath for such sworn testimony shall be administered by either a Connecticut admitted attorney who is a member in good standing of the Connecticut Bar, an officer of the Superior Court, a justice of the peace, a notary public, the town clerk, assistant town clerk, or anyone else qualified to administer such oaths under CGS1-24.
- (5) If, prior to the Board's determination and final recommendation, the complainant objects to any portion of the investigation that was performed by the police, the Board will review the portion of the police investigation complained of, and determine whether it was done appropriately, and will have the power to conduct that portion of the investigation directly, when the Review Board deems it necessary to do so. As necessary in accordance with this provision, the WPD shall assist the Review Board with the Review Board's investigations when reasonably requested to do so by the Review Board.

(f) Evaluation of Prospective Police Hires.

The Review Board shall be included in the evaluation process for prospective police officer hires and will make recommendations to the First Selectman and Chief in connection therewith. Solely for purposes of hiring decisions, the Chief shall serve as an *ex officio* non-voting member of the Review Board.

(g) Operations.

The Review Board shall elect one (1) of its members to be Chair and one (1) of its members to be Secretary on an annual basis. It shall hold regular monthly meetings whenever there are open complaint investigations or hiring decisions to be made and shall keep written records of all meetings. Such monthly meetings can be cancelled with advance notification if there is no business to be conducted. When sufficient cause exists, the Review Board may convene special meetings, in accordance with its policies and procedures, with advance published notice as required by FOIA. A majority of the members of the Review Board shall constitute a quorum.

- (1) The Review Board shall designate a spokesperson for, and as liaison between, the Review Board and the First Selectman with respect to each decision, recommendation

and finding, as described further herein.

(2) The meetings of the Review Board shall be open to the public, except that the Review Board may hold executive sessions in accordance with state law. Meetings of the Review Board shall be held at Town Hall or at such other place, or electronically, as determined by the Chair of the Review Board and permitted by state law. The Review Board can adopt rules and regulations for its operation, so long as they are not inconsistent with this legislation.

(3) In the course of its proceedings with respect to citizen complaints, the Review Board may take testimony from witnesses concerning the alleged conduct which is the subject of the complaint. All testimony by witnesses before the Review Board shall be sworn under oath, and recorded or transcribed. The Review Board may require a WPD officer to participate in a meeting where the Review Board is evaluating a complaint against that officer, provided that no such WPD officer shall be compelled to testify in the event his or her Fifth Amendment right is implicated.

(4) Following the review of a citizen complaint, the Review Board will determine whether or not the citizen complaint is upheld and make its recommendation for or against disciplinary action. The Review Board will promptly report its findings and determinations to the Chief. A copy of the complaint and the Review Board's findings and determinations shall be maintained by the Review Board. Final decisions upheld by the Chief shall be maintained in the WPD officer's personnel file.

(5) (i) The Review Board will use its best efforts to complete its review of every civilian complaint within sixty (60) days of receipt thereof. In the event that circumstances prevent the completion of a review of a civilian complaint within sixty (60) days, the Review Board will submit written cause for the delay and reason(s) for the same to the office of the First Selectman.

(ii) The Chief shall consider the findings and recommendations of the Review Board and decide whether to accept or reject the recommendation within two weeks of the Chief's receipt of the Review Board's decision. In the event that the Chief seeks an extension, the Board may grant it if good cause is shown. Within two weeks of receipt of the Review Board's decision, or upon the end of any extension granted by the Review Board if later, the Chief shall notify the Review Board in writing of his or her decision and the reasons for said decision related to each specific civilian complaint.

(iii) The Chief must impose the discipline, if any, as soon as possible, after notifying the Review Board of his or her decision, unless the Chief determines that public safety requires discipline to be imposed earlier.

(6) Nothing herein shall prevent the Chief from immediately placing an employee on administrative leave, should circumstances so warrant.

(h) Continuous Improvement of Complaint Process. The Review Board may also make recommendations to the Chief and First Selectman for revision of specific police department policies and procedures related to the civilian complaint process.

(i) Accountability.

(1) The Review Board shall prepare an annual report to the First Selectman indicating: the total number of complaints filed, the number of each type of complaint filed, the names of police officer(s) about whom complaints were filed, the name and number of complaints filed against each police officer against whom multiple complaints were filed, and the disposition of the complaints.

(2) The Chief shall prepare an annual report to the Review Board and the FirstSelectman indicating any disciplinary actions taken and training offered to police officer(s) against whom civilian complaints were received.

(j) Police and Citizen Awards.

Westport citizens may also submit to the Review Board any recommended commendations of WPD officers whose conduct goes above and beyond the call of duty. Each year, the Review Board shall determine whether to recognize WPD officers for commendable service, to be announced at an annual awards ceremony.

(k) Effective date.

This ordinance shall be effective November____, 2021.

**WESTPORT REPRESENTATIVE TOWN MEETING
CONDUCT GUIDELINES AND EXPECTATIONS**

STATEMENT OF PURPOSE

This document describes the expected behaviors, manners, and courtesies of Representative Town Meeting (RTM) members as we carry out our vital commitment to the Town. Section A162-20.1A of the RTM's Rules of Procedure requires RTM members to conduct themselves in a manner above reproach. The primary purpose of these precepts is to provide more specific guidance, including, in particular, to clarify expectations regarding member conduct at public meetings and in written communications.

The consistent theme throughout these guidelines is Respect: for Westport citizens, for Town employees, for each other, and for all elected officials. RTM members sometimes experience stress in making decisions that impact citizens' lives. At times, the impacts of decisions on the entire community must be weighed against the needs of only a few. Despite these pressures, RTM members are called upon to exhibit appropriate, respectful behavior when engaged in RTM business or when otherwise representing themselves as RTM members.

The RTM strives to create an inclusive environment where anyone, of any background, can contribute.

These guidelines do not in any way supersede the Westport Town Charter, Code of Ordinances, the RTM Rules of Procedure, Robert's Rules of Order, or applicable local, state and federal laws, rules, regulations, or policies.

In addition, these guidelines are not meant to stifle debate or to prevent RTM members from enthusiastically defending issues and positions. The First Amendment to the U.S. Constitution, as well as the Constitution of the State of Connecticut, protects the free speech rights of RTM members just as much as the free speech rights of their fellow citizens. This Code provides guidance to help ensure that RTM members, who hold a unique position of authority in our Town, exercise their First Amendment rights with due respect for one another and for the many different stakeholders in our Town.

Resources that are helpful in defining the roles and responsibilities of RTM members can be found in the Westport Town Charter, Code of Ordinances, the RTM Rules of Procedure, and Robert's Rules of Order.

It all comes down to respect.

Respect for others as individuals of diverse backgrounds, personalities, capabilities and abilities, values, opinions, and goals . . . respect for the validity of different opinions . . . respect for the democratic process . . . respect for the community that we serve.

RTM MEMBERS' CONDUCT WITH ONE ANOTHER

In RTM Meetings

• Participation in meetings

All RTM members should:

- Participate fully in monthly RTM meetings and meetings of RTM Committees of which they are members, while demonstrating respect, kindness, compassion, courtesy, and attentiveness to others.
- Be visible when speaking or voting during electronic meetings.
- Prepare for meetings by becoming familiar with agenda items in advance.
- Respect other people's time. Stay focused and act efficiently during public meetings.

• Nonpartisan nature of RTM as a body

The RTM as a body strives to act in a nonpartisan manner, seeking to do what is best for the Town without regard to party affiliations. Traditionally, RTM members refrain from mentioning their party affiliations during RTM meetings.

• Practice civility, professionalism and decorum in discussions and debate

Difficult questions, challenges to points of view, and criticism of ideas and information are legitimate elements of a free democracy in action. RTM members, however, should take great care to treat all attendees with respect and courtesy, even—or especially—when debating the most contentious issues.

Treating one another with respect and courtesy includes avoiding personal attacks on one another.

• Honor the role of the Moderator and Committee Chairs in maintaining order

It is the responsibility of the Moderator and Committee Chairs to keep the comments of all speakers on track during meetings. Under state law, RTM and Committee meetings can only discuss items on the agenda. RTM members should honor efforts by the Moderator and the Chairs to focus discussion on current agenda items. Any disagreements about the agenda or the Moderator's or Chair's actions should be voiced politely and with reason, following procedures outlined in Robert's Rules of Order.

RTM members may speak only after being recognized by the Moderator or the Chair, unless the Committee Chair has expressly permitted a more "informal" conversation to take place on a particular issue. In particular, RTM members should not interrupt each other, or other speakers. Doing so conveys to those who are being interrupted the sense that their views are not welcomed.

The admonition against interruptions applies even when an RTM member has questions for a particular speaker. The member should wait until the speaker is finished, and ask any questions only after being called upon by the Moderator or Chair.

RTM members sometimes invoke “*Point of Order*” incorrectly to justify an interruption. According to Robert’s Rules, an interruption by calling “*Point of Order*” can only occur if a member believes that the rules of the assembly, or federal, state, or local rules of procedure, are being violated, and must generally be called at the time the violation or breach occurs. “*Point of Order*” is not an appropriate interruption for any other reason, including to voice disagreement with a speaker, or to ask a question of a speaker.

- **Be punctual**

RTM members have made a commitment to attend meetings and to partake in discussions. It is important for RTM members to be punctual out of respect for others and so that meetings can start on time.

- **Addressing disruptive or inappropriate behavior**

Should there be a concern about a breach of any of these guidelines, including by unwarranted interruptions or personal attacks, an RTM member may raise it with the Moderator or Chair, including by privately raising the issue, or by calling a *Point of Order* to note a breach at a meeting. It is the responsibility of the Moderator or the Chair to address any breaches, consistent with Robert’s Rules and the Connecticut Freedom of Information Act (FOIA), up to and potentially including ejection from a meeting.

In Private Communications With Other RTM Members

- **Continue respectful behavior in private**

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private communications among RTM members.

- **Don’t forget FOIA**

Avoid emails among a quorum of the RTM or a Committee to avoid unnoticed meetings. *In particular, do not use “Reply All” to engage in substantive discussions.* Be aware that all records, including electronic records like e-mails and texts, that relate to the conduct of RTM business, including communications with constituents, may be disclosable under FOIA. You should consult the RTM FOIA handout from the Town Attorney’s office for details.

- **Even private conversations can have a public presence**

Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them. Conversations may be overheard, parking lot debates observed, and casual comments noted before and after public meetings.

RTM MEMBERS' CONDUCT WITH TOWN STAFF

- **Treat all staff with respect**

RTM members should treat all Town staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. RTM members must remember that Town employees work for the Town, not for the RTM. Any concerns about a Town employee's performance, other than in connection with an agenda item under discussion by the RTM, may be raised either to the employee or to the employee's department head or the First Selectman, but should not be aired in a public meeting.

Part of the job of RTM members is to scrutinize requests we receive from Town departments, and RTM members are always free to disagree with, and criticize, such requests. Yet as a matter of respect, RTM members should take care that disagreement with proposals does not devolve into personal attacks on Town employees.

RTM MEMBERS' CONDUCT WITH THE PUBLIC

In RTM Meetings

Making the public feel welcome is a critical part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual RTM members towards any individual participating in an RTM meeting. Every effort should be made to be fair and impartial in weighing public testimony.

- **Be welcoming and cordial to speakers**

Speaking in front of the RTM can be an intimidating experience for many people. How RTM members treat people during public hearings can lessen or heighten discomfort and can encourage or suppress free expression. RTM members' language, facial expressions, and tone of voice may be experienced as intimidating, dismissive, or aggressive. Comments and non-verbal expressions should be appropriate, respectful, and convey appreciation for public participation.

- **Ask for clarification, but avoid debate and argument with presenters**

Questions directed by RTM members to presenters should seek to clarify or expand information, not to criticize or debate.

- **Be transparent about ordinances**

RTM members are always free to help petitioners draft potential ordinances for consideration by the RTM. When an RTM member has played an instrumental and ongoing role in formulating an ordinance, the RTM member should disclose this involvement when participating in meetings addressing the ordinance.

In Communications Outside Of RTM Meetings

- **Speak only on your own behalf**

RTM members will frequently be asked to explain an RTM action or to give their opinion about an issue as they meet and talk with constituents, when speaking before another Town board or commission, when contacted by the media for background and quotes, or when posting on social media. RTM members are free to report and comment on RTM actions, and may identify themselves as RTM members when doing so, but should make clear that their comments represent only their personal viewpoint, not those of other RTM members, an RTM Committee, or the RTM as a whole (unless they have their specific authorization to do so).

- **The Moderator is the official spokesperson for the Representative Town Meeting**

The Moderator is the designated representative of the RTM to present and speak on the official RTM position.

- **Social Media**

RTM members have the same rights as any other citizen to use social media to express their views and to participate in public debates. However, RTM members should remember that the guidelines in this document apply to RTM-related communications on social media, as well.

**What You Need to Know About Westport's
Proposed Leaf Blower Ordinance**

<p>What is being proposed?</p>	<p>A <u>seasonal</u> ban on <u>gas-powered</u> leaf blowers <u>during the summer and winter</u>. Gas blowers would still be allowed during emergencies and for spring/fall cleanups, subject to restrictions on hours, holiday use, and the number of machines that may be used simultaneously. Battery/electric leaf blowers would be allowed year-round, subject to restrictions on hours and holiday use.</p>
<p>Why is this ordinance necessary?</p>	<p>Gas-powered leaf blowers have significant negative impacts on our health and quality of life. Leading commercial brands of gas leaf blowers are 100+ decibels at the source and as high as 83 decibels at 50 feet. In fact, most commercial gas blowers exceed the recommended levels for outdoor noise set by the World Health Organization (55 decibels). The decibel levels for today's gas equipment are 1000x or higher than the safe levels set by OSHA. In addition, the sound produced by gas blowers has a strong low frequency component that allows harmful levels of sound to travel long distances and penetrate walls and windows. For that reason, even one gas blower can impact an entire neighborhood.</p> <p>The noise from leaf blowers is not only a nuisance, but a health issue. Extensive scientific evidence shows that exposure to loud and/or persistent noise causes or contributes to health problems including hearing loss, hypertension, heart disease, sleep disturbance, cognitive impairment, and diminished school performance. Anything above 60 decibels increases the risk of heart disease and above 75 decibels increase the risk of hearing damage.</p> <p>The emissions from gas blowers are also a problem. Gas blowers produce copious amounts of fine particulate matter, which is linked to cancer and other health issues. Gas blowers also produce prodigious amounts of volatile organic compounds, including benzene, formaldehyde, and 1,3 butadiene, three of the most carcinogenic air pollutants in the world. Relative to their size, leaf-blowers are extremely polluting machines. Approximately, one-third of their fuel is released into the air unburned. Researchers estimate that the ozone pollution released from running one gas blower for one hour is the equivalent of driving a 2017 Camry 1100 miles. According to the American Lung Association, Connecticut already has one of the highest ozone levels east of the Mississippi.</p>
<p>Do other towns regulate blowers?</p>	<p>Yes. More than 200 towns across the country already ban or regulate blowers. Even in our region, where there are lots of leaves, the list is long and includes Greenwich (CT), Larchmont (NY), Hastings-on-Hudson (NY), Mamaroneck (NY), Sleepy Hollow (NY), Southampton Village (NY), Irvington (NY), Scarsdale (NY), Newton (MA), Cambridge, (MA), Brookline (MA), Lincoln (MA), Montclair (NJ), & Maplewood (NJ).</p>
<p>Why are we also regulating battery/electric blowers?</p>	<p>Although electric/battery blowers are quieter than gas, they are still noisy and, as with gas blowers, the noise grows when more than one machine is used simultaneously. In addition, the powerful air jets of blowers, regardless of power source, create health issues since they aerate and disperse ground source material (e.g., pesticides, herbicides, dust, pollen, heavy metals, and animal feces, etc.). Finally, all blowers disrupt animal, bird, and insect habitats.</p>
<p>Why aren't we regulating gas mowers and other equipment?</p>	<p>Given their extreme noise and negative impact on health and the environment, gas blowers are generally considered the most egregious tool in the lawn maintenance arsenal. Battery-powered blower technology has advanced to the point where it can handle most jobs and is competitively priced, so the time is ripe to make the transition away from gas blowers.</p>
<p>What would the impact be on commercial landscapers?</p>	<p>Based on the experience of the 200+ towns that now regulate leaf blowers, there is no evidence to show that a <u>seasonal</u> leaf blower ordinance will drive landscapers out of business or increase costs to homeowners. This is probably because gas leaf</p>

	<p>blowers are not really needed during the summer and winter: during those periods they are used primarily for cosmetic purposes, such as blowing grass clippings.</p> <p>Even many landscapers recognize that the “blow” part of “mow and blow” has become a routine practice they perform more out of habit than necessity. In fact, lawn experts advise against that practice and say that it’s better to leave clippings in place where they act as a natural fertilizer. And many landscapers express a desire to “go green” for the health of their workers and because their customers favor greener practices, but the landscapers want (and need) a level playing field, which this ordinance will provide.</p> <p>To the extent that a blower is needed, this ordinance would still allow electric blowers year-round, which are more than up to the task of the cosmetic blowing. Commercial-grade battery-powered leaf blowers are now very powerful and competitively priced, even considering the cost of extra batteries. And the capital cost of this equipment can be offset by the gas savings generated by <i>not</i> using gas blowers during the summer. Moreover, the operating costs of battery equipment are orders of magnitude lower than gas blowers, as they do not require the purchase of fuel or a comparable level of maintenance. The American Green Zone Alliance (AGZA) calculates that the operating cost of a battery-powered backpack blower is 24 cents per hour, versus \$1.25 per hour for a gas-powered backpack blower, resulting in an annual saving in operating costs of more than \$450 per blower.</p>
<p>How would this ordinance be enforced?</p>	<p>As with other ordinances such as the Town noise ordinance, this one would be enforced by the Police Department under a standard, state-dictated procedure. Anyone witnessing an alleged violation would notify the police, who will then investigate. The police have discretion to issue a warning to the operator rather than a fine. The objective is to create an environment of awareness and compliance, not confrontation or punishment.</p>
<p>What about the disposal of batteries?</p>	<p>Municipalities have recycling and waste programs for batteries of this type, and many manufacturers have their own disposal/recycling programs. Moreover, there is an emerging industry in recycling lithium-ion batteries. This is true for many other tools that run on such batteries, including our cell phones. According to experts, the health and environmental hazards of gas blowers far outweigh the danger of improper disposal.</p>
<p>If we limit the number of blowers that can be used simultaneously, aren’t we just extending the time for a cleanup?</p>	<p>The driving force behind this ordinance is the health and quality of life impacts of the noise, and multiple blowers have significantly higher impact. Given the way the logarithmic scale of sound increase works, an increase of even 10 decibels is perceived by the human ear as <i>twice</i> as loud. And using multiple blowers of 75+ decibels simultaneously creates even higher levels of harmful noise.</p> <p>The experience in other towns that have passed restrictions is that landscapers have quickly adapted to using a mixture of tools and greener practices to get jobs done as rapidly as possible. This is a very competitive industry. There are also numerous examples of green landscapers whose services are competitively priced, indicating comparable efficiency without using gas blowers.</p>
<p>When would the ordinance take effect?</p>	<p>That depends on if and when it is passed by the full RTM. The minimum time for it to take effect would be 14 days after passage, but we have set a tentative effective date of January 1, 2022 to allow time for users to become familiar with the new rules and purchase new equipment, if necessary.</p>
<p>Isn’t it unfair to limit what people they</p>	<p>We have heard from many, many residents who can no longer enjoy <i>their</i> backyards or homes because of the noise and fumes generated by leaf blowers in a neighbor’s yard. The right of Westporters to peaceful enjoyment of their properties—and to not</p>

June 13, 2021

can do in their own yards?	have their health negatively impacted—carries equal weight to the right of Westporters to keep their properties immaculately groomed, especially given that there are reasonable alternatives. Moreover, gas blowers will continue to be allowed for spring and fall cleanups and during emergencies declared by local, state, or federal authorities.
What can I do if I still have questions?	You can email RTM members who are co-sponsoring the ordinance. Here are their names and email addresses: Kristin Schneeman: kschneeman@westportct.gov Andrew Colabella: acolabella@westportct.gov Jessica Bram: jbram@westportct.gov The Town of Westport will benefit from creating a quieter, cleaner, safer, and healthier community for all its current and prospective residents.

Last revised June 22, 2021

GENERAL SUMMARY OF PROPOSED ORDINANCE

Summer	Fall Cleanups	Spring Cleanups	Winter								
May 1 - October 30	Nov. 1 – Dec. 15	Mar. 15 – Apr. 30	Dec. 16 – Mar. 14								
<ul style="list-style-type: none"> • Gas-Powered Leaf Blowers NOT permitted • Electric/Battery-Powered Leaf Blowers permitted 	<ul style="list-style-type: none"> • Gas-Powered Leaf Blowers permitted • Electric/Battery-Powered Leaf Blowers permitted 	<ul style="list-style-type: none"> • Gas-Powered Leaf Blowers permitted • Electric/Battery-Powered Leaf Blowers permitted 	<ul style="list-style-type: none"> • Gas-Powered Leaf Blowers NOT permitted— • Electric/Battery-Powered Leaf Blowers permitted 								
<p>Additional Restrictions:</p> <ul style="list-style-type: none"> - No Leaf Blower (regardless of power source) may be used before 9:00 am or after 5:00 pm - Limitations on simultaneous use of Gas-Powered Leaf Blowers (GLB) depending on lot size: <table border="1"> <thead> <tr> <th>Lot Size</th> <th>Maximum No. of GLBs that May be Used Simultaneously</th> </tr> </thead> <tbody> <tr> <td>≤ one acre</td> <td>1 GLB</td> </tr> <tr> <td>> one acre but ≤ three acres</td> <td>2 GLBs</td> </tr> <tr> <td>> three acres</td> <td>3 GLBs</td> </tr> </tbody> </table> <ul style="list-style-type: none"> - Additional limitations on use of GLB on properties of > 20 acres. - No GLB shall be used on any state or federal holiday. <p>Exceptions:</p> <ul style="list-style-type: none"> - If a town, state, or federal authority declares an emergency, then Gas-Powered Leaf Blowers and/or Electric/Battery-Powered Leaf Blowers may be used as necessary. - Golf courses may use Electric/Battery-Powered Blowers before 9:00 if necessary; Department of Public Works may use Gas-Powered Leaf Blowers before March 15 if necessary for winter sidewalk and road cleanup. <p>Enforcement:</p> <ul style="list-style-type: none"> - Standard enforcement procedure by Police Department for violation of local ordinance - Enforcement officer has discretion to issue a warning - Warning or citation is issued to equipment operator and/or owner of property - \$90 per offense, limited by state statute 				Lot Size	Maximum No. of GLBs that May be Used Simultaneously	≤ one acre	1 GLB	> one acre but ≤ three acres	2 GLBs	> three acres	3 GLBs
Lot Size	Maximum No. of GLBs that May be Used Simultaneously										
≤ one acre	1 GLB										
> one acre but ≤ three acres	2 GLBs										
> three acres	3 GLBs										

DRAFT LEAF BLOWER ORDINANCE

CHAPTER 67

67-1. Purpose.

Consistent with the municipal powers granted under sections 7-148(c)(7) and (10) of the Connecticut General Statutes, including the protection of the health and safety of residents and abatement of nuisances, it is the intent of this ordinance to set specific controls on the use of Leaf Blowers, in particular Gas-Powered Leaf Blowers.

67-2. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

“Leaf Blower” shall mean any device which is used or designed to move leaves, grass clippings, dust, dirt, or other matter by blowing them with air emitted by such device.

“Gas-Powered Leaf Blower” shall mean any Leaf Blower that is powered by an internal combustion engine utilizing gasoline, diesel, or any other similar fuel.

“Electric-Powered Leaf Blower” shall mean any Leaf Blower that is powered by electricity utilizing a plug-in cord or battery power.

67-3. Restrictions on Leaf Blower Activity.

(a) Except as provided in Sections 67-3(b) through (e),

(i) the use of Electric-Powered Leaf Blowers is permitted during the period from January 1 through December 31 on all properties within the Town; and

(ii) the use of Gas-Powered Leaf Blowers is permitted only during the periods from March 15 through April 30 and November 1 through December 15. No person shall operate or cause or permit to be operated any Gas-Powered Leaf Blower on any public or private property in the Town other than during such periods.

(b) No Leaf Blowers (whether Gas-Powered or Electric-Powered) may be used before 9:00 a.m. or after 5:00 p.m.

(c) The following restrictions on simultaneous use of Gas-Powered Leaf Blowers shall apply:

- On lots of less than one acre, no more than one (1) Gas-Powered Leaf Blower may be used simultaneously;
- On lots of between one and three acres, no more than two (2) Gas-Powered Leaf Blowers may be used simultaneously;

Last revised June 22, 2021

- On lots of more than three acres, no more than three (3) Gas-Powered Leaf Blowers may be simultaneously.

(d) The following additional restrictions shall apply to any site that contains more than 20 acres: No Gas-Powered Leaf Blower may be operated within 100 feet of a residence, sidewalk, roadway, or pedestrian thoroughfare. The word “residence” in the preceding sentence shall be deemed to include a house, apartment building, hotel, and condominium unit.

(e) No Gas-Powered Leaf Blower may be used on any state or federal holiday.

(f) Notwithstanding the provisions of Sections 67-3 (a) through (e):

(i) the use of Gas-Powered Leaf Blowers and/or Electric-Powered Leaf Blowers shall be permitted if a Town, state, or federal authority determines that an emergency exists; and

(ii) golf courses may operate Electric-Powered Leaf Blowers before 9:00 a.m. if necessary, and the Department of Public Works may operate Gas-Powered Leaf Blowers before March 15 if necessary for winter sidewalk and road cleanup.

(g) Nothing contained in the Chapter 67 shall prevent or limit the right of any resident to bring a suit against a third party for damages or equitable relief in connection with the use of a Leaf Blower, including without limitation, a suit based on nuisance.

67-4. Penalty and Enforcement.

(a) The penalty for violation of this ordinance shall be \$90 and shall be considered an infraction.

(b) The Westport Police Department is hereby authorized to enforce violations of this Chapter by any owner or operator of a Leaf Blower, in accordance with Section C22-1 of the Town Charter.

67-5. Effective Date.

The provisions of this Chapter 67 shall become effective on January 1, 2022.