

RESOLUTIONS

(1)

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

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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.

(2)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Superintendent of Schools, the sum of \$5,227,866 along with bond and note authorization to the Municipal Improvement Fund Account for the Roof Replacement Project at Staples High School, is hereby appropriated.

TOWN OF WESTPORT, CONNECTICUT

A RESOLUTION APPROPRIATING \$5,227,866 FOR COSTS ASSOCIATED WITH A PARTIAL ROOF REPLACEMENT AT STAPLES HIGH SCHOOL AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION.

RESOLVED: That upon the recommendation of the Board of Finance, the Town of Westport, Connecticut (the "Town") hereby appropriates the sum of Five Million Two Hundred Twenty-Seven Thousand Eight Hundred Sixty-Six and 00/100 Dollars (\$5,227,866) for costs associated with a partial roof replacement at Staples High School, including the replacement of existing roof ladders and roof drains, as well as structural and architectural work, demolition and disposal, supplies, inspection, oversight, installation, administrative, financing and other related costs (the "Project").

Section 1. As recommended by the Board of Finance and for the purpose of financing Five Million Two Hundred Twenty-Seven Thousand Eight Hundred Sixty-Six and 00/100 Dollars (\$5,227,866) of the foregoing appropriation, the Town shall borrow a sum not to exceed Five Million Two Hundred Twenty-Seven Thousand Eight Hundred Sixty-Six and 00/100 Dollars (\$5,227,866) and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project.

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

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

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

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

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

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

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

Section 9. The Committee is hereby authorized to take all action necessary and proper for the sale, issuance and delivery of the bonds (and notes) in accordance with the provisions of the Town Charter, the Statutes, and the laws of the United States.

(3)

RESOLVED: That the Westport Representative Town Meeting hereby authorizes the Westport Board of Education, through the Superintendent, to apply to the Commissioner of Administrative Services and to accept or reject a grant for the Roof Replacement Project at Staples High School.

FURTHER RESOLVED: That the Westport Representative Town Meeting hereby authorizes at least the preparation of schematic drawings and outline specifications for the Roof Replacement Project at Staples High School.

(4)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Human Services, the sum of \$185,000 to the Health & Human Services – Stop Gap Measures CLFRF Expense account from the ARPA CLFRF Grant Income account is hereby appropriated.

(5)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Information Technology Director and Acting Operations Director, the sum of \$100,000 to the Cybersecurity – Network Protection CLFRF Expense account from the ARPA CLFRF Grant Income account is hereby appropriated.

BACK UP MATERIAL
RTM ITEM #

WESTPORT REPRESENTATIVE TOWN MEETING CONDUCT GUIDELINES AND EXPECTATIONS

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WESTPORT PUBLIC SCHOOLS

THOMAS SCARICE
Superintendent of Schools

BACK UP MATERIAL
RTM ITEM # 2

110 Myrtle Avenue
Westport, Connecticut 06880
Telephone: (203) 341-1025
Fax: (203) 341-1029
tscarice@westportps.org

September 14, 2021 .

Re: BOE Item for October 6, 2021, BOF meeting - SHS roof replacement

Dear First Selectman Marpe,

I respectfully request the following Item be added to the Board of Finance meeting agenda of October 6, 2021. The Board of Education passed a funding authorization request at its meeting date of September 8, 2021. Attached you will find supporting documents for this project, including a cost estimate and project educational specifications. The project manual (approx. 400 pages) can be found here: <https://resources.finalsite.net/images/v1630689616/westport/a00eaavnzok0j6blfban/WestportStaplesHSPartialRoofReplacementPROJECTMANUALIssuedforReview.pdf>

1) Board of Education requests a capital appropriation for the Staples High School Roof Replacement Project in the amount of \$5,476,812, which consists of the estimated construction cost of \$4,978,920 and a ten-percent construction contingency of \$497,892.

The administration will prepare and submit a grant application with the State of Connecticut Office of School Construction Grant and Review (OSCG&R). Our reimbursement rate is 20.7% of eligible costs. OSCG&R requires full local funding authorization in order for a project to be considered for grant assistance. While there is no guarantee of state grant assistance I do remain optimistic that our application will receive a favorable review.

Please let me know if you have any questions.

Respectfully,

Thomas Scarice, Superintendent of Schools

Cc: Brian Stern, Board of Finance, Chair
Candice Savin, Board of Education, Chair
Gary Conrad, Town Finance Director
Michelle Mace, Finance Administrative Assistant
Eileen Francis, Selectman's Office Manager

FISCAL YEAR 2022

TOWN OF WESTPORT, CT

JUSTIFICATION FOR A CAPITAL PROJECT

DEPARTMENT INFORMATION

DEPT NAME: Westport Board of Education

Date: 09/13/2021

PROJECT NAME AND DESCRIPTION

Staples High School partial roof replacement. Replacing approx. 207,000 sq. ft. of existing EPDM roofing; comprised of twenty-nine roof areas. Also includes replacement of existing roof ladders, addition of a new roof ladder and replacement of existing roof drains. The new EPDM roof will be a 90-mil thickness roof with a 30-year warranty.

IS IT LISTED IN THE 5-YR CAPITAL FORECAST?

YES NO

If no, why not?

If yes, answer the following two questions:

Which FY was the project first proposed? 2021

Which FY was the project first planned?

TOTAL COST IN CAPITAL PLAN: \$5,277,890
w/o contingency

IS PLAN ESTIMATE STILL ACCURATE?

YES NO

IF NO, ENTER NEW ESTIMATED COST HERE: \$4,978,920 + CONTINGENCY (10%) = \$5,476,812
(when applicable) NEW TOTAL ESTIMATE

SOURCE OF FUNDS:

CAPITAL BOND GEN'L FUND CNR GRANT STATE OTHER

ARE THERE GRANT FUNDS AVAILABLE FOR THIS PROJECT?

YES NO

EXPLAIN: Possible state grant assistance

State of CT school construction grant - application to be prepared and submitted

OTHER, DESCRIBE: _____

PAYBACK PERIOD (If applicable): _____

PROJECTED START DATE: June 2022

EST. COMPLETION DATE: August 2022

ESTIMATED USEFUL LIFE: 30 years

Is this project part of a larger capital project?

No.

Has an RFP been issued?

YES NO

November 2021

Have bids been received?

YES NO

Number of bids received: _____

Was the lowest bid the winner?

YES NO

If not, why? _____

Who will benefit from the project?
Students and Staff of Staples High School. Protection of a town asset.

Has the Green Task Force been informed of this request? YES NO

Is it a replacement? YES NO
If yes, describe condition of what is to be replaced: 1996 + 1997 roof areas

Pictures attached? YES NO

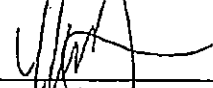
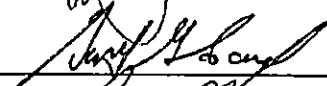
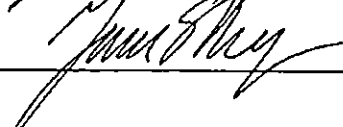
What other approvals/reviews are necessary to begin this project? Please include anticipated dates.
BOE approval secured on 09/08/21. RTM-finance, RTM-education and full RTM in October/November 2021.

FINANCE

This section to be completed by the Finance Director.

EFFECT ON TOWN FINANCES, INCLUDING DEBT SERVICE:
IF APPROVED: Debt Service Increases \$250,000 per year
IF NOT APPROVED: N/A

REVIEW/SIGN-OFF

DEPARTMENT HEAD		DATE: 9/14/21
FINANCE DIRECTOR		DATE: 9/14/2021
FIRST SELECTMAN		DATE: 9/14/2021

EDUCATIONAL SPECIFICATIONS

Staple High School

Westport, CT

September 8, 2021

Partial Roof Replacement

Summer, 2022

FORM SCG-1030

Project

Replacing approximately 207,000 square feet of existing EPDM roofing on the Staples High School. The area of roof does not include the area of roof that was installed with the 2003 addition that included roof replacement over the auditorium that is approximately 106,000 square feet. The roof area is comprised of twenty-nine roof areas that are separated by expansion joints, parapets or changes in roof elevation. The project will also include replacement of existing roof ladders, addition of new roof ladders and replacement of existing roof drains. The new EPDM roof will be a 90-mil thickness roof with a 30-year warranty. The project is scheduled to be advertised for bidding in December 2021 with award in February 2022. Construction is scheduled to commence in June 2022 with completion in August of 2022.

1. Project Rationale:

The existing roof areas vary in age having installation years with a majority of them being installed in 1997 and 1998. Approximately 16,000 square feet of roof area was installed in 2006 with areas of insulation segregating from the roof deck. Other current roof conditions contain delaminating areas of the EPDM roofing in multiple areas as well a ponding in many areas. Existing expansion joints require replacement as well. New roof ladders conforming to OSHA standards are required as well as replacing existing single pipe roof drains with new code conforming roof drains that contain the appropriate overflow devices required.

2. Long-Range Plan:

The long-range plan for the high school is to continue hosting grades 9 through 12 of the Westport Public Schools. The district school facilities plan calls for safe and appropriate learning environments. In order to comply with the plan the replacement of the roof is recommended as a proactive measure.

3. The Project:

Westport Public Schools proposes to replace approximately 207,000 s.f. of roof at the Staples High school. The existing EPDM roof areas will be replaced with new 90-mil EPDM roofing providing a 30-year warranty. Details of the project are presented below:

- Test and identification of any hazardous materials
- Remove roofing down to the deck and dispose of any hazardous materials
- Install a new roofing system with a minimum 30-year no-dollar limit, non-prorated warranty with integrated flashing, new copings and drains including overflow drainage to meet code.
- Inspect, repair, or replace damaged roof deck areas
- Determine existing roof pitches and modify as required with tapered insulation and crickets to pitch to drainage to meet applicable codes.
- Inspect existing drains and piping and confirm drainage capacities to meet code.
- Determine obsolete HVAC and other penetrations for removal and extend HVAC curbs or MEP penetrations above the new roofing surface as required.

- Identify all the requirements for all local, state, and federal permits
- No furniture, fixtures or equipment are included in the scope of work(1)

4. Building Systems:

- Security: n/a
- Public Address: n/a
- Technology: n/a
- Phone Systems: n/a
- Clocks: n/a

5. Interior Building Environment:

- Ceilings: n/a
- Lighting: n/a
- HVAC: n/a
- Plumbing: n/a
- Windows and Doors: n/a

6. Site Development:

- Site Acquisitions: n/a
- Parking: n/a
- Drives: n/a
- Walkways: n/a
- Outdoor Athletic Facilities: n/a
- Landscaping: n/a
- Site Improvements: n/a

7. Construction Bonus Requests

Staples High School does not house any special program eligible for a school construction bonus.

- School Readiness: n/a
- Lighthouse School: n/a
- CHOICE: n/a
- Full Day Kindergarten: n/a
- Reduced Class Size: n/a
- Regional Vo-Ag Center: n/a
- Inter-District Magnet School: n/a
- Inter-District Cooperative School: n/a
- Regional Special Education Center: n/a

8. Community Uses:

Staples High School is used for several community purposes, including:

- PTA
- Park and Recreation Programs
- Summer enrichment programs
- Community groups
- Continuing Education

STARLES HIGH SCHOOL PARTIAL ROOF REPLACEMENT

70 NORTH AVENUE, WESTPORT, CONNECTICUT 06880

13-Aug-21

OWNER: WESTPORT PUBLIC SCHOOLS

OPTION OF PROBABLE CONSTRUCTION COST
206,998 (SQUARE FEET)

EPDM Membrane

OT STATE PROJECT # RR

SECTION NUMBER	WORK CATEGORIES	QTY.	UNIT	MATERIAL COST		LABOR COST		ALLOWANCE	TOTAL \$	QT WELIGIBLE
				UNIT \$	TOTAL	UNIT \$	TOTAL			
OTHER COSTS										
	STATE PERMIT FEE (.26 PER 1,000)	1	LS					\$1,261.00	\$1,261	\$1,261
DIVISION TWO				OTHER SUB-TOTAL				\$1,261	\$1,261	\$1,261
	DUMPSTERS	20	EA	\$1,000.00	\$20,000				\$20,000	\$0
	EXISTING ROOF INSULATION	206,998	SF		\$0	\$2.20	\$455,398		\$455,398	\$0
	DEMO - SKYLIGHTS	8	EA	\$0.00	\$0	\$250.00	\$1,600		\$1,600	\$0
	DEMO - WOOD BLOCKING	6,000	LF	\$0.00	\$0	\$5.00	\$25,000		\$25,000	\$0
	DEMO - EXIST. MECH. CURBS	80	EA		\$0	\$100.00	\$8,000		\$8,000	\$0
	CRANE RENTAL (UNIT LIFTING)	1	LS				\$50,000		\$50,000	\$0
	DEMO - METAL FLASHING	9,500	LF			\$2.00	\$19,000		\$19,000	\$0
DIVISION FIVE				DIVISION TWO SUB-TOTAL				\$578,898	\$578,898	\$0
	METAL FLASHING	2,000	LF	\$12.00	\$24,000	\$8.00	\$12,000		\$36,000	\$0
	METAL WALL PANEL ADJUSTMENT	1,600	LF	\$7.00	\$10,600	\$20.00	\$30,000		\$40,600	\$0
	DECK REPLACEMENT ALLOWANCE	1	EA				\$25,000		\$25,000	\$0
DIVISION FIVE SUB-TOTAL				DIVISION FIVE SUB-TOTAL				\$61,000	\$61,000	\$25,000
DIVISION SIX				DIVISION SIX SUB-TOTAL				\$28,800	\$28,800	\$0
	PERIMETER WOOD BLOCKING	5,000	BF	\$3.00	\$15,000	\$1.90	\$9,500		\$24,500	\$0
	MECH UNIT WOOD BLOCKING	1,000	BF	\$3.60	\$3,600	\$1.90	\$1,900		\$5,400	\$0
DIVISION SEVEN				DIVISION SEVEN SUB-TOTAL				\$3,260.79	\$3,260.79	\$0
	POLYISO INSULATION	206,998	SF	\$4.00	\$827,992	\$3.35	\$693,443		\$1,521,435	\$0
	COVERBOARD	200,998	SF	\$3.00	\$602,994	\$2.20	\$455,398		\$1,078,392	\$0
	EPDM MEMBRANE	206,998	SF	\$1.60	\$331,197	-\$1.43	\$280,007		\$606,604	\$0
	SAW CUTTING FOR REGLETS & METAL	1,000	LF	\$4.45	\$4,450	\$4.00	\$4,000		\$8,450	\$0
	VENT STACKS	60	EA	\$25.00	\$1,500	\$60.00	\$3,600		\$5,100	\$0
	PITCH POCKET	40	EA	\$100.00	\$4,000	\$120.00	\$4,800		\$8,800	\$0
	WALKWAY PADS	2,600	SF	\$2.00	\$5,000	\$4.00	\$10,000		\$15,000	\$0
	SKYLIGHTS	8	EA	\$500.00	\$3,000	\$400.00	\$2,400		\$5,400	\$0
	SEALANTS	1	LS				\$7,500		\$7,500	\$0
	MISC ROOF ACCESSORIES	1	LS				\$7,500		\$7,500	\$0
	ADHESIVES	1	LS				\$12,000		\$12,000	\$0
DIVISION FIFTEEN				DIVISION SEVEN SUB-TOTAL				\$3,260.79	\$3,260.79	\$0
	ROOF DRAIN & BUMP	60	EA	\$400.00	\$20,000	\$500.00	\$25,000		\$45,000	\$0
DIVISION FIFTEEN SUB-TOTAL				DIVISION FIFTEEN SUB-TOTAL				\$25,000	\$25,000	\$0

CONSTRUCTION COST PER SQUARE FOOT = \$24.05

SUBTOTAL =		\$3,863,188	TOTAL =	\$28,261
GEN. CONDITIONS	10.00%	\$398,314		\$2,101
OVERHEAD & PROFIT	15.00%	\$597,470		\$3,161
Subtotal		\$4,978,920		

SILVER/PETRUCELLI & ASSOCIATES
Architects & Engineers
3150 Whitney Avenue
Haven, CT 06518
Phone: 203 310 9901 ext. 201
Fax: 203 310 8247
www.silpep.com

CONSTRUCTION TOTAL	\$4,978,920	TOTAL	\$31,613
A/E FEES INCLUDING CA =	\$50,700		\$315
ENVIRONMENTAL FEE	\$0		\$0
CONTINGENCY (4.5%)	\$248,948		\$248,948
GRAND TOTAL	\$5,278,568	TOTAL	\$280,774

**Joint RTM Finance and Education Committees Meeting
October 26, 2021 (By Zoom)**

RTM Finance Committee Members Present:

Finance Committee: Jeff Wieser, Chair; Rick Jaffe; Jessica Bram; Seth Braunstein; Christine Meiers Schatz; Lauren Soloff; Stephen Shackelford

RTM Education Committee Members Present:

Lauren Karpf, Chair; Lou Mall; Mark Friedman; Ellen Lautenberg; Kristin Purcell; Kristin Schneeman; Candace Banks; Brandi Briggs.

Other Town Officials Present: Elaine Whitney, BOE; Elio Longo, CFO.

The RTM Finance and Education Committees met to consider the following:

- 1. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Superintendent of Schools, to approve an appropriation in the amount of \$5,227,866.00, along with bond and note authorization, to the Municipal Improvement Fund Account, for the Roof Replacement Project at Staples High School.**
- 2. To take such action as the meeting may determine, to authorize the Board of Education Superintendent to apply for a State grant for reimbursement for the Roof Replacement Project at Staples High School.**

The BOE seeks a capital appropriation in the amount of \$5,227,866, including a 5% contingency (reduced by the BOF from the 10% contingency requested) to replace approximately 207,000 square feet of roof at Staples High School. Most of the 29 areas to be replaced were installed in 1997 and 1998 and have thus exceeded their projected life. The roof will have a 30 year warranty.

The plan is to put out an RFP in late November or early December and award the project in early January. The administration will submit a grant application with the State Office of School Construction Grant and Review. The reimbursement rate is approximately 20.7% of eligible costs, totaling around \$1MM. While there is no guarantee of state grant assistance, the administration is optimistic that it will receive the grant.

Due to supply chain delays, the project will likely be deferred to a start date of summer 2023, but we can submit the documents for the state construction grant now with the option of a 2022 or 2023 start date.

The administration will put out an alternate bid for the Staples Field House roof which is estimated to have a remaining life of 3-5 years from today (obviously much less time if the project is started in 2023). That alternate bid will allow the administration to determine whether

to take advantage of economies of scale (including potential PV solar installation) and complete it now or as a separate project.

We also discussed the desire for solar panels. The Office of School Construction Grants and Review confirmed that: (1) a PV solar installation is eligible for state grant reimbursement if certain conditions are met; and (2) PV panel installation can be completed as a separate project from the proposed roof replacement. The plan is to include an alternate bid form for PV solar prep work, and, assuming that looks favorable, to work with a structural engineer to move the plan forward. The reimbursement from the state would be approximately 21% of costs.

Finally, we discussed how the contract would be handled if supply costs increase or decrease between now and 2023.

MOTIONS:

Rick Jaffe made a motion for the Finance Committee to approve the funding request for \$5,227,866. Christine Meiers Schatz seconded the motion. The motion passed 7-0.

Christine Meiers Schatz made a motion for the Finance Committee to authorize the Superintendent to apply for a state grant for reimbursement for the Staples Roof Project. Stephen Shackelford seconded the motion. The motion passed 7-0.

Brandi Briggs made a motion for the Education Committee to approve the funding request for \$5,227,866. Kristin Purcell seconded the motion. The motion passed 8-0.

Mark Friedman made a motion to authorize the Superintendent to apply for a state grant for reimbursement for the Staples Roof Project. Kristin Schneeman seconded the motion. The motion passed 8-0.

Submitted by:

Lauren Karpf, Chair, Education Committee.

DEPARTMENT OF ADMINISTRATIVE SERVICES (DAS)
Office of School Construction Grants & Review (OSCG&R)

GRANT APPLICATION REQUIRED LOCAL RESOLUTIONS



FORM SCG-1045

Resolutions are required for filing FORM SCG-1049: School Construction Grant Application

SAMPLES OF THE THREE REQUIRED RESOLUTIONS (Note, a building committee is not required for roof replacement projects):

- (1) RESOLVED, that the Westport Representative Town Meeting authorizes the Westport Board of Education to apply to the Commissioner of Administrative Services and to accept or reject a grant for the Roof Replacement Project at Staples High School.
- (2) RESOLVED, that the building committee is hereby established as the building committee with regard to the proposed project at the school name. (This resolution is not required per OSCGR. See email from director of OSCGR, Kosta Diamantis, dated December 22, 2020.)
- (3) RESOLVED, that the Westport Representative Town Meeting hereby authorizes at least the preparation of schematic drawings and outline specifications for the Roof Replacement Project at Staples High School.

Replace the underscored / italicized phrases above as appropriate:

- Legislative body – Town governing body such as town council; except for regional school districts, the town governing body is *not* the local Board of Education.
- Proposed project – The type of construction such as alteration or roof replacement for which a grant application will be submitted; multiple facilities may be referenced in one resolution, but the facilities must be separately identified and the type of construction needs to be facility-specific.
- School name - The specific facility at which the construction will take place; multiple facilities may be referenced in one resolution, but the facilities must be separately identified and separate grant applications for each facility are required.
- Building committee – A standing building committee or a new building committee formed for the specific project.

Warrington, Charles

From: Diamantis, Konstantinos <Konstantinos.Diamantis@ct.gov>
Sent: Tuesday, December 22, 2020 11:19 AM
To: Dixon, Michelle; Warrington, Charles; O'Brien, Timothy
Subject: RE: Is Building Committee Required for Roof Replacement Projects (non-priority)

no

From: Dixon, Michelle <Michelle.Dixon@ct.gov>
Sent: Monday, December 21, 2020 3:03 PM
To: Warrington, Charles <Charles.Warrington@colliers.com>; Diamantis, Konstantinos <Konstantinos.Diamantis@ct.gov>; O'Brien, Timothy <Timothy.O'Brien@ct.gov>
Subject: Re: Is Building Committee Required for Roof Replacement Projects (non-priority)

Kosta:
Please see below.
Michelle

From: Warrington, Charles <Charles.Warrington@colliers.com>
Sent: Monday, December 21, 2020 7:58 AM
To: Dixon, Michelle <Michelle.Dixon@ct.gov>
Subject: Is Building Committee Required for Roof Replacement Projects (non-priority)

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Michelle,

I'd like to inquire if a building committee is required to be established for a roof replacement project. We're submitting a proposal for Willington Public Schools and that was a question Scott Pellman and I were wondering about.

Thank you,

Chuck

Charles E. Warrington, Jr. PE, MCPPO
Director of Project Management
Main +1 860 395 0055 x202 | Mobile +1 860 235 5313
charles.warrington@colliers.com

COLLIERS PROJECT LEADERS
135 New Road
Madison, CT 06443
www.cplusa.com
[LinkedIn](#)



**Joint RTM Finance Committee Meeting
October 26, 2021**

RTM Finance Committee Members Present:

Finance Committee: Jeff Wieser, Chair; Rick Jaffe; Jessica Bram; Christine Meiers Schatz; Seth Braunstein; Lauren Soloff; Stephen Shackelford

Other Town Officials Present: Elaine Daignault, Director, Health & Human Services

The RTM Finance Committee met to consider the following:

“To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Director of Human Services, to approve an appropriation of \$185,000 to the Health & Human Services – Stop Gap Measures CLFRF Expense account from the ARPA CLFRF Grant Income account.”

Elaine Daignault presented Human Services' \$185,000 appropriation request from the American Rescue Plan of 2021 (ARPA) funds that the Town has been awarded: The Town will receive a total of \$8.4M in ARPA funding and has already received \$4.2 million, required to be allocated by 2023, and \$4.2 million will be received in 2022 and required to be allocated by 2024. The funds are meant to be related to hardships experienced due to COVID, and relief to those who experienced those hardships.

Ms. Daignault advised that this first request has traveled through the BOF for a total of \$400,000 which was reduced to \$185,000 by that Board in favor of more in-depth research and planning for Affordable Housing Administrator (requested \$65,000 reduced to \$25,000), Affordable Housing (requested \$150,000, deferred), and Transportation projects (requested \$25,000, deferred).

She had asked for \$150,000 to support the development of affordable housing. The BOF suggested this should be a more coordinated approach and perhaps allocated with more consideration at a later date. She also asked for \$25,000 to enhance and improve services for low-income individuals to access transportation for daily living. This request was also deferred, but not denied.

Because of access to other grant funds, the BOF also reduced a request to use these funds to pay for the recently hired Affordable Housing Administrator. This new role has proven very valuable in maintaining standards for the growing inventory of affordable housing in the Town. The initial request for \$65,000 was reduced to \$25,000 from these ARPA funds.

As a result, the initial total request of \$400,000 was reduced to \$185,000 at this point. These funds will be allocated as follows:

\$30,000 Support Services for homebound seniors; COVID / disaster support for vulnerable residents; Extra Help and Overtime for emergency storm response & shelter management.

\$55,000 Enhance access and resources for critical community mental health needs through public private partnerships offering counseling and prevention services. (Positive Directions / Westport Prevention Coalition, Liberation Programs, & Mentor Program.)

\$75,000 Short-term, emergency assistance to benefit income-eligible residents experiencing housing insecurity and financial hardship due to COVID-19 related loss of income.

\$25,000 Affordable Housing Administrator (reduced from \$65,000) mentioned above.

\$185,000 Total request to be recommended

We continued with a discussion on the allocation of the ARPA funds and the RTM's role in that allocation. We stressed that the Long-Range Planning Committee has been meeting on the process and will continue to be involved. At this point we all expressed appreciation that Human Services has been moved forward, reflecting the great concerns that COVID has created for many.

We asked if any funds originally requested by the Selectmen and reduced by the BOF could be overridden by the RTM. We can provide clarity for these issues at the RTM meeting.

On a motion by Christine Meiers Schatz, and a second by Stephen Shackelford, the request for \$185,000 passed unanimously 6-0. In an abundance of caution, Mr. Wieser recused himself from the voting as Positive Directions, on whose board he sits, will be receiving some of these funds.

Jeff Wieser
Finance Committee Chair and Reporter

**Department of Human Services
ARPA Fund Requests (Updated 10.22.21)**

BACK UP MATERIAL
RTM ITEM # 4

Project		Amount	BOF approvals 10.20.21	Description
1st Tranche				
Resident Health & Safety	\$15,000 Visiting Nurse and Hospice \$15,000 Senior & Disabled Client Needs	\$ 30,000.00	\$ 30,000.00	Support services for homebound seniors and other vulnerable residents
Mental Health Services for all ages	\$20,000 Positive Directions \$15,000 Liberation Program \$10,000 Prevention Funding \$10,000 Youth Services & Mentor Program	\$ 55,000.00	\$ 55,000.00	Enhance access and resources for critical community mental health needs through public/private partnerships offering counseling and prevention services. (Positive Directions/Westport Prevention Coalition, Liberation Programs, & Mentor Program.)
Emergency Homeowners/Renters Assistance Program	\$75,000 Direct Financial Assistance to income eligible residents	\$ 75,000.00	\$ 75,000.00	Short-term, emergency assistance to benefit income-eligible residents experiencing housing insecurity and financial hardship due to COVID-19 related loss of income.
Transportation assistance	\$24,000 Pilot shopping loop \$1,000 Financial Assistance	\$ 25,000.00		Enhance and improve services for low-income individuals to access transportation for daily living.
Affordable Housing	Feasibility Study for West Parish/DOT Project	\$ 150,000.00		To support the development of affordable housing and related services.
Affordable Housing Administrator	\$20,000/yr - 3 years \$5,000 Add'l hours	\$ 65,000.00	\$25,000	This position ensures compliance and proper management of new and existing affordable units in Town.
		\$ 400,000.00	\$ 185,000.00	

RTM Joint Committee Meeting
Information Technology and Finance
Report on Proposed Cybersecurity and Network Protection Funding
For the RTM meeting November 9, 2021

The RTM Information Technology and Finance Committees met jointly over Zoom on October 28, 2021 to review, and vote to recommend to the full RTM, the proposed \$100,000 Cybersecurity and Network Protection ARPA (American Rescue Plan Act) funding request.

IT Committee Members Present (three of five): Rick Jaffe (Chair); Harris Falk; Noah Hammond

Finance Committee Members Present (four of nine): Jeff Wieser, Chair; Rick Jaffe; Stephen Shackelford; Cathy Talmadge

Also attending: Gary Conrad, Finance Director; Lynn Scully, Interim Operations Director; Eileen Zhang, Director, Office of Information Technology

The Information Technology related funding request of \$100,000, which was the subject of the joint IT and Finance Committee meeting, is proposed to be paid out of the first of two tranches of funding received by the Town of Westport from American Rescue Plan Act (ARPA) funds.

Among the reasons these funds are needed now include

- Newly in effect state law mandates additional responsibility to our Town to protect our network, and to alert affected users in the event of a breach. So we are under mandate to increase our network security monitoring, and our monitoring of security for our systems and data, most of which are in the “Cloud”, where our large and sophisticated vendors can provide better security than we could ourselves, and “penetration testing”, the electronic “poking” of our network, looking for holes.
- Even higher than expected increases in both the number and sophistication of cyberattacks worldwide. We no longer can think that we can avoid the attention of cybercriminals just because we’re relatively small.
- Our insurance carrier is raising the bar for what security effort they expect from us in order for us to continue to be insured.

The proposed \$100,000 funding is as follows:

\$25,000 Network Monitoring (in excess of what we already do)
\$20,000 Active Directory Security and Cloud Security Assessment
\$35,000 Penetration Testing
\$ 9,600 Phone System Performance Monitoring
\$ 5,000 Additional Microsoft Licenses for our Police users
\$ 5,400 Staff Training and Phishing Test.

(Phishing is the sending of emails intended to trick the recipient into revealing sensitive information or with cybercriminal links embedded. Staff must know to recognize these attempts and avoid falling into their traps.)

Finance Director Conrad estimated that 75% of these expenses will be ongoing costs, and will be worked into next year's Town IT budget.

In response to a question asking whether enough money is spent on our cybersecurity, Interim Operations Director Scully told us that the requested funds will get us through the current fiscal year. IT Director Eileen Zhang, Lynn Scully and her town Cybersecurity Task Force, and hopefully the RTM's Information Technology Committee will be communicating to pin down what will be next year's "right amount" investment in cybersecurity.

For Information Technology, a motion was made by Harris Falk to recommend to the RTM to approve the proposed funding; seconded by Noah Hammond; and passed unanimously.

Finance was short of a quorum. A sense of the meeting showed that Finance unanimously recommends approval.

Respectfully submitted,

Rick Jaffe, Chairman
RTM Information Technology Committee

CYBERSECURITY: NETWORK PROTECTION

\$100,000

		<u>Operating Impact</u>
Network Monitoring	\$ 25,000	Annual Cost going forward.
Active Directory Security and Cloud Security Assessment	20,000	One time expenditure.
Penetration Testing, External and Internal	35,000	Annual Cost going forward.
Phone System Performance Monitoring	9,600	Annual Cost going forward.
Additional MS 365 Licenses, 20 Police Users	5,000	Annual Cost going forward.
Staff Training & Phishing Tests	5,400	Annual Cost going forward.
	\$ 100,000	

10/26/2021

1



WESTPORT
 CONNECTICUT

**PULLMAN
& COMLEY**

EMPLOYEE BENEFITS ROUNDTABLE

ISSUES CONFRONTING PUBLIC SECTOR PLAN SPONSORS

Sharon Freilich, George Kasper, Zachary Zeid

October 14, 2021

- Multi-state guidance on personnel matters
- Counseling
- Training
- Drafting Policies, Contracts
- Employee Benefits
- Immigration
- Investigations
- Litigation
- All union matters


<https://workingtogether.pullcomblog.com/>

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SEPTEMBER 28, 2021

New Laws Affecting Employers. Go Into Effect October 1 – Are You Ready?



by  Melinda Kaufmann

During the last legislative session, several new laws were passed that affect employers. A few of them go into effect on Friday, October 1, 2021. If you have not started preparing for them, now is the time. 1. Breastfeeding in the Workplace This amends the current law and requires that lactation rooms in the workplace...

[READ MORE](#)

SEPTEMBER 14, 2021

COBRA Update: Final COBRA Subsidy Termination Notices Now Due

by  George Kasper  Jonathan Orleans

As mentioned in our prior COBRA update, the American Rescue Plan Act (ARPA) provides for government-subsidized COBRA premium payments. The subsidy is available to COBRA qualified beneficiaries who become eligible for COBRA due to either a reduction in hours or involuntary termination of employment during the period April 1, 2021 through September 30, 2021. There...

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SEPTEMBER 10, 2021

Ready or Not: What Employers Need to

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- Connecticut's Seven Cybersecurity Principles
 - Executive awareness and leadership;
 - Cyber literacy;
 - Preparation;
 - Response;
 - Recovery;
 - Communication; and
 - Verification.

- From Connecticut's Cybersecurity Action Plan May 2, 2018

- Connecticut Cybersecurity Goals for its Municipalities:
 - Each Connecticut municipality needs to make cybersecurity awareness and cybersecurity defense top priorities, relevant to its distinct character.
 - Our goal is for municipal governments to create serious, effective cybersecurity programs to protect citizens and municipal governments and to help make Connecticut a national leader in cybersecurity defense.

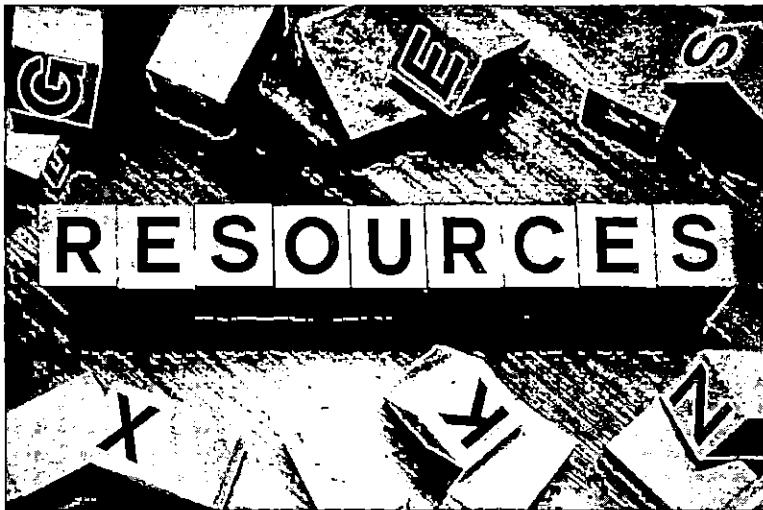


- From Connecticut's Cybersecurity Action Plan May 2, 2018

- Connecticut Cybersecurity Goals for its Municipalities:
 - We seek to have municipalities become active participants in the state culture of cybersecurity responsibility and hygiene and to create effective, local programs to enhance statewide security.
 - Recognizing the value of shared experiences, templates and suggested municipal guidelines should be available and crafted to fit the needs of each distinct municipality. Simultaneously, appropriate local solutions may be most effective and affordable if managed within a regional context in cooperation with state law enforcement and management authorities

- From Connecticut's Cybersecurity Action Plan May 2, 2018

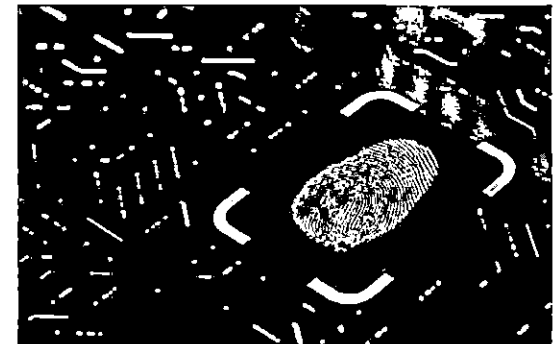
Connecticut and Cybersecurity



- Resources for Connecticut Municipalities Identified in 2018 Strategic Action Plan:
 - Connecticut Conference of Municipalities (CCM)
 - Center for Internet Security Community Defense Model v2.0 (issued September 29, 2021) available through CCM website
 - Connecticut Interlocal Risk Management Agency (CIRMA)
 - Council of Small Towns (COST)
 - Connecticut's nine Councils of Government (COGs)
 - Division of Emergency Management and Homeland Security (DEMHS) Regional Emergency Planning Teams.

CT PA 21-59 Effective 10/1/21

- An Act Concerning Data Privacy Breaches
 - Replaced CGS 36a-701b with a new CGS 36a-701b
- Applies to *any person* who owns, licenses, or maintains computerized data that includes personal information
 - Any person includes state or municipal government or agency and any subdivision thereof
- Requires a breach notice to any resident whose personal information was *breached* or is reasonably believed to have been breached.
- Notice required without unreasonable delay but not later than 60 days after discovery of *breach*

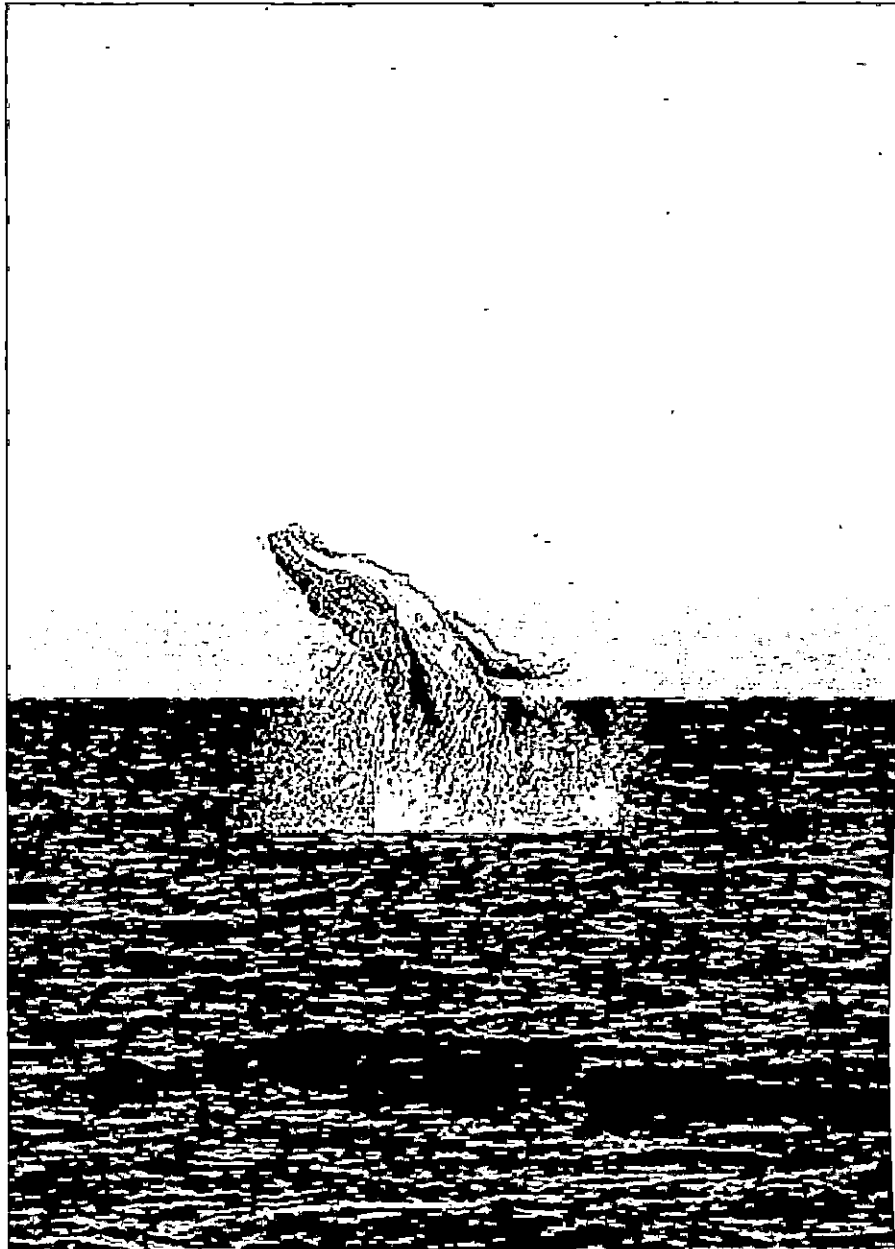


CT PA 21-59 Effective 10/1/21 (cont.) **PULLMAN & COMLEY**

- Breach notification not required if, after an appropriate investigation, the Person reasonably determines that the breach will not likely result in harm to the individuals whose personal information has been acquired or accessed.
- If Breach notification required, notice of breach must be provided to Attorney General.
- Identity theft services are required to be provided when the breach involves social security numbers or taxpayer identification numbers. Services must be provided for free for at least 24 months.



- If Person is subject to privacy and security standards under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Health Information Technology for Economic and Clinical Health Act (HITECH) is deemed in compliance if—
 - Required to provide notice under HITECH to CT residents also provides notice to the Attorney General
 - The HITECH breach involved social security numbers or taxpayer identification numbers, identity theft protection services are provided free for 24 months



CT PA 21-59 Effective 10/1/21 (cont.)

- A Person who maintains security breach procedures as part of an information security policy for treatment of personal information will be deemed in compliance with statute if:
 - The timing requirements for providing breach notice under the statute are followed; and
 - The Attorney General is also notified when residents are notified.

- Notices may be telephonic, electronic or by regular mail. Electronic notice must comply with the electronic records and signatures provisions in 15 USC 7001

- *Breach of security* means unauthorized access or acquisition of *electronic* files containing personal information that **has not been secured by encryption** or by any other method or technology that renders the personal information unreadable or unusable.
- *Personal Information* means:
 - A. the combination of an individual's first name or first initial and last name in combination with any of the following:
 - Social Security Number
 - Taxpayer Identification Number
 - Identity Protection Personal Identification number issued by the IRS
 - Driver's License Number
 - State Identification Care Number

- *Personal Information* means:
 - A. the combination of an individual's first name or first initial and last name in combination with any of the following:
 - Passport Number, Military Identification Number or other identification number issued by the government that is commonly used to verify identity
 - Credit Card or Debit Card Number
 - Financial Account Number in combination with any required security code, access code or password that would permit access to such financial account
 - Medical Information regarding an individual's medical history, mental or physical condition, or medical treatment or diagnosis by a health care professional
 - Health Insurance Policy Number or Subscriber ID, or any unique identifier used by health insurer to identify the individual
 - Biometric Information consisting of data generated by electronic measurements of an individual's unique physical characteristics used to authenticate or ascertain the individual's identity, such as a fingerprint, voice print, retina or iris image

- *Personal Information* means:
 - B. The combination of a Username or Electronic Mail Address in combination with:
 - Password, or
 - Security Question and answer

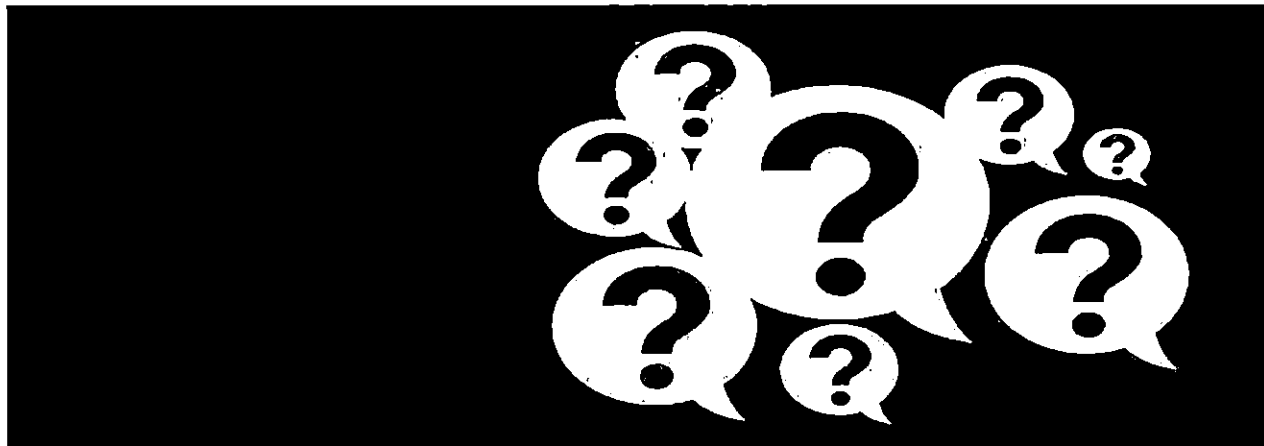
- An Act Incentivizing the Adoption of Cybersecurity Standards for Businesses
 - Not directly applicable to Municipalities
 - For covered entities provides relief from punitive damages in action for failure to implement reasonable cybersecurity controls
 - Covered entity must create, maintain and comply with a written cybersecurity program that contains administrative, technical and physical safeguards for the protection of personal or restricted information and that conforms to an industry recognized cybersecurity framework for relief to be available
 - Statute identifies cybersecurity programs that are deemed to conform to industry recognized cybersecurity frameworks

Cybersecurity Best Practices and Tips

- EBSA issued guidance April 14, 2021
 - Cybersecurity Program Best Practice (directed to service providers responsible for plan related IT systems and data and plan fiduciaries)
 - Tips for hiring a service provider with strong cybersecurity practices (directed to plan fiduciaries)
 - Online Security Tips (directed to participants)

- “These tips are to help business owners and fiduciaries under ERISA to prudently select and monitor recordkeepers.”
- “Responsible plan fiduciaries have an obligation to ensure proper mitigation of cybersecurity risks.”

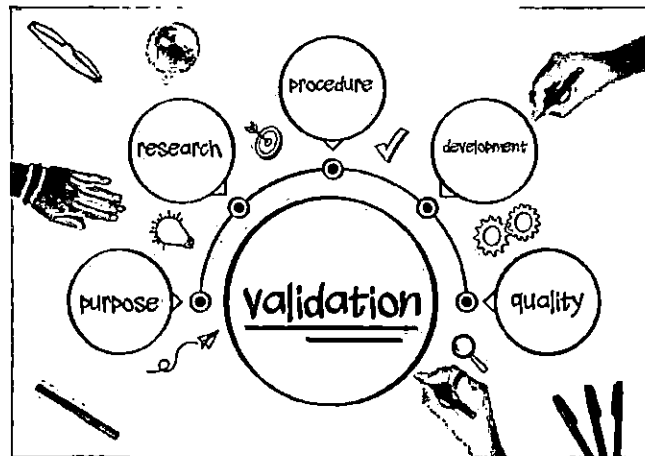
Questions Plan Sponsors Should Ask Vendors



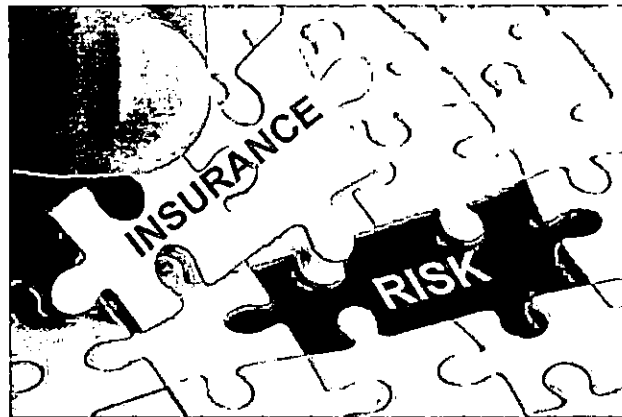
- Ask about the service provider's information security standards, practices and policies, and audit results, and compare them to the industry standards adopted by other financial institutions.
 - Look for service providers that follow a recognized standard for information security and use an outside (third-party) auditor annually to review and validate cybersecurity with regard to information security, system/data availability, processing integrity, and data confidentiality.

Questions Plan Sponsors Should Ask Vendors

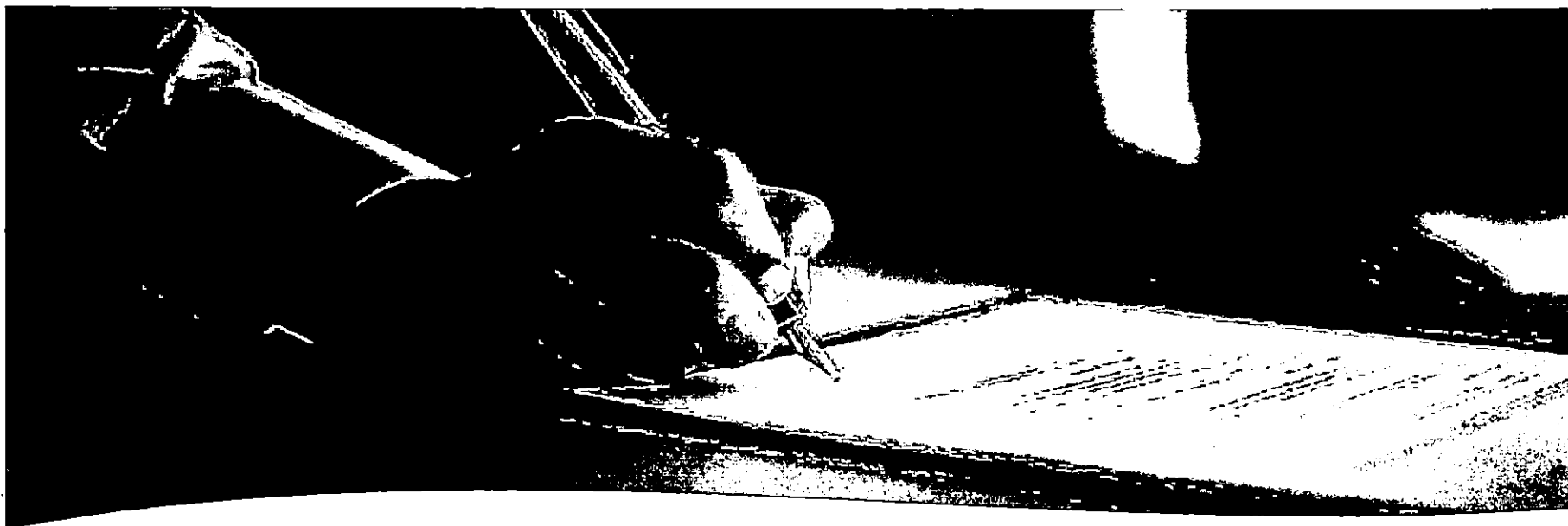
- Ask the service provider how it validates its practices, and what levels of security standards it has met and implemented.
 - Look for contract provisions that give the sponsor the right to review audit results demonstrating compliance with the standard.
- Ask whether the service provider has experienced past security breaches, what happened, and how the service provider responded.



Questions Plan Sponsors Should Ask Vendors



- Ask the service provider if it has any insurance policies that would cover losses caused by cybersecurity and identity theft breaches (including breaches caused by internal threats, such as misconduct by the service provider's own employees or contractors, and breaches caused by external threats, such as a third party hijacking a plan participants' account).



Contract Provisions with Service Providers

- Contracts with service providers should require ongoing compliance with cybersecurity and information security standards;
- Beware contract provisions that limit the service provider's responsibility for IT security breaches.
- Try to include terms in the contract that would enhance cybersecurity protection for the Plan and its participants, such as:
 - Information Security Reporting. The contract should require the service provider to annually obtain a third-party audit to determine compliance with information security policies and procedures.



Contract Provisions with Service Providers (cont.)

- Clear Provisions on the Use and Sharing of Information and Confidentiality.
 - The contract should spell out the service provider's obligation to keep private information private, prevent the use or disclosure of confidential information without written permission, and meet a strong standard of care to protect confidential information against unauthorized access, loss, disclosure, modification, or misuse.
- Notification of Cybersecurity Breaches.
 - The contract should identify how quickly the plan sponsor would be notified of any cyber incident or data breach.
 - In addition, the contract should ensure the service provider's cooperation to investigate and reasonably address the cause of the breach.

Contract Provisions with Service Providers (cont.)

- Compliance with Records Retention and Destruction, Privacy and Information Security Laws
 - The contract should specify the service provider's obligations to meet all applicable federal, state, and local laws, rules, regulations, directives, and other governmental requirements pertaining to the privacy, confidentiality, or security of participants' personal information.

- Insurance
 - The plan sponsor may want to require insurance coverage such as professional liability and errors and omissions liability insurance, cyber liability and privacy breach insurance, and/or fidelity bond/blanket crime coverage.
 - Be sure to understand the terms and limits of any coverage before relying upon it as protection from loss.

Connecticut Municipal Employees Retirement System

- Background

- CMERS is a multi-employer pension plan that is administered by the Connecticut State Retirement Commission.
- Members and their employers (the participating municipalities) make contributions to the fund, qualified as a tax-exempt plan under Sections 401(a) and 501(a) of the Internal Revenue Code.
- Certain employees are not covered by CMERS:
 - Municipal teachers;
 - Firefighters and Police Officers hired over the age of 60; or
 - Employees holding positions funded completely or partially by the federal government as part of an employment program or a job training program.

Connecticut Municipal Employees Retirement System (cont.)

- Municipalities may participate on a municipality-wide basis (i.e., covering all eligible municipal employees) or may designate specific departments/ units (including elected officers, if desired).
 - This designation may be the result of collective bargaining.
 - Designated departments must participate on a department-wide basis or not at all.
 - Cannot specify or limit whom a particular department may include or exclude.
- To qualify for membership, an employee generally must work at least 20 hours per week.
- A participating municipality may place additional restrictions on CMERS eligibility, such as limiting membership to full-time employees.

CMERS Issues for Participating Employers

- In 2017, the Commission issued a declaratory ruling addressing numerous issues facing CMERS participating employers.

- Withdrawal
 - CGS 7-444 governs withdrawal from CMERS, including the resulting financial obligations.
 - The statute authorizes a participating-municipality to withdraw entirely or to designate specific departments for withdrawal.
 - The Commission characterized the participating-municipality’s enrollment of new employees of a CMERS-participating unit into a non-CMERS retirement plan as a “partial withdrawal”.

CMERS Issues for Participating Employers (cont.)

- However, it also found that “partial withdrawals” were not contemplated or authorized by the statute.

- As a result, it treated the “partial withdrawal” as a full withdrawal and imposed the corresponding withdrawal liability per the statute.
 - A withdrawing municipality must provide for the payment of all future retirement allowances and refunds already vested by the retirement of members from the municipality.

- Takeaways on withdrawal:
 - A municipality must withdraw completely, or it may withdraw one or more designated departments.
 - A municipality may not withdraw, or cease eligibility or enrollment, for some employees while also allowing other employees in the same department to continue to participate.(i.e., employees hired after a specific date)

CMERS Issues for Participating Employers (cont.)

- Collective Bargaining
 - The municipality's interest arbitration award authorized it to offer new employees within a CMERS-participating department a defined contribution plan (as opposed to CMERS participation).

 - The ruling found that neither a collective bargaining agreement nor an arbitration award could preempt the limitations on withdrawals imposed by statute (nor was the Commission bound by either).

CMERS Issues for Non-Participating Employers

- CMERS Retirees in Pay Status
 - CGS 7-438(a) makes CMERS retirees in pay status ineligible to participate or be entitled to credit in any municipal retirement system of a non-CMERS participating municipality for the period of such municipal employment.
 - Ineligibility requirement does not apply to retirees in pay status who are working for the State or a private sector employer.
 - Ineligibility requirement not well disclosed to CMERS participants.
 - Statute does not create any obligation on municipal employers to make in pay CMERS retirees ineligible to participate in their retirement system.

Eligibility Determinations

- It is Plan Administrator's responsibility to determine eligibility in accordance with terms of the plan document
 - May be delegated to third-party administrator, but requires coordination with employer and payroll

 - Eligibility service requirements frequently misapplied or misunderstood
 - If plan has service hours requirement, there are various methods of counting hours of service - actual hours method, Equivalency method, Elapsed time method

 - Additional eligibility service requirements may apply in retirement plan for purposes of employer match or employer nonelective contributions

Retirement Plan vs. Group Health Plan

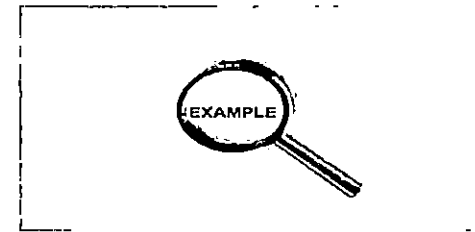
- Eligibility requirements must be set forth in a document that constitutes part of the plan.
 - Retirement Plan
 - 401(a) tax qualified plans have broad flexibility with respect to who is an eligible employee – i.e., full-time, certain department, unit, job classification, union, or non-union
 - 403(b) Plans – subject to a “universal availability” rule for elective deferrals
 - Group Health Plan
 - ACA mandates that “applicable large employers” offer coverage to “full-time employees” – defined as an employee who is employed on average at least 30 per week, or 130 per month

Normal/Early Retirement Dates

- Many Plans use multiple definitions of Normal Retirement Date.

- Normal Retirement Date is the earlier of:

- 1. Attainment of age 65 or
- 2. Attainment of age 55 and completion of 30 Years of Credited Service.



- Early Retirement Date is generally set at any time within 10 Year prior to the Participant's Normal Retirement Date.
 - Benefits in a Defined Benefit Plan are generally actuarially reduced to reflect the earlier start date of benefit payments.

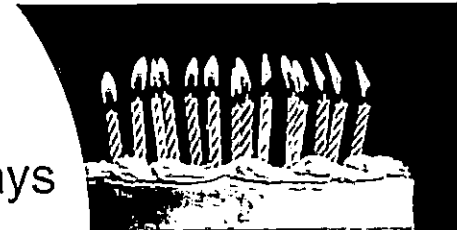
Example of Participant Confusion

- Joe is age 55 with 25 years of Credited Service under Town X's Defined Benefit Plan. He submits his paperwork to retire and commence an early retirement benefit. Joe is **shocked** to learn that his normal retirement benefit is reduced by more than he anticipated. Joe is told that the "bigger" reduction is due to starting 10 years prior to his Normal Retirement Date of Age 65. Joe anticipated a reduction of benefit based on starting 5 years prior to his Normal Retirement Date of Age 55 and completion of 30 years of Credited Service.

Why Did Joe get it so Wrong?

- Key Difference Between Original NRD and Alternate NRD

- A Participant can satisfy the age component of an NRD definition by celebrating more birthdays



- A Participant can *only* satisfy the service component of an NRD definition by continuing to work for Town X and being credited with 30 Years of Service





Possible Solution for Participant Confusion

A Summary Plan Description can help avoid
confusion.

- Brief History of Social Security
 - Created in 1935 but did not permit state or municipal employees to be covered
 - In 1950 Section 218 was added to permit States and their political subdivisions to voluntarily have Social Security cover employees with the ability to exclude identified classes of employees from voluntary coverage
 - In 1991, all state and municipal employees not voluntarily covered by Social Security under a Section 218 Agreement and not covered by a government sponsored “retirement system” were required to be covered by Social Security (“mandatory coverage”)
 - Mandatorily covered employees are generally part-time, temporary or seasonal employees

- Employees who are mandatorily covered by Social Security may be taken out of Social Security on a prospective basis if covered by a retirement system.
- A Defined Contribution Retirement System
 - Contributions must equal to 7.5% of compensation
 - Can be employee only mandatory salary deferrals, employer only contributions or a combination of the two
 - Definition of Compensation must at least equal base salary
 - The participants' accounts must be credited with a reasonable interest rate
 - For part-time, temporary and seasonal employees the benefit must be 100% vested

COBRA Election and Payment Periods

- Under COVID-19 emergency relief guidance the DOL and IRS extended the timeframes for election and payment of COBRA premiums

- The applicable periods are
 1. the 60-day election period for COBRA coverage
 2. the dates for making COBRA premium payments
 3. the date for individuals to notify the plan of a qualifying event or determination of disability
 4. The date for providing a COBRA election notice

COBRA Period Extensions

- Under the relief, up to one year must be disregarded in determining the due dates for individuals to elect COBRA continuation coverage and pay COBRA premiums
 - Some confusion about whether the tolling period applies separately to the election period and payment period

- IRS & DOL have Issued guidance clarifying the application of the extensions under COBRA for the election and payment of COBRA premiums and the interplay with ARPA's COBRA premium subsidy ("no-cost COBRA coverage).

IRS Notice 2021-58

- The one-year disregarded period in determining the due dates for an individual to elect COBRA coverage and the disregarded period for the individual to make initial and subsequent COBRA premium payments generally run concurrently
- The extension of the timeframes do not apply to the periods for providing the required notice of the extended election period or for electing COBRA continuation coverage with COBRA premium assistance (subsidy) under ARPA

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Thank you for joining us.

Please contact us with any questions.



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