

RTM Meeting
July 2, 2013

The Call

1. To take such action as the meeting may determine, upon the recommendation of the RTM Library Museum & Arts Committee, in accordance with Section C1-3 (4) of the Town Charter, to appoint Holland Dunn, Carole Orland, & Keith Ruskin and to reappoint Julie Belaga and Marriana Mc Call to serve as Trustees of the Westport Public Library for four-year terms beginning July 1, 2013.
2. To take such action as the meeting may determine upon the recommendation of the Board of Finance and a request by the Parks and Recreation Director along with the Board of Education to approve bond and note authorization of \$320,000 for replacement of the existing tennis courts at Staples High School.
3. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Director of Public Works to approve an appropriation of \$135,000 from the Capital & Nonrecurring Expenditure Fund (C&NEF) Account to purchase a backhoe to replace a 21 year old, 1992 machine.
4. To take such action as the meeting may determine, upon the request of at least 20 electors of the Town of Westport, to review and recommend revisions to the existing policies and procedures guiding the Department of Public Works (DPW) in its management of the Town's sanitary sewer extension program.
5. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Director of Public Works, to approve an appropriation of \$95,000 with bond and note authorization to the Municipal Improvement Fund (MIF) Account (Bulkley Ave North/Old Road) to complete the engineering design of the proposed sewer extension at Bulkley Ave North vicinity and Old Road vicinity.

Minutes

We welcome those who are joining us tonight in the Town Hall auditorium, as well as those watching us on Cable Channel 79 or AT&T channel 99. Due to technical difficulties, the live stream will not be available tonight on westportct.gov but it will be streamed tomorrow night. My name is Eileen Lavigne Flug and I am the RTM Moderator. On my right is RTM Secretary Jackie Fuchs. Tonight's invocation will be delivered by former RTM member Bob Galan.

Invocation, Bob Galan:

Good evening. It is good to be back and see a lot of familiar faces I haven't seen in a while.

Charles Plumb was a U.S. Navy jet pilot in Viet Nam. After 75 combat missions, his plane was shot down and he parachuted into enemy hands, spending six years in a Communist prison. He survived the ordeal and now lectures on lessons learned from that experience. One night, he and his wife were dining at a restaurant and a man approached from another table and said, "You're Plumb.

You flew jet fighters in Viet Nam from the aircraft carrier Kitty Hawk. You were shot down.” “How in the world did you know that?” asked Plumb. “I packed your parachute” the man replied. Plumb gasped in surprise and gratitude. The men shook hands and the other fellow said, “I guess it worked!” Plumb assured him, “It sure did or I wouldn’t be here today.” Plumb couldn’t sleep that night thinking about the man, wondering what he looked like in a Navy uniform: white hat; bib in the back; bell bottomed trousers. He wondered to himself: How many times might I have seen him and not even said, “Good morning. How are you?” or anything, because, you see, I was a fighter pilot and he was just a sailor. Plumb thought of the many hours the sailor had spent at a long wooden table in the bowels of the ship, carefully weaving the shrouds and folding the silks of each chute, holding in his hands, each time, the fate of someone he didn’t know. Now Plumb asks his audience, “Who’s packing your parachute?” Everyone has someone who provides what they need to make it through the day. He also points out that he needed many kinds of parachutes when he was shot down over enemy territory. He needed his physical parachute; his mental parachute; his emotional parachute and his spiritual parachute. He called on all of these supports before reaching safety. Sometimes, in the daily challenges that life gives us, we miss what is really important. We may fail to say hello, please or thank you, congratulate someone on something wonderful that has happened to them, give a compliment or just do something nice for no reason. As you go through this week, this month, this year, remember the people who pack your parachute.

There were 28 RTM members present. Ms. Kane, Mr. Floyd, Mr. Rossi, Mr. Lebowitz, Mr. Urist and Mr. McCarthy notified the Moderator that they would be absent. Ms. Cady and Ms. Feller were also absent. Ms. Talmadge notified the Moderator that she would be late.

Corrections to the minutes of June 4:

- Page 6 line 7 and line 18: The correct spelling is Wynkoop.
- Ms. Flug:
Attendance, page 49: Jay Keenan notified the Moderator that he would be late and he arrived at 9:13 p.m.

Birthday greetings tonight to Ms. Batteau, to Mr. Wieser and Mr. Nathan. Happy birthday.

Announcements

Ms. Flug:

The next RTM meeting will be on Aug. 6, if necessary, but we are doing everything we can to avoid that. Otherwise, it will be Sept. 3.

Upcoming RTM Committee meetings:

- There is an Ordinance Committee on Wednesday, July 10 10:30 a.m. to discuss the blight ordinance.
- There is Special Ethics Committee and Rules Committee, joint meeting, Monday July 8, 7:30 p.m., room to be announced later. That is to discuss some proposed changes to RTM rules and procedures.

First Selectman, Gordon Joseloff:

A couple of sad notes tonight and then a happy note. I want to note the passing of a couple of Westporters who made a difference in this community. The first is Maggie Feczko. Maggie Feczko did not serve on the RTM but she might have well have for all the good things she did for the Town. She was highly involved in a number of community organizations: League of Women Voters, Westport Historical Society, Westport Garden Club, Westport Sunrise Rotary, I'm probably leaving something out but she did it with gusto.

Ms. Flug: Chair of the Historic District Commission.

Mr. Joseloff:

That's right, the Chair of the Historic District Commission. She was honored, as a matter of fact, with a special award last November. This Town is better off for Maggie having done what she did. She died of ovarian cancer after a long and valliant battle. Westport will miss her but her legacy will live on and all the good things that have occurred in this Town including the preservation of Sherwood House which is now the Spotted Horse Restaurant; Maggie was a prime promoter of that effort. We'll miss her. Her funeral is tomorrow at 11 a.m. at Christ and Holy Trinity Church. The second passing I wanted to note is a former RTM member, John Sachs. John served on the RTM from 1987- 1995. During that time, he was chair of the Employee Compensation Committee. John's profession at the end was as an insurance agent but he also had great expertise in matters of Medicare and Medicaid and was very helpful to many seniors in helping fill out forms and discussing and explaining some of the health care issues. John was a devoted RTM member. He left his Burr Farms Road home in the early 2000's and moved to Meadow Ridge but often came back to visit. There was a funny story told about John at Sunrise Rotary this morning. Some of you heard it so forgive me for repeating it for you. A man named Paul Speakerman got up. Paul Speakerman is a long time Rotary member and a good friend of John who was a former president. He recalled that John was on a visit to Thailand. John was a naturalized citizen. He grew up in Czechoslovakia. He fled the holocaust and ended up in Austria. German was his first language. A naturalized citizen, John served with the 10th Army Mountain Corps. He was an excellent skier. John was in Thailand on a trip. He traveled, according to Paul, well into his 80's. Somehow, he lost his passport in Thailand. John was very concerned, being a naturalized citizen. He went to the Consulate. He was quite concerned that he didn't have anything to identify himself. The Consul Officer said he must have something. John reached in his pocket and searched in his pockets and he had a membership card. I am a member of the RTM in Westport

Connecticut. The man looked at him and said 'Anybody could duplicate that. Don't you have anything else?' John said, 'No, I don't.' The Consul Officer said, 'Do you know who the Chair of the Conservation Commission is in Westport Connecticut?' John said, 'Yes, it's Gloria Speakerman.' The consul said, 'Do you know how many children the Speakerman's have?' 'Yes. They have four. Why do you ask that?' 'What's the name of the eldest daughter?' 'Susan...' The consul officer said, 'I used to date her. We'll give you your passport.'

Could I ask Jack Klinge to come forward? I have a little presentation. Jack was in London. I think he said he was visiting relatives but I know he was actually in a pub on a pub crawl. On June 21, the Westport Senior Commission gave Jack a Service to Older Adults Award. I won't enumerate because it is lengthy but Jack, I just want you to know, using modern technology, Jack prepared a video tape response. It was almost like the Academy Awards. He appeared magically on the screen to thank his hosts and the producers and all that but he did not actually get the award because he was in London. So tonight, Jack, I want to present you with this award. I want to present it to you with gratitude for your years of service, not only to the RTM, not only to the seniors in this community but to the community as a whole. You epitomize, just as Maggie Feczko did, service to our community. We would not be as great if it were not for volunteers like you, like Maggie, like John Sachs and like everybody else in this auditorium who devote such time effort to better our Town. So, congratulations.

Jack Klinge, district 7:

Thank you Gordon. Thank all the people who made this award possible. Nobody starts out to commit service with any organization with the idea of getting an award. It is a great honor and I appreciate it. I would also be remiss if I didn't mention my wife Jean who is hiding out in the back there. It took 22 years to finally catch up to her so now we're even. Lastly, I want to say, for the record, that I urge all the boards and commissions to approve senior housing project on Baron's South. Let's make it happen as soon as possible. That would truly be a service to seniors. Thank you all.

Ms. Flug:

Before we move on to the next announcement, I would like to take a moment to observe a moment of silence for our lost Westporters Maggie Feczko and John Sachs who gave so much of their time and talent to the Town of Westport.

Town Clerk Patty Strauss:

I'm here to make an announcement on your position as RTM member. My office, according to the Town Charter, mailed out incumbent letters for the RTM to each of you yesterday. I think 34 were mailed out. Two letters, two people, did not receive letters, Cornelia Olsen and Christopher Urist. That is because, by charter, they moved out of district within the last two years. If they are interested in continuing to serve they will need to petition in their new district. Your incumbent letters are due back in my office by July 30. If you don't send your

letter in by July 30, you can change your mind and actually petition. I want to announce to everybody else who is listening that petitions to be an RTM candidate are available beginning Tuesday, July 23. That's an overlap to an incumbent letter being returned. Final petitions for anyone who is interested in running are due by Sept. 10. Then we will prepare a ballot and be very involved with the election process.

RTM announcements

Bill Meyer, district 3:

We have a real hero sitting up here tonight [Eileen Flug] because when we had our duck promotion, she was in the duck tank. Jeff, do you want to come forward and tell us what happened.

Jeff Wieser, district 4:

Proving that I will do anything Bill Meyer tells me to do, that typifies why I am here. I blew 15 bucks trying to dunk our Moderator, my boss, at the great Duck Race and she kept moving that button somehow. I don't know how it happened. I spent my last five bucks and gave it to a seven year old who hit it right away.

Ms. Flug: I was dunked 11 times in a half hour.

Mr. Meyer:

We raised \$37,000 for a new record. Is Bob Galan still here? He is our new President of Rotary next year. We are very proud of that. I want to thank the people in the room for all the tickets you bought. I appreciate that. Who sold the most? Bill Meyer sold 200 tickets. I want to thank the RTM for buying tickets from me. John Cooper won \$5,000, the pro. My neighbor won \$1,000 and is taking me for dinner. Thank you for your support. Go ducks!

Wendy Batteau, district 8:

You got an email from me, and then we subsequently, we being the Health and Human Services Committee, the Environment Committee, the Public Works Committee and the Finance Committee were there with members of district 3 and district 8 to go over a program that our Health District is launching with the Connecticut State Department of Public Health. They are going to be making available free testing of well water for interested Westporters for arsenic. There was a similar test done in Weston that was very successful. Over 250 people decided to get their own well water tested rather than going through the Health District and they reported the results to the Health District. This is not because of some environmental catastrophe. Arsenic is a naturally occurring metal and it's been found in overly large concentrations in New England and in the Midwest and some places in Weston. Since the remedy is quite simple, there are a couple of different methods that can be used that are also inexpensive, it's really important for an individual family to have their well water tested. It's also important from a research point of view for the Health District and the State to know the results of this just so they can map out where there are problems and

discover why one house might have a well problem and the house next door does not. So, you will perhaps be receiving questions from your constituents and Mark Cooper and I will be preparing Frequently Asked Question sheets and will be distributing them, probably by Patty, to all of you.

Matthew Mandell, district 1:

I have three quick announcements. First, related to the Terrain property, as you know, there was an issue with the historic house on it. Terrain has come forward with a new application to Planning and Zoning that preserves the house and also creates additional parking for their facility. They will be in front of Planning and Zoning on July 18. So, if you are interested in that situation, come on out to Planning and Zoning. The second is also relating to Planning and Zoning, also on July 18. As of last night, the Board of Finance discussed the issue with the Gunn House with the public and the First Selectman. The First Selectman has decided to move this project forward requesting an 8-24, which is use of municipal land, for the Gunn house across the street on the Baldwin lot. That will also be heard in front of P&Z on July 18. The third issue, I'm sure all of you are getting emails from constituents around the Saugatuck area about the fire house. I had set up a meeting with Chief Kingsbury tomorrow to discuss this with them. The Long Range Planning Committee is going to take it up in a month and it was decided to handle it there where the public could be there; where everybody interested could discuss it and the Fire Department and whatever other Town representatives. So, instead of meeting tomorrow at 9 o'clock with the Chief, there will be a Long Range Planning meeting in the future and it will be up to Dr. Cunitz to decide when it will be.

Cathy Talmadge, district 6

I just wanted to let everyone know that the Wakeman Town Farm has had a wonderful year and will be having our Family Fun Day on July 13, Saturday. It is really for kids but we would love all the Town officials, RTM members, anyone else to attend as an open house just to see what's going on at the farm because it is the most beautiful time of the year. It will be a lot of fun and we invite you all to be there.

Dick Lowenstein, district 5:

No rubber ducks this week but I do have the same colors as the Rotary and I will post it right here. The library book sale starts on July 20 and even before, we are looking for volunteers. So, if you want to volunteer, go to the web address shown on the card in front of me and sign up. You may recall, last year, we had a real winner, a signed Andy Warhol book which we sold and lo and behold, last week, we got another one. It will be featured at the sale. Clearly, our featured book at the sale will be a bible printed in Cologne German, 1610, in its original pigskin binding. It's a rather rare piece and I hope it will sell at the sale. All the money that we raise will go to benefit the library. I hope you will come to the sale and if you like, volunteer. Am I the last one for announcements? Since the first item on

the agenda is about the library, I will leave the sign here and ask Dr. Ashman to remove it when he is done.

The secretary read item #1 of the call - To appoint Holland Dunn, Carole Orland and Keith Ruskin and to reappoint Julie Belaga and Marriana McCall to serve as Trustees of the Westport Public Library for four-year terms beginning July 1, 2013. By show of hands, the motion passes unanimously.

Presentation

Library, Museum and Arts Committee, Arthur Ashman, district 7:

In honor of Jack, I would like to go on record admitting that I am a senior.

As you all know, the RTM every year has to pick half of the candidates for the board of the library. An RTM Library Committee meeting was held at the library jointly with the representatives from the Library to interview candidates to fill, and to vote for, the five vacancies that existed to the Library Board of trustees. As dictated by Town law, half the candidates must be approved by library trustees and half by the RTM Library Committee. The voting took place on May 13, 2013.

It was previously agreed to advertise, and interview the candidates jointly: with three candidates subsequently approved unanimously by the RTM committee and two by the library committee. All applicants were interviewed and voted upon on May 13, 2013. But because an RTM quorum was not present, a follow-up meeting was held by the RTM committee for additional discussions, and another vote was taken on June 5th with committee members that could not attend the May meeting. Approved by the RTM committee for the Library Board were: Holland Dunn, Carole Orland and Dr. Keith Ruskin. I'd like to ask if any of the members are here tonight. Keith has an amazing CV as well as Holland. The Town is very honored to have such distinguished people join the board and the RTM is happy to help make this possible. Thank you for making this possible. By the way, the 6-0 vote was by Dr. Arthur Ashman, Melissa Kane, John Suggs, Wendy Batteau, Catherine Calise, and Cornelia Olsen.

As part of the June 5th meeting, an active discussion was had pertaining to future procedural aspects of this process. Two written opinions are attached for the record: one by a library board member, and the other by an RTM member (non voting), who was present. I think it makes for interesting reading.

In addition, two board members were up for renewals. I think you all received their CV's, Julie Belaga and Marianna McCall. They are not present tonight. Both have served for four years on the board. Both are quite impressive. A meeting was held tonight before the RTM meeting and a vote was held tonight to extend their board membership for another four year term. The vote was 6-0 and the same members voted.

Members of the Westport electorate – no comments

Dr. Heller read the resolution and it was seconded by Mr. Rubin.

RESOLVED: That upon the recommendation of the RTM Library Museum & Arts Committee, in accordance with Section C1-3 (4) of the Town Charter, the appointment of Holland Dunn, Carole Orland, and Keith Ruskin; and the reappointment of Julie Belaga and Marianna McCall to serve as Trustees of the Westport Public Library for a four year term beginning July 1, 2013 is hereby approved.

Ms. Flug:

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

Members of the RTM

Mr. Meyer:

I'd just like to recognize Dick Lowenstein for the book sale which lasts four days. He and Mimi really run it. Right here in the annual report in 3-D, your picture is in here. You look 10 years younger with the glasses

By show of hands, the motion passes unanimously.

The secretary read item #2 of the call - to approve bond and note authorization of \$320,000 for replacement of the existing tennis courts at Staples High School. By show of hands, the motion passes unanimously.

Ms. Flug:

This is a vote on the bond and note authorization for the tennis courts that we approved last month. In June, we approved the appropriation for the tennis courts but because the Board of Finance approved the appropriation and decided at the meeting when the appropriation came up that they would bond it, they voted on the bond and note authorization a month later and that's the way we are doing it, as well. So, tonight we don't have a Finance Committee report because we are only voting on the bond and note authorization.

Finance Director, Gary Conrad:

It was unique that the proposal went through. It was originally going to be a special appropriation for the Board of Education and the funds for the Town portion, the other \$160,000, was going to come from the Capital and Nonrecurring Fund. The Board of Education does not have any funds left in the Capital and Nonrecurring Fund so the choice would be a special appropriation. As you look farther into it, the life of the courts is over 25 years and, as far as an infrastructure improvement, it would classify as a good project to bond. Therefore, it was decided by the Board of Finance to present this as a bond eligible expenditure. It will be bonded for no longer than 20 years.

Members of the Westport electorate – no comment

Dr. Heller read the resolution and it was seconded by Mr. Rubin.

RESOLVED: That upon the recommendation of the Board of Finance, the Town of Westport (the "Town") hereby appropriates the sum of Three Hundred Twenty Thousand and 00/100 Dollars (\$320,000) to fund the Capital and Nonrecurring Expenditures for the costs associated with the replacement of the existing tennis courts at Staples High School, including the installation of six (6) new courts with nets and fencing and administrative, financing and other soft costs (the "Project").

Section 1. As recommended by the Board of Finance and for the purpose of financing Three Hundred Twenty Thousand and 00/100 Dollars (\$320,000) of the foregoing appropriation, the Town shall borrow a sum not to exceed Three Hundred Twenty Thousand and 00/100 Dollars (\$320,000) and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project.

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

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

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

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

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

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

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

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

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

Ms. Flug:

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

Members of the RTM – no comments

By show of hands, the motion passes unanimously.

The secretary read item #3 of the call - To approve an appropriation of \$135,000 from the Capital & Nonrecurring Expenditure Fund (C&NEF) Account to purchase a backhoe to replace a 21 year old, 1992 machine.

By show of hands, the motion passes unanimously.

Presentation

Director of Public Works, Steve Edwards:

Tonight, I'm requesting an appropriation to replace a 1992 John Deere model 710 backhoe. This is a standard piece of equipment that we use on a routine daily basis. We use it on snow removal. We use it on road maintenance. It is a generic piece of equipment. It is not anything special. One thing we do have though, the reason it is \$135,000, where a standard operation would be around \$120,000, is that we do have a couple of pieces of equipment on it which allows us to pick up logs. It is called a thumb, an articulating rotating head on it so that it is specialized for the type of work we do. The generic piece of equipment is a standard bid process that we will go through. It is replacing a 1992 piece of equipment that we have. We are looking to go to a smaller piece. The 710 is a larger piece of equipment than we feel we need. Presently, we have a smaller 410 that does everything we need to do. We feel that we are better off to go back and get another piece of equipment very similar to what we have so that we have exchangeability between parts. We try to standardize wherever we can. Our fleet has two backhoes, two loaders, everything, again, is a redundancy so that we are able to respond during in emergencies to put two pieces equipment in different parts of the Town. Again, it's part of our normal emergency fleet. We request that you support the appropriation to replace a 21 year old piece of equipment.

Committees report

Public Works and Finance Committee, Jay Keenan, district 2:

This was a meeting between Finance and Public works along with the other meetings we had for the sewers and the arsenic so there were a lot of people in the room. It is an appropriation to the Capital and Non-recurring and has been in the budget for the last two years. It is replacing a 21 year old backhoe. It is a

piece of equipment that we need for the Town. It is replacing a piece of equipment that has given us 8,000 hours in 21 years and it is time to replace it. I made a motion to pass it. Everybody who attended voted to pass it except for one person who abstained because she arrived late.

Westport electorate – no comment

Dr. Heller read the resolution and it was seconded by Mr. Rubin.

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$135,000 from the Capital & Nonrecurring Expenditure Fund (C&NEF) Account to purchase a backhoe to replace a 21 year old, 1992 machine is hereby appropriated.

Ms. Flug:

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

Members of the RTM – no comment

By show of hands, the motion passes unanimously.

The secretary read item #4 of the call – Upon the request of at least 20 electors of the Town of Westport, to review and recommend revisions to the existing policies and procedures guiding the Department of Public Works (DPW) in its management of the Town’s sanitary sewer extension program. By show of hands, the motion passes unanimously.

Presentation

For the petitioners, Sydney Brown, 65 Bulkley Avenue North:

My husband, David Brown, could not be here tonight. He is at a conference. We are asking the RTM to review and recommend revisions to the policies with respect to the sewer extensions. The concerns arose with the Bulkley Avenue process but are not only applicable there. There are specific concerns that are outlined in this petition. An important implication of the current procedures is the impact on persons with fixed incomes whose homes are a critical asset, as well as the difficulty in determining the scale of assessments and other costs and when the payment will be required. The policy and procedures which are embedded in the Department of Public Works rules are not readily available to many of the elderly. Meeting notices are not sufficient of a potential financial impact on them. The Bureau of Water Management and the Connecticut DEEP oversees the Water Pollution Control Boards in Towns. The boards operate under the relevant State Statutes. In 1997, the bureau issued *Methods of Capital Cost Recovery on Water Pollution Control Projects*. In that document, the assessment in Westport was \$14,000 the average homeowner must pay for the cost. However, the homeowner cost in 34 other Towns surveyed was only

\$5,000. There are provisions in the statutes for fixed income elderly persons. We are not asking you to consider the state rules but their process of implementation in Westport. It is clear that the presence of sewers increases the marketability of properties and/or are necessary when there is a health concern due to septic systems failing. But in either case, those expected to bear the cost need to be clearly informed of what is expected of them and their options. Simple applications of liens on the properties of those on fixed incomes creates serious problems. Westport needs to be careful especially when the homes have adequate septic systems and the owners do not plan to sell but to live in their homes. The petition reads:

We the undersigned do hereby petition the Westport Representative Town Meeting under §C10-4 of the Westport Town Code to review and recommend revisions to the existing policies and procedures guiding the Department of Public Works (DPW) in its management of the Town's sanitary sewer system extension program. Specifically, we ask the RTM to review the policies and recommend revisions to the DPW's current practice of:

- The use of unverified and uncertified signed sewer petitions.
- The lack of stated expiration dates applied to the sewer petitions. (Because these petitions lack expiration dates, the ones being processed now actually go back 13 to 15 years. As a result, current homeowners are finding themselves expected to bear the sewer installation costs, with or without their consent, solely based on petitions signed by previous homeowners who have long ago moved away or, in some cases, even died.)
- The lack of clear explanation on the actual sewer petitions that the full costs will be borne by homeowners within 200 feet of the targeted street along with an estimation of the anticipated costs.
- The lack of financial hardship provisions for impacted residents.
- The questionable acceptance of signatures of homeowners living on private roads towards the vote tallies for homes on public streets.
- The current confusion around which rule of required signatures is to be followed. (Note: The current rules require over 73 percent approval level from the homeowners involved before a recommendation can go forward. The older rules only required 51 percent . Because unverified and uncertified petitions from up to 15 years back are only now being brought forward by the DPW, it is not at all clear if the petitions should be required to have over 73 percent or 51 percent of homeowners' signatures.

The DPW sewer petition program obviously is not working and we respectfully request that the RTM review the program and make policy recommendations to fix it.

We are asking the RTM to review the Department of Public Works and its management of the Town sewer extension program.

Committees report

Public Works Committee, Health and Human Services Committee and the Environment Committee, Mr. Keenan:

The first thing that was noted in the meeting was that the RTM has no jurisdiction over the sewers. Basically, we were asked to review and make recommendations. The purpose of the meeting was to review the petitioning process not the overall sewer policy, not the blue line and things like that. We kept this to the petitioning process. The meeting was between Public Works Committee, Health and Human Services Committee and the Environment Committee. In attendance were David Brown, the lead petitioner and we also had Steve Edwards, Director of Public Works. The lead petitioner presented his petition requesting that we review the application process. Dr. Brown stated that he was not here to stop the sewer but to make the process more transparent and less confusing. He outlined the policy items he'd like us to review which were just outlined now; signature verification, age of petitions and clear explanation of costs, who has to pay for them and who has to sign up. We then had Mr. Edwards outline the current and former process for petitioning sewers. In 2004, things changed. They went from the 51 percent to 75 percent and then he also outlined certain things which caused this sewer to take time. In the mid-2000's, we had a P&Z enforced moratorium on sewers. Also, when you are going to install a sewer on a street up north, sewers have to go from where they are existing to get to that point. You might petition on a street that is Cross Highway, but the sewers aren't there so you have to wait until they get there even if you have a petition that is signed at 75 percent. The committees had several suggestions and comments. Some of the things were putting out a pamphlet that outlined everything including projected costs, who bears the costs, outlining how the benefit assessment actually works, who and when and why you have to hook up and if you have septic and it's working and you don't sign the petition, do you have to hook up to the sewer; also suggested were expiration dates on petitions and a review of the deferment/hardship procedures. Upon completion of this discussion, it was recommended that we form a special committee to look at this with members of the Health and Human Services, Environment and Public Works Committees to review these things and come up with some suggestions to the RTM and also the WPCA. All those in attendance voted in favor of the resolution to create a special committee.

Members of the Westport electorate – no comments

Dr. Heller read the resolution and it was seconded by Mr. Rubin.

RESOLVED: That the RTM Moderator appoint a Special Committee of the RTM to work with the WPCA and the Department of Public Works to recommend revisions to the WPCA rules and procedures regarding the petitioning and installation of sanitary sewer extensions, and that such Committee include at least one member of the Public Works, Health and Human Services and Environment Committees, and that such Committee report back to the RTM and be disbanded upon the discretion of the RTM Moderator.

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

Members of the RTM

Don Bergmann, district 1:

I am very pleased that this committee is being proposed. I have a couple of questions. Who is going to be picking the members to represent the committees.

Ms. Flug:

I will be selecting members of the committee but I will be asking RTM members to volunteer if they have an interest of being on the committee.

Mr. Bergmann: What is the time frame?

Ms. Flug: I will be doing it within the next few weeks.

Mr. Bergmann:

I think this is an excellent proposal. I attended a portion of the meetings of the committees. There was a conflict. I'm not on any of those committees. It was clear to me that there are some real issues out there and this committee should hopefully address them. The one thing I would like to add for the discussion and I will convey to the committee, as well, relates to seniors and the impact of sewers on seniors in the Town. One of the things that seemed to surface in the situation at Bulkley Avenue is the assertion, and I think it has some merit, that sewers raise property values which is in many senses is a good thing. But they also allow a builder to come in and buy a property and turn a very small house into a very large house because of the availability of sewers. That has an impact, often, on seniors in particular, who might be living in a modest home. No one forces you to sell. I concur on that but nevertheless there are pressures that the particular senior may have to incur a cost for the sewer. They may find their real estate taxes going up because their neighbors have gotten sewers and sold their properties and the values have gone up and that may impact on the value of senior's home which might be a modest home. I am suggesting, and I will convey this to the committee and to others, that there is an issue that ties into this which relates to possibly giving special treatment to seniors who do not want to participate in the sewer connection such that they might be able not to incur that cost that would be otherwise imposed upon them. That becomes a little more sensible given the fact that we've got a 75 percent test to cause sewers as opposed to the 51 percent test so that makes the people who don't participate a smaller minority which, in one sense, allows possibly greater flexibility in trying to deal with the interests of seniors as they try and confront some of these issues that the sewer presents.

Mr. Lowenstein:

In keeping with Mr. Keenan's report, I'm not going to talk about content. I'm more interested in process. I want to ask Mr. Edwards some questions regarding this

process. The first is how many pending or incomplete petitions are there right now?

Mr. Edwards:

I'm not sure on that number. I believe there are six or seven depending on how you aggregate them. As Mr. Keenan indicated, a couple of them are in areas that are not contiguous with areas that can be served so they are sitting in limbo and I don't really count them.

Mr. Lowenstein:

It sounds like the last time the policy was changed was in 2004, what was the process by which those changes were discussed, reviewed and implemented?

Mr. Edwards:

The recommendations came out of the facility plan which was generated by Sterns and Wheeler in 2002. That facility plan was reviewed through Conservation Commission, through Planning and Zoning and then to the Board of Selectmen, the Water Pollution Control Authority. Each of those bodies took the recommendations, discussed them in a meeting and then the actual action was taken at the WPCA where the recommendation was approved.

Mr. Lowenstein:

You answered my last question of who approved it. It's the WPCA. The thing that bothers me is that this is a policy change that is going to be made to the Board of Selectmen. Normally, when those kind of things are coming before the Town, the Board of Selectmen or the First Selectman appoints a committee to review it and to report back to him. We have the Deer Management Committee; we have the Citizen's Transportation Committee; we have the Downtown 20/20 Committee. All these are Special Committees created by the First Selectman to make recommendations. Since the Board of Selectmen is the final arbiter on this, I'm surprised the First Selectman or Board of Selectmen did not create the committee. I recall, when we had this meeting last month, the Moderator remarked that these policy issues don't come within the RTM purview. I have no real problem with it but I would think the impetus would come from the Board of Selectman/Water Pollution Control Authority.

Mr. Edwards:

I think it is the intent of the Water Pollution Control Authority to meet on this petition. At that point in time, they will hear this resolution. As I indicated before, the Water Pollution Control Authority typically takes input from Conservation, from Planning and Zoning. I'm sure they will take input provided at that time.

Mr. Lowenstein: This will be one of several inputs to the WPCA.

Mr. Edwards:

I would expect that the Water Pollution Control Authority will have an open meeting and accept any input.

Mr. Klinge:

I was at that same meeting of the committees. Here's my take on what I heard. I think there's clearly a need for us to be pro-active. I like the idea of a committee emanating from the RTM and involving a number of Town boards and commissions. I like us taking charge because we are representatives of the people of Westport and this is a Westport-wide issue. I thought there were three areas that the committee is going to have to look at. One is policy and procedure, clarity and transparency. Second is communication. I think we probably have done a poor job of communicating on a wide relevant basis, the content of the policy and all its other intricacies. The third part is dealing with hardships and exceptions. I think that should be dealt with, as well, by the committee. So, it's process, communication, hardships.

By show of hands, the motion passes unanimously.

The secretary read item #5 of the call – To approve an appropriation of \$95,000 for Bulkley Avenue North/Old Road to complete the engineering design of the proposed sewer extension. The motion passes 23-3-2: Those opposed: Batteau, Calise, Suggs; those abstaining: Ashman, Bomes.

Presentation

Mr. Edwards:

This was the request that came before you last month and was reviewed at that time and subsequently tabled pending the review by the committees on the petition. The request is for a sanitary sewer design contract, for contract 65, Bulkley Avenue/Old Road. It does represent 65 properties. It does represent 2,500 linear feet of sewer. Again, the estimated cost is \$95,000. This is a benefit assessment project so the money would be benefit assessed back to the properties at the completion of the project. Again, the Board of Finance approved the appropriation, the Board of Selectmen, the Water Pollution Control Authority approved the petition and the P & Z approved the 8-24. This request here would allow us to go into the engineering design phase which would take about six to eight months and then we would be back here for the construction funding phase.

Ms. Flug:

The report of the RTM Finance and Public Works Committees was presented by Mr. Floyd last month. They recommended approval to the full RTM at that meeting but they did not have a quorum at that meeting.

Members of the Westport electorate – no comments

Dr. Heller read the resolution and it was seconded by Mr. Rubin.

RESOLVED: That upon the recommendation of the Board of Finance, the Town of Westport (the "Town") hereby appropriates the sum of \$95,000 for the costs associated with the engineering and design of two extensions of the existing sewer lines, the first of which is an extension of approximately 2,500 feet in the North Bulkley Avenue area and the second of which is an extension of approximately 3,750 feet in the Old Road vicinity (the "Project").

Section 1. As recommended by the Board of Finance and for the purpose of financing \$95,000 of the foregoing appropriation, the Town shall borrow a sum not to exceed \$95,000 and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project.

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

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

after they have been paid and cancelled, and such certification shall be kept on file with the Town Clerk.

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

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

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

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

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

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

Members of the RTM

Ms. Batteau:

This is the item that generated the discussion that we had at the joint meeting the other night. At that meeting, it became pretty clear that the whole situation was a hornet's nest, through no fault of Mr. Edwards, who is in charge of the department who builds the sewers. It doesn't set the policies or procedures. There was enough sentiment from the community that I am not going to be able to vote for this; partly, the fact that there is a differential between the percentages. There are different road segments that are going to need to have the sewer line run through. If a home owner votes no and they are in the minority, they still have to pay a portion of the benefit that their property would be receiving. This is something that strikes me as something systemic to a number of our departments. These petitions are 12 to 14 years old because we have cut back the budgets so dramatically for Public Works and some other departments, that there is a backlog. That's one main factor. It's not the only factor in causing this backlog. Many people who signed the original petitions don't live there any more so we are approving something or allocating money and asking people who live on these streets to pay money when we don't actually have hard numbers on the how many people in the area are petitioning to have sewers. In addition, because the petitions are of varying ages, some of the petitions only require 51 percent or anything over 50 percent petition request from people who live on the street. In other words, half of the people who live on a street sign it and that's approved; however, other streets involved in the same project had later petitions and they have to have 72 percent, or whatever it is, of the people residing. It seems to me it's both extremely old and quite premature to do this. We don't know how many people are petitioning to have the sewers. We don't know how many people will be disadvantaged if we ask to have these sewer lines put in. The people who petitioned made it clear that they didn't know how much money will be asked for although Mr. Edwards gave a ballpark figure of \$14,000 to \$16,000. There's a problem with these petitions and I can't ask these people to endure what may be a hardship based on such inconclusive information.

Dr. Ashman:

I don't understand why all the confusion, Wendy. Why don't they just take another survey and bring it up to date? If indeed this is so unfair and this is old information then I think we should vote it down.

Mr. Wieser:

I was at the meeting and I came away from the meeting with a very, very different view in that it was very much agreed that it was a process that needs to be reviewed and brought up to date but, it seems to me, that if we are putting the Department of Public Works on hold until that process which is currently in place and everything has gone along with the way the rules have been going, we are putting the sewer system on hold. This was voted by the neighbors at the time when it was deemed appropriate. There has been a long time elapsed and I would love for that to be brought down. With all the cuts in the Public Works Department, I think that is understandable. I didn't get the sense that we were supposed to reopen that particular project but rather put clarity on the whole system. Steve, could I ask you to comment on that, please.

Mr. Edwards:

I came out of that meeting with a different sense with all due respect to Ms. Batteau. There are improvements that could be made with the petitioning system and I agree we could provide more clarity. The bottom line is the majority are the people who signed the petition. We had an additional informational meeting. People were allowed to withdraw their names if they wanted to or add their names if they wanted to. We actually had more people add their names than withdraw their names. So, the petition was revisited as recently as a few months ago. That was a result of the Water Pollution Control Authority which said to go back, notify the residents and revisit the petition. We subsequently did that; also with the other petition of Joanne circle where we also had a neighborhood meeting. That one also increased when we got the new signators. That one went up by three or four people. So, what you see here is the quiet majority are out there hoping to get sewers extended. There are going to be some people who are going to be disadvantaged. I agree with the comments made in the workshop. We should do more. We do have parachutes for them through Human Services. We do have parachutes through the Water Pollution Control Authority. We have things in place but have not done a good job in getting them out. But that should not hold back the majority that have signed the petition that want sewers. I certainly agree with revising our procedures but I think the majority have spoken on the petition.

Mr. Wieser

Also, at the meeting we talked about the number of hours your department puts in in getting these approvals. I'm not sure where you are.

Mr. Edwards:

This proposal, the petition has been through the Water Pollution Control Authority twice. It originally went through it once and they referred it back to a

neighborhood meeting. It subsequently went back to the Water Pollution Control Authority. At the second meeting, there was no one who stood up and came out against it or anything else. The petition subsequently went to Planning and Zoning, then the Board of Finance and now the RTM. We already got the contractor bids in and we are hoping to award it within the next month if this is approved

Catherine Calise, district 2:

Steve, I have a couple of questions for you. You said there were 65 homeowners who had signed the petition for the sewer extension line. How many of the 65 would be senior citizens or on fixed income?

Mr. Edwards: Those records I do not have.

Ms. Calise:

You said the majority were in favor of this. How many approved it at the 51 percent rate and what would be the ratio of those who approved it at the 73 percent?

Mr. Edwards:

When we aggregate these types of projects, we actually have in this project six mini petitions. What happens is if you have one up here that comes in at '99, you have to get to it. In this case here, you have six petitions. Bulkley Avenue North from Brook Lane to Godfrey, that represents 20 homeowners, that came in at '99. Then you have Buttonwood Lane only came in in 2011, that is only one property 100 percent. Then we have Old Road at Bulkley, 34 homes there, that came in in 2002, that is 71 percent. Forest Drive came in in 2010, that is 77 percent. Elizabeth Drive came in in 2010 and that is 75 percent. Mallard Lane came in in 2013 and that has 77 percent. The new ones, after 2004, all had to hit the 75 threshold. The older ones from 1999, that was an old petition, that had to have 51 percent that had 60 percent. We try to look at each individual petition and then for the economies of scale, we try to aggregate them to keep the price down for the project.

Ms. Calise;

I guess my concern here would be the older petitions that were from '99. Maybe home ownership has changed. Maybe they are senior citizens now on fixed income. That may change how the outcome is now. To Arthur Ashman's point, would it be possible to go through the new petition process so that the people who would be adversely affected now could be updated in the new process? That's my concern.

Mr. Edwards:

The process has not changed. Someone who wants a sewer signs a petition. The only thing that has changed is the percentages. The process has always been the same. We do not solicit. Homeowners come in with a petition and they

sign it. We validate the signatures. Then they are on the petition or not on the petition. The people in absentia, if somebody is not on the petition at all, they are included in the project by default. If I have to go five houses up the road and house number three did not sign the petition, they are included in the project. They are subject to the benefit assessment. The problem we have is that they may not be around. They may be in Timbuktu. We send them a letter. We notify them about all the public meetings but they are absent. We can't force them to sign or not sign if they are not there but I can't hold the other five people hostage.

Ms. Calise:

I guess I asked my question incorrectly. Of the people who were not in favor of the petition, what is the percentage of the seniors who are living there who cannot afford to do it?

Mr. Edwards: That I don't know.

Ms. Calise:

I am concerned for the senior citizens living in that area who maybe cannot afford the sewer.

John Suggs, district 5:

Just for a point of clarification, in our meeting last week, one of the things that was clarified which I now want to have reclarified because it appears you said the opposite tonight which is part of the problem; it is a very confusing process and keeps changing. My understanding was that you stated that after 2004, if somebody signed the petition, that they were mandated to pay for it. If somebody did not sign the petition, they were not mandated to pay for it. Is that not correct?

Mr. Edwards:

This issue is a mandatory connection. By State Statute, if you are provided a benefit, you are eligible for benefit assessment. If I run a sewer up past your house and I provide you that benefit, then you are eligible for that benefit assessment. The issue we were discussing at the meeting was mandatory connection. The problem with a mandatory connection is if I run a line up past five houses and nobody hooks in, then those five people have taken capacity at the treatment plant. A mandatory connection, which was the recommendation of the facility plan of 2004, was that if somebody is going to take the capacity, then they should be mandated to hook up and mandated to contribute to the operation of the plant because what happens is, if I have that capacity being taken up by five people who are not using it, then the other 200 people that are using it are paying a higher share for operating that plant. So, the issue that I clarified is that if you don't sign the petition you don't have to hook up. You still have the benefit assessment but you don't have to hook up. If you sign the petition and are in the 75 percent, you have to hook up.

Mr. Suggs:

Thank you for that clarification. I've been dealing with this for a year and I think I understand the issue pretty well but it is still confusing. Now, with that clarification, rather than paying the assessment for the pipe versus actually paying to hook up because the homeowner would have to pay to hook up. You said earlier tonight, you have about six petitions in your drawer waiting to be addressed. Are the petition signers, are they aware that the rule now since 2004 is that they have to pay to hook up because they signed it? If not, how are we going to let them know?

Mr. Edwards:

The process that was implemented by the WPCA a couple of months ago was that we will have an informational meeting with each petition before it's brought forward. Part of the comments that came out at the workshop a couple of weeks ago were about communication and I will certainly take that into account. We can do a better job on the communication, on the notice. Before any petition is brought before the WPCA, we will have an informational meeting. All the homeowners will be given the opportunity to reaffirm or withdraw their name off the petition. This is the process we had on this petition, we had on the Joanne Circle petition and we will have on all petitions going forward. That is to address the age issue. It's a legitimate concern on how do we make that current. The only way to make that current is to have the informational meeting just before it goes forward.

Mr. Suggs;

I agree with that but it also entails the expenses being incurred by the people who sign the petition because part of the challenge is there is no dollar amount on the up front. One last question is the issue of the \$14,000 at was in the survey that the state did. At the meeting, you implied that you could see it grow even higher than that. That's the cost of doing business in Westport. You did say something to that effect? Can you help me understand why it costs \$14,000 to put a sewer in Westport and half that in Greenwich or other communities?

Mr. Edwards:

A given project depending where it is done, if I put the same sewer project in Greenwich that I put in Westport, it would cost the same. Depending upon what snapshot they take, the State report took a project in 1995 and that came out as a \$14,000 project. They could have taken another project in 1996 that was \$22,000. They could have taken another project in 2000 that was \$8,000. The cost of specific project is going to be predicated on where it goes. If I'm running on Hales Court where I've only got quarter acre lots or half acre lots, the amount of pipe in my excavation is going to be much less than Pumpkin Hill where I have two acre lots. The cost will be directly related to the project. The state pulled out one project for \$14,000. If I looked at my average over 65 contracts, we give a raw number out; \$14,000 to \$16,000 seems to be the average. If I am on small lots on the beach, I can get that down to \$10,000. If I'm on big lots on Pumpkin Hill, it may be \$18,000. It is going to reflect the cost. Anyone who has worked in

Westport, they know getting a contractor to respond in Westport, it will cost more to get a contractor to respond in Shelton.

Mr. Suggs;

Thank you for that clarification. For our purposes, the state did do that study and surveyed the cost and Westport was disproportionately the most expensive Town to lay sewers from all the Towns that responded throughout the state which raises questions. This is a real problem. I welcome the special committee. Just as a matter of principal, I will be voting against this tonight.

Ms. Batteau:

Again, I think grilling Steve Edwards isn't useful. Our Public Works Department does the best they can given the circumstances they are working in; however, we had a 2 ½ hour meeting discussing this. A number of fairly knowledgeable RTM members came away not fully understanding what was going on. The lead petitioner was not able to be here but at that meeting he said that many people were not able to get to the meeting that the Public Works Department had on behalf of the WPCA, didn't know about it or simply unable to get there. Therefore, they were not able to remove their names from petitions. There was a couple there who had sold their house because they said they saw the handwriting on the wall. They were going to have a \$14,000 lien put on their house and they were going to have to pay more per month and they simply couldn't afford it. They sold their house and they were moving. That is part of the communications problem and part of the procedural problem. In addition, it was pointed out to us that what happens is when the assessment is made for the cost of laying the sewer line as opposed to the cost that the family would have to pay to hook up to the sewer line and the annual cost that they would have to pay for use of the sewer line, the assessment is counted as a lien on their house on the tax rolls. Therefore, some of the people who might be wanting to sell their houses or get a reverse mortgage or something like that so that one member of a senior couple might want to go into assisted living, if there is a lien against their house, that would prevent them from doing so. It seems to me that we do need a committee. We do need to clarify the rules. This has waited for 14 years. Perhaps we can ask the people on the 50 percent petitions at least in the next three months. Here are the basic facts. Given these basic facts, do you want to proceed with the sewers on your road or not and if so, by all means we can go ahead and appropriate the money but, under these circumstances, I have a hard time doing this to people when they don't understand what's being done.

Clarissa Moore, district 4:

If you look at the petition in the packet, I realize I'm the first signature on the petition and my husband who is a senior citizen is the second signature on it. When we moved to Westport my husband said to me, we've got to find a house where we are hooked up to Town water. We need a sewer system. I grew up in

Manhattan so I didn't realize there was well water. I was thinking wells, like Turkey, I had no clue what he was talking about. So, when I was approached to sign the petition, I was told that I was signing it because it was a worthwhile issue for the RTM to address. I still believe it's a worthwhile issue for the RTM to address and we have done that. I think that's laudable and we should discuss every issue that's petitioned in front of us but I'd like to say something for the majority who signed the petition already asking for a sewer for their house. I feel awful for them. We are dealing with individual stories of hypothetical people saying there may be poor seniors who don't want to pay the sewer tax; there may be rich seniors who want sewers; there may be poor seniors who want sewers; there may be young people who want sewers; old people who don't want sewers. We can't tell. All we can tell, we don't know their demographics. I think it would be unconscionable to keep the demographics of who can and who can't pay for a sewer system. All you can go on is the majority of these people on these streets voted for a sewer. I feel awful for them that they've waited for so long to get the sewer that the petitions are so old but they are still waiting and I agree it would be nice to review the process but I would like to move ahead with this one and allow the people to get their sewers.

Stephen Rubin, district 7:

I was at that meeting also as part of one of the committees. Dr. David Brown brought up some real interesting hard questions. I didn't think they were answered and that's why at the last meeting, I asked for this to wait a month and come back tonight. At that meeting, which was extremely constructive, and listening to some of us speaking tonight, maybe there were two different meetings. At the end of our meeting, I approached Dr. Brown as he was leaving. He said he wasn't able to be here tonight to give his opinion but the way I understood what he said was that he was satisfied with the way we will be moving forward, possibly be changing the process. He now understood it better and he did not, as was said earlier, object to the sewer. He *only* objected to the process. I don't want to use *only* as a quick word but that *only* is going to be addressed in the future. I thank Ms. Moore with what she just said. I agree with everything you said. Thirty-one years ago when I moved to Westport, I didn't know the difference between a sewer and a well. It was the same thing. Over these 31 years, I have learned about it and I've learned that the majority rules. I've learned, in Westport, when you have a petition and a majority is there, it rules. I have learned that there are protections that are built in with Human Services and other organizations that will help these people that, in fact, are disadvantaged by it. Please, let's go on with life. Let's build these sewers. Let's have these people, the majority, get what they want, get what they deserve and the Town will also get something that they want and need out of this. Please let's move ahead with this and let democracy rule.

Mr. Bergmann:

I agree very much with Wendy and Catherine Calise and John Suggs as to the fact that this has been a very, very unfortunate circumstance in which mistakes

have been made and process issues have to be corrected and we hopefully will be able to deal with some of the difficulties involving seniors in the future. Having said that, I'm going to be voting for the sewers but it's frankly for a very sad reason. Based on my conversations including one person who has moved from Westport, this group that was concerned, have grown totally weary and given up. I can't make a judgment in whether or not they were justified in giving up but that's why they're not here tonight. That's why you're not hearing from many people. They have grown weary with trying to pursue something within the Town of Westport. One of the shortcomings in this regard was the inaction of our former moderator not to let this dialog within the RTM until this Moderator, Eileen, was involved in moving it ahead. So, I view this as a sad situation in which a lot of people have given up. That giving up also means that they don't care what happens and they are prepared to accept that the process will result in sewers and they will have to incur the costs that they will incur or, in some cases, they will move from Westport.

The motion passes 23-3-2: Those opposed: Batteau, Calise, Suggs; those abstaining: Ashman, Bomes.

The meeting adjourned at 9:13 p.m.

Respectfully submitted,
Patricia H. Strauss
Town Clerk

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

by Jacquelyn Fuchs
Secretary

Attendance: July 2, 2013

DIST.	NAME	PRESENT	ABSENT	NOTIFIED MODERATOR	LATE/ LEFT EARLY
1	Don Bergmann	X			
	Diane Cady		X		
	Matthew Mandell	X			
	Cornelia Olsen	X			
2	Catherine Calise	X			
	Jay Keenan	X			
	Louis Mall	X			
	Sean Timmins	X			
3	Lyn Hogan	X			
	Jimmy Izzo	X			
	Melissa Kane		X	X	
	Bill Meyer	X			
4	Jonathan Cunitz, DBA	X			
	David Floyd		X	X	
	Clarissa Moore	X			
	Jeffrey Wieser	X			
5	Dewey Loselle	X			
	Richard Lowenstein	X			
	Paul Rossi		X	X	
	John Suggs	X			
6	Hope Feller		X		
	Paul Lebowitz		X	X	
	Catherine Talmadge	X			ARR. 7:45 P.M.
	Christopher Urist		X	X	
7	Arthur Ashman, D.D.S.	X			
	Allen Bomes	X			
	Jack Klinge	X			
	Stephen Rubin	X			
8	Lee Arthurs	X			
	Wendy Batteau	X			
	Carla L. Rea	X			
	Lois Schine	X			
9	Eileen Flug	X			
	Velma Heller, Ed. D.	X			
	John McCarthy		X	X	
	Gilbert Nathan	X			
Total		28	8		