

RESOLUTIONS

(1)

RESOLVED: That upon the request of the First Selectman, the amendment to Section 2-2 of the Code of Ordinances entitled "Membership in Regional Planning Agency established" authorizing the Town to join a successor to the South Western Regional Planning Agency, is hereby approved. (Second reading. Full text is as follows.)

Sec. 2-2. Membership in Regional Planning Agency established.

Pursuant to the provisions of C.G.S. §8-31a, the Town hereby adopts C.G.S. Ch. 127 (C.G.S. §8-31a et seq.) and joins the South Western Regional Planning Agency, or any successor thereto, as defined or redefined by the Office of Policy and Management under the provisions of C.G.S. §16a-4a.

(2)

RESOLVED: That upon the request of the First Selectman, the amendment to Section 2-4 of the Code of Ordinances entitled "Regional Council of Governments" (i) authorizing the Town to join a Regional Council of Governments when such council is duly established within a new redefined planning region and (ii) deleting the sunset clause, is hereby approved. (Second reading. Full text is as follows.)

Sec. 2-4 Regional Council of Governments

a) Adoption of state law; Authority to join. The Town of Westport hereby adopts Connecticut General Statutes, §§ 4-124i through 4-124p, as amended, providing for the formation of a Regional Council of Governments, and does hereby join such Regional Council of Governments when and as such council is duly established in accordance with said statutes, upon the adoption of said statutes by not less than sixty percent of all municipalities within the Town's Southwestern Connecticut planning region as defined or redefined by the Secretary of the Office of Policy and Management or designee, and upon certification by the Secretary or designee that a Regional Council of Governments has been duly established.

b) Designated Representative. The First Selectman shall represent the Town on the Regional Council of Governments. In addition, the Representative Town Meeting shall appoint one of its members as an alternate representative to the Regional Council of Governments, which alternate shall serve a term of two years or until the next election of members of the Representative Town Meeting.

~~*c) Sunset Clause.* This ordinance shall expire on November 19, 2013 unless a Regional Council of Governments is duly established in accordance with C.G.S. §§ 4-124i through 4-124p.~~

(3)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Assistant Library Director, the sum of \$80,806 to the Library Account for funding of recent union #1301-157 & #1301-418 settlements is hereby appropriated.

(4)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$116,610 to the following Storm Sandy Accounts for four repair projects due to Storm Sandy is hereby appropriated as follows:

- a) \$78,790 Hillspoint Road Revetment Repairs Account
- b) \$23,280 Beachside Ave Revetment Repairs Account
- c) \$14,450 ER Straight Marina Wall & Rip Rap Repairs Account

(5)

RESOLVED: That upon the recommendation of the Board of Finance the salaries of the Selectmen pursuant to Charter section C38-4 "Compensation" are hereby approved as follows:

First Selectman: No change

Other Selectmen: _____

(6)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the First Selectman, the sum of \$65,000 to Miscellaneous Account #10109911-588096 (Dpwntown 2020) to contract with the RBA Group of CT to conduct the traffic study portion of a Downtown Master Plan for Development and Implementation is hereby appropriated.

(7)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Historic District Commission, the sum of \$45,000 to the Historic District Fees & Services Account for the purpose of accepting funding in the amount up to \$50,000 from the CT Trust for Historic Preservation 2013 Vibrant Communities Initiative (VCI) grant program to form a steering committee to study the implementation of a Village District Zone in Westport Center is hereby appropriated.

(8)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Historic District Commission, the sum of \$79,150 to the Historic District Fees & Services Account for the purpose of restoring the Minute Man Monument site is hereby appropriated.

(9)

RESOLVED: That the Representative Town Meeting Rules of Procedure, Article VI, Section A162-20 (Conflicts of Interest) is hereby amended by adding the following

sentence: "Potential ethics concerns may be discussed with the Moderator, Deputy Moderator, Town Attorney or Assistant Town Attorney."

(10)

RESOLVED: That upon the request of at least two RTM members, the Conflict of Interest provision of the RTM Rules of Procedure is hereby replaced with an Ethics provision. Full text as follows.

REPRESENTATIVE TOWN MEEETING RULES OF PROCEDURES

Article VI. Code of Ethics

Sec. A162-20 Goals of Ethics Code

- A. To ensure public confidence in the integrity of the RTM.
- B. To ensure the independence of RTM Members.
- C. To ensure that the public office of the RTM is not used for private gain.
- D. To establish a clear and public process on how to proceed with an ethics complaint involving an RTM member.

Sec. A162-21 General Standard; Misuse of RTM Position or Resources; Conflicts of Interests

It is expected that RTM Members will act in accordance with all applicable laws, regulations and codes, including the Town Charter, Town Ordinances and the Rules of Procedure of the RTM.

No RTM Member shall use his or her position or prospective position, or the power or authority of his or her position or prospective position, in any manner intended to induce or coerce any person or entity to provide, directly or indirectly, anything of value which shall accrue to the private advantage, benefit, or economic gain, of the RTM Member or members of their family. As used in this section, the term "private advantage, benefit, or economic gain" means any advantage, benefit or economic gain, distinct from that enjoyed by members of the public without regard to official status or not resulting naturally from lawful and proper performance of duties. It is expected that RTM Members will not misrepresent themselves in the course of their public activities and status as Town Officials.

Sec. A162-22 Ethics Complaints

A. Complaint Process:

Complaints as to potential violations of the RTM Ethics Policy should be brought initially to the Moderator or, if a conflict may exist, the Deputy Moderator, for resolution and, if appropriate, action. If not resolved by the Moderator or Deputy Moderator or, if in the judgment of the person or entity having initiated the complaint, or the RTM Member or Members to which the complaint pertains, the resolution is not satisfactory, the complaint shall be referred to the RTM Special Ethics Committee, or the appropriate successor RTM Committee established to address ethics. Thereupon, the RTM Special Ethics Committee shall investigate the complaint and, after giving the complainant and the RTM Member or Members concerned an opportunity to be heard, shall make such findings and recommendations as it may deem appropriate in each case.

Any RTM Member that is found by the RTM Special Ethics Committee to have engaged in action that violates any provision of this RTM Ethics Code may be recommended by the RTM Special Ethics Committee for official reprimand, censure or any other sanction or remedy authorized by law. If the RTM

Special Ethics Committee recommends official reprimand, censure or any other sanction or remedy authorized by law, the RTM, as the responsible legislative body must choose, in an open session held after applicable public notice, whether, and to what extent, to impose such sanctions as recommended by the Committee.

B. Executive Sessions:

The proceedings of the RTM Special Ethics Committee shall be conducted in "Executive Session" unless otherwise requested and agreed to by both the person or entity having initiated the complaint and the RTM Member or Members to which the complaint pertains.

C. Apology, Resignation and Other Actions

In the course of addressing or thinking about actual or potential violations of the RTM Ethics Policy and the consequences of an investigation and hearing, it is recommended that the RTM Member or Members involved, as well as the full RTM, be sensitive to such conscientious questions as to whether the best interests of the Town and the RTM, as an institution, will be best achieved by an apology, compensatory action, such as reimbursement, or voluntary resignation. The foregoing can be expected to have savings or benefits in time, money and institutional integrity.

Sec. A162-23 Advisory Opinions

Upon request of any RTM Member, the RTM Special Ethics Committee shall render an advisory opinion to such RTM Member with respect to the RTM Ethics Code. Such requests and opinions are confidential and shall be conducted in Executive Session. Nothing in the preceding shall preclude an informal consultation with the Moderator, Deputy Moderator or Town Attorney.

Sec. A162-24 Ethics Training

All RTM Members are required to participate in an ethics training session no less than once every two years conducted by the Office of the Town Attorney and the RTM Special Ethics Committee. These training sessions shall be structured to assure that each RTM Member has the knowledge to comply fully with all of the relevant ethics laws governing their service to the Town of Westport.

Sec. A162-25 RTM Special Ethics Committee Composition And Selection

The RTM Special Ethics Committee shall be composed of the Moderator as Chair, the Deputy Moderator as Vice Chair and one representative from each district to be selected by and from the Members of each district. Vacancies shall be filled by the Members from the district in which the vacancy occurs.

In the event that a sitting Member of the RTM Special Ethics Committee is either a complainant or the subject of a complaint that is brought before the RTM Special Ethics Committee, such Member shall be recused from the RTM Special Ethics Committee's deliberations and vote on that matter.



WESTPORT, CONNECTICUT

GORDON F. JOSELOFF
First Selectman

BACK UP MATERIAL
RTM ITEM # 1e2

September 24, 2013

To: Members of the RTM:

Since I last appeared before you and secured your approval on March 6, 2012 to allow Westport to join a Council of Government ("COG") to succeed the South Western Regional Planning Agency ("SWRPA") there have been new developments that require the RTM to amend the approval.

Background

As you will recall, I argued that a COG would be a more efficient way of addressing the planning and other issues facing Westport and the region. I said it would eliminate the "two-headed" structure that currently has the eight municipal CEOs (Darien, Greenwich, New Canaan, Norwalk, Stamford, Weston, Westport, and Wilton) and a 22-member volunteer board sharing in overseeing SWRPA. I said it would make the eight elected CEOs solely responsible and accountable for running the COG. By a vote of 28-1, the RTM agreed.

In my explanation of why moving to a COG was beneficial, I noted that since the original 15 regional planning agencies in the state were created in the 1960s following the end of county government, most had already agreed to become a COG or a variation, a Council of Elected Officials. Now only SWRPA and the Central Connecticut Regional Planning Agency have yet to do so. I told the RTM in March 2012 that I did not know what action the legislature might take to make COGs mandatory. Now we know.

This past legislative session, a law was passed that requires all planning regions to become a COG by Jan. 1, 2015. While no minimum number is specified in the legislation, the Office of Policy and Management (OPM) has recommended that the COGs contain no less than 14 municipalities. The legislation further provides for economic incentives to be given to those regions that express "an intent to merge" with a neighboring region to form a COG by Jan. 1, 2014.

In light of this legislation, for several months, I and several other CEOs of the SWRPA municipalities have discussed merging with a neighboring planning region to our north, known as the Housatonic Valley Council of Elected Officials ("HVCEO"). The HVCEO communities are Bethel, Bridgewater, Brookfield, Danbury, New Fairfield, New Milford, Newtown, Redding, Ridgefield, and Sherman.

A combined SWRPA-HVCEO planning region would comprise 18 municipalities – four more than required under the state legislation. Why HVCEO and not, for instance, the Greater Bridgeport Regional Council - Bridgeport, Easton, Fairfield, Trumbull, Monroe, and Stratford? Basically, we felt that we in the southwest were more aligned north-south for planning purposes (think Route 7, the New Canaan and Danbury branch lines of the New Haven Line), and that the suburban communities of southwest Connecticut were more akin demographically to Ridgefield, Redding and Newtown than to most of the communities of the Greater Bridgeport Region.

You should also be aware that once the currently composed planning regions are merged, the state will allow communities on the borders of the new COGs to change their affiliation and join a neighboring COG. So, for example, it is possible that some HVCEO towns in the north – for example New Milford and Sherman - might decide to go to the COG to the north, now called the Northwest Hills COG, while Monroe, or Easton, or Fairfield, might decide to join the combined SWRPA-HVCEO COG. In any case, the SWRPA CEOs felt it was better for us to “fill our dance card” voluntarily than have the state do it for us.

Request

Therefore, I am seeking your approval of three changes to previously approved ordinances regarding Westport’s participation in SWRPA, as well as its now state-mandated transformation into a COG.

Two of the changes amount to technical changes. The third seeks - in light of new state legislation - removal of a “sunset clause” passed by this RTM on March 6, 2012 that makes your approval of Westport joining a COG expire on Nov. 19, 2013 unless a COG is approved by then.

Specifically, the first change amends Section 2-2 of the Code of Ordinances entitled “Membership in Regional Planning Agency established.” The new language authorizes Westport to join a successor to SWRPA. It does so by inserting the words “or any successor thereto” and “or redefined” in the ordinance. Here is the ordinance showing the proposed changes:

Sec. 2-2. Membership in Regional Planning Agency established.

Pursuant to the provisions of C.G.S. §8-31a, the Town hereby adopts C.G.S. Ch. 127 (C.G.S. §8-31a et seq.) and joins the South Western Regional Planning Agency, or any successor thereto as defined or redefined by the Office of Policy and Management under the provisions of C.G.S. §16a-4a.

The second change removes the words “Southwestern Connecticut” and adds “or redefined” to Sec. 2-4 Regional Council of Governments authorization passed on March 6,

2012. This is requested as it appears SWRPA may merge with a neighboring planning region to form a COG. Here is the ordinance showing the proposed changes:

Sec. 2-4 Regional Council of Governments

a) Adoption of state law; Authority to join. The Town of Westport hereby adopts Connecticut General Statutes, §§ 4-124i through 4-124p, as amended, providing for the formation of a Regional Council of Governments, and does hereby join such Regional Council of Governments when and as such council is duly established in accordance with said statutes, upon the adoption of said statutes by not less than sixty percent of all municipalities within the Town's Southwestern Connecticut planning region as defined or redefined by the Secretary of the Office of Policy and Management or designee, and upon certification by the Secretary or designee that a Regional Council of Governments has been duly established.

b) Designated Representative. The First Selectman shall represent the Town on the Regional Council of Governments. In addition, the Representative Town Meeting shall appoint one of its members as an alternate representative to the Regional Council of Governments, which alternate shall serve a term of two years or until the next election of members of the Representative Town Meeting.

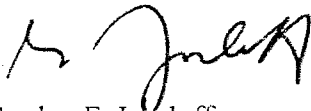
The third change eliminates the following:

[c) Sunset Clause. This ordinance shall expire on November 19, 2013 unless a Regional Council of Governments is duly established in accordance with C.G.S. §§ 4-124i through 4-124p.]

UPDATE: Since the original draft of this memo, we have been informed that the Greater Bridgeport Regional Council has voted to merge with the SWRPA region. Since SWRPA has already agreed to merge with HVCEO, that is the course SWRPA will follow. As explained earlier, once the combined regions are formed, the state has said memberships can shift when they involve communities on the borders of the newly combined COGs.

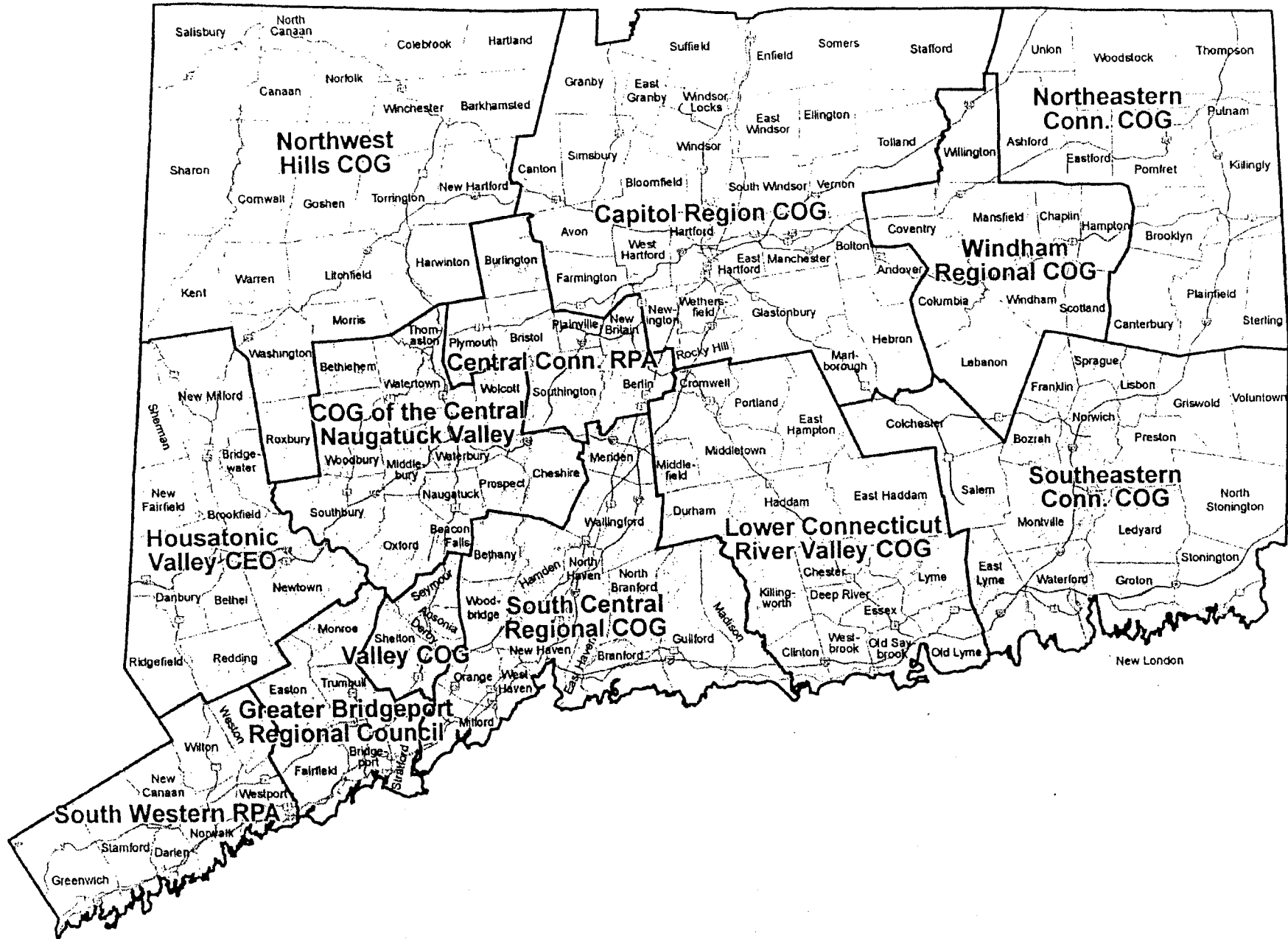
For your information, enclosed is a map of the Regional Planning Organizations for the State of Connecticut. Thank you in advance for your consideration of this request.

Sincerely,



Gordon F. Joseloff
First Selectman

GFJ:ps
Enclosure



Regional Planning Organizations, State of Connecticut

Regional Planning Organization Boundary
 Town Boundary

Abbreviations
 CEO - Council of Elected Officials
 COG - Council of Governments
 RPA - Regional Planning Agency

Note:
 Despite its name, the COG of the Central Naugatuck Valley is actually a Council of Elected Officials.

Sources: Connecticut Department of Energy and Environmental Protection, Connecticut Office of Policy and Management, TeleAtlas

Prepared on June 21, 2013

SWRPA

CHECKLIST FOR PROPOSED ORDINANCES

TO: The RTM Ordinance Committee
FROM: Gordon F. Joseloff, First Selectman
DATE: September 26, 2013
RE: Regional Council of Governments
CONTACT PERSON: Gordon F. Joseloff, First Selectman

1) Why do we need this ordinance? (What problem does it solve?)

Answer: The original ordinance authorizing membership in a Regional Council of Government was adopted in March 2012. We are amending Section 2-2, "Membership in Regional Planning Agency established" and Section 2-4, "Regional Council of Government". The amendment to Section 2-2 recognizes that the regional planning agency that the Town is currently a member of (i.e. SWRPA) will be expanded. The amendment to Section 2-4(a) recognizes the same thing. The amendment to Section 2-4(c), which eliminates the sunset clause, addresses the recently passed legislation that requires all planning regions to become a Council of Government by January 1, 2014 (see attached legislation). Please also see attached memo dated September 24, 2013 for further explanation.

2) Is the proposed ordinance a new one or an amendment to an existing Westport ordinance? If an amendment, what are the proposed changes and why are they important? (copy of the existing ordinance to be attached)

Answer: These are amendments to an existing ordinance -- Sections 2-2 and 2-4 of the Code of Ordinances of the Town of Westport. Please see answer to question # 1. A copy of the existing ordinance and the changes thereto is attached.

3) Is this the only practical solution to the perceived problem or are there other options (either legislative or non-legislative)?

Answer: N/A

4) Have we exhausted all non-legislative alternatives?

Answer: NA

5) Does the problem warrant the solution? That is, is the problem serious enough, or widespread enough, to justify any restrictions that will result if this ordinance is passed?

Answer: The amendments to Sections 2-2 and 2-4 will not result in any restrictions.

6) Is the proposed ordinance fair to Westport's citizens?

Answer: Yes.

7) Have the rights of all Westporters been considered?

Answer: Yes.

8) If the proposed ordinance involves a fine or penalty, is the penalty reasonable in amount and fair in application? How was the amount determined? Is a maximum penalty specified? Are there any exceptions for extenuating circumstances? Is an appeals process specified? Is the appeals process fair? Is it practical?

Answer: NA

9) Is the proposed ordinance consistent with the Town Plan of Conservation and Development?

Answer: NA

Questions regarding financial implications:

10) If the proposed ordinance involves the collection of any fees (including a monetary fine or penalty), will the revenue be retained by the Town? If so, how much revenue is estimated? Will it be included in the general fund? If not, where will the funds be distributed?

Answer: NA

11) Will the passage of the proposed ordinance result in a decrease in amounts currently expended by the town (for example, decreased maintenance costs)? If so, how much savings is estimated?

Answer: NA

12) Will the passage of the proposed ordinance result in any increased expenses for the town (for example, increased enforcement costs)? If so, how much additional cost is estimated?

Answer: The passage of the ordinance will not result in any increase in expenses.

13) Will the passage of the proposed ordinance result in any decreased revenues for the town? (An ordinance covering abatement of property taxes would be an example)

Answer: NA

14) If so, how much revenue loss is estimated?

Answer: NA

Questions to be answered with assistance from the Town Attorney or Assistant Town Attorney:

15) Does the proposed ordinance conflict with any existing laws (municipal, state or federal)? If so, what modifications can be recommended? (Or, should the proposed ordinance be rejected in favor of a non-legislate alternative?)

Answer: The amendments to Section 2-2 and 2-4 do not conflict with any existing laws, federal, state, local or otherwise.

16) Is the language (and the intent) of the proposed ordinance consistent with Westport's powers as a municipality? (copy of the state and/or federal enabling legislation to be attached)

Answer: The enabling legislation for the original ordinance is CGS Section 4-124j, a copy of which is attached. The amendments do not conflict with the enabling legislation.

17) Are there any existing state or federal statutes covering the same subject? If so, why is the proposed ordinance necessary or advisable? (copy of relevant state or federal law to be attached)

Answer: There are no federal or state statutes that would preempt the amendments to the ordinance.

18) Do our neighboring towns have similar ordinances? (copies to be attached) Does the policy in neighboring towns have an impact on Westport?

Answer: No

19) Is the language of the proposed ordinance consistent with its intent? Is the language of the proposed ordinance as clear as it can be? Will it be easily understood? Would it be clearer if definitions were added or revisions were made?

Answer: The RTM Ordinance Committee has reviewed the amendments and they are ready for the RTM review.

Text of Public Act 13-247 – Sections Related to Regionalism/Regional Structure

Note: underlined text represents language that amends existing statutes or represents new language.

Note: [bracketed text in red is language that is being deleted from existing statutes.]

Sec. 249. Section 16a-4c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) On or before January 1, 2014, and at least every twenty years thereafter, the Secretary of the Office of Policy and Management, within available appropriations, and in consultation with regional planning organizations, as defined in section 4-124i, as amended by this act, the Connecticut Conference of Municipalities, the Connecticut Council of Small Towns, the Commissioner of Transportation and the chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to planning and development, shall conduct an analysis of the boundaries of logical planning regions designated or redesignated under section 16a-4a, as amended by this act. As part of such analysis, the secretary shall evaluate opportunities for coordinated planning and the regional delivery of state and local services. Such analysis shall include, but not be limited to, an evaluation of (1) economic regions, including regional economic development districts established pursuant to chapter 588ff; (2) comprehensive economic development strategies developed by such regional economic development districts; (3) labor market areas and workforce investment regions; (4) natural boundaries, including watersheds, coastlines, ecosystems and habitats; (5) relationships between urban, suburban and rural areas, including central cities and areas outside of the state; (6) census and other demographic information, including areas in the state designated by the United States Census Bureau as urbanized areas and urbanized clusters; (7) political boundaries, including municipal boundaries and congressional, senate and assembly districts; (8) transportation corridors, connectivity and boundaries, including the boundaries of metropolitan planning agencies; (9) current federal, state and municipal service delivery regions, including, but not limited to, regions established to provide emergency, health, transportation or human services; and (10) the current capacity of each regional planning organization to deliver diverse state and local services and to comply with the requirements of any relevant federal transportation authorizing acts. Such analysis shall also establish a minimum size for logical planning areas that takes into consideration the number of municipalities, total population, total square mileage and whether [the] a proposed planning region will have the capacity to successfully deliver [necessary regional services] sophisticated planning activities and regional services. Such analysis shall consider designating rural regions in areas of the state that do not have urbanized areas. The secretary may enter into such contractual agreements as may be necessary to carry out the purposes of this subsection. On or before October 1, 2013, said secretary shall submit a report, in accordance with section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters concerning planning and development. Such report shall provide the status of the analysis required pursuant to this subsection. *Regional boundaries study.*

(b) Any two or more contiguous planning regions that contain a total of fourteen or more municipalities and voluntarily consolidate to form a single [regional council of governments or

regional council of elected officials] planning region shall be exempt from redesignation pursuant to subsection (a) of this section, provided the Secretary of the Office of Policy and Management formally redesignates such planning regions prior to January 1, 2014. The secretary may, in his or her discretion, waive the requirement that such redesignated planning region contain a total of fourteen or more municipalities.

(c) (1) The secretary shall, not later than January 1, 2014, notify the chief executive officer of each municipality located in a planning region in which the boundaries are proposed for redesignation. If the legislative body of the municipality objects to such proposed redesignation, the chief executive officer of the municipality may, not later than thirty days after the date of receipt of the notice of redesignation, petition the secretary to attend a meeting of such legislative body. The petition shall specify the location, date and time of the meeting. The meeting shall be held not later than sixty days after the date of the petition. The secretary shall make a reasonable attempt to appear at the meeting, or at a meeting on another date within the sixty-day period. If the secretary is unable to attend a meeting within the sixty-day period, the secretary and the chief executive officer of the municipality shall jointly schedule a date and time for the meeting, provided such meeting shall be held not later than two hundred ten days after the date of the notice to the chief executive officer. At such meeting, the legislative body of the municipality shall inform the secretary of the objections to the proposed redesignation of the planning area boundaries. The secretary shall consider fully the oral and written objections of the legislative body and may redesignate the boundaries. Not later than sixty days after the date of the meeting, the secretary shall notify the chief executive officer of the determination concerning the proposed redesignation. The notice of determination shall include the reasons for such determination. As used in this subsection, "municipality" means a town, city or consolidated town and borough; "legislative body" means the board of selectmen, town council, city council, board of alderman, board of directors, board of representatives or board of the warden and burgesses of a municipality; and "secretary" means the Secretary of the Office of Policy and Management or the designee of the secretary.

(2) Any revision to the boundaries of a planning area, based on the analysis completed pursuant to subsection (a) of this section or due to a modification by the secretary in accordance with this subsection, shall be effective on January 1, 2015.

Sec. 250. (NEW) (Effective from passage) (a) On or before January 1, 2015, each regional planning agency created pursuant to sections 8-31a to 8-37a, inclusive, of the general statutes, revision of 1958, revised to January 1, 2013, and each regional council of elected officials created pursuant to sections 4-124c to 4-124h, inclusive, of the general statutes, shall be restructured to form a regional council of governments as provided in section 4-124j of the general statutes, as amended by this act.

(b) A regional council of governments may accept or participate in any grant, donation or program available to any political subdivision of the state and may also accept or participate in any grant, donation or program made available to counties by any other governmental or private entity. Notwithstanding the provisions of any special or public act, any political subdivision of the state may enter into an agreement with a regional council of governments to perform jointly or to provide, alone or in cooperation with any other entity, any service, activity or undertaking that the political subdivision is authorized by law to perform. A

regional council of governments established pursuant to this section may administer and provide regional services to municipalities and may delegate such authority to subregional groups of such municipalities. Regional services provided to member municipalities shall be determined by each regional council of governments and may include, without limitation, the following services: (1) Engineering; (2) inspectional and planning; (3) economic development; (4) public safety; (5) emergency management; (6) animal control; (7) land use management; (8) tourism promotion; (9) social; (10) health; (11) education; (12) data management; (13) regional sewerage; (14) housing; (15) computerized mapping; (16) household hazardous waste collection; (17) recycling; (18) public facility siting; (19) coordination of master planning; (20) vocational training and development; (21) solid waste disposal; (22) fire protection; (23) regional resource protection; (24) regional impact studies; and (25) transportation.

(c) On January 1, 2014, and annually thereafter, each regional planning agency, regional council of elected officials and regional council of governments, shall submit a report to the Secretary of the Office of Policy and Management and to the joint standing committee of the General Assembly having cognizance of matters relating to municipalities. Such report shall include the following: (1) A description of any regional program, project or initiative provided or planned by such regional council of governments; (2) a description of any expenditure, including the source of funding, spent on each such regional program, project or initiative and a cost-benefit analysis for such expenditure; (3) a list of existing services provided by a municipality or by the state that, in the opinion of the regional council of governments, could be transferred to such regional council of governments and any efficiency associated with such transfer; (4) a discussion and review of the performance of any regional program, project or initiative, including any recommendations for legislative action; and (5) specific annual goals and objectives and quantifiable outcome measures for each program, project or initiative administered or provided by such regional council of governments.

Sec. 251. Section 4-66k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established an account to be known as the "regional [performance] planning incentive account" which shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account. Moneys in the account shall be expended by the Secretary of the Office of Policy and Management in accordance with subsection (b) of this section for the purposes of [(1)] first providing funding to regional planning organizations in accordance with the provisions of subsections (b) and (c) of this section and then to providing grants under the regional performance incentive program established pursuant to section 4-124s, as amended by this act. [and (2) providing funding to the Voluntary Regional Consolidation Bonus Pool established pursuant to subsection (b) of section 4-124q.]

(b) For the fiscal year ending June 30, 2014, funds from the regional planning incentive account shall be distributed to each regional planning organization, as defined in section 4-124i, revision of 1958, revised to January 1, 2013, in the amount of one hundred twenty-five thousand dollars. Any regional council of governments that is comprised of any two or more regional planning organizations that voluntarily consolidate on or before December 31, 2013, shall receive an additional payment in an amount equal to the amount the regional planning

organizations would have received if such regional planning organizations had not voluntarily consolidated.

X (c) Beginning in the fiscal year ending June 30, 2015, and annually thereafter, funds from the regional planning incentive account shall be distributed to each regional council of governments formed pursuant to section 4-124j, as amended by this act, in the amount of one hundred twenty-five thousand dollars plus fifty cents per capita, using population information from the most recent federal decennial census. Any regional council of governments that is comprised of any two or more regional planning organizations, as defined in section 4-124i, revision of 1958, revised to January 1, 2013, that voluntarily consolidated on or before December 31, 2013, shall receive a payment in the amount of one hundred twenty-five thousand dollars for each such regional planning organization that voluntarily consolidated on or before said date.

Sec. 252. Subsection (a) of section 2-79a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(a) There shall be a Connecticut Advisory Commission on Intergovernmental Relations. The purpose of the commission shall be to enhance coordination and cooperation between the state and local governments. The commission shall consist of the president pro tempore of the Senate, the speaker of the House of Representatives, the minority leader of the Senate, the minority leader of the House of Representatives, the Secretary of the Office of Policy and Management, the Commissioners of Education, Environmental Protection, Economic and Community Development, or their designees, and sixteen additional members as follows: (1) Six municipal officials appointed by the Governor, four of whom shall be selected from a list of nominees submitted to him by the Connecticut Conference of Municipalities and two of whom shall be selected from a list submitted by the Council of Small Towns. Two of such six officials shall be from towns having populations of twenty thousand or less persons, two shall be from towns having populations of more than twenty thousand but less than sixty thousand persons and two shall be from towns having populations of sixty thousand or more persons; (2) two local public education officials appointed by the Governor, one of whom shall be selected from a list of nominees submitted to him by the Connecticut Association of Boards of Education and one of whom shall be selected from a list submitted by the Connecticut Association of School Administrators; (3) one representative of a regional council of governments [or a regional planning agency] appointed by the Governor from a list of nominees submitted to him by the Regional Planning Association of Connecticut; (4) five persons who do not hold elected or appointed office in state or local government, one of whom shall be appointed by the Governor, one of whom shall be appointed by the president pro tempore of the Senate, one of whom shall be appointed by the speaker of the House of Representatives, one of whom shall be appointed by the minority leader of the Senate and one of whom shall be appointed by the minority leader of the House of Representatives; (5) one representative of the Connecticut Conference of Municipalities appointed by said conference; and (6) one representative of the Council of Small Towns appointed by said council. Each member of the commission appointed pursuant to subdivisions (1) to (6), inclusive, of this subsection shall serve for a term of two years. All other members shall serve for terms which are coterminous with their terms of office. The Governor shall appoint a chairperson and a vice-chairperson from among the commission members. Members of the General Assembly may serve as gubernatorial

appointees to the commission. Members of the commission shall not be compensated for their services but shall be reimbursed for necessary expenses incurred in the performance of their duties.

Sec. 253. Section 4-124s of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For purposes of this section:

(1) "Regional council of governments" means any such council organized under the provisions of sections 4-124i to 4-124p, inclusive;

(2) "Regional council of elected officials" means any such council organized under the provisions of sections 4-124c to 4-124h, inclusive;

(3) "Regional planning agency" means an agency defined in chapter 127;

(4) "Municipality" means a town, city or consolidated town and borough;

(5) "Legislative body" means the board of selectmen, town council, city council, board of alderman, board of directors, board of representatives or board of the mayor and burgesses of a municipality; and

(6) "Secretary" means the Secretary of the Office of Policy and Management or the designee of the secretary.

(b) There is established a regional performance incentive program that shall be administered by the Secretary of the Office of Policy and Management. [On or before December 1, 2011, any regional planning agency, any regional council of elected officials, any regional council of governments, any two or more municipalities, any economic development district or any combination thereof, may submit to said secretary a proposal for joint provision of a service or services that are currently provided by municipalities within the region of such agency or council or contiguous thereto, but not currently provided on a regional basis.] On or before December 31, 2011, and annually thereafter, any [such entity] regional planning agency, any regional council of elected officials, any regional council of governments, any two or more municipalities acting through a regional planning agency, regional council of elected officials or regional council of governments, any economic development district or any combination thereof may submit a proposal to the secretary for: (1) The joint provision of any service that one or more participating municipalities of such council or agency currently provide but which is not provided on a regional basis, [or] (2) a planning study regarding the joint provision of any service on a regional basis, or (3) shared information technology services. A copy of said proposal shall be sent to the legislators representing said participating municipalities.

(c) (1) An entity specified in subsection (a) of this section shall submit each proposal in the form and manner the secretary prescribes and shall, at a minimum, provide the following information for each proposal: (A) Service description; (B) the explanation of the need for such

service; (C) the method of delivering such service on a regional basis; (D) the organization that would be responsible for regional service delivery; (E) a description of the population that would be served; (F) the manner in which regional service delivery will achieve economies of scale; (G) the amount by which participating municipalities will reduce their mill rates as a result of savings realized; (H) a cost benefit analysis for the provision of the service by each participating municipality and by the entity submitting the proposal; (I) a plan of implementation for delivery of the service on a regional basis; (J) a resolution endorsing such proposal approved by the legislative body of each participating municipality; and (K) an explanation of the potential legal obstacles, if any, to the regional provision of the service.

(2) The secretary shall review each proposal and shall award grants for proposals the secretary determines best meet the requirements of this section. In awarding such grants, the secretary shall give priority to a proposal submitted by (A) any entity specified in subsection (a) of this section that includes participation of all of the member municipalities of such entity, and which may increase the purchasing power of participating municipalities or provide a cost savings initiative resulting in a decrease in expenses of such municipalities, allowing such municipalities to lower property taxes, and (B) any economic development district.

~~*~~ (d) On or before December 31, 2013, and annually thereafter, in addition to any proposal submitted pursuant to this section, any municipality or regional council of governments may apply to the secretary for a grant to fund: (1) Operating costs associated with connecting to the state-wide high speed, flexible network developed pursuant to section 4d-80, as amended by this act; and (2) capital cost associated with connecting to such network, including expenses associated with building out the internal fiber network connections required to connect to such network, provided the secretary shall make any such grant available in accordance with the two-year schedule by which the Bureau of Enterprise Systems and Technology recommends connecting each municipality and regional council of governments to such network. Any municipality or regional council of governments shall submit each application in the form and manner the secretary prescribes.

[(d)] (e) The secretary shall submit to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding a report on the grants provided pursuant to this section. Each such report shall include information on the amount of each grant, and the potential of each grant for leveraging other public and private investments. The secretary shall submit a report for the fiscal year commencing July 1, 2011, not later than February 1, 2012, and shall submit a report for each subsequent fiscal year not later than the first day of March in such fiscal year. Such reports shall include the property tax reductions achieved by means of the program established pursuant to this section.

Sec. 254. Section 4-124s of the general statutes, as amended by section 253 of this act, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(b) There is established a regional performance incentive program that shall be administered by the Secretary of the Office of Policy and Management. On or before December 31, 2011, and annually thereafter, any [regional planning agency, any regional council of elected officials, any] regional council of governments, any two or more municipalities acting through a

[regional planning agency, regional council of elected officials or] regional council of governments, any economic development district or any combination thereof may submit a proposal to the secretary for: (1) The joint provision of any service that one or more participating municipalities of such council or agency currently provide but which is not provided on a regional basis, (2) a planning study regarding the joint provision of any service on a regional basis, or (3) shared information technology services. A copy of said proposal shall be sent to the legislators representing said participating municipalities.

(c) (1) [An entity specified in subsection (a) of this section] A regional council of governments or an economic development district shall submit each proposal in the form and manner the secretary prescribes and shall, at a minimum, provide the following information for each proposal: (A) Service description; (B) the explanation of the need for such service; (C) the method of delivering such service on a regional basis; (D) the organization that would be responsible for regional service delivery; (E) a description of the population that would be served; (F) the manner in which regional service delivery will achieve economies of scale; (G) the amount by which participating municipalities will reduce their mill rates as a result of savings realized; (H) a cost benefit analysis for the provision of the service by each participating municipality and by the entity submitting the proposal; (I) a plan of implementation for delivery of the service on a regional basis; (J) a resolution endorsing such proposal approved by the legislative body of each participating municipality; and (K) an explanation of the potential legal obstacles, if any, to the regional provision of the service.

(2) The secretary shall review each proposal and shall award grants for proposals the secretary determines best meet the requirements of this section. In awarding such grants, the secretary shall give priority to a proposal submitted by (A) any entity specified in subsection (a) of this section that includes participation of all of the member municipalities of such entity, and which may increase the purchasing power of participating municipalities or provide a cost savings initiative resulting in a decrease in expenses of such municipalities, allowing such municipalities to lower property taxes, and (B) any economic development district.

(d) On or before December 31, 2013, and annually thereafter, in addition to any proposal submitted pursuant to this section, any municipality or regional council of governments may apply to the secretary for a grant to fund: (1) operating costs associated with connecting to the state-wide high speed, flexible network developed pursuant to section 4d-80, as amended by this act, including the costs to connect at the same rate as other government entities served by such network; and (2) capital cost associated with connecting to such network, including expenses associated with building out the internal fiber network connections required to connect to such network, provided the secretary shall make any such grant available in accordance with the two-year schedule by which the Bureau of Enterprise Systems and Technology recommends connecting each municipality and regional council of governments to such network. Any municipality or regional council of governments shall submit each application in the form and manner the secretary prescribes.

(e) The secretary shall submit to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding a report on the grants provided pursuant to this section. Each such report shall include information on the amount of each grant, and the potential of each grant for leveraging other public and private

investments. The secretary shall submit a report for the fiscal year commencing July 1, 2011, not later than February 1, 2012, and shall submit a report for each subsequent fiscal year not later than the first day of March in such fiscal year. Such reports shall include the property tax reductions achieved by means of the program established pursuant to this section.

Sec. 259. Section 4-124j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Within any planning region of the state a regional council of governments may be created by the adoption of sections 4-124i to 4-124p, inclusive, by ordinance of the legislative bodies of not less than sixty per cent of all towns, cities and boroughs within such planning region entitled to membership on such council as hereinafter provided. [Where any regional council of elected officials, or a regional planning agency, exist within a planning region, a regional council of governments may be created either as hereinabove provided, or by the adoption of said sections by resolution of any such regional council or councils of elected officials and any such regional planning agency, and the ratification of any such resolution by ordinance of the legislative bodies of not less than sixty per cent of all such towns, cities and boroughs.] All towns, cities and boroughs within a planning region shall be entitled to membership on such council, including any city or borough with boundaries not coterminous with the boundaries of the town in which it is located. Any nonmember town, city or borough entitled to membership may join the council by the adoption of said sections by ordinance of its legislative body. Any member town, city or borough may withdraw from the council by adoption of an appropriate ordinance of its legislative body to become effective on the date of such adoption; provided, however, that any such withdrawing member shall be obligated to pay its pro rata share of expenses of operation and pro rata share of funds committed by the council to active programs as of such date of withdrawal.

* Sec. 260. (NEW) (*Effective July 1, 2013*) The Commissioner of Transportation shall, within available appropriations, prepare a report on the redesignation of metropolitan planning organizations, as defined in 23 USC 134. Such report shall include, without limitation: (1) A suggested process for redesignation; (2) assistance that would be provided by the Department of Transportation; and (3) the structures and resources that would be necessary to meet federal transportation requirements related to planning, capital programming, project selection, asset management and performance measurement pursuant to the Moving Ahead for Progress in the 21st Century Act. Not later than July 1, 2014, the commissioner shall submit such report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to municipalities and transportation.

* Sec. 327. (NEW) (*Effective October 1, 2013*) (a) On or after January 1, 2015, there shall be established a regional human services coordinating council for each planning region redesignated pursuant to section 16a-4c of the general statutes to encourage collaborations that will foster the development and maintenance of a client-focused structure for the health and human services system in the region.

(b) Membership on the regional human services coordinating councils established under this section shall include the Commissioners of Developmental Services, Social Services, Children

and Families, Mental Health and Addiction Services, Correction, Education and Public Health, or said commissioners' designees, and the executive director of the Court Support Services Division of the Judicial Branch, or the executive director's designee. Additional membership shall be determined at the discretion of the executive director of each regional council of governments. Such membership may include, but not be limited to: (1) Municipal elected officials, (2) workforce development boards, (3) nonprofit agencies, and (4) family advocacy groups.

(c) Each regional human services coordinating council established under this section shall meet not less than twice annually to (1) ensure that regional plans and activities are coordinated with the human service needs of each region, and (2) develop approaches to improve service delivery and achieve cost savings in the region.

AMENDMENT

Regional Council of Governments

Sec. 2-2. Membership in Regional Planning Agency established.

Pursuant to the provisions of C.G.S. §8-31a, the Town hereby adopts C.G.S. Ch. 127 (C.G.S. §8-31a et seq.) and joins the South Western Regional Planning Agency or any successor thereto, as defined or redefined by the Office of Policy and Management under the provisions of C.G.S. §16a-4a.

Sec. 2-4 Regional Council of Governments

a) Adoption of state law; Authority to join. The Town of Westport hereby adopts Connecticut General Statutes, §§ 4-124i through 4-124p, as amended, providing for the formation of a Regional Council of Governments, and does hereby join such Regional Council of Governments when and as such council is duly established in accordance with said statutes, upon the adoption of said statutes by not less than sixty percent of all municipalities within the Town's Southwestern Connecticut planning region as defined or redefined by the Secretary of the Office of Policy and Management or designee, and upon certification by the Secretary or designee that a Regional Council of Governments has been duly established.

b) Designated Representative. The First Selectman shall represent the Town on the Regional Council of Governments. In addition, the Representative Town Meeting shall appoint one of its members as an alternate representative to the Regional Council of Governments, which alternate shall serve a term of two years or until the next election of members of the Representative Town Meeting.

e) Sunset Clause. ~~This ordinance shall expire on November 19, 2013 unless a Regional Council of Governments is duly established in accordance with C.G.S. §§ 4-124i through 4-124p.~~



WESTPORT, CONNECTICUT

GORDON F. JOSELOFF
First Selectman

September 24, 2013

To: Members of the RTM:

Since I last appeared before you and secured your approval on March 6, 2012 to allow Westport to join a Council of Government ("COG") to succeed the South Western Regional Planning Agency ("SWRPA") there have been new developments that require the RTM to amend the approval.

Background

As you will recall, I argued that a COG would be a more efficient way of addressing the planning and other issues facing Westport and the region. I said it would eliminate the "two-headed" structure that currently has the eight municipal CEOs (Darien, Greenwich, New Canaan, Norwalk, Stamford, Weston, Westport, and Wilton) and a 22-member volunteer board sharing in overseeing SWRPA. I said it would make the eight elected CEOs solely responsible and accountable for running the COG. By a vote of 28-1, the RTM agreed.

In my explanation of why moving to a COG was beneficial, I noted that since the original 15 regional planning agencies in the state were created in the 1960s following the end of county government, most had already agreed to become a COG or a variation, a Council of Elected Officials. Now only SWRPA and the Central Connecticut Regional Planning Agency have yet to do so. I told the RTM in March 2012 that I did not know what action the legislature might take to make COGs mandatory. Now we know.

This past legislative session, a law was passed that requires all planning regions to become a COG by Jan. 1, 2015. While no minimum number is specified in the legislation, the Office of Policy and Management (OPM) has recommended that the COGs contain no less than 14 municipalities. The legislation further provides for economic incentives to be given to those regions that express "an intent to merge" with a neighboring region to form a COG by Jan. 1, 2014.

In light of this legislation, for several months, I and several other CEOs of the SWRPA municipalities have discussed merging with a neighboring planning region to our north, known as the Housatonic Valley Council of Elected Officials ("HVCEO"). The HVCEO communities are Bethel, Bridgewater, Brookfield, Danbury, New Fairfield, New Milford, Newtown, Redding, Ridgefield, and Sherman.

A combined SWRPA-HVCEO planning region would comprise 18 municipalities – four more than required under the state legislation. Why HVCEO and not, for instance, the Greater Bridgeport Regional Council - Bridgeport, Easton, Fairfield, Trumbull, Monroe, and Stratford? Basically, we felt that we in the southwest were more aligned north-south for planning purposes (think Route 7, the New Canaan and Danbury branch lines of the New Haven Line), and that the suburban communities of southwest Connecticut were more akin demographically to Ridgefield, Redding and Newtown than to most of the communities of the Greater Bridgeport Region.

You should also be aware that once the currently composed planning regions are merged, the state will allow communities on the borders of the new COGs to change their affiliation and join a neighboring COG. So, for example, it is possible that some HVCEO towns in the north – for example New Milford and Sherman - might decide to go to the COG to the north, now called the Northwest Hills COG, while Monroe, or Easton, or Fairfield, might decide to join the combined SWRPA-HVCEO COG. In any case, the SWRPA CEOs felt it was better for us to “fill our dance card” voluntarily than have the state do it for us.

Request

Therefore, I am seeking your approval of three changes to previously approved ordinances regarding Westport’s participation in SWRPA, as well as its now state-mandated transformation into a COG.

Two of the changes amount to technical changes. The third seeks - in light of new state legislation - removal of a “sunset clause” passed by this RTM on March 6, 2012 that makes your approval of Westport joining a COG expire on Nov. 19, 2013 unless a COG is approved by then.

Specifically, the first change amends Section 2-2 of the Code of Ordinances entitled “Membership in Regional Planning Agency established.” The new language authorizes Westport to join a successor to SWRPA. It does so by inserting the words “or any successor thereto” and “or redefined” in the ordinance. Here is the ordinance showing the proposed changes:

Sec. 2-2. Membership in Regional Planning Agency established.

Pursuant to the provisions of C.G.S. §8-31a, the Town hereby adopts C.G.S. Ch. 127 (C.G.S. §8-31a et seq.) and joins the South Western Regional Planning Agency, or any successor thereto as defined or redefined by the Office of Policy and Management under the provisions of C.G.S. §16a-4a.

The second change removes the words “Southwestern Connecticut” and adds “or redefined” to Sec. 2-4 Regional Council of Governments authorization passed on March 6,

2012. This is requested as it appears SWRPA may merge with a neighboring planning region to form a COG. Here is the ordinance showing the proposed changes:

Sec. 2-4 Regional Council of Governments

a) Adoption of state law; Authority to join. The Town of Westport hereby adopts Connecticut General Statutes, §§ 4-124i through 4-124p, as amended, providing for the formation of a Regional Council of Governments, and does hereby join such Regional Council of Governments when and as such council is duly established in accordance with said statutes, upon the adoption of said statutes by not less than sixty percent of all municipalities within the Town's Southwestern Connecticut planning region as defined or redefined by the Secretary of the Office of Policy and Management or designee, and upon certification by the Secretary or designee that a Regional Council of Governments has been duly established.

b) Designated Representative. The First Selectman shall represent the Town on the Regional Council of Governments. In addition, the Representative Town Meeting shall appoint one of its members as an alternate representative to the Regional Council of Governments, which alternate shall serve a term of two years or until the next election of members of the Representative Town Meeting.

The third change eliminates the following:

lc) Sunset Clause. This ordinance shall expire on November 19, 2013 unless a Regional Council of Governments is duly established in accordance with C.G.S. §§ 4-124i through 4-124p.

UPDATE: Since the original draft of this memo, we have been informed that the Greater Bridgeport Regional Council has voted to merge with the SWRPA region. Since SWRPA has already agreed to merge with HVCEO, that is the course SWRPA will follow. As explained earlier, once the combined regions are formed, the state has said memberships can shift when they involve communities on the borders of the newly combined COGs.

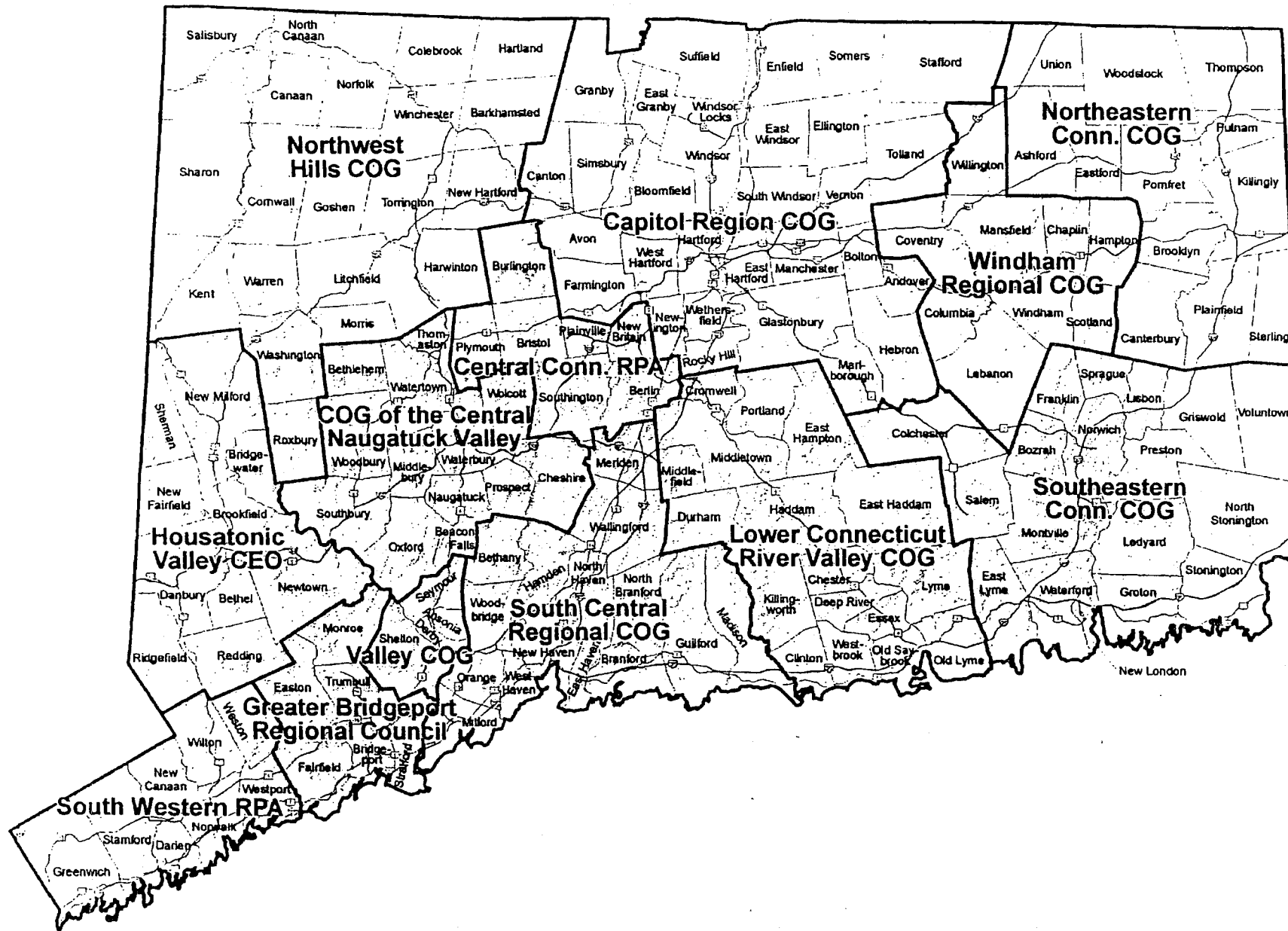
For your information, enclosed is a map of the Regional Planning Organizations for the State of Connecticut. Thank you in advance for your consideration of this request.

Sincerely,



Gordon F. Joseloff
First Selectman

GFJ:ps
Enclosure

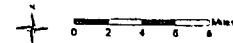


Regional Planning Organizations, State of Connecticut

Regional Planning Organization Boundary
 Town Boundary

Abbreviations
 CEO - Council of Elected Officials
 COG - Council of Governments
 RPA - Regional Planning Agency

Note:
 Despite its name, the COG of the Central Naugatuck Valley is actually a Council of Elected Officials.



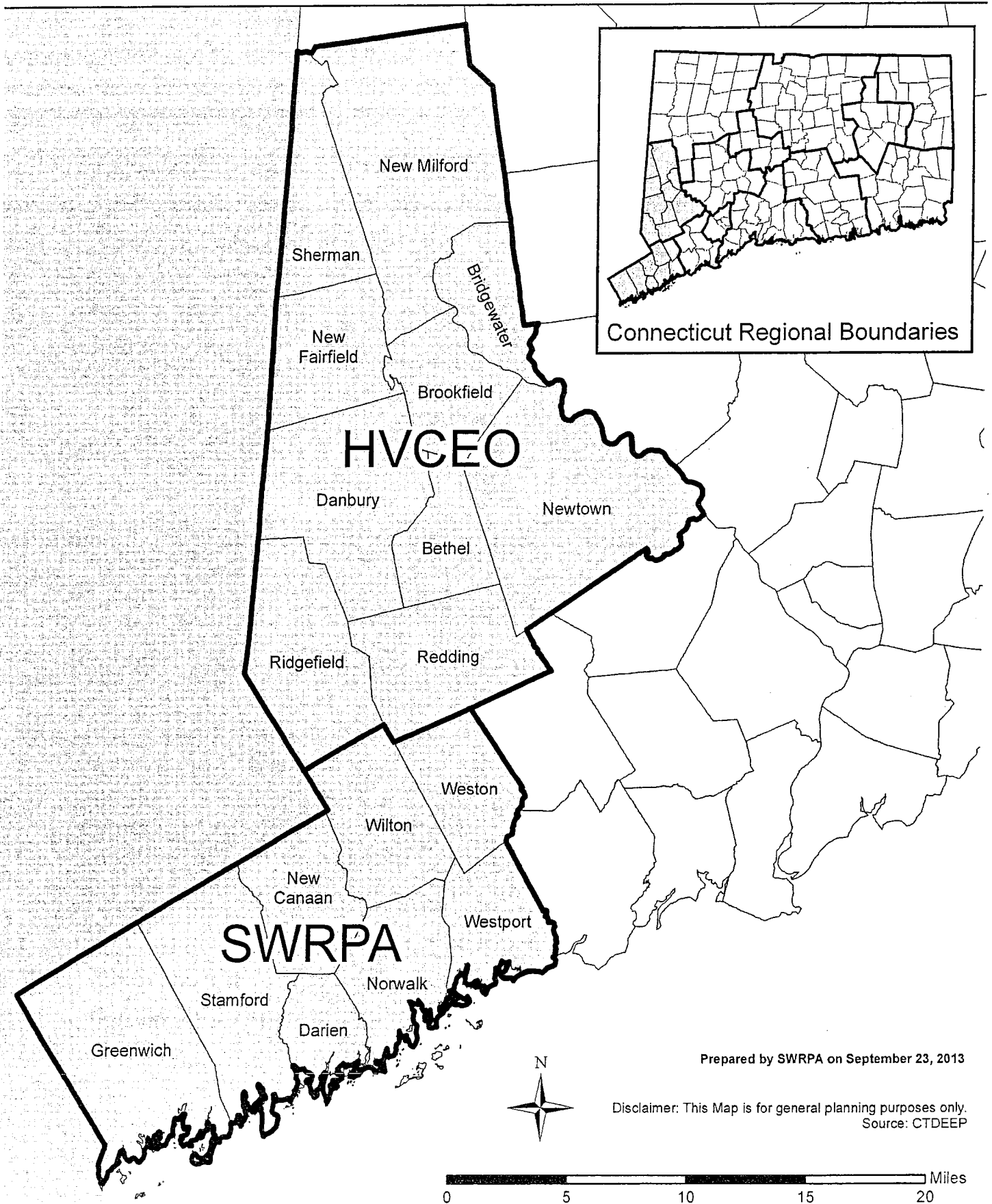
Sources: Connecticut Department of Energy and Environmental Protection, Connecticut Office of Policy and Management, TeleAtlas

Prepared on June 21 2013



Existing SWRPA & HVCEO Regions and Municipalities

September 2013



ARTICLE I. IN GENERAL**Sec. 2-1. Adoption of Town Seal.**

The Town hereby adopts a Town Seal. Such Seal shall depict Westport as it existed in 1835 looking west over the State Street Bridge (currently known as the Ruth Steinkrauss Cohen Memorial Bridge) and shall be the official Seal to be used on all legal documents. This Seal is taken from an illustration in John Warner Barber's book, Connecticut Historical Collections, published in 1836. (Code 1981, § 115-1)

Editor's note—The 1981 Code stated that this section was adopted on October 16, 1979 (with an effective date of October 31, 1979).

State law reference—Town seal required, C.G.S. § 7-101.

Sec. 2-2. Membership in Regional Planning Agency established.

Pursuant to the provisions of C.G.S. § 8-31a, the Town hereby adopts C.G.S. Ch. 127 (C.G.S. § 8-31 et seq.) and joins the South Western Regional Planning Agency, as defined by the Office of Policy and Management under the provisions of C.G.S. § 16a-4a. (Code 1981, § 106-1)

Editor's note—The 1981 Code stated that this section was adopted on October 16, 1979 (with an effective date of October 31, 1979).

Sec. 2-3. Number of Representatives designated; terms.

One Representative shall be appointed by the Planning and Zoning Commission. Two Representatives shall be appointed by the First Selectman. Each Representative shall serve for a term of two years and may be reappointed for successive terms.

(Code 1981, § 106-2)

Sec. 2-4. Regional Council of Governments.

(a) *Adoption of state law; authority to join.* The Town of Westport hereby adopts C.G.S. §§ 4-124i through 4-124p, as amended, providing for the formation of a Regional Council of Governments, and does hereby join such Regional Council of Governments when and as such council is duly established in accordance with said statutes, upon the adoption of said statutes by not less than 60 percent of all municipalities within the Southwestern Connecticut planning region as defined by the Secretary of the Office of Policy and Management or designee, and upon certification by the Secretary or designee that a Regional Council of Governments has been duly established.

(b) *Designated representative.* The First Selectman shall represent the Town on the Regional Council of Governments. In addition, the Representative Town Meeting shall appoint one of its members as an alternate representative to the

Regional Council of Governments, which alternate shall serve a term of two years or until the next election of members of the Representative Town Meeting.

(c) *Sunset clause.* This ordinance shall expire on November 19, 2013 unless a Regional Council of Governments is duly established in accordance with C.G.S. §§ 4-124i through 4-124p. (Ord. of 3-23-2012)

Secs. 2-5—2-24. Reserved.

ARTICLE II. OFFICERS AND EMPLOYEES

Sec. 2-25. Number of Justices established.

The Town hereby elects to provide for the selection of 60 Justices of the Peace, and no more.

(Code 1981, § 72-1)

Editor's note—The 1981 Code stated that this section was adopted on October 25, 1979 (with an effective date of November 14, 1979); amended June 4, 1996 (with an effective date of June 14, 1996).

State law references—Authority to provide for number of justices of the peace, C.G.S. § 9-183a et seq.; number of jurors allowed, C.G.S. § 51-220.

Sec. 2-26. Other Post-Employment Benefits Trust.

(a) *Authority, establishment of Other Post-Employment Benefits Trust.* Pursuant to the authority granted to the Representative Town Meeting of the Town of Westport in Section 5-1 of the Westport Town Charter and C.G.S. § 7-450(b), there shall be created and established for the Town of Westport the Other Post-Employment Benefits Trust (the "OPEB Trust") to fund nonpension retiree benefits pursuant to the terms of previously established plans named in the OPEB Trust Agreement for the benefit of certain Town employees and retirees, their spouses and dependents.

(b) *Establishment of Other Post-Employment Benefits Board.* Immediately upon the enactment of this section, the Town's Pension Investment Committee shall be the Other Post-Employment Benefits Board of Trustees for the OPEB Trust, hereinafter referred to as the "OPEB Board". The members of the OPEB Board shall receive no compensation for serving as Trustees and shall serve terms coextensive with their respective terms as members of the Pension Investment Committee.

(c) *Powers and duties of the OPEB Board.* The OPEB Board shall perform the duties set forth in the OPEB Trust Agreement, as amended from time to time, relating to the management of the assets held in the OPEB Trust. The

MEMORANDUM

To: Representative Town Meeting
From: RTM Ordinance Committee
Date: September 25, 2013
Re: Amendments to Ordinances: Membership in Planning Agency established (Section 2-2) and Regional Council of Governments (Section 2-4)

The RTM Ordinance Committee met on September 24th to consider a request by First Selectman, Gordon Joseloff to make changes to ordinances which were originally approved by the RTM on March 6, 2012. Also attending was Assistant Town Attorney, Gail Kelly.

There are three amendments being proposed because of how the process of joining a Council of Government has evolved (and is still evolving) since the Ordinances were approved. That is, there is new State legislation, recommendations from the Office of Policy Management, the South Western Regional Planning Agency's agreement to merge with the Housatonic Valley Council of Elected Officials and the likelihood that the actual makeup of the municipalities within this new regional group will change. Two of the proposed amendments are technical as they will clarify the language in Sections 2-2 and 2-4, while the third one will remove the sunset clause in Section 2-4. The Committee reviewed the proposed ordinance even though the official Ordinance Committee checklist was not available for our meeting (it is now part of the official report).

At the conclusion of the presentation, the Committee voted 5 to 0 (with Bergmann abstaining) that the proposed amendments were deemed ready for RTM consideration.

Respectfully submitted,

RTM Ordinance Committee

Eileen Lavigne Flug, Chair

Lee Arthurs

Don Bergmann

Allen Bomes, Reporter

David Floyd

Clarissa Moore

BOF Approved 9/11/13

BACK UP MATERIAL
RTM ITEM # 3

The Westport Library...

RECEIVED

AUG 29 2013

**TOWN OF WESTPORT
SELECTMAN'S OFFICE**

To: Gordon Joseloff, First Selectman

From: Paul Mazzaccaro, Assistant Director


Date: August 29, 2013

On behalf of The Westport Library, I am requesting to be placed on the agenda for the September 4 Board of Finance meeting.

The Library recently completed collective bargaining negotiations with AFSCME Locals 157 & 418, which represents 25 full-time professional and administrative/clerical employees of the Library. The agreements cover the period July 1, 2012 through June 30, 2016. Both unions have ratified the agreement as has the Library Board of Trustees. A summary of the settlement is attached. We are requesting to be put on the September Board of Finance agenda as we seeking a supplemental appropriation in the amount of \$80,806 for the first year of the agreement (July 1, 2012 through June 30, 2013). This amount retroactive increases for both union and non-union Library staff. No employees have received general wage increases since July 1, 2011. Funding for wage increases for current fiscal year were included in our approved budget and costs for the remaining two years will be included when those budgets are drafted.

If you would like to meet to discuss and review the terms of the settlement please contact me to arrange a convenient time.

Approved for submission to the
Board of Finance (9/11/13)



Gordon F. Joseloff
First Selectman

Library Locals 1301 -157 & 418 Council 4				7/1/2012	7/1/2013	7/1/2014	7/1/2015	6/30/2016	Cumulative Cost
Summary of Contract Changes									
Salary Increases Union - First yr - 2.5% GWI; 2nd yr - place on grid, equal to 2% ; 3rd & 4th yrs step only, no GWI, average 2.6% each year				2.5%	2.0%	2.6%	2.6%		
Health premium share for employee eff November 2013, 7/1/14, 7/1/15 and 6/30/16 -PPO Plan				10.00%	11.50%	12.50%	13.50%	15.00%	
The Library does not have a prescription drug plan. Under the major medical portion of the health plan the employee pays 100% of the cost, and after a \$200 annual deductible, is reimbursed 80% for prescriptions.									
Effective October 2013 - double time pay on Sunday is reduced to time and a half; actual savings depends on the # of Sundays the Library is open, and the actual # of FT bargaining unit staff that work on Sunday.									
Recognition/longevity - one time bonus will be paid on 10th & 15th year anniversary of \$1,000/\$1,500. Previously a 1, 2 or 3% payment was added to base salary for the 10th, 15th and 20th anniversary, depending on their location on the salary grid. Employees hired after 6/30/12 will not be eligible for this benefit.									
Workers Compensation - Injury leave is reduced to a maximum of one year from two years; employee receives only compensation provided under Connecticut statute; going forward no subsidy will be provided to make up the difference to his/her regular pay.									
Financial Impact:									
		Salary Increases	BASE						
		Union - 157 (17)	1,352,652	34,242	28,006	36,829	35,823		134,900
		Union - 418 (8)	386,571	9,664	7,796	11,864	11,476		40,799
		Non Union FT & PT (8/65+)	1,274,336	29,657	30,199	31,000	31,823		122,679
		Sub-total	3,013,558	73,563	66,000	79,693	79,122		298,379
		Recognition/longevity		1,500	6,000	2,500	2,000		12,000
		FICA	230,537	5,742	5,508	6,288	6,206		23,744
		Total Salary	3,244,095	80,806	77,508	88,481	87,328		334,123
		Premium cost share savings (assumes 5% medical inflation)	338,556	NA	-4,299	-8,238	-6,920		-19,456
		Estimated Sunday OT savings	157,194	NA	-12,667	-28,005	-27,123		-67,796
		Total Savings	495,749	0	(16,966)	(36,243)	(34,043)		(87,252)
		Net Cost of Contract		80,806	60,542	52,238	53,285		246,871
The Library is requesting funding of \$80,806 for FY 12-13 only.									

Library Locals 1301 -157 & 418 Council 4				7/1/2012	7/1/2013	7/1/2014	7/1/2015	6/30/2016	Cumulative Cost	
Summary of Contract Changes										
Salary Increases Union - First yr - 2.5% GWI; 2nd yr - place on grid, equal to 2% ; 3rd & 4th yrs step only, no GWI, average 2.6% each year				2.5%	2.0%	2.6%	2.6%			
Health premium share for employee eff November 2013, 7/1/14, 7/1/15 and 6/30/16 -PPO Plan				10.00%	11.50%	12.50%	13.50%	15.00%		
The Library does not have a prescription drug plan. Under the major medical portion of the health plan the employee pays 100% of the cost, and after a \$200 annual deductible, is reimbursed 80% for prescriptions.										
Effective October 2013 - double time pay on Sunday is reduced to time and a half; actual savings depends on the # of Sundays the Library is open, and the actual # of FT bargaining unit staff that work on Sunday.										
Recognition/longevity - one time bonus will be paid on 10th & 15th year anniversary of \$1,000/\$1,500. Previously a 1, 2 or 3% payment was added to base salary for the 10th, 15th and 20th anniversary, depending on their location on the salary grid. Employees hired after 6/30/12 will not be eligible for this benefit.										
Workers Compensation - Injury leave is reduced to a maximum of one year from two years; employee receives only compensation provided under Connecticut statute; going forward no subsidy will be provided to make up the difference to his/her regular pay.										
Financial Impact:				Salary Increases	BASE					
				Union - 157 (17)	1,352,652	34,242	28,006	36,829	35,823	134,900
				Union - 418 (8)	386,571	9,664	7,796	11,864	11,476	40,799
				Non Union FT & PT (8/65+)	1,274,336	29,657	30,199	31,000	31,823	122,679
				Sub-total	3,013,558	73,563	66,000	79,693	79,122	298,379
				Recognition/longevity		1,500	6,000	2,500	2,000	12,000
				FICA	230,537	5,742	5,508	6,288	6,206	23,744
				Total Salary	3,244,095	80,806	77,508	88,481	87,328	334,123
				Premium cost share savings (assumes 5% medical inflation)	338,556	NA	-4,299	-8,238	-6,920	-19,456
				Estimated Sunday OT savings	157,194	NA	-12,667	-28,005	-27,123	-67,796
				Total Savings	495,749	0	(16,966)	(36,243)	(34,043)	(87,252)
				Net Cost of Contract		80,806	60,542	52,238	53,285	246,871
The Library is requesting funding of \$80,806 for FY 12-13 only.										

The Westport Library
Annual Salary 6/30/12

	Employee Name	Annual Salary
1	Bardinelli, Glenn	\$47,616
2	Bello, Demas	\$64,365
3	Bruce, Karen	\$63,196
4	Campbell, Marta S	\$98,230
5	Celia, Deborah A	\$83,207
6	Chang, Ken-Chia	\$49,244
7	Dutta, Tilottama	\$89,057
8	Freilich Den, Marjorie	\$83,207
9	Gallagher, Susannah	\$49,736
10	Hudock, Lynn M	\$49,736
11	Kuhn-Clark, Nancy	\$73,238
12	Lorusso, Christine	\$67,038
13	Madeo, Susan	\$63,828
14	Malloy, Kathleen	\$42,094
15	Matis, Bertha S	\$47,024
16	Murphy, Jane	\$83,207
17	Nash, Kristan M	\$79,194
18	Parmelee, Mary	\$63,196
19	Perrigo, Lynne	\$83,207
20	Schulman, Sylvia A	\$86,551
21	Shaw, Jaina L	\$73,238
22	Smith, Catherine E	\$55,958
23	Stagg, Heli	\$38,857
24	Waterman, MarySue	\$57,219
25	White, Deborah	\$73,238

BOF Approved 9/11/13



WESTPORT CONNECTICUT

DEPARTMENT OF PUBLIC WORKS

TOWN HALL, 110 MYRTLE AVE.

WESTPORT, CONNECTICUT 06880

BACK UP MATERIAL
RTM ITEM # 4

RECEIVED

AUG 27 2013

TOWN OF WESTPORT
SELECTMAN'S OFFICE

August 27, 2013

The Honorable Gordon F. Joseloff
First Selectman
Town Hall
Westport, CT 06880

Re: **Request for Appropriation #3 – Storm Sandy Damage Repairs**

Dear Mr. Joseloff:

Storm Sandy hit the area on Monday-Tuesday October 29 - 30, 2012, causing considerable damage to the shoreline infrastructure. Since that time, we have met with representatives of the Department of Energy and Environmental Protection (DEEP) and the Federal Emergency Management Agency (FEMA) to review the extent of the damage and agree on the scope of the repairs that would fit within the FEMA guidelines for reimbursement. To date, the Department of Public Works (DPW) and the Parks and Recreation Department (P&R) have requested and received two appropriations totaling \$827,000.00 for repairs to the Beachside Avenue revetment, the Hillspoint Road revetment and sidewalk, the E.R. Strait Marina revetment, Burying Hill Beach revetment Harbor Road seawall, Hendricks Point stabilization and the Herbert Baldwin culvert. All this work has been completed or is underway except the Hendricks Point stabilization which will be performed this winter. Appropriations for this work were to repair damage sustained during the storm. FEMA reimbursement was specific to repair damage to a pre-existing condition.

In response to the repeated nature of many of the claims sustained by the beachfront communities, FEMA has made available a new program where by municipalities can seek additional funds to "harden" many of the damaged areas to mitigate against future storms. This office has reviewed the damaged areas and proposed additional hardening measures to the Beachside Avenue revetment, Hillspoint Road revetment, E.R. Strait retaining wall and the E.R. Strait rip rap. This work effort has been submitted to and approved by FEMA as eligible for their mitigation effort which also carries the 75% reimbursement rate.

Approved for submission to the
Board of Finance (9/11/13)



Gordon F. Joseloff
First Selectman

Page 2

The Honorable Gordon F. Joseloff

August 27, 2013

The following four projects have received FEMA authorization.

Beachside Avenue Revetment Estimate \$23,280.00

Provide approximately 93.1 cu yds of pressure grout to existing stone.

Hillspoint Road Revetment Estimate \$78,790.00

Provide approximately 315.2 cu yds of pressure grout to existing stone.

E.R. Strait Retaining Wall Estimate \$2,230.00


Provide approximately 8.9 cu yds of pressure grout to existing stone.

E.R. Strait Rip-Rap Estimate \$12,310.00

Provide approximately 49.2 cu yds of pressure grout to existing stone.

This office herein requests an appropriation of \$116,610.00 for the purpose of repairs from Storm Sandy. This work has already been approved by FEMA and as such the work is 75% reimbursable.

Respectfully,


Stephen J. Edwards
Director of Public Works

cc: Gary Conrad, Finance Director

GAPW_OFFASJE\FSAAPP\Storm Sandy Repairs#3

MEMORANDUM

To: Members, RTM

From: Ira W. Bloom, Town Attorney; Gail Kelly, Assistant Town Attorney

Date: September 25, 2013

Subject: Compensation

We have been asked to render an opinion regarding the RTM's legal options pursuant to Charter Section C38-4, Compensation.

I. Section C38-4 provides that the members of all boards and commissions, except the Selectman and members of the Board of Assessment Appeals, shall serve without compensation unless otherwise provided by the Representative Town Meeting ("RTM"). The Section then reads as follows: "The Board of Finance will recommend in September and the Representative Town Meeting will approve in October the salaries of the Selectmen and members of the Board of Assessment Appeals." The use of the word "will" suggests that this is a mandatory obligation of both the Board of Finance and the RTM. Since this same Charter section also provides that, except for a cost of living increase, the Selectmen shall not have an increase during their term in office, the requirement for the Board of Finance and RTM to "recommend" and "approve" applies only once every four years and just before the beginning of the new Selectmen's terms. Unfortunately, this has not been consistently followed in previous years.

The wording of this Charter section indicates that this is a requirement for the Board of Finance and a similar requirement for the RTM. The wording of the Charter also suggests, in stating that the RTM "will approve" the salaries of the Selectmen and the members of the BAA, that the RTM's options regarding compensation are limited. *The Charter provision does not provide that the RTM can modify, reduce, or increase the recommended salaries.* The only option for the RTM is to "approve" or, obviously, not approve. This Charter provision was enacted on the assumption that the Board of Finance would more customarily recommend a salary increase. The RTM, accordingly, would then either "approve" this increase or not approve the increase.

In the present case, on September 23, 2013 the Board of Finance passed a resolution recommending no change to the salary of the First Selectman. As of the date of this Memorandum, we are advised that the Board of Finance is setting up another Special Meeting to make recommendations regarding the salaries of the other Selectmen and the

members of the BAA. Accordingly, the Board of Finance will then have fulfilled its obligation pursuant to Charter Section C38-4.

II. The RTM's Options

Faced with a recommendation from the Board of Finance to not make any changes to the First Selectman's salary, the RTM has limited options, as stated above. Again, the RTM can "approve" this recommendation by the Board of Finance, which maintains the same salary for the First Selectman. (If for some unknown and strange reason, the RTM chooses not to "accept" this resolution of no increase, it is our opinion that the same salary for the First Selectman would still remain in effect.)

With regard to the remaining Selectmen and the BAA members, if the same recommendation of "no change" is received from the Board of Finance, then the RTM would again have merely the option of "accepting" this recommendation, and the RTM would have no further option to reduce or increase these amounts. The reason, once again, is that the Charter does not provide the power to modify, reduce, or increase those salaries to the RTM. If the Board of Finance recommends an increase or decrease, the RTM will vote to "approve" that recommendation.

As an aside, Section C38-4 also provides that mid-term salary adjustments may be approved for these officials without the recommendation of the Board of Finance.

Interestingly, a review of the history of this Charter section reveals that before the last Charter change, the salary issue was the sole purview of the Board of Finance. The RTM had no role at all. Upon review of the Connecticut Constitution, however, it was determined that the town's legislative body was required to play a role. The Westport Charter was thus amended to allow for this "approval" provision.

IWB/kaa

BACK UP MATERIAL
RTM ITEM # 5

BOF 9/23/13
Reviewed and
Recommended
No Salary Change

REVIEW OF FIRST SELECTMAN'S SALARY
TOWN OF WESTPORT

Prepared by Dewey Loselle for:

RTM Employee Compensation and Benefit Committee

Revised Sept 19, 2013

BACKGROUND

The determination of compensation for the First Selectman is governed by the Town Charter under section § C38-4. – Compensation (see below). Technically the Board of Finance (BOF) “recommends” the salary formally and the Representative Town Meeting (RTM) approves it. Historically, the RTM Compensation and Benefit Committee and the Board of Finance have coordinated in reviewing the Selectman’s salary and making any adjustments.

Discussion with regard to the Selectman’s salary is taking place at this time as under the Charter the Selectman’s salary cannot be increased during the occupant’s term of office other than for a cost of living increase. With the announcement that our current First Selectman will not seek re-election it is appropriate that the current salary be reviewed and adjusted if found appropriate, before the term of office begins for a new Selectman. According to Charter the BOF must recommend a salary in the month of September and the RTM must approve in October.

§ C38-4. - Compensation. The members of all boards and commissions, except the Selectmen and members of the Board of Assessment Appeals, shall serve without compensation unless otherwise provided by the Representative Town Meeting. The Board of Finance will recommend in September and the Representative Town Meeting will approve in October the salaries of the Selectmen and members of the Board of Assessment Appeals. Mid-term salary adjustments may be approved by the Representative Town Meeting without the recommendation of the Board of Finance. The Board of Education shall fix the salaries of the officers and employees appointed by it. The compensation of all other appointed officers shall be fixed by the First Selectman. All compensation fixed as provided herein shall be subject to appropriation according to law. Outside of a cost of living increase, the Selectmen shall not have an increase during their term in office.

History

The salary of the First Selectman has remained unchanged for ten years. Our current First Selectman has been in office since 11/21/2005. The salary at that time was \$101,475 along with a \$4,800 transportation allowance and the salary had been unchanged for two years prior to his taking office. The base salary has not been increased during his entire term of office and there has also not been a cost of living adjustment COLA (allowable under the charter) to the salary either. The salary today is still \$101,475. Other office holders in the past have had periodic COLA adjustments. Our current First Selectman magnanimously has not sought an adjustment. Normal executive compensation policy and practice would dictate

that after ten years of no compensation increase that an adjustment in the salary level is now warranted.

Methodology

Accepting the premise that a compensation increase is warranted for the position of First Selectman the question becomes what might be the appropriate level to raise it to? This report addresses this question by employing three different approaches as follows:

1) **CPI Approach** – What would the salary be today if the annual change in the Consumer Price Index (CPI) was applied to the salary starting back in 2004. (See exhibit 1)

2) **Comparable Managerial Increase Approach** – What would the salary be today if the same average % increase granted to all Non-bargaining Managerial positions was applied to the Selectman's salary starting back in 2004. In other words apply the same average increase to the Selectman's salary that all his managerial reports received (see exhibit 2).

3) **Market Survey Approach** – What might be an appropriate level for Westport's First Selectman salary based on what First Selectman in other comparable Town's are paid (see exhibit 3). A determination of "comparability" in this context might consist of several factors as follows:

- **Town Size** – Westport's population is currently 26,656. For analytical purposes this puts Westport in the classification grouping of Towns with populations 20,000- 39,999 as utilized by the Connecticut Conference of Municipalities (CCM) when classifying comparative data. The salary cost data presented here comes from the most recent CCM Municipal Salary Survey 2013.
- **Fairfield County** – Fairfield County is a high cost county compared to the rest of the State. Data is included from a few other neighboring FC towns that may fall above or below the strict 20,000-39,999 population classification grouping discussed above.
- **Comparable Duties** – The role of First Selectman can vary by Town. In some Town's there is a First Selectman and a Town Manager or a

Chief Appointed Official who functions as the administrative manager of the town. In such cases the First Selectman has a much diminished managerial/administrator role. In other Towns, such as Westport, the First Selectman acts as both the chief official and legal representative of the town as well as the prime manager of the Town. In this analysis information is presented which shows how Westport's First Selectman's duties compare across this spectrum of differences in First Selectman roles and the relative costs to Towns in the varying scenarios.

Conclusion

Based on Approach 1 and Approach 2 it is reasonable to conclude that the new salary level of the First Selectman should be in the range of \$129,126 to \$133,668. The first sum represents the amount the salary would have been raised to if adjusted over the period by CPI (Approach 1). The second amount represents what the salary would have been raised to if the same average percentage increase other managers in the Town received had been applied (Approach 2). The review of First Selectman salaries in other comparable municipalities shows that a salary in the above range would not be unreasonable particularly considering the duties of the First Selectman in Westport and not having a Town Manager or Town Administrator.

Additional Item for Consideration – The First Selectman's salary has partially gone so long without an adjustment because COLA's have not been applied. It might make sense in the future as a matter of policy for a COLA to be regularly applied as part of the budget process whenever a comparable adjustment is made to managerial salaries in Town rather than the First Selectman having to request that the BOF take a specific action to do so.

Exhibit 1 - Selectman Actual Salary and New Level If Adjusted by Historical CPI

<u>Fiscal Year</u>	Date of Hire 11-21-2005 First Selectman (No Pension) July 1, 2004	<u>Actual Salary</u>		<u>Salary Adjusted to CPI</u>		
		<u>Salary</u>	<u>Transportation Allowance</u>	<u>CPI</u>	<u>% Change</u>	
03-04	First Selectman (No Pension) July 1, 2004	101,475	4,800	101,475	183.900	
04-05	First Selectman (No Pension) July 1, 2005	101,475	4,800		189.400	2.99% 104,510
05-06	First Selectman (No Pension) July 1, 2006	101,475	4,800		195.400	3.17% 107,821
06-07	First Selectman (No Pension) July 1, 2007	101,475	4,800		203.500	4.15% 112,290
07-08	First Selectman (No Pension) July 1, 2008	101,475	6,000		208.299	2.36% 114,938
08-09	First Selectman (No Pension) July 1, 2009	101,475	6,000		219.964	5.60% 121,375
09-10	First Selectman (No Pension) July 1, 2010	101,475	4,800	(A)	215.351	-2.10% 121,375
10-11	First Selectman (No Pension) July 1, 2011	101,475	4,800		218.011	1.24% 122,874
11-12	First Selectman (No Pension) July 1, 2013	101,475	4,800		225.922	3.63% 127,333
12-13	First Selectman (No Pension) July 1, 2014	101,475	4,800		229.104	1.41% 129,126

(A) Although CPI decreased it is assumed a freeze in salary is appropriate.

Exhibit 2 - Selectman Actual Salary and New Level if Adjusted by Same Increases Non-Bargaining Positions Received

<u>Fiscal Year</u>	Date of Hire 11-21-2005 First Selectman (No Pension) July 1, 2003	<u>Actual</u>		<u>Non Union Salary Increases (1)</u>	
		<u>Salary</u>	<u>Transportation Allowance</u>	<u>% Change</u>	
03-04	First Selectman (No Pension) July 1, 2003	101,475	4,800	101,475	
04-05	First Selectman (No Pension) July 1, 2004	101,475	4,800	3.00%	104,519
05-06	First Selectman (No Pension) July 1, 2005	101,475	4,800	3.15%	107,812
06-07	First Selectman (No Pension) July 1, 2006	101,475	4,800	3.19%	111,251
07-08	First Selectman (No Pension) July 1, 2007	101,475	4,800	3.38%	115,011
08-09	First Selectman (No Pension) July 1, 2008	101,475	6,000	4.19%	119,830
09-10	First Selectman (No Pension) July 1, 2009	101,475	6,000	2.93%	123,341
10-11	First Selectman (No Pension) July 1, 2010	101,475	4,800	0.00%	123,341
11-12	First Selectman (No Pension) July 1, 2011	101,475	4,800	3.00%	127,041
12-13	First Selectman (No Pension) July 1, 2013	101,475	4,800	2.65%	130,408
12-13	First Selectman (No Pension) July 1, 2014	101,475	4,800	2.50%	133,668

(1) Assumes the First Selectmen's Position received the same increases as other Managerial Non-bargaining positions.

Exhibit 3 - Selectman Salary Comparison by Town

Municipality	Population	First Selectman	Town Manager/ Chief Appointed Official	Combined Cost
Branford	27,980	\$98,939	NA	
Darien	20,942	\$80,000	\$155,000	\$235,000
Guilford	22,340	\$104,500	NA	
Newtown	27,829	\$97,333	NA	
North Haven	24,054	\$91,065	NA	
Ridgefield	24,885	\$116,162	NA	
Simsbury	23,528	\$113,850	NA	
Trumbull	36,376	\$101,168	\$75,742	\$176,910
Westport	26,656	\$101,475	NA	
Wilton	18,242	\$129,500	NA	
New Canaan	19,395	\$130,333	\$130,396	\$260,729
Weston	10,067	\$43,875	\$129,459	\$173,334
Greenwich	61,782	\$128,300	\$183,438	\$311,738
Fairfield	59,961	\$127,600	\$93,658	\$221,258

Note: The current 2013-14 budget shows New Canaan proposing a salary of \$130,333. Current salary is \$125,333.
 Source: Connecticut Conference of Municipalities (CCM) 2013 Salary Survey



RBA Group of Connecticut, LLC

September 19, 2013

Mr. Gordon F. Joseloff
First Selectman
Town Hall
110 Myrtle Avenue
Westport, CT 06880

Re: RFP 13-710 – Master Plan for Development and Implementation for Downtown Westport

Dear Mr. Joseloff

The RBA Group is pleased to submit for your review and concurrence the following revisions to the scope of work as detailed in our original proposal of March 13, 2013 to the Downtown 2020 Committee for the above referenced project. As agreed upon with the Planning and Zoning Commission RBA will undertake the entire scope of services work as detailed in the aforementioned original scope. With the following understandings:

RBA shall prioritize as Task 1 of the study the Traffic Analysis component of the work as Identified under Task 5 "Transportation Study" and that work shall be broken out as 3 phases of work.

Phase 1: As outlined in the original scope of services RBA will develop a baseline traffic model of existing vehicular counts for the "Downtown Core Study Area". That original scope of work identified 7 intersections for inclusion in this phase including the intersections of Route 1 @ Route 33, @ Parker Harding Plaza, @ Main Street, @ Imperial Avenue and @ N/S Compo Road and Route 33 @ Route 57 and Main Street/@ Avery Place.

As agreed upon with the Planning and Zoning Commission this baseline study component will now be expanded to include all signalized intersections along Route 1 from the Norwalk/Westport border to the Fairfield/Westport border including intersections along Routes 33 and 136. We assume up to 17 additional signalized intersections. *The expanded scope is considered extra services and shall be included in the revised fee as detailed later in the letter*

Phase 2: As outlined in the original scope of work Phase 2 of the traffic analysis will allow for the development of a "future projection scenario" that evaluates the impacts of today' known impending developments such as:

- Bedford Square,
- Save the Children
- National Hall,
- Ludlowe Street
- Relocation of the Westport Y
- Save the Children
- Mediplex

We propose to utilize available traffic impact study data from the developments as a basis for the projected traffic analysis. In the event that no data is currently available, RBA proposes to use the generally accepted standard Institute of Transportation Engineers (ITE) trip generation manual factors to address future demand.

Phase 3 – Also as outlined in the original scope of work RBA shall develop a "working" model that will allow for the addition of future developments and changes to zoning or infrastructure as predicated by the Master

Plan process. This "working" model will allow Planning and Zoning to changes to traffic and parking scenarios and those associated impacts that these action may effect.

Additional Understandings:

RBA recognizes that as part of Connecticut State Statue an updated Town POCD will be required in 2017 and as such this master document shall be formatted to enable it to become an integrated piece of that future document centering on Downtown Westport.

RBA additionally recognizes the importance that must be placed upon creating useable design guidelines that will help shape infrastructure and streetscape standards for the Town. As part of the overall Master Plan process plan we shall prioritize the development of these standards for public review and incorporate them into conceptual designs for

- Elm @ Church Street intersection and
- Sidewalk improvements that were identified as part of the "Main Street Investment Grant"

The development of the design guidelines and conceptual plans for Elm @ Main is included as work under the original scope of services for the project. It should be noted that any final design services for these tasks including the development of Final Plans, Specifications and Estimates (PS&E) documents suitable for bidding would be considered as additional services and funding for this work is not included. It is our understanding that the funding for these design services will be provided by source funds available to Downtown 2020.

We proposed the revised fees for services to include the development of the Westport Downtown Master Plan and the extra baselines traffic work as follows:

Revised Fee for Services

Original Project Fee.....	\$178,500
Additional fee for expanded Traffic baseline study	\$ 25,500
Revised Project Fee.....	\$204,000

We trust this will meet with the approval of your office and the Planning and Zoning Commission as well as Downtown 2020. If you have any questions please do not hesitate to ask.

Sincerely,



David Lapping, PTP,
Senior Vice President

Recommended by:

Lou Gagliano, Chairman, Downtown 2020 Committee

Catherine Walsh, Chair, Planning and Zoning Commission

Gordon Joseloff, First Selectman, Town of Westport

MINORITY REPORT – RTM PLANNING & ZONING COMMITTEE MEETING

To: Westport RTM
From: Don Bergmann, RTM District One
Re: Minority Report for RTM Planning & Zoning Committee Meeting

September 26, 2013

A meeting was held of the RTM Planning & Zoning Committee on September 24, 2013. The meeting addressed several matters. This Minority Report pertains only to one, the funding of a traffic study to be conducted by the consulting firm of RBA of Connecticut, LLC., \$65,000.

The funding for RBA results from a recommendation by the First Selectman to the Board of Finance to approve \$204,000, primarily for a downtown plan. That plan will include a traffic study for downtown and, as a result of input from the Planning & Zoning Commission, a traffic analysis for the full length of the Post Road in Westport, including certain feeder roads. At its meeting on September 23, 2013, the Board of Finance approved only the cost of the traffic study, \$65,000. The balance was to be addressed at an October 2nd meeting.

The RTM P&Z Committee voted for the \$65,000 stating

“The RTM P&Z Committee recommends the appropriation of 65K for a traffic study as phase one of the funding of the total study.”

I voted against that motion. I wanted to make it clear to the Committee and now the full RTM that I do not support any expenditure unless the full scope of the RBA work is funded. I also wanted my “nay” vote to evidence the fact that if the Board of Finance at its October 2nd meeting does not approve the full funding amount requested by the First Selectman, \$204,000, I intend to seek to restore the deficiency by a vote of the full RTM. I would seek that restoration at the October 22, 2013 Special Meeting of the RTM.

Since my vote on September 24th, I have explored in more detail the actions and the thinking of the Board of Finance in not approving the full funding for RBA. I have also spoken to several people. I am now of the view that the full funding of the RBA study will be approved by the Board of Finance on October 2nd. Hence, it is my expectation that I will now vote in favor of the \$65,000 appropriation. A vote of the RTM in support of this \$65,000, once the balance of the RBA funding is approved on October 2nd by the Board of Finance, will allow RBA to commence its work immediately. That is important because the traffic study needs to be completed by this fall.

Two premises will underlie my vote in support of only the \$64,000 appropriation now before the RTM. The first is that the Board of Finance will approve full funding of RBA on October 2nd. The second is that if full funding is not authorized this October and, hence, only the traffic study is authorized, RBA should not do any work or, if work has begun, should immediately stop. I believe a traffic study that is not a part of a Town Plan will be substantially worthless. It will provide data on the movement of cars and trucks. That data is only useful if it is integrated into and used under a plan for downtown. RBA has expressed that. In addition, without the authorization of the full plan funding, the support of so many for a downtown plan will have been rejected. Both Helen Garten and Jim Marpe, our candidates for First Selectperson, support a downtown plan. I believe most on the RTM are also supportive. To have only a traffic study authorized this month is to ignore and reject the vision of so many. It will also prove to be an expenditure of \$68,000 that will generate few to no benefits.

Don Bergmann
RTM District One,
Member RTM Planning & Zoning Committee

RTM Members:

Below is a link for the RBA proposal. This was sent to BOF members as well for their Monday, September 16th special meeting.

The full RBA proposal can be found at the following link:

<http://www.westportct.gov/modules/showdocument.aspx?documentid=5234>

BOF approved 9/11/13



Westport Historic District Commission

Town Hall

Westport, Conn. 06880

BACK UP MATERIAL
RTM ITEM # 7

August 26, 2013

RECEIVED

AUG 27 2013

**TOWN OF WESTPORT
SELECTMAN'S OFFICE**

Honorable Gordon F. Joseloff
First Selectman
Town of Westport
Westport, CT 06880

Dear Mr. Joseloff:

The Westport Historic District Commission respectfully requests to be placed on the Board of Finance agenda for an appropriation of \$45,000 to Account No. 10101181-531000, Fees & Services, for the purpose of accepting funding in the amount of up to \$50,000 from the CT Trust for Historic Preservation 2013 VCI grant program.

By accepting this grant award, the HDC expects to create a steering committee to collaborate with an historic preservation architect/planning consultant. Their mission will be to identify and investigate measures to protect those historic features of the town center that are important to defining its character. As a means for accomplishing this, the team will study the creation of a Village District Zone in Westport Center.

The Town of Westport will receive \$5,000 from the CT Trust after it receives signed agreement from the town to accept the award and comply with its conditions. At the completion of the project, the town will receive full reimbursement of the interim appropriation for consulting fees and services in the amount of \$45,000.

HDC Chair Francis Henkels, Town Curator Kathie Bennewitz, and CLG Coordinator/HDC Staff Administrator Carol Leahy will attend the meeting to answer any questions.

Thank you in advance for your consideration of this request.

Sincerely,

Francis H. Henkels
Chair, Historic District Commission

Approved for submission to the
Board of Finance (9/11/13)

Gordon F. Joseloff
First Selectman

FHH:cl
Attachments



RECEIVED
AUG 12 2013
HISTORIC DISTRICT
COMMISSION

August 6, 2013

Carol Leahy
CLG Coordinator/HDC Administrator
City of Westport
Town Hall, Room 102
110 Myrtle Avenue
Westport, CT 06880

Subject: Vibrant Communities Initiative Grant (VCI)
Connecticut Trust for Historic Preservation (CTHP)
Westport, VCI-13-05

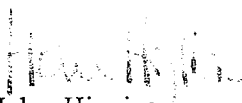
Dear Ms. Leahy:

We are pleased to inform you that the Town of Westport has been awarded up to \$50,000 in funding from the CTHP's 2013 VCI grant program. With VCI you will be forming a partnership between government leaders, property owners, business leaders and the Downtown 2020 Committee to facilitate a master plan for downtown. More specifically, you will seek to implement a Village District Zone in Westport Center.

Please return the attached Grant Agreement (Exhibit A) and formally bid out for your consultant team by **October 6, 2013**. Brad Schide, Circuit Rider for the CTHP, will be calling you to set up a meeting to assist in developing a specific scope of work to hire necessary consultants for your project. Failure to meet this deadline may result in forfeiture of the grant. CTHP has awarded an alternate in case this occurs.

Again, congratulations on your selection. We look forward to being a part of assisting you in planning efforts in Westport Center. Brad Schide can be reached at 860-463-0193.

Sincerely,



Helen Higgins
Executive Director



RECEIVED
AUG 12 2013
HISTORIC DISTRICT
COMMISSION

August 6, 2013

Carol Leahy
CLG Coordinator/HDC Administrator
City of Westport
Town Hall, Room 102
110 Myrtle Avenue
Westport, CT 06880

Subject: Vibrant Communities Initiative Grant (VCI)
Connecticut Trust for Historic Preservation (CTHP)
Westport, VCI-13-05

Dear Ms. Leahy:

We are pleased to inform you that the Town of Westport has been awarded up to \$50,000 in funding from the CTHP's 2013 VCI grant program. With VCI you will be forming a partnership between government leaders, property owners, business leaders and the Downtown 2020 Committee to facilitate a master plan for downtown. More specifically, you will seek to implement a Village District Zone in Westport Center.

The Vibrant Communities Initiative is a collaborative historic preservation technical assistance program of the Connecticut Trust for Historic Preservation with funding from the State Historic Preservation Office, Department of Community & Economic Development, with funds from the Community Investment Act of the State of Connecticut.

If you accept this grant you must conduct your project in conformance with the following conditions:

1. *Budget Adjustments:* Adjustments to the budgeted expenditures submitted with your application exceeding an aggregate of \$500 require prior written approval of the executive director of the Connecticut Trust.
2. *Limitations to use of grant funds:* Grant funds may be obligated only during the period of the grant: which is August 6, 2013 through August 6, 2014. Any outstanding obligations are to be liquidated within thirty days of the end of the grant period. Any grant funds remaining thereafter shall be returned to the Connecticut Trust thirty days after the end of the grant period.
3. *Final Evaluation:* The grantee agrees to submit a final financial report and a narrative report stating the results and accomplishments of the project. Both reports are due no

more than thirty days after the grant period has ended. The grant period August 6, 2014; Final Reports are due by September 6, 2014.

4. *Publicity:* The grantee agrees to include in all publicity about the project the statement that the project was -funded by a grant from the Connecticut Trust for Historic Preservation.
5. *Equal Opportunity:* The grantee agrees not to discriminate in the providing of services against any person because of race, sex, color, age, national origin or disability.
6. *Indemnification:* The grantee hereby agrees to indemnify and hold harmless the Connecticut Trust, its officers, trustees and employees from and against any claims, demands, actions, liabilities, losses, and expenses, including attorney's fees, arising out of or in connection with the performance of the grantee's project described in the application and this letter.
7. *Return of Funds:* The grantee shall return all grant funds to the Connecticut Trust with interest at the rate of 8% from the time of the advance of funds, if the grantee fails to: a) complete the project within the time period agreed to, amended if necessary by written consent from the executive director of the Connecticut Trust; b) complete the project as described; or c) submit the final financial and narrative reports within thirty days of the project end date. If legal action is necessary to enforce this agreement, the prevailing party is entitled to reasonable attorney fees and costs.
8. *Digital Documentation:* The grantee shall provide to the Connecticut Trust a digital picture or jpeg of the final project, if applicable.

We will send \$5,000 of your grant funds upon receipt of this signed agreement. **Please include as an attachment to this contract a copy of the formal bid request for the consultant team or a copy of the executed contract between the town and the consultant.** Please forward a copy of the executed consultant contract to the Connecticut Trust as soon as it is signed. We will send the remaining balance upon receipt and approval of the final report.

Please sign and return the original of this letter by October 6, 2013 with attachments as your acceptance of this agreement. By doing so you acknowledge that these grant funds will be used solely for the purposes described in the grant application and are subject to the conditions contained in this letter of agreement. The enclosed copy is for your records.

Sincerely,


Helen Higgins
Executive Director

Grantee Signature

Date

Print Name

Title

BOF Approved 9/11/13



Westport Historic District Commission

Town Hall

Westport, Conn. 06880

BACK UP MATERIAL
RTM ITEM # 8

August 27, 2013

Honorable Gordon F. Joseloff
First Selectman
Town of Westport
Westport, CT 06880

RECEIVED
AUG 27 2013
TOWN OF WESTPORT
SELECTMAN'S OFFICE

Dear Mr. Joseloff:

The Westport Historic District Commission respectfully requests to be placed on the Board of Finance agenda for an appropriation of \$76,400 to Account No. 10101181-531000, Fees & Services, for the purpose of restoring the Minute Man Monument site. The town will be reimbursed by the state at the completion of the project in the matching amount of \$38,200.

The HDC has received a treatment plan proposal from Conservator Francis Miller with a preliminary projected cost of \$76,400 (see attached). The project includes restoration work by individual contractors on the bronze statue, the rubble stone pedestal, the bronze plaque, the fencing, the stone masonry wall supporting the fencing, and the grounds upon which they are set.

This grant application requires approval by the Board of Selectmen and funding by the Board of Finance prior to submitting the grant request to the Department of Economic and Community Development, State Historic Preservation Office.

HDC Chair Francis Henkels, Town Curator and member of the Westport Arts Advisory Committee Kathie Bennewitz, and CLG Coordinator/HDC Staff Administrator Carol Leahy will attend the meeting to answer any questions.

Thank you in advance for your consideration of this request.

Sincerely,

Francis H. Henkelsg
Chair, Historic District Commission

FHH:cl
Attachments

Approved for submission to the
Board of Finance (9/11/13)

Gordon F. Joseloff
First Selectman

**MINUTE MAN MONUMENT
ASSESSMENT AND TREATMENT GUIDELINES**

**WESTPORT, CT
AUGUST, 2013**

RECEIVED

AUG 27 2013

**HISTORIC DISTRICT
COMMISSION**

**MINUTE MAN MONUMENT
ASSESSMENT AND TREATMENT GUIDELINES
WESTPORT, CONNECTICUT**

"Minute Man", Westport, Conn.



Submitted To: Carol Leahy
CLG Coordinator/HDC Staff Administrator
Historic District Commission
Town Hall, Room 108
Westport, CT 06880
Tel: 203.341.1184
Fax: 203.454.6195
cleahy@westportct.gov

Submitted By: ConservArt LLC
Francis Miller, Conservator
19 Lansdowne Avenue
Hamden, CT 06517
Office: 203-248-2530
Cell: 203-506-6846

Date: August 19, 2013

ConservArt LLC

19 Lansdowne Avenue Hamden, Connecticut 06517 p: 203.248.2530 e-mail: millerfrancis@hotmail.com

MINUTE MAN MONUMENT ASSESSMENT AND TREATMENT GUIDELINES

WESTPORT, CT
AUGUST, 2013

MONUMENT

Title: *Minute Man Monument*
Artist: H. Daniel Webster
Foundry: Tiffany Studios
Date: 1910
Materials: Sculpture: Bronze
Plaque: Bronze
Base: Fieldstone, Cement
Fence: Wrought Iron and Fieldstone Wall
Location: Compo Road, Westport

DESCRIPTION

From Smithsonian Institution Research Information, Art Inventories Catalog, Control Number 77006731 (a copy is attached to end of the report).

A young minuteman man in colonial knee breeches and tunic kneels on his proper right leg with his arms gripping a musket raised and balanced on his raised proper left knee. A powder horn is slung across his proper right shoulder. He is facing towards Danbury, on guard should the British decide to march again on Westport. The sculpture has been painted a pale green color to imitate copper oxidation. The base is comprised of mortared fieldstones.

(On bronze base alongside proper right leg:) copyright 1910/BY H. DANIEL WEBSTER (On bronze base below proper left foot:) cast by Tiffany Studios April 1910 signed Founder's mark appears.

The bronze figure kneels on a bronze self-base. The entire sculpture rests on a fieldstone base atop an earth mound. The earth mound, in turn, rises from a circular fieldstone wall that delineates the perimeter of the monument in the surrounding traffic circle. A contemporary painted steel fence rests approximately 2' inside the stone wall. The original iron fence is currently in storage. The fence is a rail and picket design made of simple bar stock. The historic images show the fence mounted on top of the wall, cantilevered outward near the outer edge of the wall.

HISTORIC DOCUMENTATION REVIEW

THE
MINUTE MAN
ARRANGED BY
HENRY C. SHERWOOD
1910

The Minute Man is a dedication booklet that primarily describes the history of the site in 1777 and Connecticut's role in the Revolution. There is a photograph of the monument and an image of the sculpture before installation.

MINUTE MAN MONUMENT ASSESSMENT AND TREATMENT GUIDELINES

WESTPORT, CT
AUGUST, 2013

STUDY REPORT FOR THE PROPOSED
LOCAL LANDMARK PROPERTY DESIGNATION OF
MINUTE MAN MONUMENT AT INTERSECTION OF
COMPO ROAD SOUTH AND COMPO BEACH ROAD
TOWN OF WESTPORT HISTORIC DISTRICT COMMISSION AND
ARTS ADVISORY COMMITTEE STUDY COMMITTEE
Arts Advisory Committee Members: Kathleen Motes Bennewitz and Leslie Green
HDC Members: Francis Henkels, Betsy WACKER AND Grayson Braun
HDC Staff Administrator Carol Leahy
2012

The Study provides a broad overview of the history of the site, the artist, the formation of the monument and the ongoing events important to the monument since the unveiling in 1910. The report also contains useful historic photographs of the sculpture, mound, stone wall and surrounding area.

Of interest, from a preservation perspective, is the mention of the overall design of the wall and mound; to create the desired height and diameter of the mound and wall, the Connecticut Railway and Lighting Company was requested to, and actually performed, relocation of an existing trolley line on the monument's behalf.

The images of the site after the unveiling, prior to the installation of the wrought iron fence, clearly shows the original, fieldstone, circular wall. The wall rises approximately 4 courses high and is comprised of local fieldstone, presumably provided by nearby residents after the request for donations in an article posted in the Westporter-Herald News. The wrought iron fence was installed on top of the stone wall, extending closely to the outer circumference of the stone. Images of the monument during conservation treatment in 1996, and a view of the monument in 2012, show the fence resting to the interior of the stone, with the anchoring of the posts behind the stone altogether.

The early images of the site also show the original grade of the earthen mound and the vegetation on the site. An entry from 1929 mentions the ground cover being grass.

ASSESSMENT

BRONZE

Surface

The protective wax coating has weathered from the back and horizontal surfaces. The surfaces are lightly soiled.

Strap

A section of strap for the figure's powder horn is broken and missing.

Cast Flaw

A small hole can be found in the back of the figure.

Anchors

The self-base has two, open anchor holes, one to the front and one to the back; the bronze anchors are missing. The hollow of the self base appears to be filled with cement. There are no signs of damage to the bronze from the fill at this time.

MINUTE MAN MONUMENT ASSESSMENT AND TREATMENT GUIDELINES

WESTPORT, CT
AUGUST, 2013

IRON FENCE

Fence Circumference

Original Fence Hole Locations: approximately 75' circumference (23' 10" dia.), 52" -53" (direct line to center of existing holes in stone wall) from post to mid-rail supports.

Existing Fence (in storage), Circumference: Approximately 71' 6" (22' 9" dia.)

Fence post offset 2 ½" of gives a diameter of 24' 3" circumference of 76' 2". This dimension is to be verified by contractor.

Components

See attached schedule with dimensions of each existing component giving dimensions and general condition.

Surface Condition

The surfaces have failing paint layers and heavy corrosion causing loss to the surfaces. Despite years of exposure to the elements, the metal, for the most part, is in good condition.

Cracks

Some of the pickets are severely bent and cracked at the area of deformation.

Breaks

The rails and joining plates have numerous breaks.

Losses

The diameter of the fence was reduced at an unknown time. The approximately 5' section of fence removed to reduce the size is lost. Additionally, there are losses to post bottoms, rail supports and the gate latch mechanism.

Previous Repairs

The fence has numerous repairs including welded rail braces, steel mid-rail supports, modification to lengths and distances of posts and reduction of size.

Structural Issues

The anchoring portions of the posts and mid-rail supports have been either lost to corrosion or have been cut.

Other Issues

The iron fence was cut into sections for removal from the original site, presumably due to the damage caused by impact that bent long sections of rail and severely bent and cracked pickets.

STONE

Surface

The field stones are soiled and discolored with paint and ferrous stains from the unprotected iron fence.

Pointing

There are losses and cracks to the pointing mortar in the fieldstone wall and sculpture base. Mortar has been smeared over the top surfaces of some wall capstones.

Cracks and Breaks

Perimeter wall capstones are cracked and some shattered, primarily related to fence anchoring.

MINUTE MAN MONUMENT ASSESSMENT AND TREATMENT GUIDELINES

WESTPORT, CT
AUGUST, 2013

Loss

Approximately five capstones are missing. There may be missing stones from the earth mound.

Grade

The regrading of the roadway for flood control has resulted in raising the surrounding "ground level", burying 2-3 courses of fieldstone in the circular wall; only the top capstone course is visible, which is approximately 8" high. Knowing that the picket heights are 36", the height of the wall in relationship to the fence in historic images give an approximate ratio of 2:3, which translates to 24". Natural erosion to the top of the earth mound has led to the exposure of the foundation below the large fieldstones at the sculpture base and the over flow of soil onto the circular wall.

SITE INSPECTION

The capstones in the stone wall were inspected and compared to historic images. It was determined that the majority of the top portion of the wall is original and that the stones match those in the images and that the fence support locations also match. Holes, approximately 52" apart, can be found in capstones below the original post locations and mid-rail supports. Some of the holes have sulfur setting and corroding, cut iron posts. Many of the stones that acted as anchoring points are shattered, broken and or are missing.

SITE REVIEW JUNE 13, 2013

Town of Westport Representatives

Stephen Edwards, Director, Department of Public Works
Barry Hammonds, Deputy Town Engineer
Francis Hankels, Chairman, Historic District Commission
Carol Leahy, Staff Administrator, Historic District Commission
Stewart McCarthy, Director, Department of Parks and Recreation

ConservArt LLC Representatives

Francis Miller, Conservator

Grade

The group was informed that the surrounding roads had been regraded as part of a flood control plan and that it was not possible to return the grade to the original design.

Snow Plowing

The issue of snow plowing was raised and the question of whether the fence would be safer if reduced in diameter. The feeling was that the stone wall would be in greater jeopardy of plows if the fence were set back behind the stone wall; the fence would act as a visual guide for the plows and protect the stone if reset in the original location.

Earth Mound

It was agreed that the earth mound should be regraded by leveling the ground level behind the stone wall and adding the soil to the top so that the large rocks below the base are back filled to match historic photos. The ground level behind the wall is not to retain water, but allowed to drain between low points in the stone joints. Grass planting is to be retained, as indicated in historic documents.

Fieldstone Wall

ConservArt LLC recommended leaving the original wall intact and not to raise the structure. Raising the structure would disturb the original elements and could cause a "caged" appearance for the sculpture if the wall and fence were raised approximately 16". It was agreed to leave the wall at the existing height.

MINUTE MAN MONUMENT ASSESSMENT AND TREATMENT GUIDELINES

WESTPORT, CT
AUGUST, 2013

SITE REVIEW JULY 1, 2013

Town of Westport Representatives

Kathleen Motes Bennewitz, Curator, Arts Advisory Committee
Francis Hankels, Chairman, Historic District Commission
Carol Leahy, Staff Administrator, Historic District Commission

ConservArt LLC Representatives

Francis Miller, Conservator

Fieldstone Wall

The site was reviewed again with the Kathleen Motes Bennewitz, Town Curator. In this meeting the issue of the wall as integral to the overall design was readdressed. It was decided that the stone wall should be raised a single course, or approximately 8", to a total height of 16". This compromise would add to the presence of the wall but avoid the possible "caged appearance of the bronze sculpture in relationship to the fence and wall if the wall were to be raised to the full original height. The original stones on the top course would be removed, numbered, and reset in the original locations on top of the new course.

FENCE IN STORAGE SITE REVIEW JULY 15, 2013

Town of Westport Representatives

Kathleen Motes Bennewitz, Curator, Arts Advisory Committee
Francis Hankels, Chairman, Historic District Commission
Carol Leahy, Staff Administrator, Historic District Commission

ConservArt LLC Representatives

Francis Miller, Conservator
Mike Donovan, Conservation Assistant

Additional Fence

The fence was set upright using wood support stakes to review the condition of the wrought iron once assembled. It was confirmed that the fence diameter had been reduced from the original size and that additional fence would be needed to conform to the historic design.

Fence Repair

It was agreed that an attempt should be made to realign the rails and reviewed by the committee. If the results are not satisfactory, replacement rails should be installed for sections too damaged to repair.

Protective Coating

Two paint options were presented. The first would be to have the metal sand blasted to bright metal and be treated with the addition of blown zinc, followed by an epoxy primer and top coat. The second option would be to use paint strippers, wire brushes and walnut shell blasting to remove paint layers and loose corrosion, followed by corrosion conversion with Tannic Acid, and the application of an Alkyd primer and Alkyd enamel topcoat.

It was observed that the existing surface condition of the ironwork is fairly good given the amount of exposure to the unprotected metal and that it would be in the best interest of the fence to follow the Secretary of the Interior Preservation standards, as represented by the National Park Service and the National Center for Preservation Technology and Training. These standards promote the use of soft abrasives, such as walnut shell and the application of reversible paint systems. More durable systems are available, such as the

MINUTE MAN MONUMENT ASSESSMENT AND TREATMENT GUIDELINES

WESTPORT, CT
AUGUST, 2013

addition of zinc metal protection layers, and epoxy paints, but ease of retreat ability is questionable and use of these materials does not seem justifiable at this time. Given the likelihood to future damage from autos or piled snow, the ease of retreatability would be best suited for the site.

TREATMENT RECOMMENDATIONS

BRONZE

The bronze is in good condition and other than minor repairs, can be treated as typical cyclic maintenance. It is recommended to replace the missing anchors and the short section of strap at this time.

IRON FENCE

The fence should be treated as an historic object and preserve as much of the original fabric as possible, replacing elements only if structurally necessary and adding fence to match original diameter. The corrosion removal and coating should be sympathetic to the historic original and be retreatable as practical. A new anchor system is required for structural stability and for a slight modification in design: it is recommended to anchor the fence behind the stone to alleviate expansion and contraction pressure, and damage from fence vibration caused by passing vehicles, wind, and pressure from piling snow and vehicles.

EARTH MOUND

The earth mound should be regraded to match historic design.

STONE WALL

Following the committee review, the stone wall should be raised one course, retaining the original stones and replacing those that are missing or too damaged for reuse. Local residents could be solicited again for donation of needed stone.

RECOMMENDED PROCEDURES

BRONZE

Cleaning

Clean the surfaces with a solution of Orvus (approximately 1 tablespoon /3 gallons water) and gently scrub with natural bristle brushes. Repeat as needed to remove soiling. The bronze will be pre-rinsed to remove loose dirt with water and rinsed using 2,500 psi water at a fan tip setting of 25 degrees and a working distance of 18". All water used during the conservation process will be City water filtered with individual 30 micron sediment and activated charcoal filters. The filters will be flushed for approximately 1 minute prior to use.

Fills

Fill holes with lead. Chase flush, matching contour and texture of the sculpture. Use non-chlorinated cold patina to match aged green surface.

Missing Strap

Fashion missing bronze section using bronze bar stock. Present to client for approval. Patinate to match aged green appearance with non-chlorinated patination chemicals. Attach section with bronze pins using existing anchor locations with new threaded bronze pins, chased and finished to match surrounding contour and texture.

Anchor

Using wet diamond core bit, core holes to fit diameter of existing holes in bronze cast. Core to depth of 7". Flush hole with pressurized water and clean hole with vacuum. Fashion bronze rod to fit contour of beveled

MINUTE MAN MONUMENT ASSESSMENT AND TREATMENT GUIDELINES

WESTPORT, CT
AUGUST, 2013

anchor pattern on bronze sculpture, matching contour and texture of the modeled sculpture. Present pins to client for approval. Patinate to match aged green appearance with non-chlorinated patination chemicals. Set anchor into dry hole with Hilti Hit 150 Epoxy.

Coating

The bronze will receive a protective barrier coating of a high melting point wax. The wax mixture will consist of 20% Polywax 2000 Polyethylene Wax, 10% Petranauba C and 70% Victory Brown Microcrystalline Wax. The bronze will be heated to approximately 170 degrees Fahrenheit using propane torches until the wax melts onto the surface after the removal of the flame. The liquid wax will be spread evenly with natural bristle brushes, removing excess by blotting the with cotton towels. The bronze will be heated a second time and additional wax applied as needed. Examine the sculpture carefully for misses or "holidays" in the recesses and undersides of the bronze, and reapply as appropriate. Allow the bronze to cool overnight and buff to a shine with shoe polishing brushes and lint free cloths.

IRON FENCE

Layout

The fence has been assembled and numbered in the proper sequence. To verify exact conditions and lengths, reassemble sections to determine correct sequence based on distances between posts and mating of cut ends.

Realign Bent Elements

Realign all damaged fence sections by bending rails and pickets to conform to a diameter of 24' 3" (to be confirmed by contractor). Review results with the client for approval. Proceed with all realignment only after approval by client. If desired results are not achieved, replace rails as needed (see IRON FENCE ALTERNATE).

Repairs

After realignment of bent elements, repair breaks and cracks by beveling repair area and filling proud with low carbon wire weld. Grind flush to match. Present weld sample to client for approval prior to proceeding with additional repairs.

Replacement Elements

Replace all missing post braces, picket ends, and mid-rail support posts, failed and severely corroded joining post braces and hardware to match original in dimensions and design using like materials. Remove inappropriate old repairs and replace with like material to match original design.

Fence Diameter and Post Locations

Add new fence to extend fence diameter to the original size of 24' 3" diameter (to be confirmed by contractor). Add additional fence to sections to achieve approximate original fence post spacing of 52" in direct line between fence posts and mid-rail supports, while maintaining the original picket spacing. This may require reducing long sections that had been previously altered for the addition of a post in the original location. Use like materials of same dimension and design. Join with welding as described in Repairs above where appropriate, and with original plate and bolt design at post ends.

Post and Mid-Rail Ends

The bottom portion of each post and mid-rail will be required to have a bent horizontal portion extending inward for the anchoring of the fence. See attached drawing.

Picket Height

Adjust pickets to be uniform in height above and below rails.

MINUTE MAN MONUMENT ASSESSMENT AND TREATMENT GUIDELINES

WESTPORT, CT
AUGUST, 2013

Coating Preparation

Remove all paint and loose corrosion with soft wire brushes and rotary brushes. The goal is to remove scaling, paint and loose corrosion layers, not to bring all surfaces to bright metal. If paint remains bonded to the surface, strip with Peel Away Safe Strip 6, or Smart Strip (Dumond Chemical 800-245-1191) or with methylene chloride based stripper, using least toxic method first. Rinse with pressurized water using 3000-4000 psi with a 15 degree tip and working distance of 6" – 12".

Use ground walnut shell to remove additional corrosion at 40-60 psi. Clean surfaces with 120 psi air and flush with ethanol.

Corrosion Conversion

This process is designed to convert unstable rust into stable metal. Heat to approximately 130° F with propane torches and apply 5% Tannic Acid Solution (JT Baker CAS # 1401-55-4 phone: 855-282-6867). Solution is 5% Tannic Acid to 95% ethanol and water mixture (3% ethanol by volume). Add drops of dilute phosphoric acid until pH is between 2.2 and 2.4. Apply solution with natural fiber chip brushes and keep damp by reapplication evening the surface "puddles" for approximately 30 seconds and then treat adjoining sections. The surfaces will change color from deep blue-brown to black. Allow to dwell for 24 hours and rinse with water and dry with propane torch.

Coating

Kem Bond HS Universal Metal Primer and Pro Industrial Urethane Alkyd Enamel top coat (Sherwin Williams 800-474-3794). Color to be determined by client. Apply primer and top coat following manufacturer's recommended procedures.

Anchor System

New stainless steel anchor system will be designed that is securely anchored into 8" of solid masonry just behind the capstones. The system will consist of 316 stainless steel, and will clamp to the bent, horizontal portion on the bottom of each post and mid-rail support. See attached drawing for details. The stainless steel will be sand blasted to a rough profile and coated with the same paint system as used for the iron.

Installation

Attach posts to new anchor system and bolt sections at posts. Insure gate mechanisms function. Touch-up abrasion with same primer and top coats.

IRON FENCE ALTERNATES

Rail Replacement

If it is not possible to straighten rails to an aesthetically approved arc by the client, replace rails with like material and reuse historic pickets.

STONE WALL

Excavation and Removal

Excavate existing stone wall to a minimum of 6" below capstone course, exposing the second course of stone. Sequentially photograph the wall in approximately 10 linear feet sections, documenting the position of each stone, allowing for an overlap, so that the last stone to the right and left is also present in the adjoining images. Print the images and sequentially number each stone in the images.

Remove the top course by breaking joint mortar with diamond rotary blades and hammer and chisel, carefully maintaining all abrasion and impact within the mortar and not abrading or damaging the stone in any way. As each stone is removed, clean the surfaces of mortar and using permanent marker, number the bottom with the corresponding number in the images. Also indicate the direction of the outer perimeter.

MINUTE MAN MONUMENT ASSESSMENT AND TREATMENT GUIDELINES

WESTPORT, CT
AUGUST, 2013

Store stones in location specified by client. Retain historic mortar from lower masonry as a guide for designing new mortar. Review the excavated and cleaned lower course with client. Identify any loose stones in the lower course to be reset prior to laying additional stone.

Cleaning

Remove paint on capstones with Safe Strip and methylene chloride paint strippers, using least toxic chemicals first. Test for appropriate dwell times. The stone will be pre-rinsed to remove loose dirt with water and rinsed after using 2,500 psi water at a fan tip setting of 25 degrees and a working distance of 18". Remove rust stains with ProSoCo EK Restoration Cleaner and ProSoCo Ferrous Stain Remover (800-255-4255). Follow manufacturers recommended procedures. Prewet stone prior to application and do not allow chemicals to dry on the stone surfaces. Follow rinse procedures above and test surfaces with pH strips to ensure complete removal of chemical residues. Remark numbers on bottom of stones as needed.

New Masonry

Raise the stone wall by one course, approximately 8" high for a total height of 16", using like stone. Maintain level. Preferably, the stone will be collected from local residents. If this is not possible, source matching stone from local suppliers or Connecticut Stone, (203-882-1000). Supply sample range of stone to client for approval prior to use.

Using the retained historic mortar as a reference, match with like sands in color and texture in new mortar mix. Present sample to client for approval. Mortar will be one part Saint Astier Naturally Hydraulic Lime 5, (eminently hydraulic) to 2.5 parts washed, well graded aggregate with Solomon Grind Pigments added to match color. Provide mortar sample to client for approval prior to use.

The existing wall is to be cleaned of all loose debris and damp. Set stone in manor to approximately match historic joint widths. Test holes indicate that the second course of stone may be wider than the capstone; replicate the width of the excavated lower wall. If lower stones are loose, excavate further, remove loose stones, remove all mortar, clean surfaces and reset. Finish pointing to match historic photos. Clean all mortar smears from masonry. Provide a test section, with capstones in place, of approximately linear 3 feet for client approval prior to further work.

All mortar to be kept damp for a period of 5 days following setting using tarps and periodic water misting. Joints to be washed to expose aggregate and all smears removed from stone outside of joint width. Work will occur and have at least 5 days set time with night time lows and daytime highs between 50-85 degrees Fahrenheit.

The surrounding street will be kept clean and clear at all times, cleaning of tools and equipment on road will not be allowed; no mortar smears or stains on asphalt will be permitted.

EARTH MOUND

Provide sample of clean earth to client for approval. Regrade site to match historic photographs. Compact soil at wall to minimize settling; runoff water is not to pool behind wall, but to drain from joint locations. Review grade with client and adjust as requested for final approval. Seed with mix provided by client. Provide cover provided by client to prevent erosion during seed growth.

SITE MAINTENANCE AND CLEANUP

The monument is in the center of a functioning traffic circle and must be maintained to be functional and orderly. The area will be left clean at the end of each workday. At the completion of the project, the site removed of all unused materials and debris and the surrounding roadway clean.

MINUTE MAN MONUMENT ASSESSMENT AND TREATMENT GUIDELINES

WESTPORT, CT
AUGUST, 2013

DOCUMENTATION

All aspects of the conservation treatment will be done in accordance with the American Institute for Conservation (AIC). As part of this documentation, a Conservation Treatment Report will be provided and will include written and photographic documentation. The written report will describe in detail all processes and materials used for the conservation, including product information/MSDS.

The photographic documentation will consist of digital images of before and after conditions from all four directions and details and digital images of the full conservation process. The images will be presented in the document with a caption identifying the conservation phase and an explanation of the image. The report will be submitted in a printed bound copy, and in a digital CD format. Separate, numbered, unedited images, with corresponding captions, will also be submitted.

CONSERVATION OVERSIGHT

It is recommended that a qualified conservator with current Professional Associate or Fellow status with the American Institute for the Conservation of Historic and Artistic Works (AIC), and also have a minimum of 10 years experience in treating historic metals and stone. The conservator will be responsible for attending client meetings (4) to select the contractors and project progress; and for site visits (10) to monitor each phase of treatment of the historic stone and iron. The conservator will document each treatment phase in progress and submit the final treatment report.

BUDGET

ITEM	PHASE	LABOR	MATERIALS	SUBTOTAL
Historic Bronze	Anchors	\$1150	\$150	\$1,350
	Strap	\$1150	\$100	\$1,250
	Maintenance	\$3,000	\$100	\$3,100
				0
Iron Fence	Realignment/Alternate	\$6,000	\$2,000	\$8,000
	Repairs	\$4,000	\$500	\$4,500
	Replacement Elements	\$6,000	\$1000	\$7,000
	Coating Preparation	\$6,000	\$250	\$6,250
	Coating	\$8,000	\$750	\$8,750
	Anchors	\$5,000	\$500	\$5,500
	Instillation	\$3,000	\$250	\$3,250
				0
Stone Wall	Stone Removal & Cleaning	\$3,000	\$250	\$3,250
	Masonry (w/additional course)	\$10,000	\$1,200	\$11,200
	Pointing Sculpture Base	\$2,000	\$200	\$2,200
				0
Conservation Oversight	(4) client meetings	400/ea = \$1,600	\$0	\$1,600
	(8) site visits	400/ea = \$3,200	\$0	\$3,200
	Clerical	2,800	\$0	\$2,800
	Final Report	3,000	\$200	\$3,200
				0
TOTAL				\$76,400.00

MINUTE MAN MONUMENT ASSESSMENT AND TREATMENT GUIDELINES

WESTPORT, CT
AUGUST, 2013

Historic Iron Fence in Storage




Section (counter clockwise)	Length (inches)	Notes
0. Gate	32	Gate Section. Failing paint, corrosion, bent, hinge post bent
1. Section	58	Bent, missing post clamp.
2. Section	44	Good condition.
3. Section	56	Cut rail ends. Good example of original clamps and hardware.
4. Section	56	Cut rail ends, cut mid-rail support, bent post and post supports.
5. Section	103	Bent rails, failed rail ends.
6. Section	79	Severely bent, pickets broken and cracked, rail joins at post broken and cracked, welds broken, hardware failed, rail ends cut. Mid-rail support and post brace missing.
7. Section	61	Bent, pickets broken and cracked, rail joins at post broken and cracked, welds broken, hardware failed, rail ends cut.
8. Section	71	Cut rail ends and broken ends.
9. Section	72	Bent rails, inappropriate old repairs, broken ends.
10. Section	59	Cut rail ends, inappropriate old repairs, bent rails.
11. Section	56	Broken ends, bent, inappropriate old repairs, breaks in rails.
12. Section	55	Cut and failed ends, break in rail, old repairs.
13. Section	56	Cut rail ends, breaks in rails, bent.
	858 71.5'	

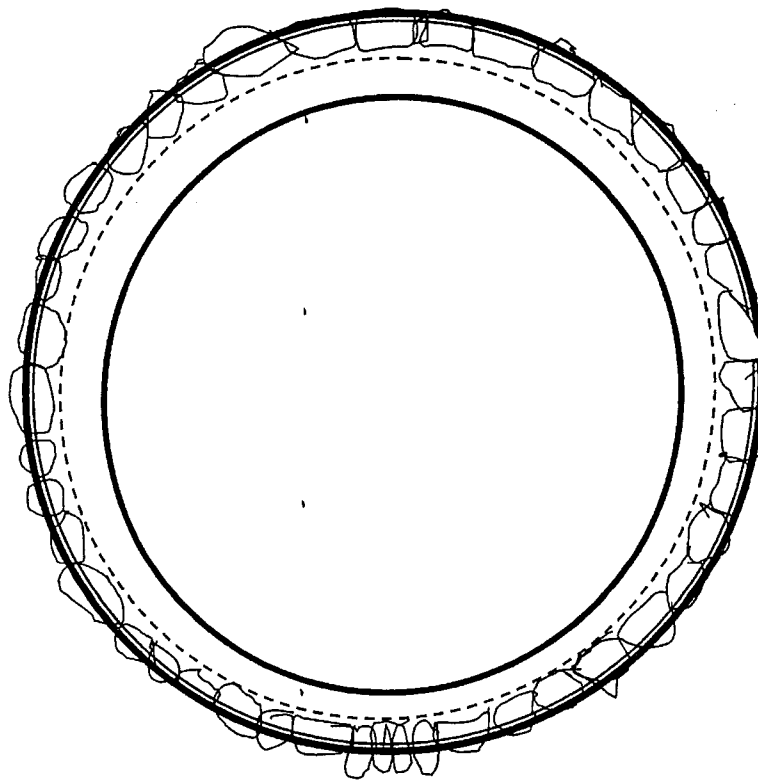
Historic Iron Fence in Storage

Part	Stock Dimensions	Lengths	Notes
Rails	3/8" x 1 1/2"		Ends cut to snugly fit around 1/2 the post. Holes drilled for through bolts.
Pickets	3/4" x 3/4"	36"	Extend 6" above top rail and approximately 1/2" below.
Posts	1/2" x 1 1/4"	42"	Measured from ground. Posts bent to provide cantilever of fence.
Post Support	1/2" x 1/2"	26"	Ends are riveted through posts.
Mid-Rail Support	3/4" x 3/4"	6"	Press fit round end into lower rail round hole.
Joining Plates	1/4" x 1 1/2"	4 1/4"	Irregular ends. Plates are through bolted. Bolts extend through rails. A stud extends through the post below the plates to prevent movement downward.
Plate Hardware	3/8" dia.	1"	Square heads and square nuts.

**MINUTE MAN MONUMENT
ASSESSMENT AND TREATMENT GUIDELINES**

**WESTPORT, CT
AUGUST, 2013**

-  Original Fence Diameter
-  Fence diameter at Time of Removal
-  New Fence Position



**MINUTE MAN MONUMENT
ASSESSMENT AND TREATMENT GUIDELINES**

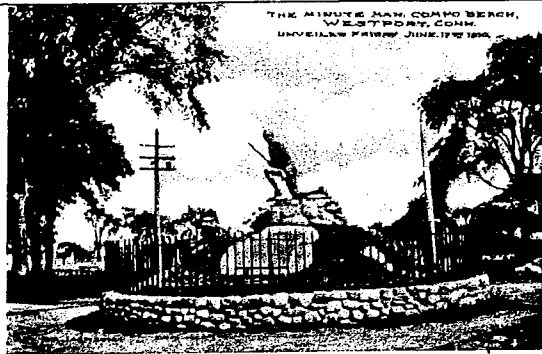
**WESTPORT, CT
AUGUST, 2013**

MINUTE MAN MONUMENT CONDITION PHOTOGRAPHS

MINUTE MAN MONUMENT HISTORIC IMAGES

RECEIVED WESTPORT, CT
AUG 26 2013 AUGUST, 2013

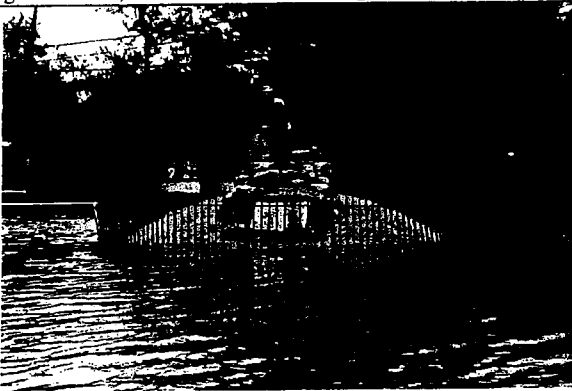
HISTORIC DISTRICT
COMMISSION



A. Historic postcard of the monument showing the original fence, fence post positions and the original fieldstone wall. Note the low ground cover; no shrubs were used in original landscape design.



B. Historic postcard of the monument. The grade rises from just below the capstones and rolls up to the fieldstone base for the bronze sculpture.



C. Historic image showing the site during a flood. The water level rose well above the outer stone wall and fence foundation.



D. Historic image showing snow pile and drift well above the current fence.

Copyright © 2013 ConservArt LLC

19 Lansdowne Avenue Hamden, Connecticut 06517 p: 203.248.2530 e-mail: millerfrancis@hotmail.com

All information is for use by the Town of Westport and its representatives and may not be duplicated by others in whole and in part in any manner without written approval of ConservArt LLC.

MINUTE MAN MONUMENT
CONDITION PHOTOGRAPHS

WESTPORT, CT
AUGUST, 2013



E. Historic image showing the historic fence with damage to the front of the monument.



F. Image of the site during the setting of the current steel fence. Note the historic fence piled on the roadway in the foreground.

Copyright © 2013 ConservArt LLC

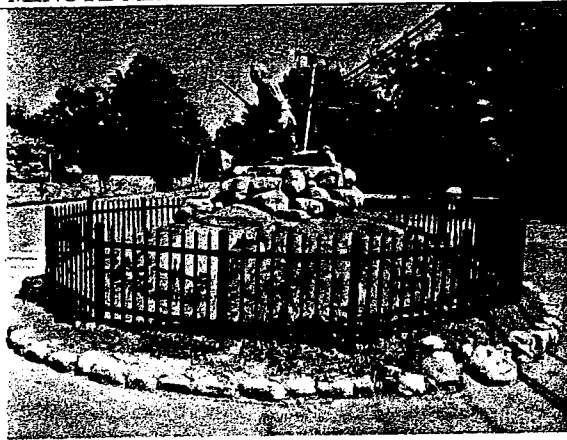
19 Lansdowne Avenue Hamden, Connecticut 06517 p: 203.248.2530 e-mail: millerfrancis@hotmail.com

All information is for use by the Town of Westport and its representatives and may not be duplicated by others in whole and in part in any manner without written approval of ConservArt LLC.

MINUTE MAN MONUMENT CONDITION PHOTOGRAPHS

WESTPORT, CT
AUGUST, 2013

MINUTE MAN MONUMENT CONDITION PHOTOGRAPHS



1. Overview of the monument from the proper left showing the sculpture, fieldstone base, new steel fence and capstones of the perimeter wall.



2. Overview of the monument from the back. Note the reduced perimeter of the current fence. The capstones at the gate are set in a soldiered pattern.



3. View of the bronze sculpture and bronze plaque from the proper left. Note that the fence moved inward causes obstruction of the plaque.



4. Back view of the bronze sculpture with loss of protective wax coating and view of the fieldstone base.

Copyright © 2013 ConservArt LLC

19 Lansdowne Avenue Hamden, Connecticut 06517 p: 203.248.2530 e-mail: millerfrancis@hotmail.com

All information is for use by the Town of Westport and its representatives and may not be duplicated by others in whole and in part in any manner without written approval of ConservArt LLC.

**MINUTE MAN MONUMENT
CONDITION PHOTOGRAPHS**

**WESTPORT, CT
AUGUST, 2013**



5. View of the bronze self-base showing loss of protective wax coating and missing anchor heads at the front and back.



6. Detail of the missing anchor head to the back of the self-base.



7. View of the back of the figure showing the missing strap for the powder horn.



8. Detail of the missing section of bronze strap.

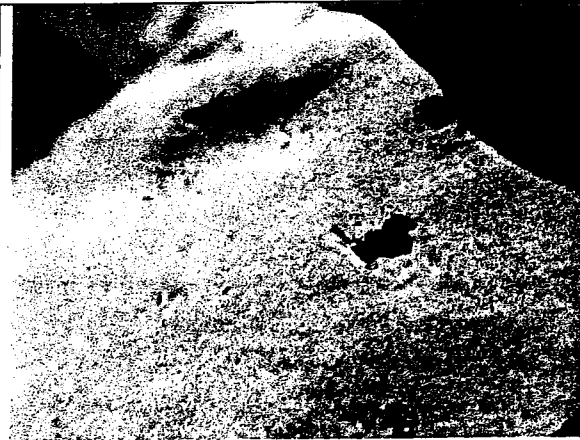
Copyright © 2013 ConservArt LLC

19 Lansdowne Avenue Hamden, Connecticut 06517 p: 203.248.2530 e-mail: millerfrancis@hotmail.com

All information is for use by the Town of Westport and its representatives and may not be duplicated by others in whole and in part in any manner without written approval of ConservArt LLC.

MINUTE MAN MONUMENT
CONDITION PHOTOGRAPHS

WESTPORT, CT
AUGUST, 2013



9. Detail of a casting flaw on the proper right side of the figure.



10. Back view of the fieldstone base showing loss of soil that causes the stones to appear as protrusions rather than a solid form.



11. Removal of earth that has piled over the outer wall and distribution back to the top of the monument. The stones were solidly set. A lower foundation extended beyond the top footprint.



12. View of dislodged perimeter capstones. Most of the stones displaced or damaged occurred at sites of original fence posts.

Copyright © 2013 ConservArt LLC

19 Lansdowne Avenue Hamden, Connecticut 06517 p: 203.248.2530 e-mail: millerfrancis@hotmail.com

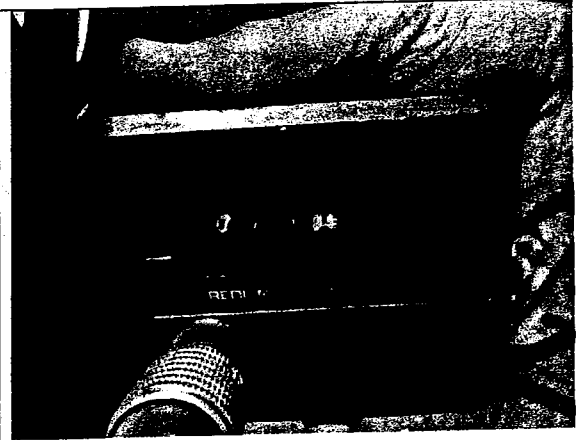
All information is for use by the Town of Westport and its representatives and may not be duplicated by others in whole and in part in any manner without written approval of ConservArt LLC.

MINUTE MAN MONUMENT
CONDITION PHOTOGRAPHS

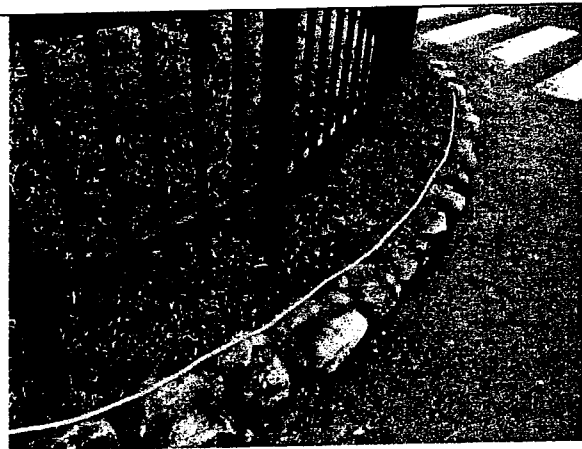
WESTPORT, CT
AUGUST, 2013



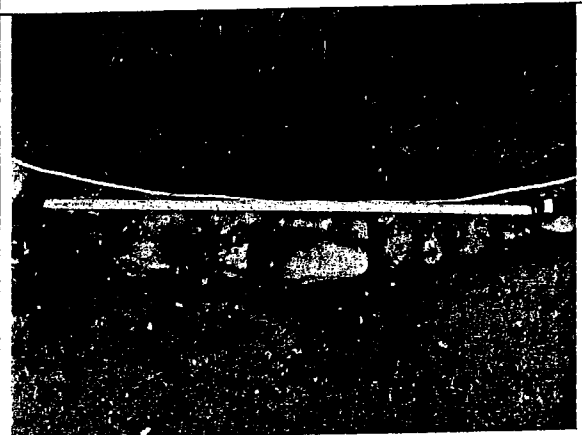
13. Measuring the circumference of the middle of the capstone.



14. Detail of final measure of approximately 75 feet.



15. View of rope used to measure the perimeter of the existing fence in storage. Note that the rope is short of original fence post anchors, and that the original fence cantilevers forward 3".



16. Measuring the distance of the original fence post anchor locations to the center of the mid-rail support anchor locations.

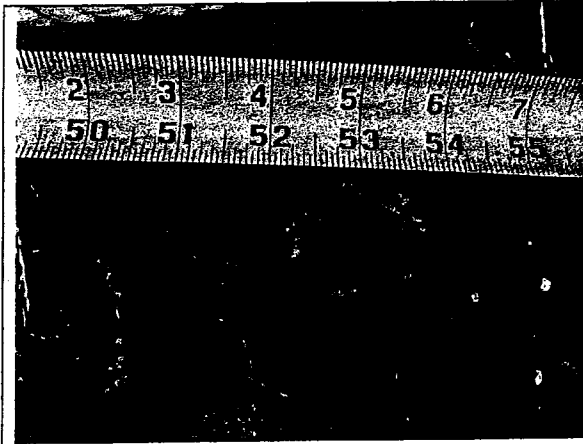
Copyright © 2013 ConservArt LLC

19 Lansdowne Avenue Hamden, Connecticut 06517 p: 203.248.2530 e-mail: millerfrancis@hotmail.com

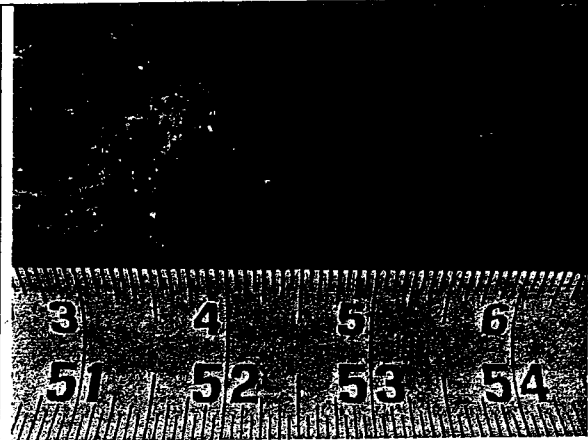
All information is for use by the Town of Westport and its representatives and may not be duplicated by others in whole and in part in any manner without written approval of ConservArt LLC.

MINUTE MAN MONUMENT
CONDITION PHOTOGRAPHS

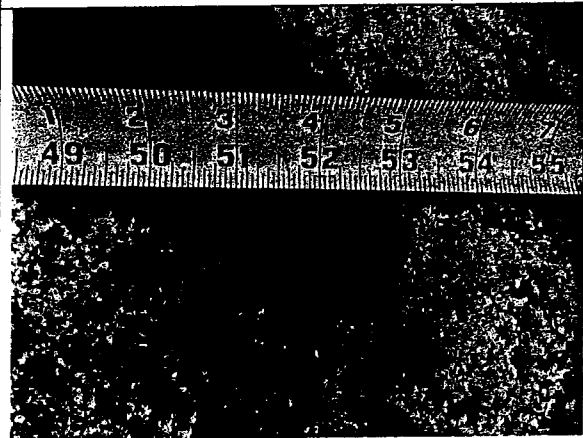
WESTPORT, CT
AUGUST, 2013



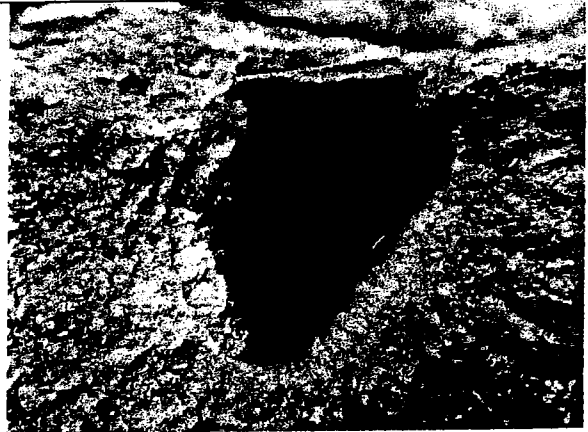
17. Detail of a measurement to a cut iron support. The measurements varied between 52-53".



18. Detail of a measurement to a cut iron support. The measurements varied between 52-53".



19. Detail of a measurement to an open anchor hole. The measurements varied between 52-53".



20. Detail of a cut wrought iron support that was set with molten sulfur. Note the tendrils of iron in the lower portion common to the wrought metal.

Copyright © 2013 ConservArt LLC

19 Lansdowne Avenue Hamden, Connecticut 06517 p: 203.248.2530 e-mail: millerfrancis@hotmail.com

All information is for use by the Town of Westport and its representatives and may not be duplicated by others in whole and in part in any manner without written approval of ConservArt LLC.

MINUTE MAN MONUMENT
CONDITION PHOTOGRAPHS

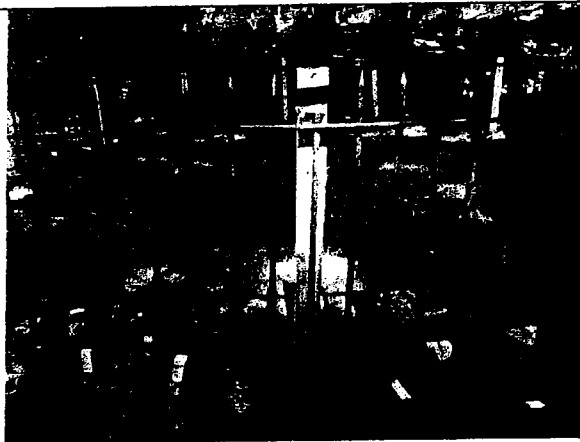
WESTPORT, CT
AUGUST, 2013



21. Overview of the gate, section 0, erected for review.



22. Overview of section 1 erected for review.



23. Overview of section 2 erected for review.



24. Overview of section 3 erected for review.

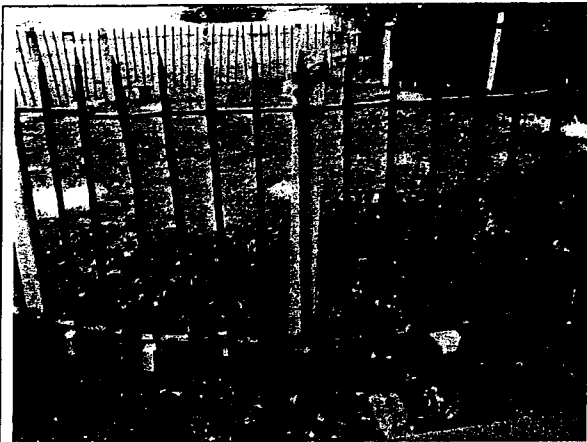
Copyright © 2013 ConservArt LLC

19 Lansdowne Avenue Hamden, Connecticut 06517 p: 203.248.2530 e-mail: millerfrancis@hotmail.com

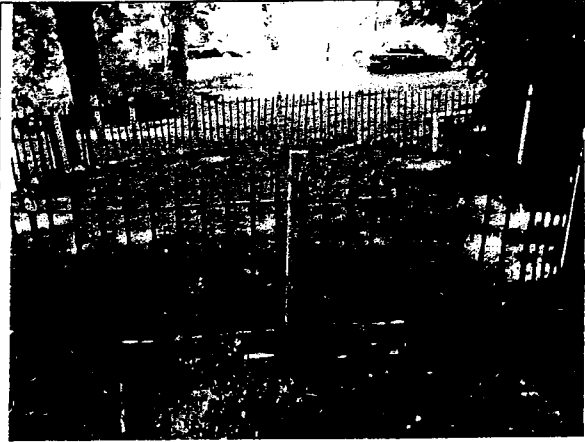
All information is for use by the Town of Westport and its representatives and may not be duplicated by others in whole and in part in any manner without written approval of ConservArt LLC.

MINUTE MAN MONUMENT
CONDITION PHOTOGRAPHS

WESTPORT, CT
AUGUST, 2013



25. Overview of section 4 erected for review.



26. Overview of section 5 erected for review.



27. Overview of section 6 erected for review.



28. Overview of section 7 erected for review.

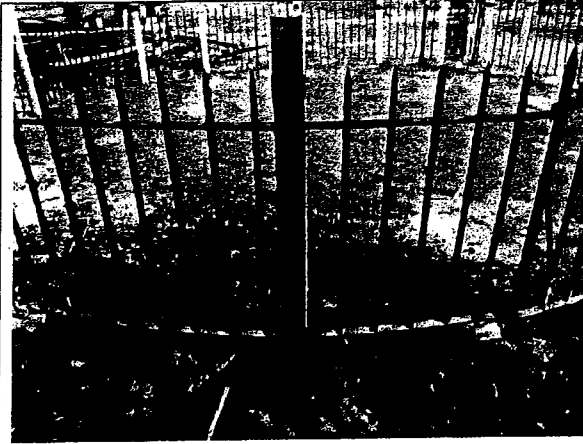
Copyright © 2013 ConservArt LLC

19 Lansdowne Avenue Hamden, Connecticut 06517 p: 203.248.2530 e-mail: millerfrancis@hotmail.com

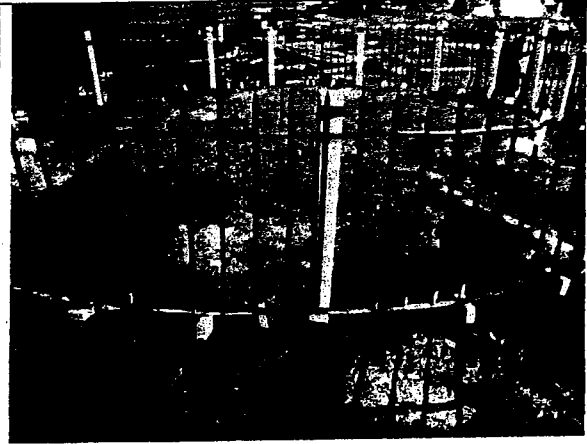
All information is for use by the Town of Westport and its representatives and may not be duplicated by others in whole and in part in any manner without written approval of ConservArt LLC.

MINUTE MAN MONUMENT
CONDITION PHOTOGRAPHS

WESTPORT, CT
AUGUST, 2013



29. Overview of section 8 erected for review.



30. Overview of section 9 erected for review.



31. Overview of section 10 erected for review.



32. Overview of section 11 erected for review.

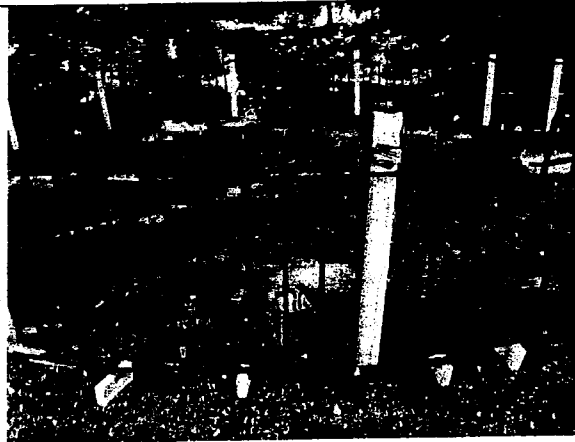
Copyright © 2013 ConservArt LLC

19 Lansdowne Avenue Hamden, Connecticut 06517 p: 203.248.2530 e-mail: millerfrancis@hotmail.com

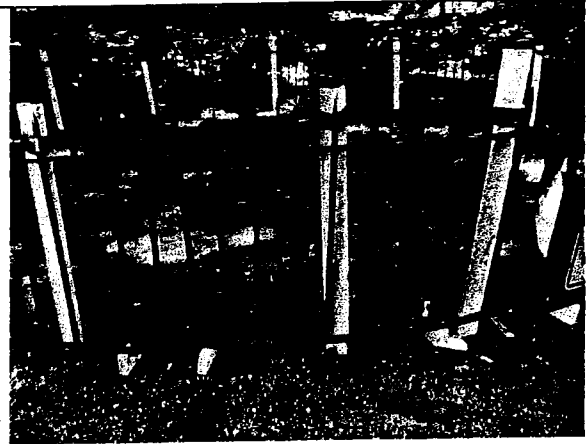
All information is for use by the Town of Westport and its representatives and may not be duplicated by others in whole and in part in any manner without written approval of ConservArt LLC.

MINUTE MAN MONUMENT
CONDITION PHOTOGRAPHS

WESTPORT, CT
AUGUST, 2013



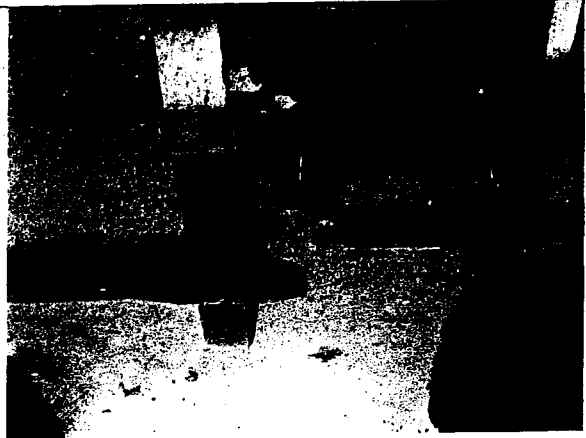
33. Overview of section 12 erected for review.



34. Overview of section 13 erected for review.



35. Detail of a cut rail.



36. Top detail of an original fence post and rail plate joining two rail ends. One rail end is bent at notch and through bolt is broken. Note that the nuts are located on the upward side.

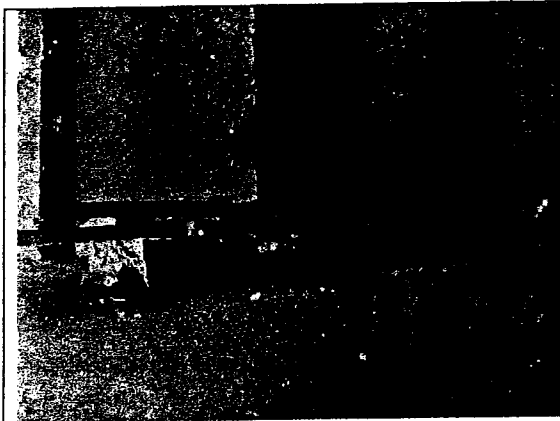
Copyright © 2013 ConservArt LLC

19 Lansdowne Avenue Hamden, Connecticut 06517 p: 203.248.2530 e-mail: millerfrancis@hotmail.com

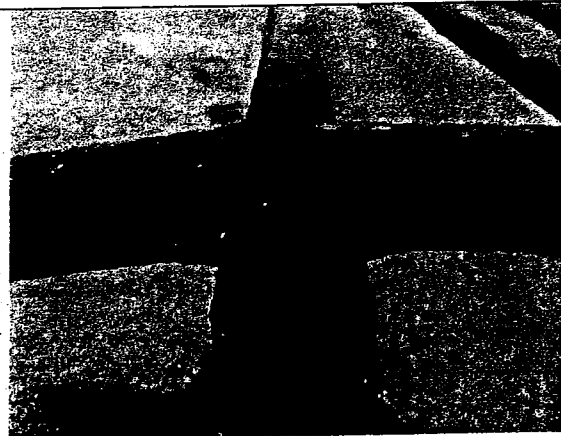
All information is for use by the Town of Westport and its representatives and may not be duplicated by others in whole and in part in any manner without written approval of ConservArt LLC.

MINUTE MAN MONUMENT
CONDITION PHOTOGRAPHS

WESTPORT, CT
AUGUST, 2013



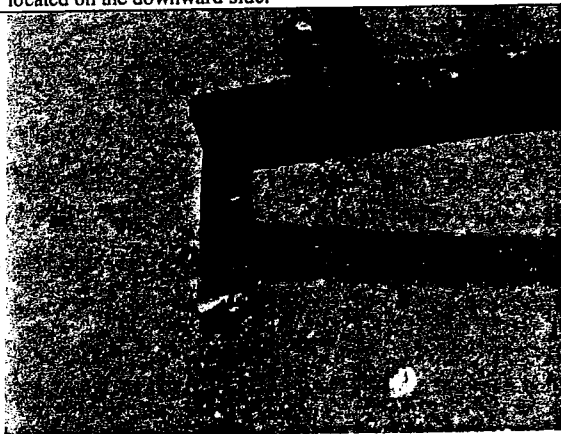
37. Side detail of an original fence post and rail plate joining two rail ends. The rails are bent and broken and existing repairs failing.



38. Bottom detail of an original fence post and rail plate joining two rail ends, in good condition. The plate is prevented from sliding down post by through pin. Note that the heads are located on the downward side.



39. View of a fence post with original back brace. Note the cantilevered end on the post. The back brace is hammered flat and riveted to the post.



40. Detail of a mid-rail support cut at anchor point. The support ends with a round end that is press-fit into the rail.

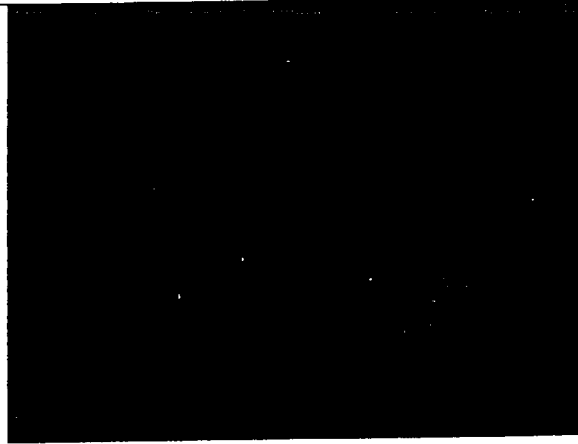
Copyright © 2013 ConservArt LLC

19 Lansdowne Avenue Hamden, Connecticut 06517 p: 203.248.2530 e-mail: millerfrancis@hotmail.com

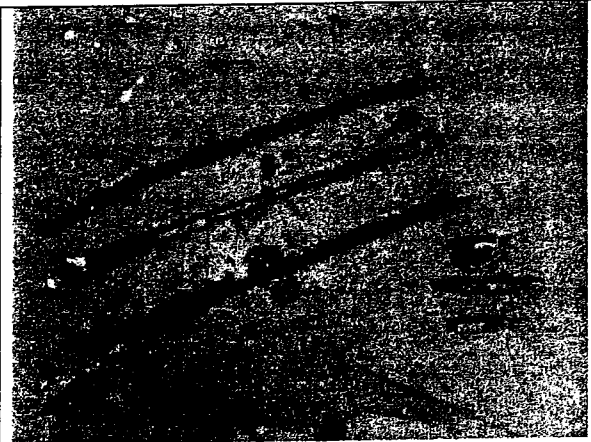
All information is for use by the Town of Westport and its representatives and may not be duplicated by others in whole and in part in any manner without written approval of ConservArt LLC.

**MINUTE MAN MONUMENT
CONDITION PHOTOGRAPHS**

**WESTPORT, CT
AUGUST, 2013**



41. Detail of a mid-rail point showing the drilled hole for the press-fit lower support that is anchored into masonry. The rail appears to be cracked at the drill point.



42. Overview of detached parts in storage. These are the only detachments retained.



Overview of the monument on the Post Road that commemorated the historic event.



Detail of the commemorative plaque across the street from the monument. The marker is made of a concrete slab on a cobblestone base.

Copyright © 2013 ConservArt LLC

19 Lansdowne Avenue Hamden, Connecticut 06517 p: 203.248.2530 e-mail: millerfrancis@hotmail.com

All information is for use by the Town of Westport and its representatives and may not be duplicated by others in whole and in part in any manner without written approval of ConservArt LLC.

BACK UP MATERIAL
RTM ITEM # 10

TO: Eileen Flug, RTM Moderator
Patricia Strauss, Town Clerk
FROM: John F. Suggs
Don Bergmann
Dewey J. Loselle III
DATE: September 16, 2013
RE: Proposed RTM Code of Ethics

We are happy to submit, for RTM consideration, the attached proposed Code of Ethics which has been revised following the thoughtful review and discussion by the joint RTM Rule/Special Ethics Committees.

This proposed Code of Ethics is designed to replace Article VI of the current RTM Rules of Procedures and is detailed as such.

Attachment

REPRESENTATIVE TOWN MEETING RULES OF PROCEDURES

Article VI. Code of Ethics

Sec. A162-20 Goals of Ethics Code

- A. To ensure public confidence in the integrity of the RTM.
- B. To ensure the independence of RTM Members.
- C. To ensure that the public office of the RTM is not used for private gain.
- D. To establish a clear and public process on how to proceed with an ethics complaint involving an RTM member.

Sec. A162-21 General Standard; Misuse of RTM Position or Resources; Conflicts of Interests

It is expected that RTM Members will act in accordance with all applicable laws, regulations and codes, including the Town Charter, Town Ordinances and the Rules of Procedure of the RTM.

No RTM Member shall use his or her position or prospective position, or the power or authority of his or her position or prospective position, in any manner intended to induce or coerce any person or entity to provide, directly or indirectly, anything of value which shall accrue to the private advantage, benefit, or economic gain, of the RTM Member or members of their family. As used in this section, the term "private advantage, benefit, or economic gain" means any advantage, benefit or economic gain, distinct from that enjoyed by members of the public without regard to official status or not resulting naturally from lawful and proper performance of duties. It is expected that RTM Members will not misrepresent themselves in the course of their public activities and status as Town Officials.

Sec. A162-22 Ethics Complaints

A. Complaint Process:

Complaints as to potential violations of the RTM Ethics Policy should be brought initially to the Moderator or, if a conflict may exist, the Deputy Moderator, for resolution and, if appropriate, action. If not resolved by the Moderator or Deputy Moderator or, if in the judgment of the person or entity having initiated the complaint, or the RTM Member or Members to which the complaint pertains, the resolution is not satisfactory, the complaint shall be referred to the RTM Special Ethics Committee, or the appropriate successor RTM Committee established to address ethics. Thereupon, the RTM Special Ethics Committee shall investigate the complaint and, after giving the complainant and the RTM Member or Members concerned an opportunity to be heard, shall make such findings and recommendations as it may deem appropriate in each case.

Any RTM Member that is found by the RTM Special Ethics Committee to have engaged in action that violates any provision of this RTM Ethics Code may be recommended by the RTM Special Ethics Committee for official reprimand, censure or any other sanction or remedy authorized by law. If the RTM Special Ethics Committee recommends official reprimand, censure or any other sanction or remedy authorized by law, the RTM, as the responsible legislative body must choose, in an open session held after applicable public notice, whether, and to what extent, to impose such sanctions as recommended by the Committee.

B. Executive Sessions:

The proceedings of the RTM Special Ethics Committee shall be conducted in "Executive Session" unless otherwise requested and agreed to by both the person or entity having initiated the complaint and the RTM Member or Members to which the complaint pertains.

C. Apology, Resignation and Other Actions

In the course of addressing or thinking about actual or potential violations of the RTM Ethics Policy and the consequences of an investigation and hearing, it is recommended that the RTM Member or Members involved, as well as the full RTM, be sensitive to such conscientious questions as to whether the best interests of the Town and the RTM, as an institution, will be best achieved by an apology, compensatory action, such as reimbursement, or voluntary resignation. The foregoing can be expected to have savings or benefits in time, money and institutional integrity.

Sec. A162-23 Advisory Opinions

Upon request of any RTM Member, the RTM Special Ethics Committee shall render an advisory opinion to such RTM Member with respect to the RTM Ethics Code. Such requests and opinions are confidential and shall be conducted in Executive Session. Nothing in the preceding shall preclude an informal consultation with the Moderator, Deputy Moderator or Town Attorney.

Sec. A162-24 Ethics Training

All RTM Members are required to participate in an ethics training session no less than once every two years conducted by the Office of the Town Attorney and the RTM Special Ethics Committee. These training sessions shall be structured to assure that each RTM Member has the knowledge to comply fully with all of the relevant ethics laws governing their service to the Town of Westport.

Sec. A162-25 RTM Special Ethics Committee Composition And Selection

The RTM Special Ethics Committee shall be composed of the Moderator as Chair, the Deputy Moderator as Vice Chair and one representative from each district to be selected

by and from the Members of each district. Vacancies shall be filled by the Members from the district in which the vacancy occurs.

In the event that a sitting Member of the RTM Special Ethics Committee is either a complainant or the subject of a complaint that is brought before the RTM Special Ethics Committee, such Member shall be recused from the RTM Special Ethics Committee's deliberations and vote on that matter.

To RTM Members:

The following documents are:
**ATTACHMENTS TO THE REPORT OF THE
JOINT MEETING OF THE RULES AND SPECIAL
ETHICS COMMITTEES. THE REPORT WILL BE
ON THE STAGE AT THE RTM MEETING.**

John's cover memo – see backup Item #10

Representative Town Meeting Rules of Procedures—Article VI. Code of Ethics – see Resolutions
October 1, 1991--RTM Special Committee on Ethics--Report to the RTM -attached
Rules Committee Meeting Minutes—September 12, 1991 –attached

Eileen Lavigne Flug

1991

6 pgs.

91 SEP 24 AM 9:03
 TOWN CLERK
 TOWN OF JEFFERSON
 TOWN CLERK

Rules Committee Meeting Minutes September 12, 1991

Rules Committee Members Present: Christopherson (District 1), Galambos (District 2), Holson (District 4), Sachs (Dist.5), Aasen (District 6), Carnese (District 7), Irwin-Donenfeld (District 8). Absent: O'Sullivan (District 3)

Ethics Committee Members Present: Mix (chair), Carnese, Filderman, Goldschmidt, Holson, Johnson. Absent: Cederbaum

Also present: Lowe (Moderator), Arcudi (Deputy Moderator)

1. Tony Lowe reviewed original directions to Ethics Committee.
2. Mary Mix discussed history of Ethics Committee deliberations and gave synopsis of committee report.
3. Ken Bernard gave his opinion of the Ethics Committee report. He believes that it is important to address the issue but worries that the committee guidelines may encroach on the ability of town employees to serve on the RTM if they are restricted from voting. This may be contrary to the intent of the state statute. He thinks that the charter may cover this issue adequately and that an Ethics Committee giving opinions on specific conflicts of interest may be unnecessary.
4. The thought emerged from the group that the deliberations of the Ethics Committee could be kept silent when contemplating individual cases.
5. Dan Carnese reiterated several suggestions:
 - A. Leave Rules of Procedure alone
 - B. Set up ad hoc ethics committee.
 - C. Set up conflict of interest guidelines.

Tony thought we should leave the committee as ad hoc until we decide if it is necessary to have a permanent Ethics Committee. Issue the Ethics Committee Guidelines as just that, therefore bypassing entire RTM approval.

6. There was discussion as to the ability of the committee to deliberate in confidence. Is it legal? Is it desirable? Are conflict of interest issues personnel issues which are excluded from the Sunshine Laws? The committee should work out these issues as it gains experience.
7. Carnese moved the formation of an Ad Hoc Ethics Committee. Galambos seconded. The resolution passed the Rules Committee unanimously.
8. Several members of the Rules Committee suggested recommendations to guidelines determining cases of conflict of interest. One recommendation was that the guidelines be kept general.
9. There was discussion regarding the proposed "Disclosure Form". Perhaps the form, filled out after election, should be turned into the Moderator. It could include committee preferences. If the form were entitled "background" instead of "disclosure", it was felt that it would be less frightening. Also included in the form could be biographical information which would assist the moderator in making committee assignments.
10. There was general agreement that the report should be given to the entire new RTM.
11. A brief report from the Ethics and Rules Committees will be given at the October RTM meeting.

minutes prepared by Nancy Holson

MINUTES

TO: JOAN HYDE
TOWN CLERK
WESTPORT, CONNECTICUT

THE Rules Comm. MET IN Town Hall
(name of study committee) (location)
AT 8pm ON 9/12/91
(time) (day/date)

MEMBERS PRESENT WERE: A. Iona, J. Arcesi, L. Anson, J. Sachs
I. Donatello, L. Christopherson, D. Canese, H. Nelson,
J. Calambos

OTHERS PRESENT INCLUDED: M. M. M., K. Barabara, K. Coloschior,
A. Johnson, B. Mayer, S. Filerman.

THE COMMITTEE: By a vote of 9-0 approved the
continuance of the Ethics of the Comm.
& also requested that they issue a
set of guidelines for the RTA's use.

RECEIVED FOR RECORDS
WESTPORT LIBRARIES
91 SEP 13 PM 12:54
PAGE
Joan M. Hyde
TOWN CLERK

SUBMITTED BY: [Signature] DATE 9/12/91

RTM Meeting
October 1, 1991

TOWN MEETING NOTICE

All Representative Town Meeting Members and inhabitants of the Town of Westport are hereby notified that a meeting of the Representative Town Meeting Members will be held at Town Hall, 110 Myrtle Avenue, on Tuesday, October 1, 1991, at 8:00 P.M. for the following purposes:

1. To take such action as the meeting may determine upon hearing a report from the Rules Committee on Ethics.
2. To take such action as the meeting may determine, upon the recommendation of the Board of Finance, to appropriate the sum of \$165,000 (with bond authorization) from the Municipal Improvement Fund Balance for the rehabilitation of existing privately-owned sewer service for Greens Farms Hollow.
3. To take such action as the meeting may determine, upon the recommendation of the Board of Finance, to appropriate the sum of \$190,900 from the Sewer Reserve Fund to rehabilitate the secondary digester at the Water Pollution Control Facility.
4. To take such action as the meeting may determine, upon the recommendation of the Board of Finance, to appropriate the sum of \$161,830 from the General Fund Fund Balance for disposal of leaf, brush and bulk wood.
5. To take such action as the meeting may determine to review a recommendation concerning a salary adjustment for the First Selectman.
6. To adopt a sense of the meeting of the Representative Town Meeting members regarding budgets for 1992-1993.

Anthony J. Lowe (per)
Anthony J. Lowe, Moderator

This is to certify that I mailed a copy of the above Notice, properly addressed, postage prepaid, to each Representative Town Meeting Member on Monday, September 30, 1991, and that I caused a copy of said Notice to be published in the Westport News in its edition of Friday, September 20, 1991.

Joan M. Hyde
Joan M. Hyde, Town Clerk

T/A: RTM Agenda

RTM Minutes
October 1, 1991

The October 1 meeting of the RTM was called to order at 8:00 P.M. by Moderator Anthony Lowe in Town Hall Auditorium. Present at the start were 27 members of the RTM. Eventually 32 members attended. Mr. Call had notified the Moderator he would be absent and Mrs. Seclow that she would be late. Also absent were Messrs: Wood and Walker.

The invocation was given by the Reverend Donald Hodges, Pastor of United Methodist Church of Westport.

The minutes of September 3 were accepted with one correction from Mr. Dunham. He had been listed as not having notified the Moderator he would be absent when indeed he had.

The Moderator announced that the next meeting would be a special one to be held on October 22 prompted by a petition submitted by more than 20 residents for RTM review of the P. & Z. ruling concerning lot size on Waterside Terrace. He said Mrs. Holson would take suggestions from the members on the Board of Education Budget. Mr. Lowe thanked Mrs. Cummings, Mrs. Canning and Mrs. Donenfeld for their work on the RTM party held on September 15. He also thanked the secretary for the cake she had made. The Moderator then honored the eight members who had chosen not to run in the election next month giving each a certificate of appreciation. Those members and the length of time each had served in the RTM were: Barbara Lippard, 6 years; Eugene Cederbaum, 6 years; Christine O'Sullivan, 10 years; Benjamin Tiley, 1 year; Charlotte Price, 2 years; Suzanne Schnog, 4 years; William McGorry 4 years and Sidney Filderman, 12 years. Together, these members accounted for a total 46 years service to the Town.

Item 1 of the agenda concerned the report of the RTM Special Committee on Ethics offered by Mrs. Mix. Mrs. Mix said the Moderator had charged the committee to examine the question of whether guidelines were needed to help members determine those situations in which a potential conflict of interest might occur. Also to review and make recommendations as to whether there should be a committee or commission on ethics and what enforcement procedures, if any should be devised. Also they were to review State statutes as they applied to Town employees on a legislative body and make recommendations with regard to the special problems which Town employees may encounter in determining the existence of potential conflicts of interest. Mrs. Mix said the committee had spent time looking into the codes

RTM 10/1/91

and ordinances used by other Connecticut towns. Some of these were fairly detailed while others provided little specific guidance. The speaker said that after many hours of debate the recommendations of the committee were that the RTM authorize and encourage greater attention to and discussion of ethical considerations in order that the members have a better understanding of what may constitute a personal or financial conflict of interest and especially what may constitute the perception of a conflict of interest. Also that special attention be given to help new members of the RTM become aware of the possible pitfalls of voting on issues in which they may not have realized that a potential conflict of interest existed. The committee also recommended that the RTM should not at the present time attempt to pass an ordinance providing for a code of ethics or an ethics commission, especially if such an ordinance would attempt to bind other Town officials, whether appointed or elected. The committee believed their responsibility was to report to the RTM for the benefit of RTM members. Mrs. Mix said they recommended that the Special Ethics Committee continue to operate for at least the next two years on an experimental basis and that it be available to give information and advice to RTM members and to submit a further report to the RTM on the basis of the committee's operation during the period. Members of the Special Committee, she said, should be drawn from current RTM membership just as is true of other special or standing committees. The RTM as a body should consider and give the committee some input and guidance on the question of whether a change in the charter or a change in the Rules of Procedure were necessary. A list of proposed guidelines should be considered by the RTM and distributed to each member at the beginning of each new term. Mrs. Mix referred to the disclosure form suggested by the committee and asked the members to consider any modifications. This form, it was recommended, should be distributed to each RTM member at the beginning of each new term. The committee further recommended that the provision in the Rules of Procedure for the individual member to decide in any given situation whether he or she was faced with a conflict of interest not be amended at the present time. However the committee recommended that the RTM consider whether there should be greater authority of the RTM over the question of whether or not a member should vote, whether we should have more enforcement provisions, and if so, what form the enforcement should take. The committee was particularly concerned about possible non-financial issues which might be perceived as "personal" conflicts of interest. The speaker said the committee suggested that it and the RTM continue to address the difficult questions of conflicts of interest for Town employees.

who served on the RTM. For the full report of this special committee, please see their complete written report enclosed in the members' packets.

Mr. Lowe said this report was directed to the attention of the Rules Committee.

For the Rules Committee, Mrs. Holson said that two years ago after she and Mr. Johnson had spoken to the RTM about the possibility of a conflict of interest of Town employees, the matter had been referred to the Rules Committee. At that time they had felt it would be beneficial to set up an Ethics Committee at the discretion of the Moderator. This had been done. The Rules Committee, Mrs. Holson said, had heard the report of Mrs. Mix and had conferred with the Town Attorney. There was a possibility, they felt, that guidelines might encroach upon the ability of Town employees to serve on the RTM. Mrs. Holson added that the Rules Committee strongly urged the formation of a disclosure form. They had not discussed the subject of confidentiality feeling this could be dealt with at a later date. Mrs. Holson concluded saying the Rules Committee had agreed to support the work of the Ethics Committee.

The secretary read Item 2 of the Call. The Resolution was read by Mr. Aasen and it was seconded.

ACTION:
APPROVED
UNANIMOUS

RESOLVED: That upon the recommendation of the Board of Finance the sum of \$165,000 is hereby appropriated from the Municipal Improvement Fund Balance for the rehabilitation of existing privately-owned sewer service for Greens Farms Hollow, and that bond anticipation notes be authorized to meet such appropriation.

#2-Sewer
Greens Farms
Hollow

Resolved, that upon the recommendation of the Board of Finance for the purpose of financing the foregoing appropriation, the Town of Westport shall borrow a sum not exceeding \$165,000 and issue as evidence of such indebtedness bonds under its corporate name and seal in an amount not to exceed such sum; which bonds shall be payable both as to principal and interest out of the general fund of the Town.

The First Selectman, Selectmen and Controller are hereby appointed a committee with full power and authority to cause said bonds to be sold, issued and delivered; to determine their form, including their issuance in taxable or tax exempt form, and 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

#1

OCTOBER 1, 1991

RTM SPECIAL COMMITTEE ON ETHICS

REPORT TO THE RTM

I. MODERATOR'S CHARGE TO THE COMMITTEE

Section C40-2 of the Westport Town Charter entitled "Conflict of Interest" states:

"No Town officer, member of the Representative Town Meeting or member of any board or commission shall participate, in any official capacity in the hearing or decision upon any matter in which he has a personal or financial interest."

Article VI, Section A162-20 entitled "Conflicts of Interests for Town Meeting Members" states:

"The Town Charter provides that no member shall, in his or her official capacity, participate in the hearing or decision upon any matter in which he or she has a financial interest. All members should be most sensitive to permitting any appearance of such a conflict to exist, even though a complete disclosure of all circumstances would show that an actual conflict did not exist in a particular case. The individual member shall decide in any given situation whether he or she is faced with such conflict. Such decision shall not preclude the Representative Town Meeting from determining that a conflict of interest does, in fact, exist; but the determination of the Representative Town Meeting shall not prevent the member from voting or participating.

In January, 1990, the Moderator requested the Special Committee on Ethics to explore the following and report to the RTM:

1. Determine whether we need to address the subject of conflicts of interest and provide a set of guidelines to RTM members to help members determine those situations in which a potential conflict of interest may occur.

2. Review and make recommendations to the RTM as to whether there should be a committee or commission on ethics and what enforcement procedures, if any, should be devised and implemented.

3. Review State statutes as they apply to Town employees on a legislative body and make recommendations with regard to the special problems which Town employees may encounter in determining the existence of potential conflicts of interest.

II. A REVIEW OF EFFORTS BY OTHER TOWNS

Your committee has reviewed the codes of ethics or the provisions for ethics commissions of the State of Connecticut and a variety of other towns in Connecticut, including for example Greenwich, Bristol, Enfield, Hartford, Orange, Suffield, and others. Many municipalities in the State have enacted ordinances establishing codes of ethics and/or ethics commissions. The common thread which runs through the establishment of such ordinances and codes of ethics is that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people of the town, that government decisions and policy be made through the proper channels of government, that public office should not be used for personal gain, and that the public must have confidence in the integrity of its government. This last requirement makes it particularly important that the perception of conflict of interest be avoided by town officials, employees, and members of legislative bodies and boards and commissions. For example, Section 2-126 of the Bristol Code entitled "Responsibilities of public office" states as follows:

"(a) It shall be the responsibility of officials to carry out their duties to the best of their abilities and with the highest moral and ethical standards, regardless of personal consideration. Their conduct should at all times be for the public good and within the bounds of the law, should be above reproach, and should avoid conflict between public and private interests and responsibilities."

Some of the codes from other towns are fairly detailed, others provide little specific guidance. Your committee has attempted to distill from these other municipal and State efforts those principles of conduct which will assist Westport RTM members in becoming more highly sensitized to questions of conflicts of interest and reaching decisions on some of the thorny issues which may face those of us who volunteer for public service.

The problem areas most frequently addressed by other towns include possible financial interest in the matter to be considered, employment (whether by the town or by others who may do business with the town) which might impair the member's judgment, access to and possible disclosure or use of confidential information, representation of clients before town boards or commissions for payment, lobbying, giving or receipt of gifts, loans or political contributions to influence votes, and involvement in contractual matters with the town.

III. RECOMMENDATIONS OF THE COMMITTEE

After many hours of debate, discussion, argument, and consultation, your committee recommends the following:

1. That the RTM authorize and encourage greater attention to and discussion of ethical considerations in order that our members have a better understanding of what may constitute a personal or financial conflict of interest and especially what may constitute the perception of a conflict of interest.
2. That special attention be given to helping new members of the RTM become aware of the possible pitfalls of voting on issues in which they may not have realized that a potential conflict of interest exists.
3. That the RTM should not at the present time attempt to pass an ordinance providing for a code of ethics or an ethics commission, especially if such an ordinance would attempt to bind other town officials, whether appointed or elected. Your committee is conscious of the fact that we are an RTM committee only, and we believe that our present responsibility is to report to the RTM for the benefit of RTM members.

4. That the Special Committee on Ethics continue in existence for at least the next two years on an experimental basis, that the committee be available to give information and advice to RTM members, and that a further report be submitted to the RTM on the basis of the committee's operation during the period. Members of the Special Committee should be drawn from current RTM membership just as is true of other special or standing committees.

5. That the RTM as a body consider and give the committee some input and guidance on the question of whether a change in the charter or a change in the rules of procedure is necessary.

6. That the attached proposed guidelines be discussed and considered by the RTM and that they be distributed to each RTM member, whether new or old, at the beginning of each new RTM term.

7. That the attached disclosure form be considered by the RTM and that it be distributed, as modified or revised, to each RTM member of the beginning of each new term.

8. That the provision in our Rules of Procedure for the individual member to decide in any given situation whether he or she is faced with a conflict of interest not be amended at the present time. However, the committee recommends that the RTM consider whether there should be greater authority of the RTM over the question of whether or not a member should vote, whether we should have more enforcement provisions, and if so, what form the enforcement should take. For example, will a heightened consciousness of conflict of issues and the use of moral suasion and/or publicity satisfactorily maintain the delicate balance between the right of the individual member to decide for himself or herself and the need of the body to preserve the integrity of the body and avoid the perception of conflict of interest. Your committee is particularly concerned about possible non-financial issues which may be perceived as "personal" conflicts of interest.

9. That the committee and the RTM continue to address the difficult questions of conflicts of interest for town employees who serve on the RTM.

IV. ISSUES INVOLVING TOWN EMPLOYEES

In December, 1989, the RTM passed a sense of the meeting resolution asking the town attorney to explore re-writing the State statutes which supersede the authority of our town charter to prohibit town employees from serving on the RTM. Attached is a copy of the June 11, 1990 memorandum to First Selectman Douglas R. Wood from Kenneth Bernhard, the town attorney, with regard to the legality of a town employee's serving as an RTM member. Although the RTM has had town employees as members from time to time, the issue received heightened attention in the election of 1989, when two town employees sued for and won the right to be listed on the ballot as RTM candidates. One of those individuals was elected and is an RTM member at the present time. In addition, we have or have had firemen, policemen, and school system employees as RTM members. Your committee is concerned about the service of town employees on the RTM for two main reasons. First, the public perception that there is or may be a conflict of interest between impartial voting and self-interest may be heightened in the case of a town or board of education employee. Second, increasing numbers of town employees running for and serving on the RTM may jeopardize the separation of powers between the executive branch and the legislative branch. The town of Greenwich has five town employees serving on its RTM. However, the Greenwich RTM has 250 members, and the difficulty of town employees as members does not seem to be so worthy of attention. Westport's RTM has only 36 members. It is certainly possible that town employees could eventually comprise a very substantial percentage of RTM members.

In addition, certain kinds of town employees may encounter specific conflict of interest problems. We would probably all agree that a fireman should not vote on the contract between his union and the town. However, if the police contract comes before the body first, and the firemen's contract follows within a fairly short time thereafter, and if it is commonly perceived that firemen's wages and salary increases and policemen's wages and salary increases have some sort of parity, is the fireman indirectly fostering his own self interest when he votes on a police contract? What about a relative of a municipal employee who receives financial support from that employee? Should he or she vote on a salary contract for that employee? In the annual

budget review process, should the fireman or policeman abstain from voting only on the budget for his department? Should a volunteer fireman abstain from voting on fire and/or police budget requests?

The question of Board of Education employees presents still other issues. The Board of Education budget is essentially a "one-line" budget and it is more difficult for the Board of Education employee to vote on some portions of the budget and abstain from others. Is it a perceived conflict of interest for the Board of Education employee to vote on the Board of Ed budget if he or she has so many years of tenured service that his or her job cannot possibly be jeopardized? What if budget cuts or requests for restoration are likely to have an impact on that individual's department or on some "pet project" which does not involve extra financial remuneration but which may provide heightened job satisfaction?

As to employees who work in Town Hall, at least two issues deserve our attention. Given the fact that conflict of interest guidelines operate not only to foster public trust in the legislative body, but also protect RTM members from heightened pressure to vote in a certain way, should the Town Hall employee abstain from voting on some, most, or all of the budget requests made by the First Selectman? The second issue is that of access to confidential information which may come to the individual as a result of his or her employment. To what extent does this possibility affect the perception of the voting record of that individual?

A word should be said here about the special position also of attorneys who serve on the RTM. The committee has discussed this issue but is not ready to make any specific recommendations at the present time. We believe the RTM should be aware, however, of the fact that attorneys may face special problems by reason of their opportunity or necessity of representing clients before Boards or commissions of the Town or the possibility that they or their firm may be involved in litigation involving the Town or one of its Boards or commissions.

GUIDELINES ON CONFLICT OF INTEREST FOR RTM MEMBERS

A. CHARTER REQUIREMENT

As a general requirement, the Town Charter prohibits Town officers, members of the RTM, and all members of any board or commission from participating in any official capacity in the hearing or decision upon any matter in which he has a personal or financial interest.

B. PURPOSE

The purpose of these guidelines is to (a) provide an understanding of conflict of interest, (b) sensitize RTM members to situations that appear to create a conflict of interest and (c) to provide the means to obtain help and advice concerning possible conflicts of interest.

C. COMMITTEE ON ETHICS

There are innumerable situations that could place an RTM member in a conflict of interest situation or which give the appearance of being a personal or financial conflict of interest. Rather than try to define all possible circumstances, the RTM Committee on Ethics is available to help analyze individual situations.

1. Membership

The RTM Committee on Ethics for an experimental period of two years shall continue to exist at the pleasure of the Moderator. Members shall be appointed by the Moderator as are members of other committees and shall serve at his/her pleasure.

2. Officers

The Committee on Ethics shall select a Chairman and Secretary from its membership.

3. Situations to be Reviewed

The Committee on Ethics will review situations that may be perceived as possible personal or financial conflicts of interest when requested by any RTM member. RTM members may ask the Committee on Ethics to render an opinion before they participate in a discussion or vote on a forthcoming issue.

4. Reports and Recommendations

Minutes of Committee meetings will be kept for the purpose of promoting consistency and improving the understanding of conflict of interest through discussion and description of on-going or novel conflict of interest situations. Reports or recommendations to the RTM and/or the Moderator will be made as needed.

5. Responsibility of RTM Members

Members of the RTM are encouraged to cooperate with and to consult the Committee on Ethics whenever they believe a possible conflict might exist. Members are asked to be mindful of the fact that the appearance of conflict of interest is as detrimental to the credibility of government as actual conflicts of interest.

D. DISCLOSURE STATEMENTS

RTM members are asked to file a Disclosure Statement with the Town Clerk describing any employment with the Town or Board of Education, contract, or similar matter of financial interest related to the operation of the Town government, Board of Education, Library, etc. These disclosures should be filed by November 30 of each year and within 14 days of any change of status. (See proposed Disclosure Statement attached).

E. INITIAL GUIDELINES

As an initial benchmark and set of guidelines, the following examples and situations are given to describe personal and financial conflicts of interest or the perception thereof:

1. Appearance in a professional capacity for a client before any Town Board or Commission.

2. Participation by a Town employee in any discussion or vote, including committee assignments and meetings, on matters relating to the operation or financing of any Town activity, including such matters as contracts and appropriations whether or not specifically affecting his or her own position. Abstention in such a situation will enable the member to avoid the perception that a Town employee's vote is an "automatic" vote for an item proposed by the Town administration.

3. Participation in any discussion or vote, including committee assignments and/or meetings, concerning the operation or financing of the Westport School System by an employee of the Board of Education. Abstention in such a situation enables the member to avoid the perception that a Board of Education employee's vote is an "automatic" vote for an item proposed by the Board of Education.

4. Participation in the review, negotiation or approval of Town or Board of Education contracts by RTM members who are employees of either the Town or Board of Education. Because, as part of the normal statutory arbitration process, the negotiated settlements for one contract are used to influence negotiation and arbitration of subsequent contracts for other employees, abstention on such contract matters enables RTM members to avoid the perception that they may be "trading votes".

5. Participation in any discussion or vote on a matter where the outcome would result in a potential financial gain to the RTM member or a non-financial but personal benefit to him or her (such as a benefit affecting the operation of a department or section of the Town administration or the school system in such a way as to affect job satisfaction without financial gain).

6. A financial or personal conflict of interest or a benefit affecting any member of the RTM member's family or household would constitute a potential conflict of interest for the RTM member.

Eugene E. Cederbaum
Catherine Goldschmidt
Albert R. Johnson
Nancy E. Holson
Daniel Carnese
Sidney L. Filderman
Mary D. Mix, Chairman and Reporter

To: RTM Moderator
Westport, CT

INFORMATION SHEET

RTM Member's Name (Print): _____

Address: _____

District: _____

1. I am most interested in being a member of the following standing committees: (Name three in order of preference)

<input type="checkbox"/> Arts, Museum & Library	<input type="checkbox"/> Parks and Recreation
<input type="checkbox"/> Education	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Employee Compensation	<input type="checkbox"/> Public Protection
<input type="checkbox"/> Environment	<input type="checkbox"/> Public Works
<input type="checkbox"/> Finance	<input type="checkbox"/> Transit
<input type="checkbox"/> Health & Social Services	

I am also interested in participating in the following special committees:

<input type="checkbox"/> Arbitration	<input type="checkbox"/> Harbors & Waterways
<input type="checkbox"/> Ethics	<input type="checkbox"/> Insurance

2. On the back of this sheet please tell us something about yourself that will help in the assignment of committees.

3. Check appropriate boxes if you or a member of your household, currently receive any income (salary, retirement, etc.) from:

- Town of Westport
- Westport Board of Education
- Westport Public Library
- Other organizations receiving financial support from the Town of Westport. Name organization: _____
- None of the above.

4. If you, or a member of your household provide supplies or services to any branch of the Town government, or Westport Board of Education, or Public Library, etc., indicate details below:

NOTE: Please file with Town Clerk by November 30. In addition, please notify RTM Moderator within 14 days if there is any change of status to the answers of questions number 3 or number 4.

Signature: _____ Date: _____

Received by the Town Clerk (Signature) _____

Date Received: _____

ATTENDANCE:**October 2012 – September 2013**

DIST.	NAME	PRESENT	ABSENT	TOTAL MEETINGS
1	Don Bergmann	13	1	14
	Diane Cady	12	2	14
	Matthew Mandell	14	0	14
	Cornelia Olsen	13	1	14
2	Catherine Calise	13	1	14
	Jay Keenan	8	6	14
	Louis Mall	14	0	14
	Sean Timmins	8	6	14
3	Jimmy Izzo	14	0	14
	Melissa Kane	12	2	14
	Bill Meyer	13	1	14
	Lyn Hogan	7	0	7
4	Jonathan Cunitz, DBA	13	1	14
	David Floyd	8	6	14
	Clarissa Moore	8	0	8
	Jeffrey Wieser	13	1	14
5	Dewey Loselle	14	0	14
	Richard Lowenstein	13	1	14
	Paul Rossi	8	6	14
	John Suggs	11	3	14
6	Hope Feller	10	4	14
	Paul Lebowitz	12	2	14
	Catherine Talmadge	8	6	14
	Christopher Urist	9	5	14
7	Arthur Ashman, D.D.S.	8	6	14
	Allen Bomes	14	0	14
	Jack Klinge	12	2	14
	Stephen Rubin	14	0	14
8	Lee Arthurs	12	2	14
	Wendy Batteau	10	4	14
	Carla L. Rea	11	3	14
	Lois Schine	11	3	14
9	Eileen Flug	13	1	14
	Velma Heller, Ed. D.	12	2	14
	John McCarthy	10	4	14
	Gilbert Nathan	10	4	14