

**Action Minutes of the  
RTM Planning and Zoning Committee  
Tuesday, September 24, 7:30 pm, Town Hall Room 309  
COG**

The RTM P&Z Committee met on Tuesday, September 24, at 7:30 pm, in Town Hall Room 309.

P&Z Committee members in attendance were Matthew Mandell (Chair), Diane Cady, Lois Schine, Don Bergmann, Jay Keenan & Hope Feller.

Present also were RTM members Wendy Batteau, Velma Heller, Lee Arthurs and Eileen Flug. There were about a dozen members of the public in attendance.

The Committee met to discuss the pending RTM resolution to modify Sections 2-2 and 2-4 of the Code of Ordinances concerning Membership in a Council of Governments. First Selectman Gordon Joseloff presented.

This meeting is a follow up to the approval of Westport joining a COG of March 2012. Since then the other towns in our region, Darien, New Canaan, Greenwich, Stamford, Weston, Wilton and Norwalk, took no action. We remain in the Southwest Regional Planning Association, SWRPA.

The State Legislature in a move to consolidate local planning representation passed a requirement that all towns must join a COG, it was no longer voluntary and that the minimum number of Towns in a COG was 14. SWRPA is made up of only 8 towns. SWRPA then looked to the north to join with the Housatonic Valley Council of Elected Officials, a CEO, another form of regional planning. They are made up of, Ridgefield, Redding, Danbury, Bethel, Newtown, New Fairfield, Brookfield, Bridgewater, Sherman, New Milford. The merge would create 18 members, meeting the 14 required. It was pointed out that any town on a border to another COG could switch, so Bridgewater, a town that has little in common with Westport or Norwalk could join with the Northwest Hills COG to their East.

It was noted that SWRPA was not interested in joining with the Greater Bridgeport RPA. Though it was explained that they want to join with us. Fairfield is very akin to Westport, but Bridgeport is a big city and fear of their enticing more planning money from the smaller towns was a concern.

Needless to say this is complex and a still moving situation. But Westport must join a COG and it is better for us to choose, than be told by the State which COG we should be in. While slim the State could place us with Hartford if they so desired.

So what the committee had to weigh was modifying the existing ordinance to allow for such flexibility to be able to move forward in a future to be named COG. There was a Sunset clause originally placed as well, that if the other towns in SWRPA didn't join a COG in the prior situation of "choice" rather than "mandate" Westport could opt back

out with our own approval lapsing. With the Sunset looming and no desire to then have to approve becoming a COG again, the sunset clause needed to be removed.

The committee discussed lengthening the sunset date, but decided there was no need, the State is mandating a COG, so our hands were tied, the sunset had to go or we'd have reapprove another COG ordinance.

In two votes moved by Ms. Schine and seconded by Ms. Cady:

Section 2-2 was approved to be modified to add the words "or any successor thereto" and "or redefined" by a 5-0-1 margin with Don Bergmann abstaining.

Section 2-4 was approved to be modified to remove the words "Southwestern Connecticut" and the words "or redefined", as well as remove subsection "c" the sunset clause. by a 5-0-1 margin with Don Bergmann abstaining.

This part of the meeting ended at 8;10.

Submitted by:

Matthew Mandell, P&Z Committee Chair

**RTM Joint Finance, Library Museum & Arts and Employee Compensation  
Committees Meeting  
Sept. 26, 2013**

**Finance Members Present:** Jeff Wieser, Chair; Dick Lowenstein; Lee Arthurs; Lois Schine, Allen Bomes, Arthur Ashman.

**Employee Compensation Members Present:** Dick Lowenstein, Chair; Jimmy Izzo; Lou Mall; Jay Keenan; Don Bergmann; Dewey Loselle, Clarissa Moore.

**Library, Museum & Arts Members Present:** Arthur Ashman, Chair; Wendy Batteau; Cornelia Olsen; Melissa Kane.

Maxine Bleiweis introduced Library Assistant Director/COO, Paul Mazzacarro. Paul explained that we were being asked to approve the retroactive 2012-2013 funding for all Library employees, following the successful conclusion of contract extension discussions with the Library's two unions. Paul said there are 34 full time, non-union employees at the Library and approximately 50-60 non-union part time employees. The two unions represent a total of 25 employees, 18 in one and 7 in the other.

Since June, 2012, there have been no raises for any Library employee as these contracts have been under negotiation. The goals of the negotiation were discussed with the Town and included keeping increases reasonable considering the local economic pressures, and increasing employee co-pays in the medical plan (it turned out that an HSA was more expensive than a continuation of the current medical policies). Negotiations took more than a year, but Paul indicated that the discussions were positive and ended amicably. Increases for the 2012-2013 fiscal year totaled 2.5% (no step increases); 2013-2014: placement within a pay rid equal to 2.0%; 2014-2015: a step increase only equal to 2.6%; 2015-2016: a step increase only equal to 2.6%. In addition, Paul reported that overtime for the Library's Sunday opening was reduced from 2x to 1 ½ x pay.

This discussion was meant to look only at the appropriation for funding the retroactive pay for FY2012-2013. We were being asked to confirm the BOF-approved amount of \$80, 806. This is less than the \$90,000 which was earmarked as an inclusion in the 2013-2014 mill rate calculation.

All three committees voted unanimously to approve the funding

Jeff Wieser  
Chair  
RTM Finance Committee

Library Locals 1301 -157 & 418 Council 4				7/1/2012	7/1/2013	7/1/2014	7/1/2015	6/30/2016	Cumulative Cost
<b>Summary of Contract Changes</b>									
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.									
<b>Financial Impact:</b>									
	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
<b>The Library is requesting funding of \$80,806 for FY 12-13 only.</b>									

## RTM PUBLIC WORKS/FINANCE COMMITTEE MEETING

**DATE;** August 26, 2013  
**TIME;** 7:45 PM, Room #309  
**PURPOSE;** Review requested expenditure by Public Works Director (Steve Edwards) for an appropriation of \$116,610 to fund additional Storm Sandy repairs.

**PRESENTED BY;** Stephen J. Edwards, Director of Public Works

Mr. Edwards requested the appropriation of \$116,610.00 to cover the necessary work required to provide additional repair upgrades to Hillspoint Road, Beachside Avenue & ER Straight Marina;

Hillspoint Road Revetment - \$78,790.00  
Beachside Avenue - \$23,280.00  
ER Straight Marina - \$14, 540.00

Mr Edwards explained that FEMA, in response to the repeated nature of many of the repair claims, has begun a new program. The thought is to “harden” or improve already made repairs such that FEMA is not repeatedly paying to repair the same areas again and again. The “hardening” work will be to pressure grout the existing repairs in order to fill in all the voids and tie all the repaired stones together. The hope is that this will allow the repair to last longer and be able to withstand the storm surge. The three areas, which qualify for additional monies, are listed above and were originally approved for repair at our March meeting. FEMA has approved these repairs and will reimburse the Town for 75% of the cost of the repair (\$87,458/\$29,152).

Both committees made motions to approve the appropriation, and it was unanimous to recommend approval to the full RTM.

Members;	
PW Committee	FIN Committee
Melissa Kane	Jeff Wieser (chair)
Cornelia Olsen	Lee Arthurs
David Floyd	Allen Bomes
Wendy Batteau	Dick Lowenstein
Matthew Mandell	Arthur Ashman
Jay Keenan (chair/reporter)	Lois Schine



## WESTPORT, CONNECTICUT

OFFICE OF THE  
TOWN ATTORNEY

BACK UP MATERIAL  
RTM ITEM # 5

To: Tom Lasersohn, Board of Finance

From: Gail Kelly, Assistant Town Attorney *G.K.*

Date: September 27, 2013

**Re: Review of Salary for Selectmen and Members of the Board of Assessment Appeals  
("BAA")**

In anticipation of Monday's special Board of Finance meeting, I want to provide you and other members of the Board of Finance, with the answers to the questions you raised in your September 25, 2013 email and to also follow up on our conversation from yesterday.

1) Section 38-4 of the Town Charter uses the term "compensation" and "salary". You questioned what those terms mean. Ira and I interpret the word "compensation" to mean "salary". In coming to this conclusion, we reviewed the language. The Section provides that the Board of Finance recommends, and the RTM approves, "salaries". The Section continues and addresses mid-term "salary adjustments". The Board of Education fixes "salaries". While the second to last sentence uses the term "compensation" it refers to the compensation "fixed as provided herein". The only compensation referred to, or fixed, is salaries. Our conclusion is also based on past practices of the Board of Finance.

The office of First Selectman has always be provided the same benefits as those provided to non-union supervisory employees. (No other Selectmen or any member of the BAA receive benefits.) Historically, the Board of Finance has not made a recommendation to the RTM for those benefits. Having said this, I agree with your concern that a First Selectman should not be in the position of determining his own benefits. Having the Board of Finance confirm the benefits afforded a First Selectman, as an employee, would be beneficial.

The second item on your agenda for Monday states that you will "[r]eview and recommend any other benefits as relevant for the Selectmen and the Board of Assessment Appeals (e.g. stipends, defined contribution plan parameters, health and dental insurance, long term disability insurance, life insurance, sick leave, vacation, holiday and personal days)."

The Board of Finance certainly has the authority to discuss these matters and make a recommendation. Based upon our interpretation of Section C38-4 however, the recommendation

would not be made pursuant to this Charter provision. Procedurally, the Board of Finance can nevertheless make a recommendation, or a sense of the meeting resolution, addressing these benefits. At your request, I suggest the following:

“Resolved, that the First Selectman shall receive the same benefits as those provided to non-union supervisory employees of the Town and further resolved, that the First Selectman shall be provided a Town automobile to use for official Town business or, in the alternative, an automobile allowance of \$ \_\_\_\_\_.”

2) Your second question asked what the salaries are of each of the Selectmen and BAA members. They are \$2,000 for each of the 2<sup>nd</sup> and 3<sup>rd</sup> Selectmen and \$200 for each member of the BAA.

3) Finally, is there any difference in the legal relationship (such as standard of care owed or duty of loyalty, etc) created if we pay Selectmen and BAA members? The answer is “no”

If you have any further questions or concerns please do not hesitate to call me. I will also be attending the meeting on Monday.

cc: Gordon F. Joseloff, First Selectman  
Avi Kaner, Chair, Board of Finance  
Gary Conrad, Finance Director  
Ira Bloom, Town Attorney

MINORITY REPORT – RTM EMPLOYEE COMPENSATION COMMITTEE MEETING

To: Westport RTM

October 1, 2013

From: Don Bergmann, RTM District One

Re: Minority Report for RTM Employee Compensation Committee Meeting

A meeting was held of the RTM Employee Compensation Committee on September 30, 2013. The meeting addressed salaries of the Selectmen and the Board of Assessment Appeals. While several votes were taken relating to the actions of the Board of Finance in September, Chair Lowenstein suggested that views underlying those votes be reflected. In the case of my views, it was suggested by the Committee that those views be presented in a minority report.

The following in summary form are the views that I expressed:

1. Compensation Levels

First Selectman: I believe that the salary for the First Selectman should be increased, with consideration being given to making the First Selectman the highest paid, non-school, non-library, employee. I seek to incent the best people for the position of First Selectman and believe the salary level selected should support that goal.

Second Selectman: I believe that the issue of compensation should be addressed along with attention given to other important non-employee roles within Town Government, with a view to providing some reasonable compensation for the work that all those roles necessitate.

Third Selectman: I would like to explore having the Third Selectman act as the Town "ombudsman" and be paid a salary commensurate with that role.

Board of Assessment Appeals: I believe the compensation of this Board should be reviewed in the same manner as suggested for the Second Selectman.

2. Town Operations Manager or Town Manager

I believe the Town and the First Selectman should address the desirability of a Town Operations Manager as presently authorized in the Town Charter or a Town Manager, a position requiring a Charter amendment. If either position was filled, the salary of the First Selectman should be reviewed and possibly reduced to reflect the altered responsibilities of the First Selectman and the resulting additional cost to the Town.

3. Chapter C38-4 of the Town Charter "Compensation"

Based upon my reading of C38-4, including a reading of the comparable language in the Prior Town Charter, I do not concur with the analysis of the Town Attorney expressed as to certain aspects of C38-4. My present, differing views are as follows:

- A. The effect of the words "recommend" and "approve" effectively mean that the Board of Finance and the RTM must mutually agree as to salaries. Accordingly, the concepts of the Board only "recommending" and the RTM only "approving" are without consequence;
- B. The Board of Finance and the RTM may meet at any time during any year to address salaries, though any changes must be voted upon in respectively September and October. In addition those changes can be voted upon in any year, so long as they do not take effect during the term of office of the then First or the other Selectmen.
- C. The words "will approve" and "will recommend" should not be read to suggest that failure of the Board of Finance or the RTM to act on salaries is a violation of a Charter obligation.

Don Bergmann  
RTM District One

Member RTM Employee Compensation Committee



**Action Minutes of the  
RTM Planning and Zoning Committee  
Tuesday, September 24, 7:30 pm, Town Hall Room 309  
20/20**

The RTM P&Z Committee met on Tuesday, September 24, at 7:30 pm, in Town Hall Room 309.

P&Z Committee members in attendance were Matthew Mandell (Chair), Diane Cady, Lois Schine, Don Bergmann, Jay Keenan & Hope Feller.

Present also were RTM members Wendy Batteau, Velma Heller, Lee Arthurs and Eileen Flug. There were about a dozen members of the public in attendance.

The Committee met to discuss the pending RTM resolution to approve a blank amount of money to conduct the 20/20 committee's proposal to do a Master Plan study of downtown Westport. First Selectman Gordon Joseloff presented. Two members of the 20/20 committee, Bob Jacobs and Dan Kale as well as member of the to be hired team Victor Minerva spoke as well.

It was explained that \$204K was the proposed amount to be appropriated. The Board of Finance, the night before, only approved \$65K of that sum for a traffic study for major sections of the town. It was explained that Cathy Walsh, Chair of the Planning and Zoning department, had submitted a letter at 5pm that evening requesting only that the traffic study be done and not the whole study. This reversed a vote taken by the P&Z the week earlier supporting full funding. The BOF felt they needed to talk to Ms. Walsh before approving any other monies.

Mr. Joseloff announced that Chair of the 20/20 committee Lou Gagliano had submitted his resignation. He went on to say that he was not sure who would be running the 20/20 and that Ms. Walsh had expressed the desire for the P&Z to then run any studies. It was also pointed out that a different \$65K had been pledged by private citizens towards the full study, but that money was now in question. The BOF had intended to offset the \$204K with that money meaning only \$139K would have been needed to complete the full study.

So on the table was only \$65k for the traffic study. Don Bergmann requested we discuss restoration by the RTM by a 70% vote to approve the full 204K. This discussion took the next hour and a half to sort out with both pros and cons outlined. In the end it was decided that since the BOF was meeting the day after the full RTM and that the RTM would be holding a special meeting in mid October, that full funding could wait and that only the \$65K would be voted upon. Subsequent to the meeting it was found out that since the BOF had not actually voted down the full amount, but instead delayed it until their meeting the next week, the RTM had no power to restore.

The meeting went quickly once only the traffic study was discussed, but doing a traffic study without anything greater to use it was an issue. So the committee agreed on language in the recommendation to show the traffic study was only phase I. Also

discussed were possible savings for the whole study due to the fact the Historic District grant of \$50K would be studying downtown as Village District. The RBA representative said he'd look into that for the BOF meeting the next week.

In a resolution moved by Ms. Schine and seconded by Ms. Cady the committee recommends the appropriation of \$65K for a traffic study as Phase I of the funding towards the entire Master Plan. Vote was 4-1-1. Cady, Feller, Mandell Schine yes, Bergmann no, Keenan abstaining. Mr. Bergmann will be submitting a minority report.

This part of the meeting ended at 10:25.

I want to thank the diligence and patience of this committee.

Submitted by:

Matthew Mandell, P&Z Committee Chair

**RTM Finance Committee Meeting  
Sep. 26, 2013**

**Finance Members Present:** Jeff Wieser, Chair; Lee Arthurs; Arthur Ashman; Allen Bomes; Dick Lowenstein; Lois Schine;

**Other presenters:** Gordon Joseloff; Dan Kail, Downtown 2020 Commission.

Gordon Joseloff provided a bit of background to this question. He noted that the all parties had come to a provisional agreement to provide the full \$204,000 funding to the Downtown 2020 plan, and prior to the BOF meeting, the P&Z chair advised that there was some objection to that agreement. With that uncertainty, the BOF approved only the \$65,000 allowing the initiation of the traffic study. It was this amount that we focused on for your discussion this evening.

Gordon explained that this \$65,000 allows the traffic study to collect data before Nov. 15 which represents the date when numbers get skewed due to holidays, etc. He also confirmed that the remaining \$139,000 will go back to the BOF for discussion the day following our RTM meeting, so that we will have another chance to review that amount, without having to concern ourselves at this point with possible restoration.

Dan Kail gave some of the history of the interactions among the Town bodies, including the increase of the amount requested to expand the area of the traffic study. He explained that private funding of \$65,000 was received to kick off the plan (the amount coincidental with the requested funding at this meeting).

There being general agreement among all Town Boards that this \$65,000 was a necessary expenditure to complete the first phase to the downtown plan, it was moved :

**“To approve \$65,000 as the first phase of the full funding of the Master Plan.”**

Allen Bomes asked to amend the motion to exclude language relating to the “first phase.” His concerns were that this money would be spent and there would be no follow up if any Town body were opposed to the matter. After seconding of the motion and further discussion, the amendment was withdrawn and the vote on the original motion was above 5-0-1, with Allen Bomes abstaining.

Jeff Wieser  
Chair  
RTM Finance Committee

## MEMORANDUM

BACK UP MATERIAL  
RTM ITEM # 7

**To:** Representative Town Meeting  
**From:** RTM Finance Committee  
**Date:** September 28, 2013  
**Re:** Appropriation Request of \$45,000 to the Historic District Fees & Services Account for the Purpose of Accepting Funding up to \$50,000 from the CT Trust for Historic Preservation 2013 VCI Grant Program

The RTM Finance Committee met on September 26th to consider a request from the Historic District Commission (“HDC”) for a \$45,000 appropriation. Presenting for the HDC were Francis Henkels, Chair; Betsy Wacker, Vice Chair; Carol Leahy, Staff Administrator and Kathie Bennowitz, Town Curator and member of the Westport Arts Advisory Committee. Also present were Gary Conrad and Melissa Kane.

The HDC has received a grant from the CT Trust for Historic Preservation to fund a study that will implement a Village District Zone in Westport Center. This will help preserve historic properties downtown by creating guidelines for redevelopment that will preserve the long term character of the center of Westport. The study will define the boundaries of the Village District and will go beyond actual historic structures by looking at other areas such as setbacks, building heights, streetscapes and outdoor light fixtures. It will require modifying existing zoning regulations in the downtown area. The consultant team will work in collaboration with the public, the Planning & Zoning Commission, the HDC, the RTM, the Downtown Merchants Association, the Downtown 2020 Committee and major property owners to develop the appropriate policies. The funds requested are needed to fund the project, but are reimbursable up to \$50,000 (of which \$5,000 has already been received).

Following the presentation, the RTM Finance Committee voted unanimously to recommend RTM approval.

Respectfully submitted,

**RTM Finance Committee**

Jeff Wieser, Chair  
Lee Arthurs  
Arthur Ashman (absent)  
Allen Bomes, Reporter  
Dick Lowenstein  
John McCarthy (absent)  
Gilbert Nathan (absent)  
Lois Schine  
Cathy Talmadge (absent)

**Action Minutes of the  
RTM Planning and Zoning Committee  
Tuesday, September 24, 7:30 pm, Town Hall Room 309  
HDC**

The RTM P&Z Committee met on Tuesday, September 24, at 7:30 pm, in Town Hall Room 309.

P&Z Committee members in attendance were Matthew Mandell (Chair), Diane Cady, Lois Schine, Don Bergmann, Jay Keenan & Hope Feller.

Present also were RTM members Wendy Batteau, Velma Heller, Lee Arthurs and Eileen Flug. There were about a dozen members of the public in attendance.

The Committee met to discuss the pending RTM resolution to approve \$45,000 to the Historic District to front end a grant of \$50,000 from the CT Trust for Historic Preservation 2013 Vibrant Communities Initiative (VCI). Chair of HDC Randy Henkels presented.

The HDC won a grant of \$50K to study our downtown to see if a "Village District" concept of zoning would be beneficial to the community and for the preservation of our historic properties. \$5K would be given up front and the remainder paid when Westport met all the obligations for doing and study and submitting our findings to the CT Trust.

We would be appropriating \$45K and then getting it reimbursed. There was discussion about what had to be done, time table of about a year and realization that in the end the Planning and Zoning Commission had control of where we actually go in the future. Synergies and possible savings of money with the 20/20 committee and study were discussed.

A resolution was proposed by Don Bergman and seconded by Hope Feller, The committed voted 6-0 to approve the \$45K appropriation.

This part of the meeting ended at 8:30.

Submitted by:

Matthew Mandell, P&Z Committee Chair

## MEMORANDUM

BACK UP MATERIAL  
RTM ITEM # 8

**To:** Representative Town Meeting  
**From:** RTM Finance Committee  
**Date:** September 28, 2009  
**Re:** Appropriation Request of \$79,150 to the Historic District Fees & Services Account for the Purpose of Restoring the Minute Man Monument Site

The RTM Finance Committee met on September 26th to consider a request from the Historic District Commission (“HDC”) for a \$79,150 appropriation. Presenting for the HDC were Francis Henkels, Chair; Betsy Wacker, Vice Chair; Carol Leahy, Staff Administrator and Kathie Bennewitz, Town Curator and member of the Westport Arts Advisory Committee. Also present were Gary Conrad and Melissa Kane.

The HDC is seeking funds to restore the Minute Man Monument site which is one of the most significant symbolic features in town. Initially, the plan was to file for a state grant that would have covered about half of the restoration funds. However, the state funding comes with many conditions which the HDC feel will be too onerous to deal with. So the full cost of the project is being requested from the town. The statue itself has been well maintained over the years, so most of the funds will be used to rebuild the stone wall and restore the iron fence.

Following the presentation, the RTM Finance Committee voted unanimously to recommend RTM approval.

Respectfully submitted,

**RTM Finance Committee**

Jeff Wieser, Chair

Lee Arthurs

Arthur Ashman (absent)

Allen Bomes, Reporter

Dick Lowenstein

John McCarthy (absent)

Gilbert Nathan (absent)

Lois Schine

Cathy Talmadge (absent)

**Report of the  
RTM Rules and Special Ethics Committees  
Wednesday, September 25, 2013, 8:00 pm, Town Hall Room 307/309**

The RTM Rules and Special Ethics Committees met on Wednesday, September 25, 2013, at 8:00 pm in Town Hall Room 307/309.

Rules Committee members in attendance were Eileen Flug (Chair), Velma Heller, Matt Mandell, Melissa Kane, Jonathan Cunitz and Dick Lowenstein. Absent were Sean Timmins, Cathy Talmadge, Steve Rubin, Lois Schine and John McCarthy. Special Ethics Committee members in attendance were Eileen Flug (Chair), Jonathan Cunitz, Velma Heller, Melissa Kane, Dick Lowenstein and Jeff Wieser. Absent was Wendy Batteau.

Present also were RTM members John Suggs, Don Bergmann and Jay Keenan (for part of the meeting), and Town Attorney Ira Bloom.

The Committees met to further discuss the pending RTM resolutions to amend the Conflicts of Interest section of the RTM Rules of Procedure. One resolution would add a sentence regarding how to address potential ethics concerns. Another resolution would replace the existing Conflicts of Interest provision of the RTM Rules of Procedure with a Code of Ethics proposed by RTM members John Suggs, Dewey Loselle and Don Bergmann.

After the joint committee meeting on August 27, the proponents of the Code of Ethics revised it to reflect comments made at that meeting. The revised Code of Ethics and cover memo are attached.

The Committee also reviewed the October 1, 1991 Report from the RTM Special Committee on Ethics, which include a set of "Guidelines on Conflict of Interest for RTM Members," the September 12, 1991 Rules Committee Meeting Minutes, and the October 1, 1991 RTM Minutes (attached). These minutes and reports explain the origin of the Special Ethics Committee.

After discussing the Committee's concerns about the proposed Code of Ethics and after reviewing the 1991 Guidelines, after motions duly made and seconded, both Committees voted unanimously that the 1991 "Guidelines on Conflict of Interest for RTM Members" be reviewed by the Rules and Ethics Committees, be updated and broadened to reflect ethical behavior in addition to conflicts of interest, and then be attached to the Conflict of Interest form that each RTM member signs and be incorporated into the orientation of new RTM members. The Committees then voted unanimously to recommend that the Code of Ethics that is being proposed NOT be approved by the RTM. Matt Mandell abstained from both votes because he had missed part of the meeting.

The Committee acknowledged as a sense of the meeting that despite their concerns with the contents of the Code of Ethics being proposed, the proposal raises important issues that could be incorporated into the Guidelines that the Committees will be reviewing, and expressed appreciation to John Suggs, Dewey Loselle and Don Bergmann for all of

their time and efforts in researching and drafting their proposal and in focusing attention on this important matter. The Committee also as a sense of the meeting expressed appreciation for the League of Women Voters for their time and efforts in researching and drafting the proposed Code of Ethics that they presented to the RTM earlier this year.

The Committees agreed to leave unchanged their recommendation from their August 27, 2013 meeting, that the RTM add the following sentence to the Conflict of Interest provision of the RTM Rules of Procedure:

“Potential ethics concerns should be discussed with the RTM Moderator or the RTM Deputy Moderator for resolution as appropriate.”

The meeting was adjourned at approximately 10:00.

Submitted by:

For the Rules Committee:

Jonathan Cunitz

Eileen Flug (Chair and Reporter)

Velma Heller

Melissa Kane

Dick Lowenstein

Matt Mandell

For the Special Ethics Committee

Jonathan Cunitz

Eileen Flug (Chair and Reporter)

Velma Heller

Melissa Kane

Dick Lowenstein

Jeff Wieser



Lefton  
Stage.

## Fact Sheet for Downtown 2020

### Downtown 2020's Mission

"The mission of the Downtown 2020 Committee is to work towards a more vital, livable and pedestrian friendly downtown and environs that offers diverse entertainment, dining, and recreational, residential and business opportunities." Issued by Selectman's Office, March 2012

A committee charged by the First Selectman to produce a master plan for downtown, while working with the P&Z and all relevant departments and officials.

### Planning & Zoning Commission Mission

Beside the powers and duties conferred or imposed by state law on Planning and Zoning Commissions, the Commission is required to update the Town Plan of Conservation and Development at least every ten years, and determines the manner in which zoning regulations are enforced. **The Department's mission is:**

- to enhance the orderly development of the town
- to maintain the quality of the residential neighborhoods and business districts
- enforcing regulations that protect the town from over-development

### Why D2020?

From the 2007 POCD: "Though the Planning and Zoning Commission (PZC) has the responsibility for coordinating implementation of the Plan's recommendations, the Commission is neither an administrative nor an operational arm of the Town. Therefore, it is recommended that, within 45 days of the effective date of this Plan, the Town establish a Plan Implementation Committee (PIC) which draws its membership from the appropriate Town boards, commissions, Town legislative and operating entities and be chaired by the First Selectman. The PIC will have the responsibility of coordinating and monitoring the implementation of this Plan and should issue an annual report on Plan implementation progress."

As stated above, the DPIC was formed as recommended by the 2007 Town Plan of Conservation and Development, which was approved, by the Planning and Zoning Commission. D2020, whose members are appointed by and who report to the First Selectman, will advance the recommendations established by the Downtown Subcommittee of the Plan Implementation Committee (DPIC). The Downtown 2020 Committee will also develop other suggested changes to achieve its goals and continue the work of the DPIC with the added purpose of implementing their recommendations.

## **Timeline**

May 30<sup>th</sup>, 2013 – Resolution passed 7-0 in favor by the P&Z. “The Planning and Zoning Commission supports the process of the Downtown 2020 Committee and urges other elected bodies and individuals and town agencies to support the joint process as well. The Planning and Zoning Commission will create a Downtown subcommittee to liaise with the Downtown 2020 Committee as they develop their process and activities.”

August 23<sup>rd</sup>, 2013 – D2020 Selects RBA as consultant

Sept 19<sup>th</sup>, 2013 Westport’s Planning and Zoning Commission (P&Z) tonight gave a unanimous nod to Downtown 2020’s request for \$204,000 to hire an outside consultant to come up with a master plan for the downtown in the face of major developments planned or under way.

September 23<sup>rd</sup>, 2013 - Westport’s Board of Finance meeting in special session tonight approved \$65,000 of a \$204,000 request from First Selectman Gordon Joseloff to hire an outside consultant to create a master plan of development for the downtown. The \$65,000 was approved for the town wide, base line traffic study portion of the master plan to be undertaken by RBA Group, Inc., which has offices in Norwalk.

On Tuesday, September 24<sup>th</sup>, 2013 – the Planning and Zoning Committee of the Representative Town Meeting (RTM) Tuesday night recommended the full legislative body approve \$65,000 for phase one of a controversial downtown master plan study. Members made clear in a 4-1 vote with 1 abstention that in recommending a phase one partial funding of a town wide, base line traffic study they also wanted it quickly followed by approval of a phase two—the balance of the \$204,000 original request for the plan championed by the Downtown 2020 group.

## **Master Plan and POCD**

In the 2007 POCD, the recommendations listed point to the need for a downtown or master plan. What other communities have done is to amend their current POCD to include a more focused downtown plan, as well as Village Guidelines, both which were recommended in their POCDs . The State likes to see that town’s are following through on their POCDs and uses it to help guide funding to communities that are in accord with their POCD and the State’s POCD planning principles.

While parts of the master plan could be integrated into the next POCD in 2017, some of the data and findings may be a little dated as the master plan will be completed in 2014.

**What RBA will provide for \$65,000**

40,000 for original scope as defined by D2020 + 25,000 with added parking and additional intersections from P&Z

**Phase 1a of Master Plan**

As outlined in the original scope of services RBA will conduct traffic counts of existing vehicular traffic 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.

**Phase 1b of Master Plan**

As outlined in the original scope of work the second phase of the traffic analysis will allow for the development of a future projection model that evaluates the impacts of today' known impending developments such as, but not limited to:

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

By adding these developments to the baseline and projecting to a "built" scenario of 2015 or 2016 it will allow us to model the traffic and parking issues that Downtown will be experiencing when all of this is in place

An additional \$139,000 is necessary to complete the balance of the master plan as delineated by RBA.