

RTM Meeting
March 5, 2013

The call

(2) 1. To take such action as the meeting may determine, upon the request of at least 20 electors of the Town of Westport pursuant to Section C5-C6 of the Town Charter, to adopt an Ethics Code for the Town of Westport as prepared by the League of Women Voters of Westport. (First reading. Full text available in the Town Clerk's office.)

(4) 2. To take such action as the meeting may determine, upon the recommendation of the Board of Finance, and a request by the Director of Public Works to approve an appropriation of \$335,000 for four repair projects due to Storm Sandy. Said amount to be distributed as indicated among the following Storm Sandy accounts:

- a) \$90,000-Hillspoint Road Revetment & Sidewalk Repairs Account
- b) \$75,000-Beachside Avenue Revetment Repairs Account
- c) \$20,000-ER Strait Marina Revetment Repairs Account
- d) \$150,000-Burying Hill Beach Account

(5) 3. To take such action as the meeting may determine, upon the recommendation of the Board of Finance, and a request by the Director of Public Works for an appropriation of \$586,000 with bond and note authorization to the Capital Account for the replacement of the Town Hall roof.

(6) 4. To take such action as the meeting may determine, upon the recommendation of the Board of Finance, and a request by the Parks and Recreation Director to approve an appropriation of \$34,200 to the Parks and Recreation Golf-Equipment Account for the replacement of a 1989 tractor/loader.

(7) 5. To take such action as the meeting may determine, upon the request of the Finance Director, to authorize the issuance of refunding bonds in an amount not in excess of Thirty-Five million and 00/100 Dollars (\$35,000,000) to be issued in calendar year 2013 for the purpose of refunding all or any portion of the general obligation refunding bonds issued by the Town in the year 2003.

(3) 6. To take such action as the meeting may determine, upon the recommendation of the Board of Education, to not reject the agreement between the Westport Board of Education and the Westport Education Association, Inc. covering the period of July 1, 2013 – June 30, 2016.

7. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Superintendent of Schools to approve an appropriation of \$50,000 to fund a professional security audit to enhance security in the Westport Public Schools. **Withdrawn**

8. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Superintendent of Schools to approve an additional appropriation of \$50,000 to fund a professional security audit to enhance security in the Westport Public Schools. **Withdrawn**

(1) 9. To take such action as the meeting may determine, upon the recommendation of the RTM Rules Committee, to approve an amendment to Section 22-1 of the Code of Ordinances, establishing new voting districts

following the 2010 Census as provided in Section C5-2 of the Town Charter. (First reading. Full text available in the Town Clerk's office)

(8) 10. To take such action as the meeting may determine, upon the recommendation of the Registrars of Voters, to approve a sense of the meeting resolution urging State legislative action to reduce the number of polling places used in primaries.

Minutes

Moderator Hadley Rose:

This meeting of Westport's Representative Town Meeting is now called to order. We welcome those who join us tonight in the Town Hall auditorium as well as those watching us streaming live on www.westportct.gov, watching on cable channel 79 or ATT channel 99. My name is Hadley Rose and I am the RTM Moderator. To my right is our RTM secretary, Jackie Fuchs. Tonight's invocation will be by Melissa Kane.

Invocation, Melissa Kane, district 3:

Thank you, Mr. Rose. I am really honored to have been asked to open our meeting tonight and I am honored to serve on this body, which is such an essential part of the checks and balances that make up our town government. In thinking about how to help set the tone for this evening, I started to reflect on the qualities that I believe it takes to be an effective public servant. What came to mind was courage and compassion and some degree of dispassionate perspective. I would like to read to you two short passages on the subject. The first is a quote on governing from Vaclav Havel:

There are no exact guidelines. There are probably no guidelines at all. The only thing I can recommend at this moment in history is a sense of humor, an ability to see things in their ridiculous and absurd dimensions, an ability to laugh at others and at ourselves and a sense of irony regarding everything that calls out for parody in this world. In other words, I can only recommend perspective and distance, awareness of all the most dangerous kinds of vanity, both in others and in ourselves, a good mind, a modest certainty about the meaning of things, gratitude for the gift of life and the courage to take responsibility for it.

And now here's something His Holiness the Dalai Lama has said many times:

When we are motivated by compassion and wisdom, the results of our actions benefit everyone, not just our individual selves or some immediate convenience. When we are able to recognize and forgive ignorant actions of the past, we gain strength to constructively solve the problems of the present.

I'll close by saying that I do hope we can keep compassion and courage in mind in all of the actions we take on behalf of our community and in all of our daily dealings.

Mr. Rose:

Before we get to the roll, we now have a new member who is replacing George Underhill. If Patty Strauss would come up and Clarissa Moore.

Town Clerk Patty Strauss swore in the new member, Clarissa Moore.

There were 31 members present. Ms. Calise, Ms. Feller, Ms. Talmadge, and Dr. Ashman notified the Moderator that they would be absent. Mr. Klinge was also absent. Mr. McCarthy arrived late.

There were no corrections to the minutes. If anyone has any corrections, please contact Jackie Fuchs, Mr. Rose or Patty Strauss.

Announcements

Mr. Rose:

Birthdays this month: Mr. McCarthy and Mr. Rose. So, happy birthday to me!

The next RTM meeting is April 2, right here in the auditorium.

RTM Committee meetings:

Jonathan Cunitz, district 4:

First, I would like to personally congratulate Clarissa on joining the RTM. It was very exciting that we had three very well qualified candidates come forward for the available seat. Clarissa will make an excellent contribution to the RTM. We are delighted to have her. This is an announcement about a forthcoming meeting. There will be a meeting of the RTM Long Range Planning Committee on March 14 at 7:30 p.m. for a presentation of the preliminary review of the five responses to new RFP on Baron's South project. All RTM members and the public are encouraged to attend and will have an opportunity to ask questions of the Baron's South Committee members and comment on the criteria that are being used to evaluate the proposals. I would also like to remind you that there are numerous meetings of Baron's South Committee itself between now and April 9 and all these meetings are open to the public. So, here is an opportunity for RTM members to have input to the process and the ultimate selection of the respondent for the project.

RTM Announcements

Bill Meyer, district 3:

We have something fabulous in the Senior Center. These musicals are fabulous. The last one is the Fairfield Counts on March 24. This is presented by the Friends of the Senior Center. Jack Klinge has done it. They are great. Aren't they, Steve? He's seen a couple of them.

Dewey Loselle, district 5:

Let's hear it for Bill Meyer! This is probably the worst kept secret in town. This Sunday, March 10, at Christ and Holy Trinity Church between three and six o'clock, there will be a special celebration to honor our friend and thank him, Mr.

Bill Meyer, who is the most super volunteer in the Town of Westport. Seventeen organizations have come together to honor Bill for all the great things he has done for this town over so many years. Tickets are going fast. I have some here, my last little batch. Tickets are also available at the First Selectman's Office and the Senior Center. Get your tickets and come down. We're going to have a great time. Go Bill!

Mr. Rose:

I have an announcement. This is maybe the second worst kept secret in Westport. Unless my house deal falls apart, this will be my last meeting as Moderator of the RTM. It has been 10 years here, six years as your Moderator and it has been quite an adventure. First, I want to thank a few people...This is the Academy Awards part of my speech. I want to thank:

...of course, my wife Robin, who not only encouraged me to run for the RTM 10 years ago but has put up with my muttering about so many issues over time.

...Diane Farrell and Carl Leaman, who both pushed me to run for the RTM after all of Diane's brown bag lunches.

...Gordon Joseloff, who basically tossed my hat into the ring to run for Moderator six years ago.

...I would love to thank Jackie Fuchs, our RTM secretary, who has worked so hard at getting out our minutes over the years but, more importantly, who used to slip me notes when I first became Moderator which frequently started out..."I think you forgot to..." Eileen, you'll get your share, too.

...The many town employees and department heads who've worked so hard, not only to keep the RTM informed and work with us, but who help to make this town a really amazing place to live. It's not until you are involved in town government that you can really appreciate people like Gail Kelly, Ira Bloom, Steve Edwards, Stuart McCarthy, Dale Call, Andy Kingsbury and so many others. They really do a phenomenal job.

...And lastly, in the thanks department, I really have to thank Patty Strauss and her whole department, particularly Colleen Tarpey, for the work that they do for the RTM which is really invaluable. They put in so many hours on RTM issues. They have made my job as Moderator so much easier over the years. They are incredible. Patty, I am going to miss those Monday morning meetings.

And now to the RTM. I'd like to leave you with these thoughts:

- At the end of the day, we are the ones who pass the laws, approve the appropriations, and have to find that balance between our constituents' needs and the Town's finances and services. The First Selectman can request, the Board of Finance can recommend, but we are, I can't believe I am paraphrasing George Bush here, we are the deciders. It always comes down to us. And in the 10 years that I have been on this body, and in Town government, there is no other group that I would have more confidence in than the RTM.

- We are such a diverse group with so many talents and skills. We ask the questions that sometimes on one else has thought to ask. And I truly believe we look less at November than any other body in Town.
- So, before we move on to the agenda, I want to leave you all with one thought; one that really has guided me in all my votes as a member. After you have done your homework, attended your meetings, read the reports, asked your questions, spoken to your constituents, you will know in your heart what is right and wrong. You'll know when something doesn't feel right; you'll know when your issues have not really been addressed. Don't look to November. Don't count emails. You want to read them but don't count them. If you've done your work, you'll know more about the subject than 95 percent of the people who are mass emailing you. We are here because we love this town and we want to do what we genuinely feel is in its best interests. We put in the time, the effort and deal with a lot of emotions at times to come up with our decisions. So, when it comes time to cast your vote, try to keep this in mind. As I have told you before, "We don't get paid enough to vote for something we don't believe in." Vote yes when you want to but never be afraid to vote no.

Thank you all for your hard work and thank you for the privilege of letting me lead you these past six years. I will miss it.

The secretary read #9 of the call - To approve an amendment to Section 22-1 of the Code of Ordinances, establishing new voting districts following the 2010 Census as provided in Section C5-2 of the Town Charter. First reading. (Full text - Appendix A)

Presentation

Town Clerk, Patty Strauss:

I thank you all. Thank you for taking me first. This is a first reading of an ordinance that needs to be passed. I appreciate that I didn't have to wait until the end. I am pleased to present to you tonight the proposed RTM boundary line map and ordinance consisting of nine districts. The map depicts the proposed boundary lines and includes the resident locations for all the current RTM members. It also has a chart with proposed district size and percentage deviation from the norm. Please note that, the map in your packet has placed Cornelia Olsen's residence in District 7 when, in fact, her house is located in District 6. A revised map was emailed to you yesterday and does not interfere with the task on hand to realign the boundary lines. Every ten years after the Federal and State governments have completed their reapportionment, our local RTM districts are mandated by the Town Charter to re-establish boundary lines using United States Census data. In February 2011, the town received the US Census maps indicating the distribution of population broken down into census blocks. For the record, Westport's population was increased by 642 people from 25,749 in 2000 to 26,391 in 2010. In January of last year, the town received the

final maps from the Secretary of the State, confirming the completion of the State reapportionment. In February 2012, the Registrars of Voters redrew the state district boundary line changes in a timely manner allowing the Presidential Preferential Primary held on April 24th to run smoothly with few to no disruptions due to redistricting issues. The same map and the same boundary lines were used for the Democratic and Republican Primaries held in August and for the Presidential Election held last November. The State reapportionment included two major boundary line shifts within the town. In the house, Assembly District 143, currently held by Gail Lavielle, is now representing Westport and Assembly District 133, held by Kim Fawcett, is no longer representing Westport. Jonathan Steinberg continues to be our representative for the remainder of the town in the 136 district. In the Senate, the town gained Senate District 28, held by John McKinney, representing the Greens Farms area of town where Senate District 26, Toni Boucher, represents the rest of the entire town. We had to work within those parameters of changes within the state level when we were discussing aligning the RTM districts. To simplify, where Westport used to have three representatives in Hartford, we now have four. Starting in October, then the Town Clerk studied the new state changes and merged the data to create the nine district map presented to you tonight. This was accomplished using the Town Engineering Department, specifically, the GIS program and especially the operator to this program, GIS coordinator, Damion Vassel. I wish to publicly thank him for his patience when working with my office through the process. In January 2013, the RTM Rules Committee met to review their charge to redistrict and make a recommendation to this body. During the meeting, the committee discussed and reviewed the following factors before making their recommendation:

- That this proposal meets the requirement for equal representation.
- That district sizes stay proportioned to current representation.
- That this proposal meets the 10 percent deviation ratio required by our Town Charter.
- That we make as few changes as possible to the existing districts.
- That voters will use the same polling location during both local and state elections. This last concern is most important. Prior to the 2000 redistricting, which was 10 years ago, the voters went to different polling places depending on if a local or a state election was being held causing major voter confusion. This proposal assures that voters will cast their votes in the same polling place for every election held for the next ten years.

In conclusion, the proposed map allows for nine districts with four representatives per district....exactly the same makeup as the past ten years. It was concluded the sizes of the districts are small enough for representatives to remain accessible to their constituents. The RTM Ordinance Committee will be meeting to discuss this proposal prior to your April RTM meeting. I look forward to further discussion and questions presented at that time. Thank you for your consideration to this proposal.

Members of the Westport electorate - No comment

Members of the RTM – no comment

The secretary read item #1 of the call - To adopt an Ethics Code for the Town of Westport as prepared by the League of Women Voters of Westport. First reading. (Full text – Appendix B)

Mr. Rose:

As Ms. Porio is approaching, a quick explanation... We had a reading similar to this a couple of months ago. For various reasons, it got delayed and there was some confusion about it. The League recently withdrew the original one and that's why we are having a first reading this evening.

Presentation

Pat Porio, 16 Salem Lane, Co-Chairman of the League of Women's Voters Ethics Committee:

As Hadley explained, we did withdraw the original one. The wording was somewhat ambiguous which we realized when we tried to get it through committees. We presented a petition with a more firm idea of what we want. That is, for this body to pass an ordinance establishing an ethics code and an Ethics Committee for the entire town, employees and elected officials. That is what we are requesting. We are hoping now that it will move a little more quickly through the committees. I believe there is an RTM Ethics Committee meeting?

Mr. Rose:

The Ethics Committee is meeting March 13 at 7:30 in room 309.

Ms. Porio:

That will be our first go round with the committee. So, if this board will please keep their eye on this as it goes through. Come to the League with any questions and by all means be part of the process of changing it if it needs to. We really appreciate all your support.

Members of the Westport electorate

David Royce, 387 Main Street:

It is unusual for anyone to speak to a first reading but I want to give a little assist to this proposed ordinance. As you know, an ordinance like this is passed under state authority, in this case 7-148h with some support from 1-83, 1-82. I'm sure most of you have read both proposals which are very similar and I have always been skeptical about an ethics ordinance for whatever reasons I had and so, in fact, have RTMs in the past but I would like to say that you are really considering two proposals here tonight, one hidden behind the other. The proposal that you have is really, I have to say, a bad job. About 95 percent of its provisions go

beyond those State Statutes that I mentioned; however, I have discovered that there is a core of solid gold in this proposal and I am happy that the League of Women's Voters had brought it forth and documented it so well in its website which led me to the statutes. There are a couple of, I think you will find if you read the State Statutes, it's very short, it's like one page of state statutes, that you'll like what they propose a town should do and what I think this town should do. There are a couple of other advantages that I'm sure no one has heard. I'll give the second one first. The bottom line from this has an effect on free elections. I know that sounds far fetched. Here's the premise. Quite often during Westport elections, various people in and out of office stand up and say you cannot tell the voters what you want to vote for once you get on this body because that will create a conflict of interest. This is actually not true. A conflict of interest, as the state statutes will tell you, the ones you are reading for this ordinance, is simply a financial and direct conflict of interest. It's a gain that you could have that is both financial and direct. When you say your opinion to the voters, you are not creating a conflict on interest. You will certainly get in trouble if you say you are going to vote against proposal X or applicant Y. That will be foolish and I don't think anybody will be dumb enough to do that. But when you are saying to the voters that 'I am in favor of this sort of development in town; I am in favor of this sort of treatment of our various services' and you are perfectly frank about it, and there is a controversy among voters, then those who are on your side are going to be voting for you rather than your appearance or your patriotic remarks which mean nothing. As soon as we have an ordinance which sets out what is strictly a conflict of interest then it will become apparent to everyone that merely giving your opinion is not creating a conflict of interest. This will make the voters much more able to choose at elections.

Mr. Rose: Mr. Royce, if you can begin to wrap up please.

Mr. Royce: Consider it wrapped.

Members of the RTM – no comment.

The secretary read item #6 of the call - To not reject the agreement between the Westport Board of Education and the Westport Education Association, Inc. covering the period of July 1, 2013 – June 30, 2016. The motion passes 30-0-1. Mr. Bergmann abstains.

Presentation

Elliott Landon, Superintendent:

Good evening everyone. I am pleased to be here to present with Mr. Mooney and members of the Board of Education the proposed contract between the Board of Education and the Westport Education Association for the period of July 1, 2013 through June 30, 2016. I wish to thank Dick Lowenstein who was a member of our negotiating committee who stayed with us through night after night, afternoon

after afternoon into the wee hours of the morning and was an incredible contributor to our effort. I would also like to thank a member of the Board of Finance, Tom Lasersohn, who also did a fabulous job of helping us. Of course, none of this could have been accomplished without the expert help of Tom Mooney our attorney and I turn the program over to Tom.

Thomas Mooney, Board of Education Legal Counsel, Shipman and Goodman:
I was here several weeks ago and met with the respective committees of the RTM having jurisdiction over this matter so I'm not sure if it's the RTM's pleasure to go through the details of the contract settlement or if the committees have reported out on their perspectives on this matter. I will say in brief while you are pondering what to do...

Mr. Rose:

I have pondered it already. Give a brief summation and the committee will do their report and if there are questions, the members will ask questions.

Mr. Mooney:

Very good. I have materials here that were previously provided to the committees. Unless anyone wants them, I won't divert our attention. I'll just keep this short and sweet and answer questions. Collective bargaining in Connecticut is governed by 10-153 a. The important thing for this body to know is that once an agreement has been reached and ratified by the Board of Education, the choice here is simply to accept or take no action which leaves the contract in place or to reject the contract. A rejection would cause this issue to be put into binding arbitration. Since we have a comprehensive settlement, the first part would be a negotiation over which issues would be in dispute. We can be pretty much be rest assured that the union would not simply agree to the increased cost sharing or modifications to the health insurance program that resulted in significant savings so the binding arbitration process would be an uncertain one. Issue by issue the arbitrators would accept last best offers and create a contract in that way. As you know as an experienced body, negotiations occur in a context. Here the Board of Education, with the assistance of representatives of this body and the Board of Finance, negotiated over a period of several months to reach an agreement which, over a three year period, would have a projected cost of 8.65 percent. That would be 3.46 percent in the first year, 2.51 percent in the second year and 2.68 percent in the third year. When you are looking at a teacher contract settlement, it's very important to recognize that the teacher compensation system universally in place throughout Connecticut including Westport is a lengthy step process where you start at a certain level and over a period of 15 years get to the maximum salaries for your educational attainment, be it a bachelor, masters, or sixth year so that if the Board of Education has succeeded in negotiations not to provide any increase in the salary schedule for three years, the projected cost would be nonetheless be 7.42 percent or a little bit more than a percent less than the overall settlement. So, when you consider a three year cost of 8.65, it is important to recognize that a large part of that would

be the step cost over the three year period. Through negotiations, the board was successful in providing for step movement in only two of the three years and then providing other increases. There was no general wage increase in the first year. Teachers at the top who would not receive a step would receive 1.75 percent. Teachers moving through the schedule in the second year would receive an increase of .75 percent. Teachers at the top not receiving step would receive 1.8 percent and then in the third year, teachers moving through the steps would receive .8 percent and teachers at the top, .2 percent. Those calculations are based on a maximum projection. That is, we assume a cohort of teachers, we project the costs and we adopt the fiction as has come through Connecticut that no one leaves so we have an apples to apples comparison over the three years of the contract. That is the projection of the 8.65 percent. Mr. Lowenstein made an interesting suggestion. He said, 'Let's go back and see what the projected cost was three years ago and what the outcome was given teacher turn over and other savings.' I believe all the RTM has the summary sheet. You'll see that when we compare what was projected as the costs of two percent, 3.45 percent and 3.75 percent over the three years of the contract that is ending this year, the actual expenditures for salary were far lower reflecting the fact that there was turnover during that period. In fact, the board experienced a slight reduction in salaries in the first year and very modest increases in the salary expenditures of .67 percent and .76 percent. So, that's a very helpful comparison as you consider the projected costs of 8.65 percent. I don't want to spend your time unnecessarily so I'll just wrap up by saying one more thing. Then, I'll be very happy to answer your questions. As you consider this matter, you have to decide would this town be better off to submit this dispute to binding arbitration. It's my recommendation that this town would not be better off to submit this dispute to binding arbitration. As you know, under the binding arbitration statute, the arbitrators give priority consideration to the financial capability of the school district in the public interest. All other comparisons are subordinate to the financial capability. Westport is blessed with resources that compare favorably even within DRG A. So, arbitration doesn't hold great promise for the Board of Education to come up with a settlement that would depart significantly from the statewide averages. As you see in the summary sheet, the board achieved significant changes in the insurance plan with concomitant significant cost projections that would show projections from where we otherwise would be, had not the changes been made. I don't want to overstate the case but to go to binding arbitration would put those changes at risk. Given the fact that the settlement compares to the settlements state-wide, you are within 3/10 of a percent over three years in terms of the overall settlement, notwithstanding your measured wealth, and those insurance savings, the prospect of binding arbitration, though it would be an exercise, I do it for a living, I could do that here too, there is really, in my opinion, no benefit. The outcome of arbitration would be no different or possibly a little worse than the settlement that was so hardly fought through hours and hours of negotiations by the Board of Education committee. With that, I'll stop and answer any questions.

Committees Report

Education and Employee Compensation Committees, Dick Lowenstein, district 5: First of all, I want to thank the Superintendent for providing for my needs during these arduous negotiations, very good food and lemon drops. Both the Education and Employee Comp. Committees met on the 13th of February to hear the presentation you heard in more detail and, unanimously, we voted to recommend to the RTM that the contract you have before you not be rejected. There are lots of new things about this contract. HAS, which is one thing that was mentioned, it is something new for this town and I'm glad to see the projections of savings. We'll have to see how they work out. It will be interesting to see over the next three years. The idea of steps is something that we have to, as a town, face anyway. The step increases not only for the teachers but other unions in town were quite generous. They were negotiated back in the time when large step increases were the rule, not the exception, and how we change that remains to be seen but it is still of concern to us for all contracts in town. I was insistent that what you got tonight be up to date and accurate and that explains why you got a lot more paperwork than you normally would get for a contract. The contract was signed yesterday by both the union and the administration which started the clock running the 30 days we have to either reject or not reject the contract. So what we have is the latest version covering it with an explanation from Dr. Landon of the differences from the version you had before which are relatively trivial. The spreadsheet was a summary. I was very concerned during the negotiations that the 8.65 was a little bit above over a three year period over what we wanted. I am glad to see that if we use the past as a predictor for the future, if the predictions on actual increases on an annual basis will follow past performance, that the increase will be a lot less than shown on there, those of the last four rows on the bottom of the supplemental. Both committees recommended unanimously that the contract not be rejected by the RTM.

Eileen Flug, district 9:

Before I read the resolution, I would like to thank you, Hadley, for your six years of leadership as our Moderator. Hadley has led us with fairness, with efficiency and, perhaps most importantly, with a sense of humor. It has been a pleasure for all of us to have you as our Moderator and we wish you best in your future endeavors. Please rest assured that we'll all be on our best behavior going forward knowing that wherever you are you'll be watching us streaming live on westportct.gov.

RESOLVED: That upon the recommendation of the Board of Education, a contract settlement reached with the Westport Education Association for the period July 1, 2013-June 30, 2016 is hereby not rejected.

Seconded by Mr. Rubin.

Members of the RTM

Don Bergmann, district 1:

Dick reported that the vote that the Employee Compensation Committee was unanimous and that included me, although about an hour after, I regretted that vote and wanted to abstain. It is noted in your materials and I wanted it so noted here. I just wasn't strongly enough in support of it but I certainly wasn't going to reject it. This is only my second year on the RTM. Many of you have been here longer and many of you in the public may know more about some of these things than I do or I've come to know. Union contracts with our teachers are complicated. They have many elements. There's a lot of very good faith bargaining that goes on. I would like to call some points to people's attention so that, as we proceed in the future, everyone is sort of sensitive to those items and no one is misled in any way. For example, at the Board of Education meeting at which this matter, this contract, was approved, Dr. Landon said, quite properly, that there were no wage increases. When I heard and saw that, I said there were increases. What it was that there were no changes in the wage levels but there were changes resulting from the steps that are built into the contracts. It was an important point to me, one that I didn't understand at the time. I suspect that a lot of people may not understand that, as well. We have built in step increases in our contracts that result in every year increases in compensation even though there is no change in the base wage level. On the sheet you see that; for example, in the first year, there is no wage increase and yet the total compensation increase total is projected at 3.46 percent. I don't doubt that that turns out lower over time but I do think whenever we look at any projection on numbers and expected savings, as well, we look back once those events occur. For example, when we look at the Health Savings Account savings, there are very large savings projected, savings that will reduce the cost to the town of these benefits. We hope that they will occur. I'm sure these estimates were made in good faith. It may turn out they are even low. But the fact is, until they are realized, they are simply estimates and I hope that, as time goes by and generally with all our budget items, when we project savings, we look back and say were those savings realized. If they were, terrific, and if they weren't, then we have to ask ourselves what went wrong. We can't anticipate savings until they occur other than stating them as projections. The other point I would like to make is on the issue of arbitration. There is a lot of discussion of that. Generally, the sense is that we should not go to arbitration because we are a wealthy town. I think historically that has clearly been true. I think that is beginning not to be as true as it was as the arbitrators come to realize that there are tensions and difficulties in even the wealthiest towns such that arbitration may turn out to be beneficial. But, more important than that, keep in mind, when an arbitration occurs and the issues are decided by an arbitrator, the arbitrator decides between one side and the other, the union side or the town side. The arbitrator is not going to pick, in my judgment and I think it's true, any proposal that is out of line. The result being that both the union and the town end up making very reasonable proposals. In most cases, they are probably very close so it is not as if you are betting the store where you are saying the union is looking for an eight percent annual raise and the town is looking for a zero percent annual raise. More than likely, the differences are very close and, therefore, the risk of arbitration, while real, is

probably not as big as a lot of people come to think. I'd just sort of like to highlight that. As I look at my notes, those are the main points I want to make. I make it to the public who is watching, as well, because we have a lot of expenses in our school budget. The biggest expenses are the employee expenses. In most cases, I assume they are well spent. One of the things, I've often liked to see is not just how we compare with other towns in terms of our wage levels but how we actually compare with other towns in terms of our expenditures. That number is not generally presented. It may be consistent with the comparison of wage levels but ultimately what matters is exactly how much we spend, not how we fit in the schedule of wage levels.

By show of hands, the motion is approved unanimously with one abstention, 30-0-1. Mr. Bergmann abstains.

Mr. Rose:

As a reminder to the members of the Board of Education, the first five rows [in auditorium seating] are reserved for members of the RTM.

The secretary read item #2 of the call - To approve an appropriation of \$335,000 for four repair projects due to Storm Sandy. Said amount to be distributed as indicated among the following Storm Sandy accounts:

- a) \$90,000-Hillspoint Road Revetment & Sidewalk Repairs Account
- b) \$75,000-Beachside Avenue Revetment Repairs Account
- c) \$20,000-ER Strait Marina Revetment Repairs Account
- d) \$150,000-Burying Hill Beach Account

By show of hands, the motion passes unanimously.

Mr. Rose: What does revetment mean?

Presentation

Steve Edwards, Public Works Director:

Before you is a request for an appropriation for a total of \$335,000. It is important to recognize that these are projects that were already approved by FEMA and they are subject to the FEMA reimbursement of 75 percent. Two of these, actually three of these projects, were already completed and have been completed for surprisingly right on the dollars I asked for. The Hillspoint Road revetment sidewalk repairs was estimated at \$90,000 and just happened to come in at \$89,000. The Beachside revetment repairs was estimated at \$75,000 and came in at around \$74,000 and the ER Strait Marina was estimated at \$20,000 and that came in at \$19,000. These are projects that have already been completed. We are in the process of getting started on as far as the bid and the award on the Burying Hill Beach project. It is the intent to get that work done so that the beach will be opened up for Memorial Day weekend and we'll move forward on that. So again, the total money requested is \$335,000 and 75 percent is reimbursable.

Committees report

Finance and Public Works Committees, Dave Floyd, district 4:

On February 28, 2013, the RTM Joint Finance and Public Works Committees met to discuss these points. As Mr. Edwards mentioned, three of the projects have already been completed. One, the Burying Hill Beach, was out in the bidding process and was expected to be done before the summer. These repairs are obviously needed due to Hurricane Sandy and they have been approved by FEMA and are subject to 75 percent reimbursement. During the meeting there were several questions. One point in particular was that Mr. Edwards noted that none of these repairs are considered “architectural”, but are all necessary for the stability and safety of the areas involved. The Finance Committee voted unanimously 7-0 to recommend approval of the expenditures. The Public Works Committee voted unanimously 5-0 to recommend approval of the expenditures.

Members of the Westport electorate – no comment

Ms. Flug read the resolution and it was seconded by Mr. Rubin.

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works the sum of \$335,000 for four repair projects due to Storm Sandy is hereby appropriated and distributed among the following Storm Sandy accounts:

- a) \$90,000-Hillspoint Road Revetment & Sidewalk Repairs Account
- b) \$75,000-Beachside Avenue Revetment Repairs Account
- c) \$20,000-ER Strait Marina Revetment Repairs Account
- d) \$150,000-Burying Hill Beach Account

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

Members of the RTM

Dr. Cunitz:

I have a question for Steve. I recognize that the Compo Beach area and the Hillspoint Road area have been quite a challenge for you. I was just walking on the Hillspoint Road sidewalk this afternoon. It was noted that that project was completed; however, there was a whole section of the sidewalk that still needs repair. I don't know whether that is something new following the past repair. I was also wondering whether there are plans for grass area for resodding that or seeding it. I also noticed that there is a much greater provision of very heavy stones leading down to the water's edge. I am wondering whether you anticipate that that will prevent future erosion and problems like we've had in the past. You've had to repair that area twice in the last couple of years.

Mr. Edwards:

First of all, the added stone that we put in there was put in to stabilize it to reduce the mobilization of the sloping of the stone. That is a mitigation technique that we are trying to use. We have also used more concrete along the top of the slope to try to tie that loose stone in that was being pushed up over the roadway. There is top soil and seed, obviously, that will be dependent on seasonal planting in the spring time. There are some minor punch list items that still have to be completed on the sidewalk. They are all part of the project and covered by FEMA.

By show of hands, the motion passes unanimously.

The secretary read item #3 of the call –To approve an appropriation of \$586,000 with bond and note authorization to the Capital Account for the replacement of the Town Hall roof. By show of hands, the motion passes unanimously.

Presentation

Mr. Edwards:

The request here is for the replacement of this roof. This roof, the shingle part of it was put back in 1978 when the work was converted over. It consists of 12 different shingle roofs, interconnected by valleys and various parts of the building. There are also four foam roofs put on about 20 years ago. So, it's a two part roof, one shingle and one foam. The flat sections are all foam. It's an insulated foam product put in by GE Roofing Systems. The bid is designed to go back out with two different contractors. Because the foam roof is more of a specialty product, we are putting that out separately rather than the shingle roof which is a very generic, a lot more contractors. So, we are trying to separate out the projects and hope to get a more competitive response to it. We are looking at a project that we want to get in this spring before the roofing season for schools start. Typically, after school lets out, all the big contracts go out for roofing of the school systems. We hope to slip in beforehand to get a better bid process. The overall roofing system up there, we have about 15,000 sf shingle roof and 12,000 foam roofing. The shingle roofing is going to have a 30 year guarantee. The foam roof will have a 10 year guarantee. What we do with the foam is we coat over the top of the foam every 10 years rather than having to rip off all the foam and going back to a bare roof system. That is much more costly. It is better to have a series of 10 year warranties rather than going back and taking the roof off to get a 20 year warranty. This is the way we've done this on the Hillspoint School and, I believe, the school system has come in and approved it on one of their buildings. A lot of this work up there is also associated with the wood components. We have a lot of gutter and wood fascia work. The gutters are hidden inside of the wood fascia on top. Those are showing a certain amount of deterioration so we'll have a serious amount of woodwork. We also have the parapet wall, all the concrete around the top of the building. That will be all pointed up and the chimney will be pointed up. So, it's not strictly a roofing. It is a continuous operation to weather-tight the entire system up on top.

Committees report

Public Works and Finance Committee, Mr. Floyd:

Again, on February 28, the RTM Finance and Public Works Committee had a joint meeting. Mr. Edwards presented pretty much the same discussion that he just presented. He talked about the complexities of the roof, the valleys, the leaking that is currently going on and the urgency to reseal the foam to avoid leaking into the foam which would ruin the foam roofing and you would have to redo the whole roof. The question was brought up, with shingles you get 30 year guarantee and on the foam you get a 10 year guarantee. Why don't you tear it up and replace with the shingles? As he pointed out, the foam is on a flat roof and it would be much more costly to replace it with the shingles. As he mentioned, fascia, metal gutters were replaced, downspouts. The Finance Committee voted 7-0-1 with one abstention to recommend approval of the expenditures. The Public Works Committee voted unanimously 5-0 to recommend approval of the expenditures.

Members of the Westport electorate - No comment

Ms. Flug read the resolution and it was seconded by Mr. Rubin.

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$586,000 with bond and note authorization to the Capital Account for the replacement of the Town Hall roof is hereby appropriated.

Section 1. As recommended by the Board of Finance and for the purpose of financing the foregoing appropriation, the Town shall borrow a sum not to exceed \$586,000 and issue bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town.

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

Section 3. The Bonds may be designated "Public Improvement Bonds of the Town of Westport," series of the year of their issuance and may be issued in one or more series, and may be consolidated as part of the same issue with

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

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

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

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

Section 7. Pursuant to Section 1.150-2 (as amended) of the Federal Income Tax Regulations the Town hereby expresses its official intent to

reimburse expenditures paid from the General Fund, or the Education Facilities Improvement Fund, or the Capital and Nonrecurring Expenditure Fund for the aforesaid project with the proceeds of the bonds or notes to be issued under the provisions thereof. The allocation of such reimbursement bond proceeds to an expenditure shall be made in accordance with the time limitations and other requirements of such regulations. The Finance Director is authorized to pay project expenses in accordance herewith pending the issuance of the reimbursement bonds or notes.

Section 8. The Town of Westport, or other proper authority of the Town, is authorized to take all necessary action to apply to the State of Connecticut, and accept from the State, grants in aid of further financing the project.

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

Members of the RTM

Mr. Loselle:

I just want to put my second hat on here as a member of the Selectman's Study Maintenance Committee which mostly consists of engineers and architects. The committee did a thorough investigation review of the roof, up over and around everywhere and did a complete report that was sent to Mr. Edwards. The recommendation was that the roof did indeed need to be replaced. Many of the individual items like parapets and gutters, the issues with them were pointed out and details were noted and sent to Mr. Edwards. I'm very glad to hear that everything is going to be included. You will feel much safer sitting here in the auditorium with the new roof. Trust me.

By show of hands, the motion passes unanimously.

The secretary read item #4 of the call – To approve an appropriation of \$34,200 for the replacement of a 1989 tractor/loader. By show of hands, the motion passes unanimously.

Presentation

Rick Giunta, Parks and Recreation Department:

Tonight we are requesting an appropriation for \$34,200 to replace a 24 year old tractor for the golf maintenance division as approved by the Board of Finance. This piece of equipment was originally scheduled for replacement in 2008 but was deferred while the tractor was still operational. Last fall the tractor failed and repair estimates are in excess of \$20,000. Also, with this approval, you will see a reduction in our 2013/14 capital budget to reflect this purchase.

Committee report

Mr. Meyer: (Neighbor of Hadley Rose)

That was Rick Giunta just speaking. He is the financial wizard at Parks and Rec. He has twin sons at Quinnipiac. They were great athletes at Staples.

Mr. Rose:

Bill, this is the last time I'm going to have to do this. For the record, please identify yourself.

Mr. Meyer:

Neighbor of Hadley Rose. And unfortunately, that's the last time I can say it. The Finance Committee and Education voted unanimously for this. It's a lay up, \$34,000. I'd like to say something else here, big picture. The golf course. It's so important to us. When people move in the area, it's one of the things they look for. There's no public course in Weston, Wilton, Darien, New Canaan but there is one in Westport. Real estate people, when they sell this town, this is one of the places they go to. Hadley, I'm losing a neighbor and losing a great friend. I tried to talk to all these people to look at your house. I told them you have asbestos; you have water in the basement. Don't buy it! But you sold your house in four days. What a great neighborhood. I have great feeling for your son. Love you and I feel so good your house went so fast.

Mr. Rose: I'll miss your fist bumps, Bill.

Members of the Westport electorate – no comment

Ms. Flug read the resolution and it was seconded by Mr. Rubin.

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Parks and Recreation Director, the sum of \$34,200 to the Parks and Recreation Golf-Equipment Account for the replacement of a 1989 tractor/loader is hereby appropriated.

Mr. Rose:

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

Members of the RTM – no comment

By show of hands, the motion passes unanimously.

The secretary read item #5 of the call - To authorize the issuance of refunding bonds in an amount not in excess of Thirty-Five million and 00/100 Dollars (\$35,000,000) to be issued in calendar year 2013 for the purpose of refunding all or any portion of the general obligation refunding bonds issued by the Town in the year 2003. By show of hands, the motion passes unanimously.

Mr. Rose:

Just as a reminder. This is something we started doing a few years ago. It's almost become pro forma authorizing them so we don't have to go for each individual refunding bond. We don't have to meet specifically on them.

Presentation

Gary Conrad, Finance Director:

We have an opportunity here for a second refunding on the series 2003 bonds. There is approximately \$35 million outstanding. What we're looking at, the estimates we are getting from our financial advisor, Phoenix, is that we are going to recognize if we move on this, approximately 10 percent savings on the \$30 million. That will be a record for the town. That will beat the one we did last year, a nine and a half percent savings. The savings will be for the life of the bonds which run out until 2021. Right now we are pricing out, approximately, \$30.5 million would be refunded at this time. We have \$35 million out there. If it's a straight exchange, that may make all \$35 million eligible for it so that's basically our cushion. But right now, as of last night, we are looking at \$30,344,000 in refunding but we would like the option to go for the full 35 if it warrants it to produce a savings in excess of 10. For reference, back years ago, most refundings were looked favorably upon if they produced right around three percent savings, so these refunds are off the chart as far as the savings that the town is going to realize.

Mr. Rose:

Jeff, I think you sent out the previous reports of the past few years. Do you want to go over them?

Mr. Wieser: I don't think I need to.

Members of the Westport electorate:

Gordon Joseloff, First Selectman:

Good evening, Mr. Moderator, I apologize for my voice but I saw my grandkids this weekend and I think they brought me a cold. For those of you who have little kiddies around, you know how that works. I urge you to approve this but also I want to take the opportunity to be up here and pull a little rank and privilege and talk about Hadley Rose for a minute. Obviously, I applaud Hadley for his service to this community. I have some familiarity with the operations and behavior and the job of Moderator, having done it for 10 years which is a tie for the record for service as an RTM Moderator with Ralph Sheffer. I have some familiarity with the RTM Moderators since 1949, having done some RTM history. I have to tell you, from what I've read, from what I know and what I've experienced, Hadley ranks up there as one of the top moderators of the RTM. He is conscientious; as was pointed out, he has a sense of humor, he keeps things going; as a good Moderator, you don't know how he feels about a subject. Hadley and I have talked about this and talked before he became Moderator; that is one thing you give up as you serve as Moderator. You lose your individual voice and it is replaced by a collective voice. I think it is a mark of excellent leadership that you don't know how Hadley stands on things and things run smoothly. This town and this RTM are going to miss you, Hadley. I thank you for your service and your dedication and I'm sure you'll keep in touch and watch how we're doing.

Mr. Rose: This is really getting to be a bit much, but thank you.

Ms. Flug read the resolution and it was seconded by Mr. Rubin.

RESOLVED: That General Obligation Refunding Bonds of the Town (the "Refunding Bonds"), in an amount not in excess of Thirty-Five Million and 00/100 Dollars (\$35,000,000) are hereby authorized to be issued in calendar year 2013 for the purpose of refunding all or any portion of the outstanding general obligation refunding bonds issued by the Town in the year 2003 (the "Refunded Bonds") provided that the Committee designated below determines that the refunding of such Refunded Bonds generates a present value savings.

BE IT FURTHER RESOLVED: that the First Selectman, the Selectmen and Finance Director are hereby appointed a committee (the "Committee") with full power and authority to cause said Refunding Bonds to be sold, issued and delivered, to determine their form and the aggregate principal amount thereof within the amount hereby authorized; to fix the time of issuance of such bonds, the rate or rates of interest thereon as herein provided, to determine the maturity thereof (provided that no Refunding Bonds shall mature later than the final date of the last maturity of the Refunded Bonds refunded); to select the maturities of the Refunded Bonds to be refunded, to establish and maintain a reserve, escrow or similar fund for the payment of the Refunded Bonds, and to pay all issuance costs incurred in connection with the authorization, issuance, and sale of the Refunding Bonds including, but not limited to, financial advisory, legal, trustee, escrow, verification fees, printing and administrative expenses and underwriters' discount. The Committee is authorized to sell the Refunding Bonds by negotiation. The net proceeds of the sale of the Refunding Bonds, after payment of costs of issuance, shall be deposited in an irrevocable escrow or similar account and invested in investments authorized by statute and approved by the Committee in an amount sufficient to pay all amounts that are or may become due on the Refunded Bonds from the date of issuance of the Refunding Bonds including interest thereon, the principal of, interest and redemption premium, if any, on the Refunded Bonds at maturity, or to redeem at the redemption price prior to maturity, pursuant to any plan of refunding. The Committee is further authorized to appoint an escrow agent or trustee, and to appoint a firm of certified public accountants or arbitrage experts to verify the sufficiency of the escrow investments, and to execute and deliver any and all escrow, and other agreements necessary to provide for the payment when due of the principal of and interest and redemption premium, if any, on the Refunded Bonds; and

BE IT FURTHER RESOLVED: that the Committee shall have all appropriate powers to provide for the issuance of the Refunding Bonds as tax exempt bonds, and comply with the state and federal tax and securities laws and the Committee shall have all appropriate powers to take such actions and to execute such documents, as deemed to be necessary or advisable and in the best interest of the Town by the Committee to issue, sell and deliver the Refunding Bonds.

Mr. Rose:

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

Members of the RTM

Dr. Cuntiz:

We've been doing this for several years. It's a great opportunity for the town to save money and I certainly support it. I made this suggestion last year and I'm doing it again. This is a calendar year resolution. I recommend that it be put in front of the RTM in December to take advantage of the full calendar year. Interest rates change all the time so we should have the flexibility to move very quickly; so, hopefully, Gary, in December it would be put forward again for the following year.

Mr. Bergmann:

I wasn't going to speak on this until I realized we weren't going to have the security issue so we have a little time. I would just like to complement and thank Gary Conrad for the fabulous job he has done coming in as Finance Director. I have interacted with him many times. He is very responsive. He is very forthright and he really does his job well. We have been complementing Hadley and, of course, that is totally accurate. I applaud that, as well. But, I just want to take this opportunity to say I think Gary is doing a wonderful job for this town and I hope he stays a long time. The other point is a little more subtle and this has to do with the fact that I tend to think we that we shortchange the town sometimes in our expenditures in terms of bonding and long term capital expenditures. Our total bonded debt, excluding that which ties to the sewers, which is paid by the users, slightly over 80 percent pertains to schools, both costs and the principal amount. I don't particularly have a problem with that but what I do urge is that we all be sensitive to is that the town has needs, as well. I do urge as we proceed with those needs, we focus on that aspect of it and try to get a balance between the Board of Education expenditures and the Town.

Allen Bomes, district 7:

Gary, you mentioned that there is a 10 percent savings. What is the actual annual dollar amount? Four hundred fifty thousand dollars a year?

Mr. Conrad:

The savings is spread out equally over the life of the bond which goes until 2021. We spread it out evenly so there are no spikes. As far as the question of bringing it up in December, these bonds aren't eligible to be refunded until July. There is a five year limitation on it. You can refund it twice. We have already done one. This is the second and final refunding of these bonds. There is not an urgency to bring it up but we'd like to get this moving and start pricing it in May.

By show of hands, the motion passes unanimously.

The secretary read item #10 of the call - To approve a sense of the meeting resolution urging State legislative action to reduce the number of polling places used in primaries. By show of hands, the motion passes unanimously. The motion passes 30-0-1. Mr. Bomes abstains.

Presentation

Marla Cowden and Bob Lasprogato, Registrars of Voters:

Last year, we had an opportunity where there was a bill that would allow us to reduce the number of polling places for a primary. The bill went through both houses of the legislature and was vetoed by the Governor because of some concerns, number one, voter confusion and, number two, the ability of a municipality, the voters, to be able to weigh in. With the idea that this might go through having passed both houses of the legislature, we did an analysis and, based upon our costs at the time when we were looking at them last year, depending on the type of primary we were talking about, this could save Westport between \$15,000 and \$20,000 per primary. In our office, for an election, that is a significant amount of savings. We proposed to our state legislators this fall before we knew that there were bills on the table, that they go and address the idea of voters have the opportunity to weigh in on this, that this sort of thing be approved by the legislative body of the town, which would be you, and the idea of their being enough notice, our answer to that was for us here in Westport, our idea was coming to the RTM not only to ask for approval of that but to go ahead and present to you a plan that was a 10 year plan to go along with redistricting that said, in these years, these primaries would be consolidated to, for example, one polling place that might be in Town Hall. Most of our primaries could be held in one polling place based upon the number of people that we have, turnout, for these primaries. So, what we are looking for, all of us who are registrars who are trying to help our towns reduce the cost, we are looking for some help, some power from our communities saying that this is something we would really like to do. We are starting with you as our legislative body. We will also be speaking with the Board of Education and the Board of Finance in looking for support to be able to reduce the cost of elections where there is an opportunity that it makes sense.

Members of the Westport electorate - No comment

Ms. Flug read the resolution and it was seconded by Mr. Rubin.

RESOLVED: That upon the request of Registrar of Voters, the following sense of the meeting resolution is hereby adopted:

We the members of the Representative Town Meeting support state legislative action to reduce the number of polling places used in primaries.

Mr. Rose:

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

Members of the RTM

Mr. Bomes:

I am not a fan Sense of the Meeting Resolutions but, setting that aside for the moment, I don't understand why the resolution is being sent to the legislators? Why isn't the resolution being sent to the Governor?

Mr. Lasprogato, Registrar:

The legislation was passed by both houses of the State Legislature and was vetoed by the Governor. When it was vetoed, we looked at his reasoning for vetoing. When we talked with our State Legislator, Gail Lavielle, in particular, she let us know that she had already rewritten legislation which will address the Governor's concerns. Hopefully, the Governor will look upon it favorably and he will see that his concerns have been met. By giving the legislative body to say yea or nay and having it opened to townspeople to speak on it, that will address his concerns. That's where it stands at this point.

Lee Arthurs, district 8:

I had a question. When you are talking about consolidating voting at primaries, are you talking about primaries for offices like senate and house and presidential or are you also talking about primaries for town elections like RTM where there are nine different districts having primaries.

Ms. Cowden:

We are talking about all of the primaries. For example, in a primary for a local election, we tend to have very low voter turnout. In a single primary like we had for the presidential election, we had only 800 voters. For a presidential election, under the new redistricting, we are required to open seven polling places. That is barely over 100 voters per polling place. Those polling places have a minimum staffing requirement. Our lowest polling place during this past presidential election handled over 1400 voters. We could easily handle 800 voters in one single polling place. To go back and answer Allen's question a little bit, every year, the legislative session in Connecticut starts over. So, unless the law passes the houses, it won't even get to the Governor. So, the idea is to build momentum behind a bill in the legislature so that it passes the two houses in the legislature.

Mr. Arthurs:

I would just be concerned to make sure when RTM primaries do happen and locations are changed that it doesn't create confusion...

Mr. Rose: The RTMs are elections not primaries.

Ms. Cowden:

Our plan is that we would give you a 10 year plan that would go along with redistricting so everyone would know, at least one year in advance, for the next 10 years, everyone would know the primaries that, based upon the turnout we have seen, the plan to consolidate and where that plan to consolidate is and our plan is that you would approve that plan.

Mr. Bergmann:

A couple of questions just to understand better the process. You are proposing that we end up with one voting place for primaries? Is that correct? Lead me through it.

Ms. Cowden:

Not exactly. For local elections, now we have nine voting places. If we were to have, for example, this year if there were to be a primary for the First Selectman's position, we would have one polling place based on the turnout that we have seen in the past. For example, for a single presidential primary like we had this year, not a two party presidential primary, we would have one single one for that. If we were faced with a double presidential primary, we would probably go back to a regular district schedule. We would have either one of two schedules. We would have the regular district schedule or single polling place schedule. So, if the turnout suggested that we had enough turnout not to be able to have it in a single polling place, people could expect to go to their regular election polling places.

Mr. Bergmann:

So, basically, there is a concept that if you have a certain expectation of votes, that determines how many polling places you are going to have based on past experience. It is a rational judgment that you make based on your expectations of how many people will show up.

Ms. Cowden:

We would give you a 10 year plan that would say what we would expect. In general, that would be one polling place or the regular polling places.

Mr. Bergmann:

I'm sure there will be someone who is confused but that's tough.

Ms. Cowden:

It isn't tough but it is handled. In Westport, we send out cards to every voter a couple of weeks before each election letting them know where they will be voting. We don't look at it as tough. We look at it as we will let people know.

Mr. Bergmann:

I didn't mean to suggest something onerous. I was just saying sometimes you have to deal with realities. So, a person who votes in the primaries will find that they are voting in a different location than in the general election in most cases.

Ms. Cowden: Yes

Mr. Bergmann:

With the \$20,000 savings, what is your present expenditure? You are saving 20 out of how much?

Ms. Cowden:

It depends upon the primary. In a dual primary in a federal year, we are talking about in the high \$40,000 to \$50,000 range. In a local primary, our least

expensive primary in recent years was the presidential primary this year, because that was a single party primary and that is our least expensive primary. That was \$30,000.

Mr. Bergmann:

The point is it's not just a cash savings, it's a major percent savings in terms of your budget. Where do those savings come from? From rentals and the people you have to have to hire to handle it?

Ms. Cowden:

From the people we hire to handle it, from the set up, the differential costs. Any time you are setting up what you do for an election, if you are doing that times nine versus times one, there's a very big difference.

Mr. Bergmann: I applaud you for making this effort.

Mr. Lowenstein:

Actually, I raised my hand for two reasons. The first reason is to echo the comments that were made by several people about our present Moderator. There are only a handful of us in this audience who have been through more than one Moderator, to say three Moderators. It's been my pleasure, when Hadley was first elected Moderator, to see him grow in the job. It's enlightening to see how people mature and how they grasp the complexity of a job and they grow into it. We'll miss him; I'll miss him very much. Having said that, I will move to the subject before the RTM. I like to read books. I never have enough time but one day, every year, generally, I have time to read, generally, from 6 a.m. to 8 p.m. That is when I'm a Moderator at the Saugatuck School during a primary. It is one of the most uneventful days of my life. The money we can save is real. Remember, the people who turn out for primaries are party people. They are interested in voting. They will know where the primary location is. I normally don't support sense of the meeting resolutions but this is something that is important, directly affects the Town of Westport. There have been some suggestions that the Governor get a copy of this and other town legislatures should get a copy, as well. I will support this sense of the meeting resolution because I think it is important to the Town of Westport.

Wendy Batteau, district 8:

Echoing what everybody has been saying about Hadley Rose and his lovely wife, in so far as the matter under discussion goes, every year we look at the departmental budgets and comment on how expensive the primaries are. Every year we ask what we can do about this and can't we have fewer polling places. Now we have an opportunity to ask somebody besides ourselves. I think we ought to pass this sense of the meeting resolution and, to Allen's point, I think we should send it to the governor. He should know there is community support.

Velma Heller, district 9:

First, before I speak to this, I cannot avoid saying something about Hadley since everyone else has. It has been such a pleasure working with you all these years both before you became Moderator and since you became Moderator. I think you have added tremendous dimension to what we do here. I think what you bring, with your sense of humor, with your very logical approach to things, with your high level of organization has really set the standard. I appreciate you. I do have to say on the one hand, we are saying good bye. On the other hand, I am very fortunate because I will have an opportunity to visit Hadley in his new place of residence. He is moving two houses away from my son who lives in Simsbury. He told me where he is going to be living and I said I know where that is. It is my son's street. Let me go on to talk about this. My assumption is that what we would be accomplishing in supporting this is reminding the legislators that this is an important thing for us and, secondly, we would be letting the Governor know that this is a priority for towns. I certainly support this.

Mr. Rose:

We have heard six people speak in favor. This is my favorite line: Does anyone want to speak against? Does anyone feel compelled to speak on this? Mr. Mandell...always likes to be last.

Mr. Mandell: I'm not trying to be last. I had my hand up for a while.

Mr. Rose: I was ignoring you.

Mr. Mandell:

I'm not going say anything about Hadley because I already said this when I nominated Hadley this session for being Moderator. I'm a little concerned about this. If the Governor had reason to veto this, it was about confusion or access. Primaries are very important. The small amount of votes that go into it, if someone or a few people don't get there because they are confused or they don't know where to get to, it can change an outcome of an election and it's important. What you are telling me is that Gail Lavielle has written new legislation that will address these things but I don't see it right now. I think if it were handed to me and I saw it and I understood it, then maybe I'd feel a little more comfortable. I'm standing here now and I never knew about Gail Lavielle's access to it. That's why I have Jonathan Steinberg as my Representative and he can go and vote for me in this legislation. I would rather have the information in front of me before I do it. That's my concern not so much that we shouldn't be consolidating. Access is important and I don't know how it's being addressed.

Ms. Cowden:

To answer that question, there are two bills in the legislature, two bills that have not yet passed a committee but are up with the possibility of coming before a committee which is why we asked for the wording to be the way it was. That is to reduce the number of polling places in a primary. If you looked at the bill last year that the Governor vetoed when it started out at this time of year, it looked nothing

like the bill the Governor vetoed. We always have the opportunity as bills evolve to say yea or nay to them. Our goal is to reduce polling places in a primary in order to save the Town of Westport money. Whatever bill gets us to that point, as far as we are concerned, we would name a single polling place for reduced primaries that would be the polling place that people would come to and we would follow the plan of redistricting. We would tell the entire electorate of the town what the 10 years out would look like. That is the plan that we in Westport would put in place. I cannot tell you that it is a plan that would satisfy a town like Hartford which would have different needs than ours; however, if local legislatures like the RTM are empowered to have the opportunity to hear the words of the citizens in regard to something like this and pass upon the opportunity to save the costs. This is not a bill that says we will reduce. What we are talking about is giving the individual towns the opportunity to make that decision.

Catherine Calise, district 2:

In the study, did they forecast the impact on people whether they would come out to vote or not come out to vote based on their schedules? Often people are rushing to get to work. Did they forecast what the possibility would be of lines that would be at the polling place which may deter someone from voting because they had to get to work?

Ms. Cowden:

We are talking about a volume of turnout that would be, in the town's experience, we see being able to be contained within a single polling place.

Ms. Calise: Do you expect lines at peak voting times?

Ms. Cowden: No.

Mr. Losporgato:

You have to remember that the polls will still be open from 6 a.m. to 8 p.m. so that commuters will be handling the situation the way they normally do if they go to their normal polling place. The Town of Westport is small enough that if you have one consolidated poll, it is not a far reach for them to get to if they want to participate.

Mr. Meyer:

As Gail Lavielle's Westport campaign chairman, she told me one of the things she wanted to do was be more flexible. I go to Bridgeport to mentor four kids every Monday morning. One of those kids has a car in his family. So, there is a different situation in Westport where there's a car. I think it makes common sense. You could go to sleep for an hour during the day at the polls because there's nobody there.

Mr. Loselle:

Having voted in every primary since I've been in Westport that I've been eligible to vote in, I've always thought it was insane the amount of effort and time and money and materials that are spent on primaries. I think consolidating is a great idea. Looking at this from a purely political perspective, having been a candidate in a primary, having managed a primary, I think this would actually be helpful. When you are doing a primary, you are on your own. You don't have the party behind you. You are really scrapping together. It is really difficult to cover nine different polling places. Your candidate would be in one place and have better access to people. I think it would be a good thing from a political perspective.

By show of hands, the motion passes unanimously, 30-0-1. Mr. Bomes abstains.

The meeting adjourned at 9:18 p.m.

Respectfully submitted,
Patricia H. Strauss
Town Clerk

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

by Jacquelyn Fuchs
Secretary

Attendance: March 5, 2013

DIST.	NAME	PRESENT	ABSENT	NOTIFIED MODERATOR	LATE/ LEFT EARLY
1	Don Bergmann	X			
	Diane Cady	X			
	Matthew Mandell	X			
	Cornelia Olsen	X			
2	Catherine Calise	X			
	Jay Keenan		X	X	
	Louis Mall	X			
	Sean Timmins	X			
3	Jimmy Izzo	X			
	Melissa Kane	X			
	Bill Meyer	X			
	Hadley Rose	X			
4	Jonathan Cunitz, DBA	X			
	David Floyd	X			
	Clarissa Moore	X			
	Jeffrey Wieser	X			
5	Dewey Loselle	X			
	Richard Lowenstein	X			
	Paul Rossi	X			
	John Suggs	X			
6	Hope Feller		X	X	
	Paul Lebowitz	X			
	Catherine Talmadge		X	X	
	Christopher Urist	X			
7	Arthur Ashman, D.D.S.		X	X	
	Allen Bomes	X			
	Jack Klinge		X		
	Stephen Rubin	X			
8	Lee Arthurs	X			
	Wendy Batteau	X			
	Carla L. Rea	X			
	Lois Schine	X			
9	Eileen Flug	X			
	Velma Heller, Ed. D.	X			
	John McCarthy	X			7:45 p.m.
	Gilbert Nathan	X			
Total		31	5		

Appendix A

RESOLVED: That upon the recommendation of the RTM Rules Committee, amendments to Section 22-1 of the Code of Ordinances, establishing new voting districts following the 2010 Census as provided in Section C5-2 of the Town Charter are hereby approved. (First reading. Full text is as follows.)

Sec. 22-1. - Establishment of RTM voting districts

For the purpose of electing Town Meeting Representatives, the following voting districts shall remain in effect until new districts are established by ordinance and successors shall have taken office. Candidates shall run for election from the districts as set forth:

(1)

District 1. Beginning at a point located at the intersection of ~~Strathmore Lane~~ King's Highway South and the common Town line of Norwalk and Westport, being the northwest corner of the said district. Thence continuing in a southerly direction along the Norwalk and Westport common Town line to the shoreline. ~~Thence~~ continuing in a general easterly, then northerly direction following the shoreline to the eastern end of Old Mill Road. Thence continuing in a westerly direction along the centerline of Old Mill Road to the intersection with Hillspoint Road. Thence continuing in a northerly direction along the centerline of Hillspoint Road to the intersection with Burnham Hill. Thence continuing in a westerly then southerly direction to the southern most point of Burnham Hill then continue to the northern most point of Minute Man Hill. Thence continuing generally in a southwesterly direction along the centerline of Minute Man Hill to Compo Road South. Thence continuing in a northerly direction along the centerline of Compo Road South to Bridge Street. Thence continuing generally in a westerly direction along the centerline of Bridge Street to the intersection with Riverside Avenue. Thence continuing in a northwesterly direction along the centerline of Riverside Avenue to the intersection with Treadwell Avenue. Thence continuing in a westerly direction along the centerline of Treadwell Avenue to the intersection with ~~Strathmore Lane~~ King's Highway South. Thence continuing in a southwesterly direction along the centerline of ~~Strathmore Lane~~ King's Highway South to the intersection with the common Town line of Norwalk and Westport to the point and place of beginning.

(2)

District 2. Beginning at a point located at the common Town line of Westport and Norwalk and the intersection with the Merritt Parkway, being the northwest corner of the said district. Thence continuing in an easterly direction along the centerline of the Merritt Parkway to the intersection with Newtown Turnpike. ~~Wilton Road.~~ Thence continuing in a northerly direction along the center line of Newtown Tpk to the intersection of Wilton Road. ~~Thence continuing in a~~ southerly direction along the centerline of Wilton Road to the intersection of Post Road West. Thence continuing in a southerly and southwesterly direction along the centerline of Riverside Avenue to the intersection with Treadwell Avenue. Thence continuing in a westerly direction along the centerline of Treadwell Avenue to the intersection with Kings Highway South ~~then crossing Kings Highway South to Strathmore Lane.~~ Thence continuing in a southwesterly direction along the centerline of ~~Strathmore Lane~~ King's Highway South continuing to the intersection with the common Town line of Norwalk and Westport. Thence continuing in a northerly and northwesterly direction along the common Town line of Norwalk and Westport to the intersection with the Merritt Parkway to the point and place of beginning.

(3)

District 3. Beginning at a point located at the intersection of the common Town line of Weston and Westport and the centerline of Lyons Plains Road ~~Weston~~

Road, being the northeast corner of the said district. Thence continuing generally in a southerly direction along the centerline of Lyons Plains Road to the intersection with Weston Road. Thence continuing generally in a southerly direction along the centerline of Weston Road to the intersection with Cross Highway. Thence continuing in a southwesterly direction along the centerline of Cross Highway and continuing in a southerly direction to the intersection of Main Street. Thence continuing generally in a southerly direction along the centerline of Main Street to the intersection of Canal Street. Thence continuing in a southwesterly direction along the centerline of Canal Street and following along the centerline of Kings Highway North to the intersection with Wilton Road. Thence continuing in a northerly ~~and northwesterly~~ direction along the centerline of Wilton Road to the intersection with the Newtown Turnpike. Thence continuing in a southerly direction along the centerline of Newtown Turnpike to the intersection of the Merritt Parkway. Thence continuing in westerly direction along the centerline of the Merritt Parkway to the intersection with the common Town line of Norwalk and Westport. Thence continuing in a northerly direction along the common Town line of Norwalk and Westport continuing in a northerly direction along the same line which becomes the common Town line of Wilton and Westport still continuing northeasterly to the intersection with Cavalry Road. Thence continuing in a southeasterly direction along the common Town line of Weston and Westport thence continuing northeasterly along the common Town line of Weston and Westport to the intersection of ~~Weston Road~~ Lyons Plains Road to the point and place of beginning.

(4)

District 4. Beginning at a point located at the intersection of Post Road East and Compo Road South, being the northwest corner of the said district. Thence continuing generally in a southerly direction along the centerline of Compo Road South to the intersection with Minute Man Hill. Thence continuing generally in a northeasterly direction along the centerline of Minute Man Hill to the northern most point of Minute Man Hill and thence connecting to the southern most point of Burnham Hill. Thence continuing in a northerly and then easterly direction along the centerline of Burnham Hill to the intersection with Hillspoint Road. Thence continuing in a southerly direction along the centerline of Hillspoint Road to the intersection with Old Mill Road. Thence continuing in an easterly direction along the centerline of Old Mill Road to the shoreline. Thence continuing in a southeasterly direction following along the shoreline to the intersection with the Sherwood Island Connector. Thence continuing generally in a northerly direction along the centerline of the Sherwood Island Connector to the intersection with Interstate 95. Thence continuing generally in a westerly direction along the centerline of Interstate 95 to the intersection with Hillspoint Road. Thence continuing in a northerly direction along the centerline of Hillspoint Road to the intersection with Greens Farms Road. Thence continuing generally in a northeasterly direction along the centerline of Greens Farms Road to the intersection with Prospect Road. Thence continuing in a northwesterly direction along the centerline of Prospect Road to the intersection with Hillspoint Road. Thence continuing generally in a northeasterly direction along the centerline of Hillspoint Road to the intersection with Post Road East. Thence continuing in a westerly direction along the centerline of Post Road East to the intersection with Compo Road South to the point and place of beginning.

(5)

District 5. Commencing at a point located at the intersection of Post Road East ~~Old Road~~ with the common Town line of Fairfield and Westport, being the northeastern most corner of the said district. ~~Thence continuing in a southwesterly direction along the centerline of Old Road to the centerline of Bulkley Avenue North. Thence continuing in a southerly direction along the centerline of Bulkley Avenue North to the intersection with Post Road East.~~ Thence continuing in a westerly direction along the centerline of Post Road East to the intersection with Hillspoint Road. Thence continuing in a southerly direction along the centerline of Hillspoint Road to the intersection with Prospect Road. Thence continuing generally in a southerly direction along the centerline of

Prospect Road to the intersection of Greens Farms Road. Thence continuing in a southwesterly direction along the centerline of Greens Farms Road to the intersection with Hillspoint Road. Thence continuing in a southerly direction along the centerline of Hillspoint Road to the intersection with Interstate 95. Thence continuing in an easterly direction along the centerline of Interstate 95 to the intersection with the Sherwood Island Connector. Thence continuing in a southeasterly direction along the centerline of the Sherwood Island Connector and continuing in a southerly direction to the Long Island Sound shoreline. Thence continuing generally in a northeasterly direction along the Long Island Sound shoreline to the common corner of the Westport and Fairfield Town boundary. Thence continuing generally in a northerly direction along the common Town line of Westport and Fairfield to the point and place of beginning.

(6)

District 6. Beginning at a point located at the intersection of Cross Highway and Roseville Road being in the northwest corner of said district. Thence continuing in a southerly direction along the centerline of Roseville Road to the intersection with Lost Lodge Road. Thence continuing in a southwesterly direction along the centerline of Lost Lodge Road to the intersection with the watercourse known as Dead Man's Brook. Thence continuing generally in a westerly direction along the centerline of the watercourse known as Dead Man's Brook to the intersection with Compo Road North. Thence continuing in a southerly direction along the centerline of Compo Road North to the intersection with Post Road East. Thence continuing in an easterly direction along the centerline of Post Road East to the intersection with Turkey Hill Road North. Thence continuing in a northerly direction along the centerline of Turkey Hill Road North to the intersection with the watercourse known as Muddy Brook. Thence continuing in a northeasterly direction along the centerline of the watercourse known as Muddy Brook to the intersection with Long Lots Road. Thence continuing generally in a westerly direction along the centerline of Long Lots Road to the intersection with North Avenue. Thence continuing in a northerly direction along the centerline of North Avenue to the intersection of Melon Patch Lane. ~~Cross Highway.~~ Thence continuing in an ~~westerly~~ easterly direction along the centerline of Melon Patch Lane ~~Cross Highway~~ to the intersection with the watercourse known as Dead Man's Brook. ~~Roseville Road~~ Thence continuing in a ~~westerly~~ northerly direction along the centerline of the watercourse known as Dead Man's Brook to the intersection with Cross Highway. Thence continuing in a westerly direction along the centerline of Cross Highway to the intersection with Roseville Road to the point and place of beginning.

(7)

District 7. Beginning at a point located at the intersection of Cross Highway and the watercourse known as Dead Man's Brook ~~North Avenue~~, being the northwest corner of the said district. Thence continuing in a southerly direction along the centerline of ~~North Avenue~~ the watercourse known as Dead Man's Brook to the intersection with Melon Patch Lane. Thence continuing in a westerly direction along the centerline of Melon Patch Lane to the intersection with North Avenue. Thence continuing in a southerly direction along the centerline of North Avenue to the intersection with Long Lots Road. Thence continuing in an easterly direction along the centerline of Long Lots Road to the intersection with the watercourse known as Muddy Brook ~~Turkey Hill Road North~~. Thence continuing in a south~~westerly~~ westerly direction along the centerline of the watercourse known as Muddy Brook to the intersection with Turkey Hill Road North. Thence continuing in a southerly direction along the centerline of Turkey Hill Road North to the intersection with Post Road East. Thence continuing in an easterly direction along the centerline of Post Road East to the ~~intersection with Bulkley Avenue North.~~ Thence continuing northerly along the centerline of Bulkley Avenue North to the intersection of Old Road. Thence continuing easterly along the centerline of ~~Old Road~~ to the common Town line of Westport and Fairfield. Thence continuing northerly along the common Town line of Westport and Fairfield to the intersection with Cross Highway. Thence continuing in a westerly direction along

the centerline of Cross Highway to the intersection with ~~North Avenue~~ the watercourse known as Dead Man's Brook to the point and place of beginning.

(8)

District 8 Beginning at a point located at the intersection of Cross Highway and Sturges Highway, being the southeast corner of said district. Thence continuing in a northerly direction, along the shared Town Line of Westport and Fairfield. Thence continuing in a southwesterly direction along the common Town line of Westport and Weston to the intersection of Lyons Plains Road. Thence continuing in a southerly and southwesterly direction to the intersection of Weston Road. Thence continuing generally in a southerly direction along the centerline of Weston Road to the intersection with Cross Highway. Thence continuing generally in an easterly direction along the centerline of Cross Highway to the point and place of beginning.

(9)

District 9. Beginning at a point located at the intersection of Wilton Road and Kings Highway North in the northwest corner of the said district. Thence continuing generally in a northeasterly direction along the centerline of King's Highway North continuing along the centerline of Canal Street to the intersection of Main Street. Thence continuing in a northerly direction along the centerline of Main Street to the intersection of Cross Highway. Thence continuing in a northeasterly direction along the centerline of Cross Highway to the intersection of Roseville Road. Thence continuing in a southerly direction along the centerline of Roseville Road to the intersection with Lost Lodge Road. Thence continuing in a southwesterly direction along the centerline of Lost Lodge Road to the intersection with the watercourse known as Dead Man's Brook. Thence continuing generally in a westerly direction along the centerline of the watercourse known as Dead Man's Brook to the intersection with Compo Road North. Thence continuing in a southerly direction along the centerline of Compo Road North to the intersection with Post Road East. Thence continuing in a southerly direction along the centerline of Compo Road South to the intersection with Bridge Street. Thence continuing generally in a westerly direction along the centerline of Bridge Street to the intersection with Riverside Avenue. Thence continuing generally in a northerly direction along the centerline of Riverside Avenue to the intersection with Post Road West. Thence continuing in a northerly direction along the centerline of Wilton Road to the intersection with King's Highway North to the point and place of beginning.

Appendix B

RESOLVED: That upon the request of at least 20 electors of the Town of Westport pursuant to Section C5-C6 of the Town Charter, an Ethics Code for the Town of Westport as prepared by the League of Women Voters of Westport is hereby adopted. (First reading. Full text is as follows.)

Ethics Code for the Town of Westport

Preamble

This code seeks to establish clear standards of ethical conduct for all who serve the town of Westport. These include, but are not limited to, all town officials and employees, whether elected or appointed, paid or unpaid.

The code sets forth guidelines, standards, and limitations consistent with the best interest of the Town of Westport, while supporting participation in Town government by the dedicated individuals on whom the Town relies. It also establishes procedures for enforcement.

Candidates for elective or appointive office or for Town or board employment shall familiarize themselves with this code and disclose during the process of election, appointment or employment anything addressed in this code that might impair their ability to perform in the office or position that they seek or for which they are being considered.

Conflict of Interest

In order to avoid conflicts of interest, any official or employee of the Town shall refrain from participation in any Town, board, or agency matter in which he or she has a financial or personal interest, whether direct or indirect.

Use of Town Property

No official or employee shall use, or permit the use of, Town property of any nature, including vehicles, supplies, and real property for the benefit of himself or herself, except when such property is made available to the general public and then on terms and conditions not more favorable than those available to the general public.

Use of Town Services

No official or employee shall use or permit the use of town services of any nature except for the benefit of the town.

Use of Town Position

No official or employee shall use his or her position, or knowledge acquired through that position which is not available to the general public, for the purpose of obtaining or furthering a financial or personal interest, whether direct or indirect.

Gifts and Other Things of Value

No official or employee or member of his or her family or any business with which he or she is associated shall solicit or accept anything, including gifts, loans, services, rewards, or promises of employment, that could reasonably be expected to influence the action or judgment of the official or employee in any Town or board matter.

Disclosure and Recusal

Whenever a matter arises in which an official or employee may have a conflict of interest, the official or employee shall disclose it to his or her board or supervisor and shall abstain from participation in the deliberation, decision-making and

action with respect to the matter unless and until he or she procures an advisory opinion under this code that provides otherwise.

Ethics Council: Organization and Administration:

- B. **Appointment and composition of Council on Ethics.** The Council shall consist of five electors of the Town who shall serve without compensation. No more than three shall be registered in the same political party. No member shall serve on any board other than the Council or as an employee during his or her term of service on the Council. Members shall be appointed to the Council, and vacancies filled, by the Board of Selectmen.
- C. **Terms of service.** Except as otherwise provided in this and the following subsection, members shall serve for terms of three years. Service shall be limited to two successive full three-year terms. After a lapse of one year, a former member shall again be eligible for appointment. Terms shall commence on December 1. Members shall serve until their successors take office. Any term that would otherwise expire during the pendency of a Council Proceeding shall automatically be extended to the end of that proceeding.
- D. **Initial appointments.** Initial appointments shall be for staggered terms ending as follows: two on November 30, 2015, two on November 30, 2014, and one on November 30, 2013.
- E. **Election of officers.** The council shall elect annually a Chair, a Vice-Chair, and a Secretary.
- F. **Frequency of meetings, quorum, and duties of officers.** Meetings shall be held as needed and in any event at least semi-annually. A majority shall constitute a quorum for the conduct of business except as provided elsewhere in this Code. The Chair shall call and preside over meetings; the Vice-Chair shall preside over meetings in the absence of the Chair. The Secretary shall keep minutes of meetings and shall file agendas and minutes with the Town Clerk.
- G. **No inquiry on Council's own initiative.** The Council shall have no authority to present matters for inquiry or investigation on its own initiative.
- H. **Access to Town records and personnel.** In furtherance of its duties, the Council shall have access to Town records and personnel as permitted by law. The Council may request assistance from any official or employee and retain others to aid it in pursuing any investigation.
- I. **Access to legal counsel.** The Council shall have access to Town Counsel and to special legal counsel of the Council's choosing if Town Counsel is disqualified from assisting the Council or recuses, or if the Council deems it inadvisable to proceed with advice from Town Counsel in the circumstances. If special counsel is retained, the Town's Chief Financial Officer or his or her deputy shall negotiate terms of engagement for special counsel.
- J. **Maintenance of Council's records.** The Council's records shall be stored in Town Hall. Those records that are designated as confidential by the Council shall be stored accordingly and shall not be available for public review except as required by law.
- K. **Notification of filings.** The Town Clerk shall serve as the Council's agent for receipt of correspondence and filings and shall promptly notify the Council of all correspondence and filings.
- L. **Delivery of this code to each official and employee.** Within 30 days following the adoption of this code, a copy shall be furnished by the Town to each official and employee. Persons subsequently elected, appointed or employed shall receive a copy of this code at the time their service commences. Each recipient shall acknowledge, in a writing deposited with the Town Clerk, receipt of a copy of this code and agreement to abide by its terms.
- M. **Amendment; adoption of rules.** The Council may recommend to the Board of Selectmen amendment of this code and may also adopt rules in furtherance of, and not inconsistent with, its provisions.

Procedure for Complaints:

A. Filing of a complaint

1. A complaint may be made by any individual. It shall be made in writing signed under oath before a notary and shall state the name and address of the complainant, the identity of the official or employee and, if applicable, the relative or business involved in the complaint, the conduct that allegedly violates the code, and a summary of the relevant facts.
2. A complaint must be filed within one year after the matter in question has allegedly occurred.
3. The complaint shall be filed with the Council in a sealed envelope addressed to the Council and marked "confidential." It shall be delivered to the Town Clerk either by hand or by certified mail, return receipt requested. The complaint shall be deemed to have been filed on the date of its receipt by the Town Clerk and shall be treated by the Town Clerk as a confidential document.
4. The Council, within three business days after the filing, shall notify the respondent by certified mail, return receipt requested, of the filing and date of the complaint and enclose copies of the complaint and this code.
5. The Council, within three business days after the filing, shall notify the respondent by certified mail, return receipt requested, of the filing and date of the complaint and enclose copies of the complaint and this code.

B. Probable cause

1. The Council shall review the complaint to determine whether probable cause exists for further proceedings and may conduct an investigation for this purpose. Any investigation conducted prior to a probable cause finding shall be confidential unless confidentiality is waived in writing by the respondent. The respondent may submit a preliminary written reply to the Council within 15 days after the filing of the complaint and before a probable cause finding issues.
2. If the Council decides by majority vote of members eligible to vote that the complaint does not warrant further investigation because of its lack of factual basis, its de minimis nature, or otherwise, it shall issue a finding of no probable cause dismissing the complaint. The finding and the complaint shall remain confidential unless confidentiality is waived in writing by the respondent. A finding of no probable cause shall be final. The Council shall direct the Town Clerk to forward copies of the finding to complainant and respondent by certified mail, return receipt requested, within three business days thereafter.
3. If, by majority vote of members eligible to vote or by tie vote, the Council finds probable cause, the Council shall direct the Town Clerk to forward copies of the finding to complainant and respondent by certified mail, return receipt requested, within three business days thereafter. Upon a finding of probable cause, the complaint, the finding, and the information gathered during the investigation, if any, shall be made available to the public, and all filings and proceedings that follow shall be public except as required by law; provided, however, that deliberations may be held in executive session to the extent permitted by the Connecticut Freedom of Information Act.

- C. Response** Respondent shall have 30 days after his or her notification of a finding of probable cause to file a response with the Town Clerk. The Council may, upon reasonable grounds, extend this deadline for filing.

D. Hearing

1. The Council shall hold a hearing on any complaint as to which it has found probable cause unless respondent waives a hearing in writing and the Council decides not to hold one. The hearing shall be held on written notice of no less than 30 days to complainant and respondent sent by the Town Clerk by certified mail, return receipt requested. The Council may, upon reasonable grounds, extend the date of the hearing at the request of the respondent.

2. If a hearing is held, respondent shall have the opportunity to be represented by legal counsel, to present evidence, and to examine and cross-examine witnesses including the complainant. For purposes of its investigation and at the hearing, the Council is empowered to administer oaths or affirmations and may compel the attendance of witnesses by issuance of subpoenas. It may also require the production of documents, whether in hard copy or electronic format, by issuance of subpoenas for their production. The Council may examine any witness who appears before it, including complainant and respondent. The Council may limit the number of witnesses and the scope of testimony to matters it believes relevant, material, not unduly repetitious, and necessary to reach a reasoned determination. A taped or stenographic record shall be made of all proceedings in the hearing.

E. Determination

1. Following the hearing, the Council shall issue a determination as soon as practicable, but not later than 30 days following the hearing, and file it with the Town Clerk, who shall mail copies to complainant and respondent within three business days thereafter. No member may vote on a determination unless he or she has attended the entire hearing, if any, and participated in all deliberations. Deliberations may be held in executive session to the extent permitted by the Connecticut Freedom of Information Act. A determination of violation requires a majority vote of members eligible to vote. In the event of a tie vote, the determination shall be that there is no violation.
2. A determination of no violation of this code shall be final.
3. If a violation is found, the Council may, but need not, also recommend in its determination sanctions which may include, but need not be limited to, censure, required recusal, disclosure of conflicts, and removal from appointive office or employment. Any sanctions imposed under this code shall be separate from, and not in limitation of, any other actions that may be taken against respondent in any proceedings outside this Code.

- F. Submission of determination of violation** A determination of violation of this code shall be submitted by the Town Clerk within three business days to the Board of Selectmen for such action as it deems appropriate; provided, however, that if the respondent is an official or employee of the Board of Education, the submission by the Town Clerk shall be to the Board of Education for such action as it deems appropriate.

Definitions

FINANCIAL INTEREST

Any interest representing an actual or potential economic gain or loss, which is neither de minimis nor shared by the general public, that accrues to an official or employee, to a relative, or to a business.

PERSONAL INTEREST

Any interest representing an actual or potential noneconomic benefit or detriment, which is neither de minimis nor shared by the general public, that accrues to an official or employee, to a relative, or to a business.

RELATIVE

Any person related to an official or employee by blood, adoption, or marriage.

COMPLAINANT

The filer of a complaint.

COMPLAINT

A written request for determination made by an individual or a board regarding an alleged violation of this code by an official or employee.

DETERMINATION

A written final decision by the Council with respect to a complaint.

HEARING

A public proceeding before the Council following a finding of probable cause where testimony is taken and documents may be received.

RESPONDENT

The person against whom a complaint is filed.

RESPONSE

The respondent's written answer to the complaint.