

RTM Meeting
October 1, 2013

The call

1. To take such action as the meeting may determine, upon the request of the First Selectman, to amend Section 2-2 of the Code of Ordinances entitled "Membership in Regional Planning Agency established" by authorizing the Town to join a successor to the South Western Regional Planning Agency. (Second reading. Full text available in the Town Clerk's office.)
2. To take such action as the meeting may determine, upon the request of the First Selectman, to amend Section 2-4 of the Code of Ordinances entitled "Regional Council of Governments" by (i) authorizing the Town to join a Regional Council of Governments when such council is duly established within a newly redesignated planning region and, (ii) by deleting the sunset clause. (Second reading. Full text available in the Town Clerk's office.)
3. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Assistant Library Director, to approve an appropriation of \$80,806 to the Library Account for funding of recent union #1301-157 & #1301-418 settlements.
4. 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 \$116,610 to the following Storm Sandy Accounts for four repair projects due to Storm Sandy:
 - a) \$78,790 Hillspoint Road Revetment Repairs Account
 - b) \$23,280 Beachside Ave Revetment Repairs Account
 - c) \$14,540 ER Straight Marina Wall & Rip Rap Repairs Account
5. To take such action as the meeting may determine, upon the recommendation of the Board of Finance, to approve Board of Finance recommendations for the salaries of the Selectmen pursuant to Charter section C38-4 "Compensation."
6. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the First Selectman, to approve an appropriation of \$65,000 to contract with the RBA Group to conduct a Downtown Master Plan for Development and Implementation.
7. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Historic District Commission, to approve an appropriation of \$45,000 to the Historic District Fees & Services Account for the purpose of accepting funding in the amount up to \$50,000 from the CT Trust for Historic Preservation 2013 Vibrant Communities Initiative (VCI) grant program to form a

steering committee to study the implementation of a Village District Zone in Westport Center.

8. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Historic District Commission, to approve an appropriation of \$79,150 to the Historic District Fees & Services Account for the purpose of restoring the Minute Man Monument site.

9. To take such action as the meeting may determine to amend the Representative Town Meeting Rules of Procedure, Article VI, Section A162-20 (Conflicts of Interest) by adding the following sentence: "Potential ethics concerns may be discussed with the Moderator, Deputy Moderator, Town Attorney or Assistant Town Attorney".

10. To take such action as the meeting may determine, upon the request of at least two RTM members, to replace the Conflict of Interest provision of the RTM Rules of Procedure with an Ethics provision.

Minutes

Moderator Eileen Flug

Good evening. This meeting of Westport's Representative Town Meeting is now called to order. We welcome those who are joining us tonight in the Town Hall auditorium, as well as those watching us streaming live on westportct.gov, and those watching on Cable Channel 79 or AT&T channel 99. My name is Eileen Lavigne Flug and I am the RTM Moderator. On my right is RTM Secretary Jackie Fuchs. Tonight's invocation will be delivered by former Second Selectman, three term RTM member, former Memorial Day Grand Marshall, long time Westport volunteer and leader, Ted Diamond, who I also heard flew 50 missions over Europe during World War II. Please welcome Ted Diamond.

Invocation, Ted Diamond:

When Mrs. Heller asked me to give the invocation, I told her I was not a clergyman. She said 'Not necessary. '; She asked me to make a few remarks and maybe tell a joke. Well, I thought about it. I don't have any jokes but I really have a message for you folks. First, let me tell you, I came to Westport with my wife in 1956. That was right after the RTM was set up. The Town moved from a Town meeting to a Representative Town Meeting. I was a member of the RTM for six years. What I found when I joined this group was something very interesting. I found a group of volunteers who shed their political backgrounds at the door when they came in. They came into the room where we had our meetings as individuals, as people who were determined to work together to make this Town stronger, better and a more welcome place for individuals. There were long meetings as there probably still are. There were committee meetings. There was back and forth. People had different ideas. They always wound up with a result and the result was that here we are, 56 years after I was here, a strong Town, a desirable Town to live in and one that is nationally known. It is a Town that is the envy of other communities. You know why? Because you volunteers work together. You iron out what is best for the community. I have served on other committees and in the Selectman's

Office but, basically, the spine, the backbone of Westport is right here in this room. The reason I accepted to speak to you this evening is that I decided to be a committee of one, based on my senior age of 96 and 50-odd years of being involved in the community, I decided to do something I never heard before. I came here to thank you on behalf of the Town, you volunteers serving tonight on committees, working together, to make this Town a better community to live in and it's something the rest of the community should envy. Again, on behalf of the Town of Westport, I thank you for your service and I hope you continue to follow the line of the precedence of work together, solve your problems, put your political attitudes outside the door. Just work for the betterment of the community and I thank you for the opportunity to be here.

There were 27 members present. Mr. Mandell, Mr. Rossi, Mr. Urist, Mr. Klinge, Ms. Rea and Mr. Nathan notified the Moderator that they would be absent. Ms. Talmadge and Mr. McCarthy were also absent.

Announcements

Ms. Flug:

There were no corrections to the minutes of Sept. 3. If there are any corrections, please forward them to Jackie Fuchs, Town Clerk Patty Strauss or Ms. Flug.

On the annual attendance summary included in the minutes, Ms. Schine noted that for one of her recorded absences, she, in fact, had been present but arrived late.

Birthday greetings to Ms. Kane. Happy Birthday!

There will be a special meeting of the RTM at 7:30, here, on Oct. 22. An agenda will follow.

RTM Committee meetings:

There will be an Environment committee, Nov. 4, 7 p.m. to address the proposed bamboo ordinance.

RTM announcements

Bill Meyers, district 3:

What a thrill to follow a legend like Ted Diamond, 96 years old and all the energy and pep. He is an amazing person. I want to mention our 24th annual wine tasting for the Rotary. This is an event we have every year. We raise about \$35,000. Eileen Flug is a member. Diane Cady is a member. We have a new member coming, Melissa Kane. How about that. She is joining our Rotary. You know we have two Rotaries here in Westport. The noon rotary, which Lois is a member of, just had 1200 people come for the Lobster Festival. They raised about \$35,000. We'll do the same as our wine tasting. Second, I've got two free tickets here for *The Prisoner of Second Avenue* downstairs at the Westport Community Theater. The best play we've had in a long time. Last, I'd like to congratulate Staples Blue Ribbon Award. The Department of Education picked 235 schools and only two in Connecticut, Westport and Weston made it.

Ms. Flug: If you are here for the Zoning Board of Appeals, it is in room 201.

Lois Schine, district 8:

Sorry I have to correct Bill. Yes, we are the Noon Rotary. We will soon be 90 years old and will celebrate with the Y. We brought in \$50,000 because we sold 1,400 tickets at the Lobster Fest. Next year, even bigger.

Arthur Ashman, district 7:

I'm here to announce the schedule of the Westport Arts Center, mainly the jazz program. Sunday was the first jazz program. It was tremendously attended and a wonderful success. We have, usually, once a month on Thursday night, a jazz jam. In the past, any professional musician could come and play. It worked out very nicely. This year, we had a little bit of a change and I'd like to clarify. We are going to have four jazz jams where anyone, we have had high school students, we've had college students, we've had professionals come and they just jammed. In addition to the four, we are going to have four concerts where we have professional musicians coming. That is like the concert Sunday afternoon. There are various groups. I will not announce them. They are on the website. They are wonderful and we would love to have support of the Westport RTM.

The secretary read item #1 of the call- To amend Section 2-2 of the Code of Ordinances entitled "Membership in Regional Planning Agency established" by authorizing the Town to join a successor to the South Western Regional Planning Agency. (Second reading.) The motion passes unanimously.

The secretary also read item #2 of the call - To amend Section 2-4 of the Code of Ordinances entitled "Regional Council of Governments" by (i) authorizing the Town to join a Regional Council of Governments when such council is duly established within a newly redesignated planning region and, (ii) by deleting the sunset clause. (Second reading. Full text available in the Town Clerk's office.) The motion passes unanimously.

Ms. Flug:

We will be discussing both these items together but will be voting on them separately.

Presentation

First Selectman Gordon Joseloff:

This is a follow up to the ordinance that you passed in March 2012. It is somewhat complex because it involves a lot of acronyms and names and not a lot of people are familiar with many of these. Essentially, I view these as a technical correction to your 28-1 vote of March 2012 authorizing Westport to become a member of a Council of Government which is a different form of regional planning than currently exists for the southwest Connecticut Region. Currently, we are a member of what is known as SWRPA, Southwest Regional Planning Agency. We are now a member of one of only two remaining Regional Planning Agencies in the state. The balance of the 12 are a

Council of Government. That's what your vote in March 2012 was to become part of. What has happened in the interim, since March 2012, is that the state has passed a legislation in June which no longer makes it voluntary, but mandates that all regions become Councils of Governments. So, our vote in March 2012, was a precursor to what the state has now done. As part of the reorganization of the Regional Planning Agencies, the state has divided the state into eight regional agencies. They are all Councils of Government or will become Councils of Government. So, what I am asking you to do, we will be joining a Council of Elected Officials which is a variation of a Council of Government. It is the Housitonic Valley Council of Elected Officials. It encompasses 10 Towns as you see in your packet, the map ranging from Danbury, Sherman, New Milford, Newtown, Redding, Ridgefield and a couple that I've left out. We have decided to, in effect, fill out our dance card to marry with this region before the state makes us marry with someone we don't want to marry. Some people have already asked why we don't marry with the Bridgeport region which is six Towns. We could merge with them. We are eight. The state is seeking a minimum of 14 or 15 Towns. Long story short, we felt we had more affinity with the northern neighbors. Why? Because we share a lot of interests. Ridgefield, Redding are more akin to Westport serving the communities of southwest Connecticut. We have joint interest in the Route 7 to Danbury. This region has more interest in the New Canaan/Danbury branches of the New Haven Line. There is a new Norwalk River Valley walk that is being planned. There are a number of interests that we share. The Council of Government will take on the regional planning. What is also part of the SWRPA and the reason, you will recall, I urged you to vote to form a Council of Government because SWRPA has two heads. It has the planning portion and it has the Metropolitan Planning Organization. I happen to be Chair of the Metropolitan Planning Organization for SWRPA. This is where it gets complicated so hold onto your seatbelts. The MPO is empowered by federal legislation to disburse federal funds. While it is part of SWRPA, it's one of the two sections of SWRPA, Under a Council of Government, there will be a different MPO region. The state has decided that it wants only five MPO regions because they concentrate only on transportation matters. Probably some time next summer, the Department of Transportation will suggest that there be five Metropolitan Planning Organizations and Westport will be part of the Bridgeport Southwest Housitonic MPO if what I think will happen, happens. I know I'm confusing things but what we have before us tonight are some changes that in effect allow us to authorize Westport to join a Council of Government of SWRPA and it changes the wording to either the successor or other entity as defined by the Office of Policy And Management. That is section 2-2. That's part of the first amendment. The second part of that also in effect is a technical change because it removes southwestern Connecticut from the paragraph and it adds "or redefined". In other words, it allows us to join a region that southwest may merge with. The final part is the second ordinance change or amendment is to remove the sunset clause. As you know, a sunset clause ends the authorization. When the RTM in March 2012 passed the authorization to become a member of the Council of Government, it put in a sunset clause which ends on Nov. 19. I'm asking you to remove that because what's coming down the road is that the state, on Jan. 1, 2014, will come out with its list of suggested region marry ups, if you will. So, if Westport's authorization goes away, that sort of throws a monkey wrench into it. Some other people have asked, what about

the other communities in southwest Connecticut and they have not decided to join a COG. They are still in what I call a state of denial. It's almost like a death in the family. Everything from: the specters of return to County Government, they are going to usurp our taxes and send them elsewhere so their legislative bodies have been adamantly against it. But the leaders of those communities, my fellow CEO's understand particularly at this point, that this is going to happen whether we like it or not. So by joining the HVCEO region, which will then become a Council of Government, Southwest will meet the minimum of 60 percent of the combined communities involved to become a Council of Government. You count 10 in the HVCEO region plus Westport, is 11. Then the other communities in southwest Connecticut do not have to give legislative approval to it because it's a done deal. I have also been asked if we could opt out. We could opt out but it certainly is not in Westport's best interest to opt out. We want to be part of the region. We want a role in regional planning and we want to receive whatever economic benefits that will come to us as result of being part of that planning agency. As a matter of fact, the state has held out a carrot that says anybody who indicates by Oct. 1 their intention to merge, will be held harmless. In other words, your region will still receive money as if you were one region even if you merge with a second region. So, in the next year, we will receive both \$125,000 for SWRPA and \$125,000 for HVCEO. Actually, the state, late today, issued a report where it suggests that one of the options for southwest is to merge with HVCEO. I will tell you that, as I put in my memo, as we were scrambling to get all this together, Bridgeport, in the last two weeks has passed a resolution to merge with SWRPA which is their right to do so. But since we have already declared our intent to merge with HVCEO, the CEO's have decided that's what we want to do. After Jan. 1 and after the COGs are created, there will be an opportunity for some horse trading; for Fairfield to perhaps join the SWRPA/HVCEO region; for Monroe to perhaps join the region; for Sherman and New Milford to join perhaps the region to the north. But the state has said, in effect, effect the merger, get them all together, then after they are in effect, the border Towns, in those regions can opt to join another region. So you'll hear a lot about this down the road but what we're doing tonight is a technical change that reauthorizes what you did in March 2012 for Westport to join a COG and removes the deadline because the state is moving ahead and Jan. 1 is an important deadline and we don't want to take away Westport's authorization. So, if you comprehend all of that, good for you. I'll be back for questions after we have committee reports should you have some.

Committee Report

Ordinance Committee, Allen Bomes, district 7:

The RTM Ordinance Committee met on September 24th to consider a request by First Selectman, Gordon Joseloff to make changes to ordinances which were originally approved by the RTM on March 6, 2012. Also attending was Assistant Town Attorney, Gail Kelly. There are three amendments being proposed because of how the process of joining a Council of Government has evolved (and is still evolving) since the Ordinances were approved. That is, there is new State legislation, recommendations from the Office of Policy Management, the South Western Regional Planning Agency's agreement to merge with the Housitonic Valley Council of Elected Officials and the likelihood that the actual makeup of the municipalities within this new regional group will change. Two of

the proposed amendments are technical as they will clarify the language in Sections 2-2 and 2-4, while the third one will remove the sunset clause in Section 2-4. The Committee reviewed the proposed ordinance even though the official Ordinance Committee checklist was not available for our meeting. (It is now part of the official report). At the conclusion of the presentation, the Committee voted 5 - 0 (with Bergmann abstaining) that the proposed amendments were deemed ready for RTM consideration.

Planning and Zoning Committee, Ms. Schine:

The RTM P&Z Committee met on Tuesday, Sept. 24, at 7:30 p.m. The Committee met to discuss the pending RTM resolution to modify Sections 2-2 and 2-4 of the Code of Ordinances concerning membership in a Council of Governments. First Selectman Gordon Joseloff presented. This meeting is a follow up to the approval of Westport joining a COG of March 2012. Since then the other Towns in our region, Darien, New Canaan, Greenwich, Stamford, Weston, Wilton and Norwalk, took no action. We remain in the Southwest Regional Planning Association, SWRPA. The State Legislature, in a move to consolidate local planning representation, passed a requirement that all Towns must join a COG, it was no longer voluntary and that the minimum number of Towns in a COG was 14. SWRPA is made up of only eight Towns. SWRPA then looked to the north to join with the Housitonic Valley Council of Elected Officials, a CEO, another form of regional planning. They are made up of, Ridgefield, Redding, Danbury, Bethel, Newtown, New Fairfield, Brookfield, Bridgewater, Sherman and New Milford. The merge would create 18 members, meeting the 14 required. It was pointed out that any Town on a border to another COG could switch, so Bridgewater, a Town that has little in common with Westport or Norwalk could join with the Northwest Hills COG to their east. It was noted that SWRPA was not interested in joining with the Greater Bridgeport RPA. Though it was explained that they want to join with us. Fairfield is very akin to Westport, but Bridgeport is a big city and fear of their enticing more planning money from the smaller Towns was a concern. Needless to say this is complex and a still moving situation. But Westport must join a COG and it is better for us to choose, than be told by the State which COG we should be in. While slim, the State could place us with Hartford if they so desired. So what the committee had to weigh was modifying the existing ordinance to allow for such flexibility to be able to move forward in a future to be named COG. There was a sunset clause originally placed as well, that if the other Towns in SWRPA didn't join a COG in the prior situation of "choice" rather than "mandate" Westport could opt back out with our own approval lapsing. With the sunset clause looming and no desire to then have to approve becoming a COG again, the sunset clause needed to be removed. The committee discussed lengthening the sunset date, but decided there was no need, the State is mandating a COG, so our hands were tied, the sunset had to go or we'd have to re-approve another COG ordinance. In two votes moved by Ms. Schine and seconded by Ms. Cady: Section 2-2 was approved to be modified to add the words "or any successor thereto" and "or redefined" by a 5-0-1 margin with Don Bergmann abstaining. Section 2-4 was approved to be modified to remove the words "Southwestern Connecticut" and the words "or redefined", as well as remove subsection "c" the sunset clause by a 5-0-1 margin with Don Bergmann abstaining. Submitted by Matthew Mandell, P&Z Committee Chair.

Members of the Westport electorate – no comments

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

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

Sec. 2-2. Membership in Regional Planning Agency established.
Pursuant to the provisions of C.G.S. §8-31a, the Town hereby adopts C.G.S. Ch. 127 (C.G.S. §8-31a et seq.) and joins the South Western Regional Planning Agency, or any successor thereto, as defined or redefined by the Office of Policy and Management under the provisions of C.G.S. §16a-4a.

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

Sec. 2-4 Regional Council of Governments
a) Adoption of state law; Authority to join. The Town of Westport hereby adopts Connecticut General Statutes, §§ 4-124i through 4-124p, as amended, providing for the formation of a Regional Council of Governments, and does hereby join such Regional Council of Governments when and as such council is duly established in accordance with said statutes, upon the adoption of said statutes by not less than sixty percent of all municipalities within the Town’s Southwestern Connecticut planning region as defined or redefined by the Secretary of the Office of Policy and Management or designee, and upon certification by the Secretary or designee that a Regional Council of Governments has been duly established.
b) Designated Representative. The First Selectman shall represent the Town on the Regional Council of Governments. In addition, the Representative Town Meeting shall appoint one of its members as an alternate representative to the Regional Council of Governments, which alternate shall serve a term of two years or until the next election of members of the Representative Town Meeting.
~~*c) Sunset Clause.* This ordinance shall expire on November 19, 2013 unless a Regional Council of Governments is duly established in accordance with C.G.S. §§ 4-124i through 4-124p.~~

Ms. Flug:

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

Members of the RTM

Don Bergmann, district 1:

You heard I abstained on those two votes. I just want to bring out into the record two things. One that the successor language probably is not needed, technically. I have no problem with it but it is probably not needed in terms of the legal implications. The other is slightly more important but again I’m not particularly concerned with it is the sunset clause. When we adopted the original one, we put a sunset clause to tied into the term of the RTM. We also put a sunset clause to be an incentive to the other Towns to get

them to move more quickly. We could, if we wanted to, have a sunset clause in this approval and it would not impact on us going ahead unless and until we got to that date. The only advantage of that is that it would put a little pressure into the system and also, in this particular case, there are a lot of moving parts as Gordon quite properly explained, no one quite knows how this is going to work out. So, I simply wanted to raise to anyone, if they are interested in discussing the sunset clause being extended say for four more years, I'm not going to move it, I'm not going to push it, I simply wanted to raise it in case anyone else finds the topic of interest. If no one does, I will simply vote in favor of these two resolutions.

Item #1: The motion passes unanimously. Item #2: The motion passes unanimously.

The secretary read item #3 of the call - To approve an appropriation of \$80,806 to the Library Account for funding of recent union #1301-157 & #1301-418 settlements. The motion passes unanimously. Mr. Rubin abstains.

Presentation

Paul Mazzacarro, Westport Public Library:

As you just heard, we are here requesting \$80,806 as a result of settling with two of the collective bargaining units at the library which represent 25 employees. Their last collective bargaining agreement expired June 30, 2012. There have been no raises for employees since that time. We did reach an agreement recently which was for four years and went from July 1, 2012 and goes through June 30, 2016. The money we are requesting tonight is just for the first year of the agreement. We have funding in the budget for the current year and will include it in our proposed budgets for the other years. Also, this money represents salary increases for all employees at the library, not just 25. It is for approximately 100 employees at the library. We have 34 total full-time and 50 to 60 part-time. When we began the agreement, we did meet with the Town so we were all on the same page as to what the goals were, trying to keep the raises down to a reasonable amount given the local and national economic conditions. We focused on that and we focused on health benefits and the cost of those as well as working on workers comp and controlling that a little more. In addition to controlling the raises, which you'll hear about in a minute or I'll answer questions if you would like, we looked at a Health Savings Account for the library and it actually was going to cost five percent or so more. It was about \$18,000 if you assume some of the same circumstances that some of the Town unions have. Some of that is because some of our health benefits are different. They are a little less expensive than the Town side primarily due to prescription drugs. We don't carry a separate prescription drug rider. It's part of our normal health benefits and falls into the Major Medical category so everybody pays the full cost of prescription drugs when they go to get it with a \$200 annual deductible. After \$200, they get 80 percent reimbursement as you would under major medical in most health plans. I think that's a good overview. There will be a committee report and I'll be happy to answer questions after that.

Finance, Library Museum and Arts and Employee Compensation, Jeff Wieser, district 4: As at our meeting, Paul covered most of the salient points. There were three committees present at our meeting, 15 RTM members represented. I think the only thing to emphasize, as Paul pointed out, this covers all the employees. There are 34 full time, non-union employees, 50-60 non-union, part-time employees and 25 union employees. The goals of the negotiation were covered. The negotiations took more than a year. We are being asked to approve just the funding of 2012-13 fiscal year, retroactive pay increases which total \$80,806 and in the mill rate calculation this year, it was calculated at \$90,000 so it is a little better than expected. All three committees voted unanimously to approve this.

Members of the Westport electorate – no comments

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

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

Ms. Flug:

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

Members of the RTM

Mr. Meyer:

I'd just like to recognize Dick Lowenstein. Every year they have the book sale. He's there for four days about 12 hours working hard. Way to go, Dick.

By show of hands the motion passes unanimously. Mr. Rubin abstains.

The secretary read item #4 of the call - To approve an appropriation of \$116,610 to the following Storm Sandy Accounts for four repair projects due to Storm Sandy:

- **\$78,790 Hillspoint Road Revetment Repairs Account**
- **\$23,280 Beachside Ave Revetment Repairs Account**
- **\$14,540 ER Straight Marina Wall & Rip Rap Repairs Account**

By show of hands, the motion passes unanimously.

Presentation

Steve Edwards, Director of Public Works:

This is the third appropriation for Storm Sandy repairs and I certainly hope it's the last one. The other two were direct repairs on affected properties within the waterfront community. This one is part of the FEMA mitigation process. After the original repairs were completed, FEMA does make available an opportunity for communities to go back and look at recurrent problems. These areas we have identified are areas that have been damaged repeatedly over the last 20 years. FEMA has gone through and looked at those and determined where we can use up to 10 to 15 percent, maximum 20 percent, of the original repair costs to go back in and do additional mitigation work. They

would be supportive of that effort. What we have done here is individual hardening efforts at Hillspoint Road Revetment, Beachside Avenue Revetment, and ER Straight Marina wall and rip rap. In each of those cases, we have significant retaining walls, stone structures; By going back in and using a high pressure cement grout, we are able to go in and close up the interstitial spaces so that it will be less possibility for infiltration of the water. By closing off the interstitial spaces, now what we have is a smooth space so the water will run up it and come back down and not cause a sloughing or displacement of stone. This has been effective in other areas in Connecticut along the coastline. We've used some of it in Town ourselves and found it to be successful. The intent here is to go back in and use a high pressure grout and harden these stone-scapes so that they will be more resilient in future storms. The total request is for \$116,610 and it is 75 percent reimbursable through the FEMA process.

Committees report

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

Steve pretty much covered everything so I'm going to read through one paragraph quickly. FEMA response to the repeated nature of many of the repair claims began a new program. The thought is to harden or improve already made repairs so they are not repeatedly paying to repair the same areas again and again. The hardening work is to pressure throughout the existing repairs in order to fill the voids and tile the stones together. The hope is the repairs will last longer and FEMA is not going to have to pay for this multiple times. The three areas that have qualified for the additional moneys are Hillspoint Road, Beachside Avenue and the E.R. Straight Marina. All three were approved originally at our March meeting and the cost to the Town is approximately \$29,000 and FEMA is picking up \$87,000. Both committees made motions to approve and the votes were unanimous to approve.

Members of electorate – no comments

Ms. Flug: The resolution might have the wrong number for ER Straight Marina. The correct number is \$14,540.

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

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

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

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

By show of hands, the motion passes unanimously.

The secretary read item #5 of the call - To approve Board of Finance recommendations for the salaries of the Selectmen pursuant to Charter section C38-4 "Compensation."

- **First Selectman salary by roll call vote: The motion passes 10 – 4 -13. Those in favor: Keenan, Mall, Timmins, Izzo, Cunitz, Moore, Wieser, Schine, Heller and Flug; those opposed: Calise, Loselle, Suggs, and Rubin; Those abstaining: Bergmann, Cady, Olsen, Hogan, Meyer, Floyd, Lowenstein, Feller, Lebowitz, Ashman, Bomes, Arthurs and Batteau. Ms. Kane recused herself.**
- **The second vote on the Second/Third Selectmen: By show of hands, the motion passes 23-2-2; Bergman, Calise opposed; Lowenstein, Bomes abstain; Kane recused.**
- **The third vote on Board of Assessment Appeals: The motion passes 23-0 - 3. Bergmann, Bomes, and Lowenstein abstain; Recused Heller and Kane.**

Ms. Flug:

When we prepared the resolution, we did not know that the Board of Finance would be voting on the Board of Assessment Appeals' compensation as well. I'd like by unanimous consent for the body to approve that we add to the resolution a discussion of the Board of Assessment appeals.

Ms. Kane has announced that she is recusing herself from the vote on this item and the unanimous consent.

There was no presentation.

Committee Report

Compensation Committee, Dick Lowenstein, district 5:

I'm sure you're all very familiar with Charter section C38-4. that you've read it recently and committed it to memory. That Charter provision requires the Board of Finance every four years to vote on the salaries for the Board of Selectmen and the Board of Assessment Appeals and to forward that recommendation to the RTM for a vote. The way the wording is, for approval and we will get into some discussion of that. You've gotten some correspondence from the Town Attorney on that. The Employee Compensation Committee met last night in Town Hall to review four motions made by Board of Finance in the last week and a half. The motions were basically to leave the salaries of the First Selectman, Second Selectman, Third Selectman and Board of Assessment Appeals unchanged from what they presently are. Consequently, we had a fairly interesting discussion at the committee meeting last night. We had four motions to recommend each one of those positions and that board for approval by the RTM tonight. The vote for the First Selectman was: Mr. Izzo, Keenan and Mall said yes; Mr. Bergmann, Loselle, and Lowenstein said no. For the Second Selectman, Mr. Izzo, Keenan, Loselle and Mall said yes. Mr. Lowenstein and Bergmann said no. Likewise, for the Third Selectman, an identical vote. For the Board of Assessment Appeals, Mr. Izzo, Keenan, Loselle, Lowenstein and Mall all voted yes; There were no no votes. Mr.

Bergmann abstained. As I said, the discussion was wide-ranging and rather complex. I'll leave it to the individual committee members during the RTM part of the meeting to add any comments to that. Mr. Bergmann has published a minority report on the meeting last night and I invite him to give the report.

Mr. Bergmann:

Thank you for calling it a publication. First of all, there has been a lot going on in this particular issue. Number one, Dewey Loselle and Dick did an excellent job last March putting together an analysis of compensation for Selectmen. It led toward some suggestions, not recommendations. Dewey did a bang up job on that. During this past month, Dick has done a bang up job with some obstacles because the Board of Finance didn't really get to this thing in quite the right way. I'd like to pass those two comments on complementing Dewey and Dick. As to the minority report concept, what happened is that we all had different views on various topics and this is a very interesting and important topic, compensation of our First Selectmen and as well the Assessment Board of Appeals. The Board of Finance had some discussion on this at a prior meeting. The whole thing is really ripe for serious discussion. I started to talk and people said, 'Why don't you do it as a minority report.' That's what I've done. I'd just like to highlight my thinking as well as thinking I think is relevant as we go ahead in the future. The first is the salary of the First Selectman. There are differing views on that, timing and so forth. I personally think the First Selectman should be paid more than what he or she presently is. That will be one of my directions if I continue with the Compensation Committee. The second is the Second Selectman and Third Selectman. I have been thinking about the concept that I toss out for discussion some other night, that the Third Selectman might become our Town ombudsman pursuing specific projects and have real tasks to do. If that were the case, that might justify a salary. The Second Selectman works hard but so does the Moderator, so do a lot of people in appointed positions. I'd like to see a discussion for some degree of compensation for each of those positions. That is a future discussion. The Board of Assessment Appeals would also sort of fall into that category. I don't have a lot of views on that. The other thing I brought up and was discussed was the issue of Town Manager or Town Operations Manager. That remains relevant in my mind to compensation because, if we had a Town Manager, then the First Selectman does less work, has less responsibilities and that could affect their compensation. I would like to see that become an item for discussion. I would also like to note that our present Town Charter allows right now for a Town Operations Manager who is responsible for operation of the Town other than police, fire and schools. That would not be something that requires a charter amendment. So, these are just things I would raise. The last point is, frankly, very important to me. There have been opinions issued by the Town Attorney in connection with the meaning of Section 38 and what they have to do or don't have to do, when they can do it, what are the respective roles in the Town. Frankly, at this point, I disagree with most of those conclusions. I understand the analysis but I think it is more complicated and subtle than that. So, when and if these questions come up as to the role of Board of Finance and the role of the RTM, I will continue to express what I expressed in that memo which I believe is a joint role of the Board of Finance and the

RTM which we both have to agree on the compensation. How we get there is sort of technical but that's the bottom line.

Members of the Westport electorate – no comments

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

RESOLVED: That upon the recommendation of the Board of Finance the salaries of the Selectmen pursuant to Charter section C38-4 "Compensation" are hereby approved as follows: First Selectman: No change

Ms. Flug:

It has been moved and seconded to approve the resolution just read. With unanimous consent, I'd like to modify the resolution so it will now say:

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

First Selectman: No change

Other Selectmen: No change

I'd like to add Board of Assessment Appeals: no change

Dewey Loselle, district 5:

You want to combine them into one motion? I have an objection to it because I want to vote differently on the First Selectman than I do on the others.

Ms. Flug:

I think we can do that. We can break it into three separate resolutions. We will vote on the First Selectmen, one for the other Selectmen and one for the Board of Assessment Appeals. We'll discuss them all together and vote on them separately.

Members of the RTM

Mr. Loselle:

I'm going to speak primarily about the First Selectman's salary. As Dick said earlier, we did an analysis and report back in March and updated it again in September and we sent it to the Board of Finance early on for their consideration. The way the charter reads is that they propose and we approve. Also the timing of our charter creates a really sort of strange catch 22. It says that you can't increase salary of a First Selectman during his term other than for cost of living increases but also you can only do it in between so that you are in an election period when that happens and that creates all sorts of sensitivities about people wanting to increase salaries just because it raises questions and people would rather not touch it. So we are in a situation where we haven't in 10 years increased the salary of the Selectman and now we're in a situation where it is difficult to increase it right now when it's the applicable time. Also, during the 10 year period, we could have increased it giving cost of living increases but that never happened either during the 10 year period. So, when I reviewed the data over the 10 years, I said, what would you adjust it to? I looked at it three different ways. I looked at it if you just had applied the CPI index over the 10 years, what would it have come to; I

looked at it giving the First Selectman the same increase as other managers in Town got over the 10 years and then I looked at it compared to all our comparable Towns in region and by size in the state. Not surprisingly, the analysis shows that our selectman's salary by any of those benchmarks is way below where you'd expect it to be. One analysis, the CPI salary would be around \$129,000 if you adjusted it right now. It's currently \$101,000. If you adjusted it compared to the other managers in Town it would be \$133,000. Compared to other Towns, we are pretty much at the bottom. The other Towns are in the \$130,000 area. Based on all of that, I thought it was reasonable that the Board of Finance would recommend an increase and I did speak to them and they decided not to do it at this time. So, I'm going to vote no which means nothing because their motion was to not have an increase so it is kind of a moot point other than saying we think the salary should have been increased. I think it should be increased for a couple of reasons. First is the equity question, fairness question. Secondly, many of the department heads have salaries higher than the First Selectmen which is sort of bizarre. Thirdly, I am concerned that the First Selectman we are creating a situation where the First Selectman job becomes a job that only the elite can have in the sense that you are well off retired, you are independently wealthy, or you are married to a spouse who is doing sufficiently well that you don't have to worry about it. We are excluding people in Town in the future who are I'll call them single earner family man or woman who would have to give up a job to take this job but won't do it because of the salary. I think that's a situation we have to be concerned about. I'm going to vote no and the next time this can be dealt with is in two years for a cost of living increase. I know Don doesn't think so but, the charter is written very peculiarly and there are some questions. I won't disagree about that interpretation. What I am going to propose, if I get re elected, and I'm back here, is in two years, when the charter says we can make a COLA adjustment, I'm going to propose we make a COLA adjustment that covers 12 years. That's how we'll bring it back to a level of normality.

Wendy Batteau, district 8:

I also wanted to thank Dewey for the analysis. That was really interesting and informative and it was interesting that no matter which way you analyzed it came out to the same result. As a practical matter, both candidates for First Selectman have said they won't accept a salary increase so it seems a moot point unless we want to establish a base salary now. Perhaps making a motion in the next two years is more appropriate.

Ms Schine:

I do appreciate Dewey's analysis and I do happen to know of occasions where people didn't run because they couldn't afford to. The salary was not high enough and they were qualified people. Obviously, this is not a time where we have to deal with it because both First Selectman candidates said they would not take it or give it to charity. So, maybe two year from now is the proper time to deal with that thought or even four years from now.

Mr. Bergmann:

I would like to support Dewey's analysis of the compensation of the First Selectman. I, like Dewey, want the best people to run for this office. I would not like it dependent upon their independent wealth. I am inclined to make sure that our First Selectman is the highest paid employee in Town (other than the school Superintendent who seems to do a little better.)

Mr. Lowenstein:

I was a little negligent when I did my report not to give credit for the report that Dewey did in March. The Employee Comp. Committee never voted on accepting the report that Dewey did but the consensus was that it was a good report and we endorsed the concept of a higher salary. There is nothing we can do tonight though. We can't raise the salary. Mike Bloomberg declined the salary also even though the salary was set. Declining a salary is one thing. You can set a salary high and then the person occupying the office can decline it or part of it. That's always a possibility but that's moot also because the Board of Finance asked for nothing. The clear thing is we do need a charter change. Let's hope the next First Selectman will call a charter commission to do, among other things, correct this timing problem because when you propose in September and vote in October and you have candidates for First and Second Selectman running, it is difficult for them to say anything but what they did say. We should decide this in the spring of the year and get this behind us so when the parties make their choices, it is no longer an issue for them to decide. The charter says they recommend and we, the RTM, approve. I have had some serious disagreements with the Town Attorney's office on this because I said approve means we can reduce this as well. They said, 'No, no. you can't reduce it. You must approve it as it is given.' I reminded the Town Attorney that we are not the rubber stamp Town meeting. We are the Representative Town Meeting. Why put it in there if we don't have a choice of what we are going to do? It is not just up and down, it should be a choice and treated as any other appropriation. That's behind us as well. What I would like to see happen tonight, I think this should pass, first of all, because it's the right thing to do. I'm going to abstain. I would love to see one person vote in favor of this and the other 26 of us abstain so the thing passes by one vote and the one vote becomes the law but we can express our displeasure from a process point of view by abstaining. I hope some of you will join me on that.

Ms. Flug: We are splitting the vote.

The first vote is First Selectman salary by roll call vote. The motion passes 10 – 4 -13. Those in favor: Keenan, Mall, Timmins, Izzo, Cunitz, Moore, Wieser, Schine, Heller and Flug; Those opposed: Calise, Loselle, Suggs, and Rubin; Those abstaining: Bergmann, Cady, Olsen, Hogan, Meyer, Floyd, Lowenstein, Feller, Lebowitz, Ashman, Bomes, Arthurs and Batteau. Ms. Kane recused herself.

The second vote on the Second/Third Selectmen: By show of hands, the motion passes 23 – 2 - 2; Bergman, Calise opposed; Lowenstein, Bomes abstain; Kane recused.

The third vote on Board of Assessment Appeals: The vote passes 23-0 -3. Bergmann, Bomes, and Lowenstein abstain; Recused: Heller and Kane.

The secretary read item #6 of the call - To approve an appropriation of \$65,000 to contract with the RBA Group to conduct a Downtown Master Plan for Development and Implementation. The motion passes 27-1; Olsen opposed.

Presentation

Mr. Joseloff:

I think many of you know what this is all about. This is about a planning effort to develop a master plan for Downtown Westport. It has been in process for a year and a half now. It's an outgrowth of the Plan of Conservation and Development which says we ought to do some planning for our Town. This is an attempt to make sure the Town is on top of it, that it provides for the Planning and Zoning Commission and for anybody who needs, for instance, a traffic count, that we have a baseline. My original request was for \$204,000. This is an outgrowth of the Downtown 2020 Committee and in a moment, I will ask Ken Bernhard, the acting Chair, to come forward and explain in greater detail. The appropriation request was reduced by the Board of Finance to \$65,000 for a phase I which is primarily a traffic study. The Planning and Zoning Commission did weigh in and ask that the traffic study be expanded on the Post Road, U.S. 1, from border to border. We've done that. We've added some intersections on Riverside and on Wilton Road, Route 33. It has also been explained repeatedly by professionals and committee members that the traffic study alone does not do much good. You need to move beyond it to come up with a comprehensive plan. What the planners will come up with will be available to be folded into the 2017 Town Plan of Conservation and Development. There's been a lot of controversy since I appointed the Downtown 2020 Committee between that committee and the Planning and Zoning Commission but we were able to come to an agreement about two weeks ago that we ought to go ahead with phase one and then phase two can be considered. The Board of Finance will consider phase two tomorrow night and then, at the RTM meeting on Oct. 22, you will probably be requested to approve the balance of it.

Downtown 2020 Committee, Ken Bernhard:

On behalf of the Downtown 2020 Committee, Gerry Kagan, Robert Jacobs, Dan Kail, Jessica Newshel, Craig Schiavone, former Chairman Lou Gagliano and myself, I'd like to say how grateful we are to be at this stage in our collective interest in being a part of Westport's future development. After 18 months consisting of more than 50 public meetings, we believe that substantive progress is unfolding as the funding of phase one of a community plan for our beloved Town is on your agenda. The request for \$65,000 is for an essential fact gathering mission for our Downtown area and Post Road corridor. Steve Rubin caught me before the meeting started tonight and said, 'For a traffic study, \$65,000?' I think there's a little misunderstanding. We use traffic study as a short hand. The original \$40,000 and now the additional \$25,000 that the Planning and Zoning Commission asked for is a traffic count, one, a pedestrian count, two, a parking analysis, three, and then a modeling of those projects that we project are on the

drawing board, for example the Bedford project and the library, how the traffic, the pedestrian and the parking are likely to change if those things go to fruition, all of which is important to serve as a base to start a phase one and, hopefully, into a phase two master plan. Time is of the essence because this traffic count and the others at critical intersections can only be done after the summer and before the holidays. If we don't get funding tonight, we will have to wait until the spring. We need the funding now. The moneys will also pay for the traffic projections for the known developments that are on the books. This essential information is for the Planning and Zoning Commissioners who will have applications coming before them and who need to reexamine their regulations in view of what's coming. As our committee members have repeatedly said that time is not our friend in this endeavor. Speaking for our committee, let me add, that our coming into existence was an idea promoted, developed and advanced by Lou and we are grateful for his work but his initiative was not his idea. It was, as Gordon alluded to, really, a directive that came out of 2007 Planning and Zoning POCD and pursued thereafter by the Town's Planning Implementation Committee. The Implementation Committee languished and the 2020 Committee is its resurrection. Our committee members saw the critical need for Westporters, that is citizens, young, old, new and long-term residents, the businesses, the real property owners and the merchants to have a say, to have a part, in the future evolution of our Town. That is why we spent months searching and interviewing planning firms with extensive experience helping communities like ours with similar aspirations. We are delighted that RBA agreed to help us. With their assistance, we believe that the future of Westport will not be left to sporadic uncoordinated and isolated development projects but will become the community we collectively want. Tonight we hope to secure the funding for the first phase. Tomorrow we go before the Board of Finance for the funding of phase two. We have a lot of work ahead but it will be a labor of love. In advance of the meeting, we did take the time to give you a summary sheet of the Downtown 2020's commission, why the 2020, how it came to where it's been, the timeline, the critical dates that brought us to today, the master plan and the POCD and what RBA will provide us for the \$65,000. If you haven't read that, it may be illuminating so take some time.

Committee reports

Planning and Zoning Committee, Ms. Schine:

The RTM Planning and Zoning Committee met on Tuesday, September 24. The Committee met to discuss the pending RTM resolution to approve a blank amount of money to conduct the 2020 Committee's proposal to do a Master Plan study of Downtown Westport. First Selectman Gordon Joseloff presented. Two members of the 2020 Committee, Bob Jacobs and Dan Kail as well as member of the to be hired team, Victor Minerva spoke, as well. It was explained that \$204,000 was the proposed amount to be appropriated. The Board of Finance, the night before, only approved \$65,000 of that sum for a traffic study for major sections of the Town. It was explained that Cathy Walsh, Chair of the Planning and Zoning Commission, had submitted a letter at 5 p.m that evening requesting only that the traffic study be done and not the whole study. This reversed a vote taken by the P&Z the week earlier supporting full funding. The Board of Finance felt they needed to talk to Ms. Walsh before approving any other monies.

Mr. Joseloff announced that Chair of the Downtown 2020 Committee, Lou Gagliano, had submitted his resignation. He went on to say that he was not sure who would be running the 2020 and that Ms. Walsh had expressed the desire for the P&Z to then run any studies. It was also pointed out that a different \$65,000 had been pledged by private citizens towards the full study, but that money was now in question. The BOF had intended to offset the \$204,000 with that money meaning only \$139,000 would have been needed to complete the full study. So on the table was only \$65,000 for the traffic study. Don Bergmann requested we discuss restoration by the RTM by a 70 percent vote to approve the full \$204,000. This discussion took the next hour and a half to sort out with both pros and cons outlined. In the end, it was decided that since the Board of Finance was meeting the day after the full RTM and that the RTM would be holding a special meeting in mid October, that full funding could wait and that only the \$65,000 would be voted upon. Subsequent to the meeting it was found out that since the Board of Finance had not actually voted down the full amount, but instead delayed it until their meeting the next week (which is now tomorrow), the RTM had no power to restore. The meeting went quickly once only the traffic study was discussed, but doing a traffic study without anything greater to use it was an issue. So the committee agreed on language in the recommendation to show the traffic study was only phase I. Also discussed were possible savings for the whole study due to the fact the Historic District grant of \$50,000 would be studying downtown as a Village District. The RBA representative said he'd look into that for the BOF meeting the next week. In a resolution moved by Ms. Schine and seconded by Ms. Cady, the committee recommends the appropriation of \$65,000 for a traffic study as Phase I of the funding towards the entire master plan. Vote was 4-1-1. Cady, Feller, Mandell, Schine: yes; Bergmann: no; Keenan: abstaining. I believe Mr. Bergmann will be submitting a minority report.

Minority Report, Mr. Bergmann:

I'm going to make a comment later when the resolution has been read. Let me focus on the minority report. As you read in the document I prepared, I have now changed my position because I have subsequently learned that it is almost certain that the Board of Finance will be approving the full amount tomorrow. The reason for my negative vote at the RTM committee meeting was that I was not sure of that and I wanted to make it absolutely clear that no money should be spent unless the full amount of the study is funded. I now believe that will happen and I am prepared to vote in favor of the \$65,000 tonight.

Finance Committee, Mr. Wieser:

You have heard a lot of the history that we discussed at our meeting. Gordon Joseloff provided a bit of background for us. Our job was only to discuss the \$65,000 traffic study because by then the Board of Finance had delayed the other \$139,000. We got a little bit of history from Dan Kail and a bit of history from Gordon and agreed with the general consensus that the traffic study was urgent and needed to be started at this meeting. It was moved to approve \$65,000 as the first phase of funding of the master plan. Allen Bomes asked to amend the motion to exclude language relating to the "first phase." His concerns were that this money would be spent and there would be no follow

up if any Town body were opposed to the matter. After seconding of the motion and further discussion, the amendment was withdrawn and the vote on the original motion was above 5-0-1, with Allen Bomes abstaining.

Members of the Westport electorate

Jim Marpe, 57 Morningside Drive South:

Madam Moderator, members of the RTM, As you know, I might be somebody who has to help implement the result of this study. I wanted to come before you to encourage you to vote for this phase. I'm optimistic that the Board of Finance will approve the remainder of this request but, as we have learned, nothing is ever certain. I have spent my entire career planning but also implementing plans and I want to assure you, if I am elected First Selectman, my intent is to take the study that you are about to approve and move that forward in as practical a way and hopefully as part of a larger plan and make that commitment. Beyond that, I will be a champion of that plan and take a leadership role. I want to assure you that you are not voting on something that will, at least in my perspective, simply not go anywhere other than being another plan on the shelf. It will not be another plan on the shelf. I think we have plenty of those. I think the importance here is to take advantage of the opportunity for the implementation of that plan and fulfill the approach that the Downtown 2020 Committee has taken. I do want to take just a second here to complement leadership of Lou Gagliano. He brought the committee a long way. My credit to Ken Bernhard for stepping in but many thanks to Lou as well.

Connie Greenfield, 279 Sturges Highway:

I have lived in Westport 44 years, a newcomer. I would just like to make one quick comment and one quick request. The comment is I agree totally with Ken Bernhard and the rest of you who have spoken for a traffic study. I think it is essential but sometimes I feel you and I could stand at the corner of the Post Road and Wilton Road and say this is an overcrowded intersection, level E, according to the state. We're in trouble. But I think we should have the traffic study. The request is, Madam Moderator, before this august body gives one more dollar, that is the balance of the money requested, you ask Downtown 2020 one question. That is: "Do you believe Westport should remain a small Town?" That's it. If you will do that, I think it will give everyone some direction. This is an anecdote, not second hand. I was at this meeting and I have real qualms whether Downtown 2020 does, in fact, believe Westport should remain a small Town. At the end of the Downtown 2020 meeting, the chairman who has put so many hours into this came up to me again as he had many times before and said, 'Won't you and Save Westport Now support us before the Board of Finance, the \$200,000 plus at that time. I said, 'Lou, I have told you over and over, you have to give us some idea of where you stand. We don't know if you are for tall buildings Downtown or small buildings, we don't know if you're for multiple parking garages Downtown or not and so forth. We don't know where you stand. It would really help if you put in writing in your letter to planning agencies that you are interviewing "We believe Westport should remain a small Town." Are you willing to do that? I looked at the members of the Downtown 2020 Committee who were still in the room. I thought one would say, 'That's a given.' I thought another would say, 'Of course.' There wasn't one comment. There was total silence. Members of the RTM, that scares me. I think your constituents want Westport to remain a small

Town. So I ask you, before you give one more dollar, ask this question: "Are you in favor of Westport remaining a small Town?"

Joe Block, 67 Partick Road:

I have a couple of things I'd like to bring to the RTM's attention about where 2020 is going. Net/net, I think it is a very good effort. I think the people who have worked on it have gone to a number of meetings and done a very good job handling consultants, etc. But, we need to look ahead. We're not spending \$64,000. We're not spending \$204,000. We eventually will be spending a lot more money. I for one, as a resident of Westport, would like to know how much money. You cannot implement a Town Plan without a Town Planner. I think Don Bergmann earlier talked about an Operations Manager. There is going to be some type of position created that is going to cost us money, ongoing money. Another item is, when I witnessed the presentation by the two finalists, Drew and RBA, one of the things you noticed is that they were using the same software for the traffic control study. It is excellent software. The Town should own that software. They should not have to go back to the consultants every time we have a question as to whether this or that developer is going to impact our traffic. I don't know what that software costs, but I doubt if it's overly expensive but it is something to be considered. It's another cost. I doubt it will be a overly expensive but it will cost something. It is something to be considered. Going back to one of my main concerns, we want to see Westport develop. We'd like to see a lot more uniformity. I think that is one of the things that 2020 will help bring to the Town. Their concepts of public-private development make a lot of sense when you look at them conceptually. However, I do get a little bit nervous because, for the most part, developers don't live in the Town. Residents do. I know that there are charettes that are going to be planned. I would like to make sure that those things occur in such a way that the public has easy access, the timing is correct and that when residents put in their input to the 2020 Committee, they will be taken more seriously than let us say, developers. I think that's it. Oh, one other thing. I'm not sure why exactly the study has to be done next week. I understand the concept of holiday traffic and that type of thing but Westport is pretty consistent with its traffic when schools are in and buses are stopping everywhere. I'm not so sure about the supposed deadline that it has to be done quickly.

Dr. Heller read the resolution and it was seconded.

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

Members of the RTM

Stephen Rubin, district 7:

Just very quickly, I did speak, in fact, to Mr. Bernhard before the meeting and had a question or two. I thank Ken, as always, for his eloquent explanations. I see this as a necessity to go ahead. It's something that is going to allow us to see some beautiful results in the future. I urge us all for unanimous support.

Mr. Bergmann:

As with Steve, I'll be very brief because I assume this will pass easily. The entire Town should get intimately engaged with what is going on and express their views and make their impact known as this process continues. We all want Westport to remain beautiful. There are some areas of legitimate disagreement that will come up. The key thing is for us to work together, express those views, and reach a degree of consensus that will make Westport even more attractive and more appealing than it is. That's my main message. If anyone wants to contact me, I have been intimately involved in this matter as has Dewey Loselle. He has been representing, in essence, the Long Range Planning Committee and I have, in essence, been representing the Planning and Zoning Committee but my effort has been a labor of love as has Dewey's. So, please, ask us questions and get involved. This is a really, really important and exciting event that is about to begin.

Melissa Kane, district 3:

As you guys can imagine, I have been speaking to a lot of Westporters lately. Certainly, one of the top couple issues always is traffic. Downtown, Saugatuck, a comprehensive traffic study is essential. I am certainly going to be voting in favor of this appropriation. With regard to the master plan, with regard to Mr. Block's questions, and Mr. Bergmann's thoughts, I think we are going to have a good time to address it at our special meeting on the 22nd. I look forward to that. I really think we need to think about vision as we go forward with planning.

Mr. Lowenstein:

The report of the P&Z RTM Committee indicates that at 5 p.m. on the night that the Board of Finance voted unanimously to recommend with approval of this, the Chairman of the P&Z Commission submitted a letter saying that a majority of the P&Z Commission did not want the whole thing funded that night. The thing that was lacking was how was that decision reached. The unanimous decision that was done earlier was a public meeting. Could somebody shed some light on how a P&Z majority changed their minds without a public meeting? Is there anybody here who can answer my question? Madam Moderator, I assume this will be on the agenda on the 22nd, assuming the Board of Finance approves it tomorrow?

Ms. Flug:

The remainder of the funding of the study will be on our agenda on the 22nd.

Mr. Lowenstein

I would like to be assured that the Chairman of the P&Z Commission is present at that meeting and gives a full explanation. It is not a very transparent thing. When a public vote is overturned in private, it is not public how that decision is made. I think we should know. I think it compromises the integrity of the whole work if we don't know that information.

Mr. Loselle:

I represent this body in two different ways with the 2020. As Don said, I am the Long Range Planning representative to the 2020 and also serve as one of the RTM picked person on the Plan Implementation Committee with Lois. We talk about the plan all the time. I would like to say it really does grow out of the Town Plan of Conservation and Development. It's a task right in there to do some Downtown planning. That really is the genesis of it all,. Is Connie still here? Connie raised some very good questions. People ask those type of questions all the time to the 2020 Committee. What are you going to do? What is going to happen? What are your goals? The answer is that's not the role of the 2020 Committee at all, to design and decide things at this stage. The role of the 2020 Committee is to bring a process to start a planning process. That's all they've done is to plan to start a plan. That's where we are. They don't bring value judgments or decisions as to what things are going to look like. That's what the planning process is going to do. That is what all of you are going to do. That is what I hope everybody in Town gets involved in it as Melissa said, to be part of that plan and help shape, what collectively, how we want things to look. I am an optimist. I don't believe anything is set in stone and there aren't any hidden agendas. We are going to have a plan and we are going to do it together. We are going to decide the future look of Westport and I am very excited about it. I hope everybody approves this, obviously, and also approves the later funding for the whole plan.

Ms. Schine:

As Dewey says, I am Planning and Zoning representative to the Plan Implementation Committee. The Plan Implementation Committee was created when the Long Range Planning Committee of the RTM asked the First Selectman to create such committee because we felt that every 10 years, the Town writes a new Plan of Conservation and Development and 10 years later we frequently do not see much of what has been put into that plan happening. Downtown 2020 has no preconceived notion of what will happen. They are planning charette with citizens to find out what the citizens in Town want. They have spoken to at least 50 different Town groups to share this information. There is nothing set in stone. It is all waiting to be discovered, uncovered and put into some plan for the future. Definitely vote the \$65,000 and, hopefully, next week, we will get to vote for the rest.

Lynn Hogan, district 3:

I just want to make a quick note that I support the traffic study and will vote for it tonight. I would support the traffic study even without the discussion of folding it into the 2020 plan because traffic is such a huge issue in Town and particular the addition of the study area to include Route 33 along the Post Road and route 33 and the intersection of 57 is really critical. I have been driving up and down Route 33 for 14 years since my street is right off it. I know residents in that area are equally concerned with the amount of traffic and pedestrian issues in that area. So, I am thrilled that the traffic study is on the table and I will vote for it.

Jonathan Cunitz, district 4:

I am going to digress for a moment. First of all, I support the \$65,000 and I support the balance. I have not heard anyone on the RTM speak against the balance that the Board

of Finance is going to be voting on tomorrow. I think there is a way of sending a message to the Board of Finance of how the RTM feels about it. That is, if anyone opposes the balance, speak up tonight. If there is silence or just a few speak up about it, the Board of Finance will know what the RTM feels. The Long Range Planning Committee has been a forum for following the progress of the Downtown 2020 Committee. They have appeared before us. Dewey Loselle is the representative to them and gives us feedback on their progress. We will have more meetings. As the study continues over the years, the Long Range Planning Committee will be a mechanism for RTM members and the public to have the transparency, follow the progress and ask questions about what is happening. The Downtown 2020 plan is exactly the charter that is given to the RTM Long Range Planning Committee. It's our responsibility. In the six years that I have been on the RTM, I've noticed increasingly that RTM members are expanding their role. We pass judgment on financial matters, we institute and change ordinances but RTM members more and more are initiating actions for the betterment of the Town through our involvement in these other organizations and committees that are going on. I think this is a role that RTM members should continue, even accelerate because we represent the residents from all the districts. This is a chance for us to influence what is going to happen for the Town. So I recommend support for the full Downtown 2020 funding and to move ahead as aggressively as we can to maintain the momentum. I'm glad to see our candidates for selectmen also are behind it.

Velma Heller, district 9:

This is a surprise I'm not going to read a resolution. I do want to speak to this. I certainly think that the traffic study is critical. We are all aware of traffic issues. Picture this that given the context of all that is going on, the Downtown 2020 Committee is basically getting on a moving train. The moving train is really all about the things that are already underway. There is the Bedford Square, there is the Y, there is the Levitt. There are a variety of things that are already happening. The traffic study clearly, if we are bothered by that now, we need to know the people count and car count and all of that so we can understand fully the impact of what all these other things will have on our Town in the future so that we have the ability to plan for all these things in an appropriate way. I think that clearly it's important for us to be aware of each piece of this and how it fits into an overall plan for Downtown. I think an overall plan for Downtown is not in anybody's head. It is in everybody's head. This is why when everybody is saying 'get involved, it is so critical. Because the charette. Because those are the places where we will know what kind of Town we want to be. We as a whole Town, not just a group of planners. They are the facilitators. They are setting up the process for it to happen. This study is something that is a part of that and I think it will be a very helpful part but that's not all. So, I will tune in for the next installment which will be the next meeting.

Louis Mall, district 2:

First of all, I would like to say how disappointed I was that Lou Gagliano resigned as Chairman of the Downtown 2020 Committee. I think he has done a tremendous job. My experience with Lou has been very pleasant. It was nice to find someone who would come out and listen and walk the neighborhood and talk about things that were going on in my neighborhood and my district, district 2. I will click off a few things: We'd like to

stop and think about the revitalization of Saugatuck. If you come up from the train station, district 2 starts at Treadwell Avenue. If you go on up Riverside Avenue, you come to Route 33, Post Road, National Hall and all the activity that's there and you go on up to the Merritt Parkway and the relocation of the Y at exit 41. Then we have around Town, Baron's South, Bedford Square, Save the Children is also on that road, the Levitt, the library, the post office relocation, how that's impacted traffic going through Town, then, of course, my favorite subject is we still haven't found a place to park school buses, what that will do to traffic. The other thing that I would like to point out to you is, district 2, the last time that there was a traffic study that impacted the west side of the river was 1976. So, it's long overdue. The other subject that is very important to me is not only cars, but pedestrians. If you look at the intersection of Post Road and Route 33, there isn't a traffic signal light. Our kids walk to Town and take full advantage of the Downtown. If you ever want to have an interesting experience, try crossing there as a pedestrian. So, I'm all for the traffic study. I hope you're watching Lou Gagliano, I hope you would reconsider your resignation.

Ms. Batteau:

This is a particular situation and although what we are talking about now is a traffic study for the Downtown area, it was interesting to hear Mr. Block say that the software that was being used was the same software for both companies. All of us don't live right Downtown but I hope that somebody will take an interest in doing traffic studies in our school areas. Driving anywhere up North Avenue and Long Lots and the adjacent streets in the time that school is being let in and out is just as bad if not worse as Downtown. Anyway, if that could be put in some hopper somewhere that would be welcome.

Jimmy Izzo, district 3:

I'd like to first of all say thank you to the committee for what you guys have done. I am totally in favor of the \$65,000. The most important thing as Don has said is we have to get involved. We have to continue to ask the right questions, to have the transparency which is out there and really support what we want for Downtown and also maintain that small Town feel as Ms. Greenfield said.

By show of hands, the motion passes 26-1 Opposed Olsen.

The secretary read item # 7 of the call - To approve an appropriation of \$45,000 to the Historic District Fees & Services Account for the purpose of accepting funding in the amount up to \$50,000 from the Connecticut Trust for Historic Preservation 2013 Vibrant Communities Initiative (VCI) grant program to form a steering committee to study the implementation of a Village District Zone in Westport Center. By show of hands, the motion passes 23-4-1; Those opposed Rubin, Ashman, Floyd, Mall; Hogan abstains.

Presentation

Francis Henkels, Chair, Historic District Commission:

HDC, as the Town's advocate for historic preservation, has been investigating ways we can insure that the historic resources and features of Westport Center are identified and preserved in the face of the continuing development we are all seeing. We, as a group, concluded that one of the most suitable ways we might be able to undertake an investigation would be to pick up on a recommendation in the 2007 Plan of Conservation and Development. That was the idea that a Village District be considered for the Town Center. A Village District is a zoning category that is enabled by the state. It has certain guidelines that it bring to any location that it's enacted. There are a number of these in neighboring communities. Probably the most notable is the Town Center of New Canaan enacted some number of years ago. The HDC applied for and received a grant from this Connecticut Trust for Historic Preservation from their Vibrant Communities Initiative program for a total \$50,000 to undertake a study to investigate the idea of a Village District in the Town Center. They provide a certain sum in the beginning but the rest will be reimbursed at the end of the process. The process is expected to take place at approximately a year. I am asking for interim financing for this planning study with the full expectation that the total will be reimbursed at the conclusion. With the grant, the HDC will hire a planning consultant to work with a steering committee that will be made up of representative stake holders from the Town; we've already spoken to a number of potential candidates. We would expect to have members of the Planning and Zoning Department, the Planning and Zoning Commission, possibly members of the RTM Planning and Zoning Committee, business owners and property owners from Downtown and the general community as members of the steering committee. This steering committee will undertake with the consultant an inventory and analysis the existing features of the Town Center. In the process, we will include public input in the form of design charettes to determine what features are important in defining the character of the Town Center. We would expect to develop a plan as to how these features can be preserved while, at the same time, informing and guiding future development. The outcome of the planning study is expected to be measures to create this Village District in the Town Center. Products of the plan would include possibly design guidelines for future development, changes to the zoning regulations would be studied with the understanding that there are problems with those at the current time; also, possible nominations for National Historic Registry for buildings that would qualify in the Town Center. Throughout the process, the steering committee and the consultants who work with Planning and Zoning, if the Village District be decided upon, it would be by vote of the Planning and Zoning Commission So, this is being undertaken with their authority and support. While our study could stand alone if necessary, we have been coordinating with the Downtown 2020 group in their efforts to develop a master plan for development and implementation. We would expect to collaborate and integrate our efforts with theirs and bring the historic preservation component to the overall master planning undertaken by Downtown 2020. We have supported their efforts. They have supported ours. I think we can bring a historical component to the planning efforts of Downtown 2020. I think integrating our interests with theirs would bring a new component to their master planning efforts. We have our funding commitment from the state but are requesting interim funding tonight for \$45,000 to carry us for the approximately year that our planning efforts will take.

Committee Reports

Finance Committee, Mr. Bomes:

The RTM Finance Committee met on September 26th to consider a request from the Historic District Commission ("HDC") for a \$45,000 appropriation. Presenting for the HDC were Francis Henkels, Chair; Betsy Wacker, Vice Chair; Carol Leahy, Staff Administrator and Kathie Bennewitz, Town Curator and member of the Westport Arts Advisory Committee. Also present were Gary Conrad and Melissa Kane. The HDC has received a grant from the Connecticut Trust for Historic Preservation to fund a study that will implement a Village District Zone in Westport Center. This will help preserve historic properties Downtown by creating guidelines for redevelopment that will preserve the long term character of the center of Westport. The study will define the boundaries of the Village District and will go beyond actual historic structures by looking at other areas such as setbacks, building heights, streetscapes and outdoor light fixtures. It will require modifying existing zoning regulations in the Downtown area. The consultant team will work in collaboration with the public, the Planning & Zoning Commission, the HDC, the RTM, the Downtown Merchants Association, the Downtown 2020 Committee and major property owners to develop the appropriate policies. The funds requested are needed to fund the project, but are reimbursable up to \$50,000 (of which \$5,000 has already been received). Following the presentation, the RTM Finance Committee voted unanimously to recommend RTM approval.

Planning and Zoning Committee, Ms. Schine:

The RTM Planning and Zoning Committee met on Tuesday, September 24, and it was a really long meeting dealing with all those issues. The Committee met to discuss the pending RTM resolution to approve \$45,000 to the Historic District to front end a grant of \$50,000 from the Connecticut Trust for Historic Preservation 2013 Vibrant Communities Initiative (VCI). Chair of HDC Randy Henkels presented. The HDC won a grant of \$50,000 to study our Downtown to see if a "Village District" concept of zoning would be beneficial to the community and for the preservation of our historic properties. \$5,000 would be given up front and the remainder paid when Westport met all the obligations for doing and study and submitting our findings to the CT Trust. We would be appropriating \$45,000 and then getting it reimbursed. There was discussion about what had to be done, time table of about a year and realization that in the end the Planning and Zoning Commission had control of where we actually go in the future. Synergies and possible savings of money with the 2020 committee and study were discussed. As you heard, the Historic District and 2020 have already been talking about synergies. A resolution was proposed by Don Bergman and seconded by Hope Feller, The committee voted 6-0 to approve the \$45,000 appropriation.

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

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

Ms. Flug:

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

Members of the RTM

Mr. Rubin:

I'm not sure that I actually understand this. It seems that we are being asked to lend an organization, the Historic District Commission, \$45,000 hoping and to use your terminology, "expectation", not necessarily guarantee of getting that money back later to repay a loan that we're giving. I don't know that I feel comfortable voting for my constituents dollars to give an organization a loan that is not guaranteed to be repaid. The second thing is I don't really understand the work that you've been doing with 2020. How much collaboration actually did take place? And are you both going into different directions, possibly? I would suggest explaining how, in fact, you're working with other organizations, such as 2020, to see that everybody is on the same page. We talk about \$50,000 and let's assume that we get that money back and we cover the \$45,000 that the Town fronts. Is \$50,000 enough? Have other Towns given you information that they've done the same type of study and they maybe did it for \$25,000 or they did it for \$10,000. Maybe it cost was \$75,000 or \$90,000. This \$50,000 that somebody is saying is available to us might not be sufficient. With all due respect, with the information I have right now, I don't feel comfortable voting for this.

Mr. Henkels:

This question has been asked by us and by others as to the likelihood of being reimbursed for this funding. Our question was, we're proposing this Village District and if it's not adopted by Planning and Zoning, do we fail and, in that circumstance, not get our funding reimbursed from Connecticut Trust? They said no, that's not a criteria. It's basically a funding study. We need to complete the study and that would qualify us for reimbursement of the funds. There are no complete assurances that we would be reimbursed. We have done this numerous times before. HDC has undertaken grant efforts where the funding doesn't come to us until the end of the project and I don't think we've ever failed to be reimbursed at the end of the effort. It's a question that we've asked the Connecticut Trust. We are working with a circuit rider who is a representative of the Connecticut Trust who will be working with us in our steering committee throughout the entire process. He has been very supportive of our effort. He has offered to guide us through this process with the assurance that he will help us fulfill all the requirements of the grant. I am completely convinced that we will be reimbursed this money. The trust has made a commitment so I'm reasonably certain that we should be receiving the funding at the end of this effort. The other question, what have we done to date in collaboration with the 2020 group? I have personally been aware that running parallel to the 2020 group there would be questions about overlap and possibly splitting of interests and confusion of our undertaking this effort simultaneous with the Downtown 2020 group. I think we bring a particular perspective to the planning effort. We have been talking to the 2020 group and they have been talking to us in the person of Lou Gagliano who has been consistently supporting our efforts and the funding application and guiding us in our commencement of this effort. But, again, it's a planning process

that hasn't started. We have gotten our funding. We hope to see them get their funding. The planning process is commencing. We are going to work together to see that we don't duplicate efforts and we actually integrate efforts for a better product and better end result. The other question was the total value. The Vibrant Community Initiative grant program has a maximum of \$50,000 in their grant awards. We have been working carefully with the representative of the Connecticut Trust in applying and the receiving the grant. They have overseen funding for similar efforts of Village District planning. They assure us that the \$50,000 should be adequate for this undertaking. That is the extent of what we will do. That will be the limit of our contract with any consultants and we don't expect to spend more than that. I hope that answers your questions.

Mr. Rubin:

No, I don't think it does. I heard words like hope and assured and no guarantee. I didn't hear you say that there is any contractual agreement so there is nothing in writing. I think the efforts are fantastic. I'm not objecting to the substance. I am objecting to the financial item of giving you \$45,000 which may not be enough and may not be reimbursed and I don't think you've answered that question to my satisfaction anyway.

Mr. Henkels

I should say there is a letter of commitment from the Connecticut Trust that has been sent to us and the Town has signed and returned to them. Again, I think for any funding there are qualifications that have to be met. We full expect to meet those qualifications. We have been assured by the grant source that they don't see any reason why it wouldn't be granted. I don't know that I can offer a guarantee. I don't have that form in front of me. The other thing that might be important to state here is that the Connecticut Trust is receiving money from the state. I don't think that organization would fail to perform their obligations. I don't know that there have been cases where this Vibrant Communities Initiative program has failed to fund fully their commitments. I can't cite precise examples but I know the Historic District Commission has never found itself in a situation where they haven't been reimbursed in the past.

Mr. Loselle:

Two quick questions: Could you explain how a Village District Zone differs from a Historic Landmark District, at least as I know it in New York City. Secondly, what restrictions might apply to property owners if a Village District Zone is created and authorized?

Mr. Henkels:

It's important to note that a Village District is not the same thing as a local Historic District. It is much less restrictive than a local Historic District. The Local Historic District requires review by the Historic District Commission of any change to any structure within sightlines of a public way. It is intended to preserve the historic character of the district. It is enacted by a vote of the property owners in that district and is far more rigorous in its constraints on that community that is part of the local Historic District. The Village district doesn't have the formal restrictions that the state has created with the Local Historic District. It is a category that we have the freedom to develop our own

guidelines. It ultimately would be a looser much less restrictive zoning category where it's applied than the local Historic District. It's meant to guide future change in a looser way. It would be the product of the planning study and the general public. We have no preconceptions. We would be assessing the features in the Town Center that we would be of value to defining the character of the Town. This would be a collaborative undertaking. The local Historic District has guidelines from the Department of the Interior that require much more rigorous limitations on how historic properties are changed. They are much more specific and we are required by the Historic District Commission to impose them in a Historic District. In summary, it's just a looser category, one that hasn't fixed constraints on it but ones that we would develop in the process of developing the district.

David Floyd, district 4:

Assuming this gets approved, you do the plan and P&Z says it's great. I guess this gives a little more guidelines for the non-building structures. Do you have the approval over the changes to the structures or the area? Will you guys become another layer of approval for a project? A guy wants to change a sidewalk. Does HDC have to get involved and sign off before that can go forward?

Mr. Henkels:

HDC is not the entity that would oversee the activities in the Village District. In addition to the steering committee, if the Village District is enacted, the state enabling legislation calls for a review board or a review commission that would act to review new, proposed projects for conformance with the design guidelines that had been adopted. It would not be in the hands of the Historic District Commission. It would be an independent organization. It would likely be made up of members of the Architectural Review Board and other representatives of the Town agencies and committees and members of the general public. But there would be a standing commission that would review design proposals.

Mr. Bergmann:

I think I recall the Plan of Conservation and Development of 2007, there was a specific reference to recommending consideration of a Village District. Basically, this is a carry out of that recommendation. Nothing will happen unless other bodies approve it. There is no threat of something happening if we don't want it to happen. My judgment is this is an opportunity to take advantage of a grant from the Conservation Trust. My expectation is there will be no problem in getting the money. I did read the letter agreement. It's not perfect but nothing is. But it is clearly a document that sets forth obligation to pay us if we meet the conditions of the agreement. Those conditions are not very onerous. I think what we have here is a fairly simple situation in which we have an opportunity to get some insight as to what a Village District means and what it might mean to our Town and I think it's well worth pursuing and supporting.

Ms. Hogan:

Just a brief comment. I've listened to the explanations of what a Village District Zone is and I'm still not 100 percent clear as to what it is. I'm uncomfortable in voting for this

without having read in detail what it is, what it constitutes. There were some great points raised. Mr. Rubin, you mentioned, are they possibly going to be working at cross purposes with 2020. We don't know but it's a possibility. Is it an extra layer of complexity to getting things approved? I'd really be much more comfortable if I read the statutes of what a Village District is.

Mr. Henkels

I can provide you with the Village District State Regulations. Basically, it is a zoning change. It can be instituted in two ways. It can be a zoning overlay or zoning change. In talking to Planning and Zoning Director, Larry Bradley, I think we've concluded that probably the best implementation of a Village District would be as a zoning change. What we would probably be doing it taking the Central Business District Zone which we've come to realize is fraught with problems in the current environment. A vast majority of applicants in the CBD have to seek variances because the terms of that zone are so out of line with the existing physical conditions of the Town Center. I think it's believed that by changing that would be one of the major things we would be looking at. This is certainly something that would be in collaboration with the Downtown 2020; it is a major feature of the Downtown and perhaps a major problem in the Downtown, incompatible zoning in the CBD Zone. We would be looking at modifying those regulations and, hopefully, that would lead to a simplification of the process where far fewer variances are required for new applicants. We would establish clear guidelines for what is required, what is expected, what is consistent with the existing Town Center, not imposing drastically different requirements for construction. We are hoping that the Village District would actually simplify the zoning process in the CBD Zone. It is actually a zone and would probably modify or replace the CBD Zone.

By show of hands, the motion passes 21-4-1; those opposed: Rubin, Ashman, Floyd and Mall; Abstaining: Hogan.

The secretary read item #8 of the agenda – To approve an appropriation of \$79,150 to the Historic District Fees & Services Account for the purpose of restoring the Minute Man Monument site. By roll call vote, the motion passes 11-9-1.

Presentation

Mr. Henkels:

Over the last about a year and a half, the Historic District Commission and the Westport Arts Advisory Committee have together grown concerned about the deteriorating condition of the Minuteman Monument on Compo Road. With a little investigation, we discovered it hadn't been designated as local Historic Property which would have afforded it the sort of oversight protection that the designation provide. We would be able to review any changes made to that property. Collectively, we did a study report and have achieved that designation so it is now a Historic Property and we have commissioned an assessment and a treatment report from the art conservator who does the vast majority of work for the Arts Advisory Committee on sculpture and art

work in the Town. That assessment and treatment report is just about complete and it outlines a restoration process for the monument. The total sum for that restoration project is currently \$79,150. This would include restoration work of the statue which is in comparatively good shape. It's maintained on a regular basis by the Arts Advisory Committee. Every two years it is cleaned and waxed but there are some structural issues with the statue which would be repaired. There is a broken strap on the back, the powder horn of the minuteman, there are some anchors that are missing and some relatively minor repairs on the statue itself but we are more focused on the rest of the monument, the condition of the stone wall at the base, which over the years has become buried by the elevating pavement level there. That stone wall was originally two feet tall. I had hoped to have a photograph of some old images of the statue when it was first dedicated. That stone wall has been alternately buried and broken up by snow plowing and car collisions and things like that. The original wrought iron fence was also badly damaged and is now in storage. A restoration effort would restore that fence and place it back in its correct location. A few other items would be the earthen mound that has been eroded. It is lower and there is more of the stone pedestal revealed. That would be reformed to its original shape. It's basically a restoration of the entire monument with probably more effort going into the supporting features of the monument than the actual statue itself. Initially, we had sought, had planned to seek restoration funding from the State Historic Preservation Office. That funding would amount to matching grant funding for a portion of the hard costs. Of the \$79,000, they would at most fund \$34,000 of that. After we completed our assessment report, there were some constraints on our funding that came as a bit of a surprise to us. Probably the most significant one was that conservator who has a long standing relationship with the Arts Advisory Committee, who wrote the assessment report, under the State guidelines, would not be permitted to do any of the physical work on this restoration. I know the Westport Advisory Committee who has a long term relationship with him would very much expect to see him involved, particularly the bronze work on the statue. That would require us to seek another conservator for that work. Secondly, the state would impose an 10 year oversight easement on the property where any additional work done on it would require state review. Lastly, the process for this \$34,000 for applying for that grant is a rather burdensome process. Collectively, we reconsidered our position and, believing that it is a Town property, felt a more appropriate approach was to just seek the full funding for the restoration work from the Town. That's why we are now coming to you and have been to the Board of Selectmen and Board of Finance both of which endorsed the idea of full Town funding for the restoration work. That's what I'm here to request tonight. I hope you will vote to fund this restoration work for this very important feature of Westport.

Committee report

Finance committee, Mr. Bomes:

The RTM Finance Committee met on September 26th to consider a request from the Historic District Commission for a \$79,150 appropriation. Presenting for the HDC were, if you weren't listening before, Francis Henkels, Chair; Betsy Wacker, Vice Chair; Carol Leahy, Staff Administrator and Kathie Bennewitz, Town Curator and member of the Westport Arts Advisory Committee. Also present were Gary Conrad and Melissa Kane.

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

Members of the Westport electorate – no comments

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

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

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

Members of the RTM

Mr. Bergmann:

I am a huge supporter of the Historic District Commission but this comes as a surprise to me. I, frankly, don't know how to vote. I haven't done my homework on it either and that's also not good. When we sought designation as a historic structure, I was very supportive of that. I knew about the wrought iron fence and the replacement and so forth. It was clear to me that one of the reasons to do that was to get outside funding to do some of the work to bring it back to its proper condition. I was also under the impression that the big shortcoming was the fence and that we had kept the fence. It was in bad condition but it could be set up and replaced. I guess I haven't heard enough to convince me that we should give up on the idea of getting some outside support for some of this work. Also, Francis, is there any rush on authorizing this money? The Board of Finance has approved it. Could you comment on the timing of whether or not it could be looked at again at a subsequent meeting?

Mr. Henkels:

The restoration grants from the State Preservation Office are available on a cyclical basis. I'm not sure what the deadline for that would be. That was one of the issues that was driving our schedule. We have secured the fence. It's in Town storage. It's not deteriorating further. There is a replacement fence which we consider inappropriate to that site. I don't know if there is a critical time frame. I'm trying to think if there are any other issues that are pushing us at this point.

Mr. Bergmann:

Do you hope for any other sources of contribution to our cost? If this was to wait six months, I was hoping all along we wouldn't have to pay full cost for this. That was my basic premise.

Mr. Henkels:

We haven't sought private funding for this, any contribution from private sources. I don't know if our group has ever done that before. I don't know if it is available. We really believe that it is a very prominent Town feature. I believe the state was one of the donors of the statue initially. There is an interesting statement in the program of dedication for the statue where they pass the responsibility for the statue to the Town. I think we just viewed it as living up to the donor's charge.

Mr. Bergmann:

What were the burdensome things? You mentioned an easement from the state. Frankly, my reaction is that doesn't sound all that burdensome. They're not going to go running in and take it over, I don't think.

Mr. Henkels:

I agree that's probably not the most serious one. The most serious one is the conservator who wrote the assessment and treatment report. Because he did that, he is by State regulations not permitted to bid on any component of the work. We weren't aware of this when we undertook the treatment report. The Arts Advisory Committee feels very strongly, they have a long relationship with him and they very much want him to be involved in that work. We were very disappointed in that and that's probably the primary objection.

Mr. Bergmann: Are you saying this is the only person who can do the work?

Mr. Henkels:

No I wouldn't say that. There are probably other conservators. I don't know if the Town has worked with them in the past but I know this is the relationship we have.

Mr. Bergmann:

If we had an alternative person to do the work, we would get the money?

Mr. Henkels:

We'd have to apply and be awarded the money but, conceivably, we would meet the requirements.

Mr. Rubin:

I don't want to make it sound that I'm coming out against the Historic District Commission. I think since the early 90's when I became a member of the RTM, I don't think I've ever questioned anything but tonight I'm doing it twice. Let it be known that I am definitely a supporter of what you do. I am also a supporter of that statue. That statue is wonderful. Every day on my way to work, I wave to it. At Christmas time, when it has a Christmas cap on it, it looks handsome. It's a terrific thing. Every candidate when they campaign, they take a picture in front of it. I don't see anything wrong with it. I seem to remember that number one, the statue has been worked on in recent years. I agree with you that the statue is in pretty good shape. If the wall is under two feet, is

that critical, worth \$80,000? That's one question. Number two, how many bids did we receive and what they were they? I agree that it is a prominent Town feature. I clearly agree with what was touched on by Don, I don't want to put words in your mouth, I expected donations to come into that also. There are organizations in Town such as the Levitt. We gave them one million dollars but they raised many millions on their own in addition to the extra money that we've given them. We didn't fund their entire process. Again, I have questions on how I'm going to vote on this as well. If, in fact, we could wait on this a while, I don't know what your time schedule is, would it be wise to do it before the winter. Wouldn't it be better to do it after the winter if there are more cars smashing into it? I don't know if that's really true. I'd love to see a police report on how much damage is done because of a lack of fence or because the wall is falling down.

Mr. Henkels

The sum of the \$79,000 is actually the projected cost from our treatment report. We have not put this out to bid so these are not hard costs at this point. It's quite possible that number might be less. It certainly would not be more than this because we won't have the funds to undertake it. When we talk about the supplemental features of the site, the wall and the iron fence, when you look at the original monument when it was dedicated, these were all original parts of the original design. I think when you look at the difference, I should have had images to show you for those of you who haven't studied the condition of things like the condition of the stone wall, the stone wall is almost completely buried. This proposal that our treatment report has made is to compromise between what has been buried and what was there originally by raising the height of the stone wall only a portion of what was there originally, approximately 16 inches above the height of the pavement. But that pavement has been raised over the years probably two feet. So without affecting the way the mound reads and there's a plaque mounted on a large stone in front of that, everything is a compromise, how far we can go, within reason, to recreate, as well as we can, what was there in the original. The iron fence is in reasonably good condition in terms of the iron itself but it's been hit many times and a lot of it has been bent and broken. It would probably be a more durable fence than what we have now but it is critical to the design of the monument. We believe full restoration is warranted. In terms of a delay of time, I'm not sure I understand the value of that from a weather standpoint or process standpoint. We still have to receive bids. We don't have a timeframe for starting the work. There would be some weather constraints. There would be some excavation work for the stone wall. There would be new foundations for the fence which will make the fence much more secure. We've talked about the placement of the fence which hopefully will help prevent snowplows from hitting the stone. By restoring it now, we will take it back to near original condition. In many respects, the stone will be more secure. The fence mounting will be more secure. So, hopefully, we'll get another 100 years out of it.

Mr. Wieser, point of order:

If the Board of Finance approves this and it gets on our agenda, we have to do something within 30 days. Is that right? In any case, I thought this was going to be a quick and easy approval. This is the Minuteman. I'm all for it. We had a good meeting in the Finance Committee with the HDC. We went through some of these issues with the

fact that they do, for the sensitive work, have tradesmen that they really want to use, an expense that we might not approve in a lot of things. Given that it was the Minuteman, we said the Board of Finance has approved it and the Town has approved it, I think time isn't of the essence but there's no real reason to delay on fixing up the Minuteman or voting on it. It's a well researched product. Last month, we saw the 40 page document that got it in the State Registry and it's a great emblem of Westport.

Ms. Flug:

I would defer to the Assistant Town Attorney. We have 30 days if the Board of Finance fails to recommend an appropriation in order for it to be appealed to the RTM. But if the Board of Finance approves an appropriation, I think it's a matter of state law how much time we have. I don't see the answer to that question in the charter.

Gail Kelly, Assistant Town Attorney:

Without looking at the State Statutes which I don't have with me right now, I can't answer that question.

Ms. Flug:

I think we have to act without the answer to that question.

John Suggs, district 5:

I just want to make a short comment because, like Steve, I had hoped our actions would bring in outside resources to be able to help preserve the Minuteman. One of the things, I'm sitting over there thinking so I had better get up and say it. We're in the 70th anniversary of the famous *I love Lucy* episode where she plows right through it and breaks it and she tries to pretend to be the Minuteman statue itself for the unveiling. I'm going to vote for this but I'd like to see some outside funds. I'd like to also see the fact that we can laugh at ourselves. Lucille Ball drove right through the Minuteman statue on a national program and I heard everybody talk about that. So, I'd like to put a bug in your ear, if we do do this and I fully expect that we will, why don't we invite Lucy Arnaz to the unveiling and for celebration and let's screen that famous *I Love Lucy* episode and see what we might be able to do and we might be able to market some *Lucy* and Minute Man.

Mr. Mall:

When I looked at the minutes of the Finance Committee, I was troubled with when it said that

Initially, the plan was to file for a state grant that would have covered about half of the restoration funds. However, the state funding comes with many conditions which the HDC feel will be too onerous to deal with.

I want to put things in perspective how the Kroll study that was \$98,000 and how the RTM really got into the details of doing the study for school safety. That was \$98,000 and this is \$79,000. If the schools ever came back to us and said it was too much work or a burden to file for a grant or state money, we would say too bad, go back and file for it or Steve Edwards for FEMA money and so forth. I'm not too happy with that particular statement. When I look at the breakdown, it seems to me we are really hung up on this

fence. The fence constitutes 57 percent of the expenditure and the fence can be wiped out in one snow plowing if they drive as fast as they do on my street sometimes. Anyway, 57 percent is the iron fence, 22 percent is the stone wall, seven percent is actually going to be spent for the Minuteman himself and 14 percent for Conservation oversight. I have a lot of problems with this expenditure so I am going to vote no on it.

By roll call vote, the motion passes 11-9-1. Those in favor: Bergmann, Calise, Kane, Wieser, Lowenstein, Suggs, Bomes, Arthurs, Schine, Heller and Flug; Opposed: Olsen, Mall, Izzo, Cunitz, Floyd, Moore, Loselle, Rubin and Batteau; Abstention: Hogan.

Lee Arthurs, district 8:

Can I make a motion to move the remaining items on the agenda to the Nov. 12 meeting. My real reason for doing this is we are very close to not having a quorum and this is a very important issue, ethics in the RTM.

The motion passes unanimously. 21-0

The meeting adjourned 10:48 p.m.

Respectfully submitted,
Patricia H. Strauss
Town Clerk



by Jacquelyn Fuchs
Secretary

Attendance: October 1, 2013

DIST.	NAME	PRESENT	ABSENT	NOTIFIED MODERATOR	LATE/ LEFT EARLY
1	Don Bergmann	X			
	Diane Cady	X			Left 10 pm
	Matthew Mandell		X	X	
	Cornelia Olsen	X			
2	Catherine Calise	X			
	Jay Keenan	X			Left 9:00 pm
	Louis Mall	X			
	Sean Timmins	X			Left 9:50 pm.
3	Lyn Hogan	X			
	Jimmy Izzo	X			
	Melissa Kane	X			
	Bill Meyer	X			Left 10:00 pm
4	Jonathan Cunitz, DBA	X			
	David Floyd	X			
	Clarissa Moore	X			
	Jeffrey Wieser	X			
5	Dewey Loselle	X			
	Richard Lowenstein	X			Left 10:15 pm
	Paul Rossi		X	X	
	John Suggs	X			
6	Hope Feller	X			Arr. 8:08/Left 10:00
	Paul Lebowitz	X			Left 10:00 pm
	Catherine Talmadge		X		
	Christopher Urist		X	X	
7	Arthur Ashman, D.D.S.	X			Left 10:00 pm
	Allen Bomes	X			
	Jack Klinge		X	X	
	Stephen Rubin	X			
8	Lee Arthurs	X			
	Wendy Batteau	X			
	Carla L. Rea		X	X	
	Lois Schine	X			
9	Eileen Flug	X			
	Velma Heller, Ed. D.	X			
	John McCarthy		X		
	Gilbert Nathan		X	X	
Total		28	8		

Roll Call Vote - #5 First Selectman's salary

DIST.	NAME	ABSENT	Yea	Nay	Abstain
1	Don Bergmann				X
	Diane Cady				X
	Matthew Mandell	X			
	Cornelia Olsen				X
2	Catherine Calise			X	
	Jay Keenan		X		
	Louis Mall		X		
	Sean Timmins		X		
3	Lyn Hogan				X
	Jimmy Izzo		X		
	Melissa Kane	RECUSED			
	Bill Meyer				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
	Paul Lebowitz				X
	Catherine Talmadge	X			
	Christopher Urist	X			
7	Arthur Ashman, D.D.S.				X
	Allen Bomes				X
	Jack Klinge	X			
	Stephen Rubin			X	
8	Lee Arthurs				X
	Wendy Batteau				X
	Carla L. Rea	X			
	Lois Schine		X		
9	Eileen Flug		X		
	Velma Heller, Ed. D.		X		
	John McCarthy	X			
	Gilbert Nathan	X			
Total			10	4	13

Roll Call Vote - #8 Minuteman Repair Appropriation

DIST.	NAME	ABSENT	Yea	Nay	Abstain
1	Don Bergmann		X		
	Diane Cady	X			
	Matthew Mandell	X			
	Cornelia Olsen			X	
2	Catherine Calise		X		
	Jay Keenan	X			
	Louis Mall			X	
	Sean Timmins	X			
3	Lyn Hogan				X
	Jimmy Izzo			X	
	Melissa Kane		X		
	Bill Meyer	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			
	Paul Lebowitz	X			
	Catherine Talmadge	X			
	Christopher Urist	X			
7	Arthur Ashman, D.D.S.	X			
	Allen Bomes		X		
	Jack Klinge	X			
	Stephen Rubin			X	
8	Lee Arthurs		X		
	Wendy Batteau			X	
	Carla L. Rea	X			
	Lois Schine		X		
9	Eileen Flug		X		
	Velma Heller, Ed. D.		X		
	John McCarthy	X			
	Gilbert Nathan	X			
Total			11	9	1