

Board of Selectmen  
August 13, 2014  
MINUTES (DRAFT)

The Board of Selectmen, Traffic Authority and Water Pollution Control Authority held a public hearing on Wednesday, August 13, 2014 at 8:30 a.m. in Rooms 307/309 of the Westport Town Hall. Present at the meeting were Jim Marpe, Avi Kaner (via telephone), Helen Garten, Gail Kelly, Ira Bloom, Doug LoMonte, Cindy Palaia, Stephen Edwards, Gary Conrad, Sarah Heath, members of the public, and Eileen Francis, Recording Secretary.

Mr. Marpe announced that Selectman Avi Kaner was in attendance via telephone. It was noted that Item #5 had been withdrawn by the applicant on August 12, 2014. The Selectmen agreed that Item #6 on the agenda would be postponed until after the conclusion of the review, discussion and vote on Item #7.

MINUTES

1. Item #1 was presented by Jim Marpe. There were no changes or comment. Upon motion by Helen Garten, seconded by Avi Kaner and passing by a vote of 3-0, it was:

RESOLVED, that the minutes of the Board of Selectmen's public hearing of July 23 2014, and the minutes of the Water Pollution Control Authority's public hearing of July 23, 2014 are hereby APPROVED.

ACCEPT MONETARY GIFTS TO HUMAN SERVICES TO SUPPORT 2014 BACK TO SCHOOL PROGRAM

2. Item # 2 was presented by Assistant Director of Human Services, Sarah Heath. Upon motion by Helen Garten, seconded by Avi Kaner and passing by a vote of 3-0, it was:

RESOLVED, that the monetary gifts to the Town of Westport Human Services Department to support the 2014 Back to School Program in accordance with the Policy for Gifts to the Town, as amended October 28, 1998, are hereby ACCEPTED.

APPROVE ENCROACHMENT WAIVER REQUEST FOR FENCE AT 63 KINGS HIGHWAY NORTH

3. Item # 3 was presented by applicant/homeowner, Donna Molesworth and Director of Public Works, Stephen Edwards. Ms. Molesworth agreed to comply with all conditions if the request was granted. A resident in attendance noted that the home was part of an historic district and that the proposed fence required review by the Historic District Commission. Ms. Molesworth agreed to follow procedure as it related to the HDC. Upon motion by Helen Garten, seconded by Avi Kaner and passing by a vote of 3-0, it was:

RESOLVED, that the waiver of the “Westport Policy on Encroachments on Town Property” as it relates to a fence located within the Town right-of way at property known as 63 Kings Highway North Road, contingent upon compliance with the Town Engineer’s letter of August 7, 2014, and a favorable review by the Historic District Commission, is hereby GRANTED.

APPROVE TEMPORARY CLOSURE OF MAIN STREET FOR 2014 HALLOWEEN PARADE

4. Item # 4 was presented by Parks and Recreation representative, Cindy Palaia. Upon motion by Helen Garten, seconded by Avi Kaner and passing by a vote of 3-0, it was:

RESOLVED, acting in its capacity as the Traffic Authority, the temporary closure of Main Street from the intersection with Post Road to Avery Place and Myrtle Avenue from Evergreen Avenue to Main Street for the Halloween parade scheduled for Wednesday, October 29, 2014 from 3:30 p.m. to 5:30 p.m., is hereby APPROVED.

ITEM #5 WAS WITHDRAWN BY APPLICANT

~~5. To take such action as the meeting may determine to approve the use of town-owned property known as Jesup Green on Saturday, September 20, 2014 between the hours of 9 a.m. and 12 p.m. by the Westport Library for World Peace Day activities, contingent upon compliance with comments from relevant town departments, and in accordance with the Procedures for Use of Town-Owned Property, Facilities and/or Public Roadways.~~

ITEM #6 WAS PRESENTED AFTER ITEM #7

APPROVE USE OF IMPERIAL AVENUE PARKING LOT AND LIBRARY PARKING LOT FOR USE BY THE WESTPORT DOWNTOWN MERCHANTS ASSOCIATION FOR THE BLUES, VIEW AND BARBEQUE EVENT ON AUGUST 29-31, 2014.

6. Item #6 was presented by Westport Downtown Merchants’ representatives, Peggy Travers and Bobby LeRose. The Board was assured that all necessary contracts with respect to the Levitt Pavilion and Library parking arrangements and safety concerns have been addressed with the appropriate departments. Upon motion by Helen Garten, seconded by Avi Kaner and passing by a vote of 3-0 it was:

RESOLVED, that the use of town-owned properties known as Imperial Avenue Parking Lot and the Library upper parking lot on Friday, August 29, 2014 (for set up), Saturday, August 30, 2014 from 11 a.m. to 10 p.m., and Sunday, August 31, 2014 from 11 a.m. to 9:00 p.m. for the Downtown Merchants Association’s Blues, Views and BBQ Event, contingent upon compliance with comments from relevant town departments, and in accordance with the Procedures for Use of Town-Owned Property, Facilities and/or Public Roadways, is hereby APPROVED.

APPROVE LEASE BETWEEN THE TOWN OF WESTPORT AND KEMPER GUNN, LLC.  
FOR LEASE OF .13 ACRES OF TOWN OWNED PROPERTY AT 35 ELM STREET  
(BALDWIN PARKING LOT)

7. Item #7 was read by Jim Marpe who deferred to Selectwoman Helen Garten for presentation. Ms. Garten explained her involvement in the lease negotiations. Town Attorney Ira Bloom gave additional information as to the history of the approval process which resulted in the final lease coming before the Board of Selectmen. Mr. Bloom also addressed concerns relative to the Town Charter. Attorney Douglas LoMonte of Berchem, Moses & Devlin, P.C. addressed questions as to specific lease terms. It was noted that a number of e-mails and letters were received by the Selectman's Office as to the subject agenda item. General discussion included, but was not limited to: effects due to loss of parking; public/private venture benefits and concerns; historical preservation; and financial return to the Town. Upon motion by Avi Kaner, seconded by Helen Garten and passing by a vote of 3-0, it was:

RESOLVED, that the lease between the Town of Westport and Kemper-Gunn, LLC for 0.13 acres of town owned land at 35 Elm Street (southeast corner of Baldwin parking lot) in connection with the relocation of the Kemper Gunn House from 35 Church Lane to 35 Elm Street, is hereby APPROVED.

8. Item #8 was presented by Finance Director, Gary Conrad and Assistant Town Attorney, Gail Kelly. Upon motion by Helen Garten, seconded by Avi Kaner and passing by a vote of 3-0, it was:

RESOLVED, that the Agreement between Homes With Hope, Inc. and the Town of Westport as it relates to an abatement of 35% of the real property taxes on Homes With Hope's properties located at 90, 92-94 and 98 Saugatuck Avenue, is hereby APPROVED.

9. Item #9 was presented by Finance Director, Gary Conrad and Assistant Town Attorney, Gail Kelly. Both Items #9 and #10 reflect agreements, cooperation and consolidation between the Town and the Board of Education relative to obtaining the lowest prices for copiers and their maintenance. Upon motion by Helen Garten, seconded by Avi Kaner and passing by a vote of 3-0, it was:

RESOLVED: that the Agreement between the Town of Westport and the Westport Board of Education providing for reimbursement to the Board of the Town's pro rata share of the fees payable under the lease agreement, dated July 21, 2014, between CIT Finance, LLC and the Westport Board of Education as it relates to the leasing of copiers for the Town, is hereby APPROVED.

10. Item #10 was presented by Finance Director, Gary Conrad and Assistant Town Attorney, Gail Kelly. Upon motion by Helen Garten, seconded by Avi Kaner and passing by a vote of 3-0, it was:

RESOLVED, that the payment of the Town's pro rata share of fees payable under the Maintenance Agreement, dated July 21, 2014, between the Westport Board of Education and Advanced Technologies, Inc. as it relates to maintenance of the copiers being leased under the agreement between the Board of Education and CIT Finance, LLC, is hereby APPROVED.

11. Item # 11 was presented by Director of Public Works, Stephen Edwards. The total on the agenda request for one of the bidding contractors was amended to reflect the actual bid amount. Upon motion by Helen Garten, seconded by Avi Kaner and passing by a vote of 3-0, it was:

RESOLVED, that the award of Contract Bid #15-768T to FGB Construction for the bid amount of \$1,171,932.90 for the bituminous concrete roadway overlay project, is hereby APPROVED.

Upon motion by Helen Garten, seconded by Avi Kaner and passing by a vote of 3-0, the meeting was adjourned at 11:40 a.m.

Eileen Francis  
Recording Secretary