



WESTPORT

**TOWN OF WESTPORT**  
**REPRESENTATIVE TOWN MEETING**  
**REPRESENTATIVE TOWN MEETING PACKET**  
**JULY 11, 2023**  
**07:30 PM**



## REPRESENTATIVE TOWN MEETING AGENDA

JULY 11, 2023  
07:30 PM

### 1. Agenda

#### Call

REPRESENTATIVE TOWN MEETING NOTICE

#### Revised on 7/6/23 to cancel Executive Session & withdraw Item # 3

#### NOTICE OF RTM EXECUTIVE SESSION- **CANCELLED**

All Representative Town Meeting members and inhabitants of the Town of Westport are hereby notified that a meeting of the Representative Town Meeting members will be held at Town Hall, 110 Myrtle Ave. in the auditorium on Tuesday July 11, 2023, at 6:30 p. m. for the purpose listed below as agenda item #3. It is anticipated that the RTM will vote to go into Executive Session for agenda item #3 for the discussion of security strategy and devices prior to the vote on this item in public session:

3. To take such action as the meeting may determine, upon the request of the Superintendent of Schools, to approve an appropriation in the amount of \$630,000, to the Capital and Non-Recurring Account Fund Account for school-based security communication system.

#### NOTICE OF RTM PUBLIC MEETING

All Representative Town Meeting members and inhabitants of the Town of Westport are hereby notified that a meeting of the Representative Town Meeting members will be held at Town Hall, 110 Myrtle Ave. in the auditorium on Tuesday July 11, 2023 **at 7:30 p. m.** for the purposes listed below. If necessary, the meeting shall reconvene on Tuesday, July 25, 2023, to deal with any agenda items not disposed of at the adjournment of the July 11, 2023 meeting.

#### NEW ORDER OF BUSINESS:

3. To take such action as the meeting may determine, upon the request of the Superintendent of Schools, to approve an appropriation in the amount of \$630,000, to the Capital and Non-Recurring Account Fund Account for school-based security communication system.

#### **WITHDRAWN**

1. To take such action as the meeting may determine, upon the recommendation of the RTM Transit Committee, to appoint Karina Saryani Betfarhad to serve as Director to the Westport Transit District for a term beginning July 1, 2023 and ending June 30, 2027.

2. To take such action as the meeting may determine, upon the request of the Westport Library Executive Director, to approve a supplemental appropriation in the amount of \$320,000 for the fiscal year 2022-23 to cover medical claims for the Westport Library.

3. [SEE ABOVE]

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 in the amount of \$1,000,000.00 along with bond and note authorization, to the Sewer Reserve Fund Account for upgrades to Pump Station #8 (Nyala Farms Road).

5. To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation in the amount of \$440,000 along with bond and note authorization, to the Capital Non-Recurring Fund Account for re-construction of the Parsell Public Works Center Pavement.

6. To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$300,000 to the Capital and Non-Recurring Account for the replacement of the 2008 Elgin Pelican Sweeper.
7. To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$225,000 to the Capital and Non-Recurring Account for the purchase of a Trackless MT7 Multipurpose machine.
8. To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$172,000 to the Capital and Non-Recurring Account for the purchase of a John Deere 5105M 4WD Tractor.
9. To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$562,500 to the Capital and Non-Recurring Account for the creation of a Town-wide Safe Street for All (SS4A), Action Plan.
10. To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$260,000 to the Capital and Non-Recurring Account for the Preliminary Engineering Services for Center Street and Greens Farms Road Bridges.
11. To take such action as the meeting may determine, upon the request of the First Selectwoman, to adopt a Fair Rent Commission Ordinance. (Second reading. Full text available in the Town Clerk's office.)

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Jeffrey Wieser, Moderator

It is the policy of the Town of Westport that all Town-sponsored public meetings and events are accessible to people with disabilities. If you need assistance in participating in a meeting or event due to a disability as defined under the Americans with Disabilities Act, please contact Westport's ADA Coordinator at 203-341-1043 or [eflug@westportct.gov](mailto:eflug@westportct.gov) at least three (3) business days prior to the scheduled meeting or event to request an accommodation.

Attachment: [Resolutions.pdf](#)

#### Item #1

To take such action as the meeting may determine, upon the recommendation of the RTM Transit Committee, to appoint Karina Saryani Belfarhad to serve as Director to the Westport Transit District for a term beginning July 1, 2023 and ending June 30, 2027.

Attachment: [Karina Belfarhad Cover Letter- Item \\_ 1.pdf](#)

Attachment: [Karina Belfarhad Resume- Item \\_ 1.pdf](#)

Attachment: [RTM Transit Committee Report- Item \\_ 1.pdf](#)

#### 2. Item #2

To take such action as the meeting may determine, upon the request of the Westport Library Executive Director, to approve a supplemental appropriation in the amount of \$320,000 for the fiscal year 2022-23 to cover medical claims for the Westport Library.

Attachment: [Supplemental Appropriation Westport Library- Item \\_ 2.pdf](#)

Attachment: [BOF Library medical claims FY22-23- Item \\_ 2.pdf](#)

Attachment: [RTM Library Museum and Arts \\_ Finance Committees Report- Item \\_ 2.pdf](#)

#### Item #3

To take such action as the meeting may determine, upon the request of the Superintendent of Schools, to approve an appropriation in the amount of \$630,000, to the Capital and Non-Recurring Account Fund Account for school-based security communication system.

**WITHDRAWN**

#### Item #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 in the amount of \$1,000,000.00 along with bond and note authorization, to the Sewer Reserve Fund Account for upgrades to Pump Station #8 (Nyala Farms Road).

**Attachment:** [DPW Approp Upgrades to Pump Station - 8- Item - 4.pdf](#)

**Item #5**

To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation in the amount of \$440,000 along with bond and note authorization, to the Capital Non-Recurring Fund Account for re-construction of the Parsell Public Works Center Pavement.

**Attachment:** [DPW Approp re-construction Parsell PW Center Pavement- Item - 5.pdf](#)

**Item #6**

To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$300,000 to the Capital and Non-Recurring Account for the replacement of the 2008 Elgin Pelican Sweeper.

**Attachment:** [DPW Approp Purchase of Elgin Pelican Sweeper- Item - 6.pdf](#)

**Attachment:** [RTM Finance - Public Works Committees Report- Items - 4 - 5 - 6.pdf](#)

**Item #7**

To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$225,000 to the Capital and Non-Recurring Account for the purchase of a Trackless MT7 Multipurpose machine.

**Attachment:** [DPW Approp Purchase of Trackless MT7- Item - 7.pdf](#)

**Attachment:** [RTM Finance - Public Works Committees Report- Item - 7.pdf](#)

**Item #8**

To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$172,000 to the Capital and Non-Recurring Account for the purchase of a John Deere 5105M 4WD Tractor.

**Attachment:** [DPW Approp Purchase of John Deere- Item - 8.pdf](#)

**Attachment:** [RTM Finance - Public Works Committees Report- Item - 8.pdf](#)

**Item #9**

To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$562,500 to the Capital and Non-Recurring Account for the creation of a Town-wide Safe Street for All (SS4A), Action Plan.

**Attachment:** [DPW Approp Safe Street Grant- Item - 9.pdf](#)

**Attachment:** [RTM Finance - Public Works Committees Report- Item - 9.pdf](#)

**Item #10**

To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$260,000 to the Capital and Non-Recurring Account for the Preliminary Engineering Services for Center Street and Greens Farms Road Bridges.

**Attachment:** [DPW Approp Preliminary Eng Services Ctr St and Greens Farms Rd Bridges- Item - 10.pdf](#)

**Attachment:** [Historic District Commission Letter- Center Street - Greens Farms Rd Bridges- Item - 10.pdf](#)

**Attachment:** [Greens Farms Association Letter Muddy Brook bridges- Item - 10.pdf](#)

**Attachment:** [RTM Finance - Public Works Committees Report- Item - 10.pdf](#)

**Item #11**

To take such action as the meeting may determine, upon the request of the First Selectwoman, to adopt a Fair Rent Commission Ordinance. (Second reading. Full text available in the Town Clerk's office.)

**Attachment:** [Draft of Westport Fair Rent Commission Ordinance REDLINED TO FIRST READING- Item - 11.pdf](#)

**Attachment:** [Draft of Westport Fair Rent Commission Ordinance- Item - 11.pdf](#)

**Attachment:** [RTM Health - Human Services Committee Report- Item - 11.pdf](#)

**Attachment:** [RTM Ordinance Committee Report- Item - 11.pdf](#)

## General Attachments

[- Agenda Link](#)

Remote Attachment:

[Agenda Link \(https://www.westportc ... mponents/Calendar/Event/25185/745\)](https://www.westportct.gov/Home/Components/Calendar/Event/25185/745)  
[https://www.westportct.gov/Home/Components/Calendar/Event/25185/745\)](https://www.westportct.gov/Home/Components/Calendar/Event/25185/745)

**RTM Meeting  
July 11, 2023**

**RESOLUTIONS**

(1)

**RESOLVED:** That upon the recommendation of the RTM Transit Committee, Karina Saryani Betfarhad is hereby appointed to serve as Director to the Westport Transit District for a term beginning July 1, 2023 and ending June 30, 2027.

(2)

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Westport Library Executive Director, a supplemental appropriation in the amount of \$320,000 for the fiscal year 2022-23 to cover medical claims for the Westport Library is hereby appropriated.

(3)

~~**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Superintendent of Schools, the sum of \$630,000, to the Capital and Non-Recurring Account Fund Account for school based security communication system is hereby appropriated.~~ **WITHDRAWN**

(4)

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$1,000,000.00 along with bond and note authorization, to the Sewer Reserve Fund Account for upgrades to Pump Station #8 (Nyala Farms Road) is hereby appropriated.

**TOWN OF WESTPORT, CONNECTICUT**

**A RESOLUTION APPROPRIATING \$1,000,000 FOR COSTS ASSOCIATED WITH UPGRADES TO PUMP STATION NO. 8 AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION.**

**RESOLVED:** That upon the recommendation of the Board of Finance, the Town of Westport, Connecticut (the "Town") hereby appropriates the sum of One Million and 00/100 Dollars (\$1,000,000.00) for costs associated with upgrades to Pump Station No. 8 located on Nyala Farms Road including, but not limited to, site work, electrical work, equipment and materials, landscaping, paving, sealing/coating, engineering, inspection costs and related administrative, financing and other soft costs (the "Project").

**Section 1.** As recommended by the Board of Finance and for the purpose of financing One Million and 00/100 Dollars (\$1,000,000.00) of the foregoing appropriation,

the Town is hereby authorized to borrow a sum not to exceed One Million and 00/100 Dollars (\$1,000,000.00) and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project. As part of the final costs, the Town may levy a benefit assessment for the Project costs upon the properties bounding the Project which are especially benefited thereby. The Town may also use available moneys from the Sewer Reserve Fund to pay any debt service costs for indebtedness related to the Project.

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

**Section 3.** The Bonds may be designated "Public Improvement Bonds" or "Sewer Bonds" series of the year of their issuance and may be issued in one or more series, and may be consolidated as part of the same issue with other bonds of the Town; shall be in serial form maturing in not more than twenty (20) annual installments of principal, the first installment to mature not later than three (3) years from the date of issue and the last installment to mature not later than twenty (20) years therefrom, or as otherwise provided by statute. The bonds may be sold at not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds, or notes, on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semiannually or annually. The bonds shall be signed on behalf of the Town by the First Selectman and the Finance Director, and shall bear the seal of the Town. The signing, sealing and certification of said bonds may be by facsimile as provided by statute. The Finance Director shall maintain a record of bonds issued pursuant to this resolution and of the face amount thereof outstanding from time to time, and shall certify to the destruction of said bonds after they have been paid and cancelled, and such certification shall be kept on file with the Town Clerk.



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

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

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

**Section 7.** Pursuant to Section 1.150-2 (as amended) of the federal income tax regulations the Town hereby expresses its official intent to reimburse expenditures paid from the General Fund, or any capital fund for the Project with the proceeds of the bonds or notes to be issued under the provisions hereof. The allocation of such reimbursement bond proceeds to an expenditure shall be made in accordance with the time limitations and other requirements of such regulations. The Finance Director is authorized to pay Project expenses in accordance herewith pending the issuance of the reimbursement bonds or notes.

**Section 8.** The Town of Westport, or other proper authority of the Town, is authorized to take all necessary action to apply to the State of Connecticut, and accept from the State or other parties, grants, gifts and contributions in aid of further financing the Project. Once the appropriation becomes effective, the First Selectman, or other appropriate official of the town, is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the Project and is specifically authorized to make, execute and

deliver any contracts or other documents necessary or convenient to complete the Project and the financing thereof.

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

(5)

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$440,000 along with bond and note authorization, to the Capital Non-Recurring Fund Account for re-construction of the Parsell Public Works Center Pavement is hereby appropriated.

**TOWN OF WESTPORT, CONNECTICUT**

**A RESOLUTION APPROPRIATING \$440,000 FOR THE COSTS ASSOCIATED WITH PAVEMENT RECONSTRUCTION AT THE PARSELL PUBLIC WORKS CENTER AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION.**

**RESOLVED:** That upon the recommendation of the Board of Finance, the Town of Westport, Connecticut (the "Town") hereby appropriates the sum of Four Hundred Forty Thousand and 00/100 Dollars (\$440,000) for costs associated with pavement reconstruction at the Parsell Public Works Center, including, but not limited to, site preparation, pavement reclamation, drainage repairs, materials, and environmental monitoring, as well as, related design, engineering, consultant, administrative, contingency, financing and other soft costs (the "Project").

**Section 1.** As recommended by the Board of Finance and for the purpose of financing the foregoing appropriation, the Town is hereby authorized to borrow a sum not to exceed Four Hundred Forty Thousand and 00/100 Dollars (\$440,000) and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project.

**Section 2.** The First Selectwoman, Selectmen and Finance Director are hereby appointed a committee (the "Committee") with full power and authority to cause said bonds to be sold, issued and delivered; to determine their form, including provision for redemption prior to maturity; to determine the aggregate principal amount thereof within the amount hereby authorized and the denominations and maturities thereof; to fix the time of issue of each series thereof and the rate or rates of interest thereon as herein provided; to designate the bank or trust company to certify the issuance thereof and to act as transfer agent, paying agent and as registrar for the bonds, and to designate bond counsel. The Committee shall have all appropriate powers under the Connecticut General Statutes including Chapter 748 (Registered Public Obligations Act) to issue the bonds and, further, shall have full power and authority to do all that is required under the Internal Revenue Code of 1986, as amended, and other applicable laws and regulations of the United States and the state of Connecticut, to provide for issuance of the bonds in

tax exempt form, including the execution of tax compliance and other agreements for the benefit of bondholders, and to meet all requirements which are or may become necessary in and subsequent to the issuance and delivery of the bonds in order that the interest on the bonds be and remain exempt from federal income taxes, including, without limitation, to covenant and agree to restriction on investment yield of bond proceeds, rebate of arbitrage earnings, expenditure of proceeds within required time limitations and the filing of information reports as and when required and to execute Continuing Disclosure Agreements for the benefit of holders of bonds and notes.

**Section 3.** The Bonds may be designated "Public Improvement Bonds," series of the year of their issuance and may be issued in one or more series, and may be consolidated as part of the same issue with other bonds of the Town; shall be in serial form maturing in not more than twenty (20) annual installments of principal, the first installment to mature not later than three (3) years from the date of issue and the last installment to mature not later than twenty (20) years therefrom, or as otherwise provided by statute. The bonds may be sold at not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds, or notes, on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semiannually or annually. The bonds shall be signed on behalf of the Town by the First Selectwoman and the Finance Director, and shall bear the seal of the Town. The signing, sealing and certification of said bonds may be by facsimile as provided by statute. The Finance Director shall maintain a record of bonds issued pursuant to this resolution and of the face amount thereof outstanding from time to time, and shall certify to the destruction of said bonds after they have been paid and cancelled, and such certification shall be kept on file with the Town Clerk.

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

**Section 5.** Upon the sale and issuance of the bonds authorized by this resolution, the proceeds thereof, including any premium received upon the sale thereof, accrued interest received at delivery and interest earned on the temporary investment of such proceeds, shall be applied forthwith to the payment of the principal and interest of all

notes issued in anticipation thereof or shall be deposited in trust for such purposes with a bank or trust company, or shall be applied or rebated as may be required under the provision of law. The remainder of the proceeds, if any, after the payment of said notes and of the expense of issuing said notes and bonds shall be applied to further finance the appropriation enacted herein.

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

**Section 7.** Pursuant to Section 1.150-2 (as amended) of the federal income tax regulations the Town hereby expresses its official intent to reimburse expenditures paid from the General Fund, or any capital fund for the Project with the proceeds of the bonds or notes to be issued under the provisions hereof. The allocation of such reimbursement bond proceeds to an expenditure shall be made in accordance with the time limitations and other requirements of such regulations. The Finance Director is authorized to pay Project expenses in accordance herewith pending the issuance of the reimbursement bonds or notes.

**Section 8.** The Town of Westport, or other proper authority of the Town, is authorized to take all necessary action to apply to the State of Connecticut, and accept from the State or other parties, grants, gifts and contributions in aid of further financing the Project. Once the appropriation becomes effective, the First Selectwoman, or other appropriate official of the town, is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the Project and is specifically authorized to make, execute and deliver any contracts or other documents necessary or convenient to complete the Project and the financing thereof.

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

(6)

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$300,000 to the Capital and Non-Recurring Account for the replacement of the 2008 Elgin Pelican Sweeper is hereby appropriated.

(7)

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$225,000 to the Capital and Non-Recurring Account for the purchase of a Trackless MT7 Multipurpose machine is hereby appropriated.

(8)

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$172,000 to the Capital and Non-Recurring Account for the purchase of a John Deere 5105M 4WD Tractor is hereby appropriated.

(9)

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$562,500 to the Capital and Non-Recurring Account for the creation of a Town-wide Safe Street for All (SS4A), Action Plan is hereby appropriated.

(10)

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$260,000 to the Capital and Non-Recurring Account for the Preliminary Engineering Services for Center Street and Greens Farms Road Bridges is hereby appropriated.

(11)

**RESOLVED:** That upon the request of the First Selectwoman, a Fair Rent Commission Ordinance is hereby adopted. (Second reading. Full text is as follows.)

## CODE OF ORDINANCES, TOWN OF WESTPORT, CONNECTICUT

### Chapter 2 - ADMINISTRATION

#### ARTICLE IV. BOARDS AND COMMISSIONS

##### Sec 2-90. - Fair Rent Commission

(a) *Established.*

(1) Pursuant to and in conformity with C.G.S. §§ 7-148b through 7-148f, 47a-20 and 47a-23c, there is hereby created a Fair Rent Commission (“Commission”) for the purpose of controlling and eliminating excessive rental charges for housing accommodations within the Town, and to carry out the purposes, duties, responsibilities and all provisions of the above described sections and any other sections of the statutes, as they may be amended from time to time, pertaining to fair rent commissions.

(2) The Commission shall consist of five (5) members, all of whom shall be electors of the Town, and at least one (1) of whom shall be a residential tenant and at least one (1) of whom shall be a residential landlord. The members shall be appointed by the First Selectman in accordance with Section C4-4 of the Town Charter, and according to the provisions of Chapter 3 of the Town Charter. Members of the Commission shall serve without compensation.

(3) Members of the Commission shall be appointed for staggered terms of four (4) years. Vacancies on the Commission shall be filled in the manner of original appointment for the unexpired portion of the term. Any member of the Commission may be reappointed in the manner of original appointment.

(b) *Powers*

(1) The Commission's powers shall include the power to:

- a. Receive complaints, inquiries, and other communications concerning alleged excessive rental charges and alleged violations, including retaliation, of C.G.S. §§ 7-148b through 7-148f, C.G.S. § 47a-20, C.G.S. §21-80a, and C.G.S. § 47a-23c in housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which jurisdiction shall include mobile manufactured homes and mobile manufactured home park lots. "Seasonal basis" means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year. "Rental charge" includes any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord, and includes any charge that is already in effect;
- b. Make such studies and investigations as are appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein;
- c. Conduct hearings and receive complaints relative to rental charges on housing accommodations, subject to the terms, limitations and conditions as set forth herein;
- d. Compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions;
- e. Determine, after a hearing as set forth herein, whether or not the rent for any housing accommodation is so excessive as to be harsh and unconscionable;
- f. Determine, after a hearing as set forth herein, whether the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety;
- g. Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of subsection (f) below and make such orders as are authorized herein;
- h. Order a reduction of any excessive rent to an amount which is fair and equitable, and make such other orders as are authorized herein;
- i. Order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing accommodation into compliance with any municipal

ordinance or state statute or regulation relating to health and safety;

- j. Establish an escrow account with a local bank or financial institution into which it shall deposit all rent charges or other funds paid to it pursuant to subsection (e) below; and
- k. Carry out all other provisions of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20, 21- 80a and C.G.S. § 47a-23c as now existing and as hereinafter amended, as they apply to fair rent commissions.

(c) *Determination of Excessive Rent*

(1) In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the Commission shall consider such of the following circumstances as are applicable to the type of accommodation:

- a. The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;
  - b. The sanitary conditions existing in the housing accommodations in question;
  - c. The number of bathtubs or showers, flush waste closets, kitchen sinks and lavatory basins available to the occupants thereof;
  - d. Services, furniture, furnishings and equipment supplied therein;
  - e. The size and number of bedrooms contained therein;
  - f. Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;
  - g. The amount of taxes and overhead expenses, including debt service, thereof;
  - h. Whether the accommodations are in compliance with the ordinances of the Town and the General Statutes of the State of Connecticut relating to health and safety;
  - i. The income of the petitioner and the availability of accommodations;
  - j. The availability of utilities;
  - k. Damages done to the premises by the tenant, caused by other than ordinary wear and tear;
  - l. The amount and frequency of increases in rental charges; and
  - m. Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.
- (2) The rent of a tenant protected by C.G.S. § 47a-23c (certain seniors and persons

with disabilities in buildings and complexes with five or more units) who files a complaint with the Commission pursuant to C.G.S. § 47a-23c(c)(2) may be increased only to the extent that such increase is fair and equitable, based on the criteria set forth above.

(d) *Procedures and Hearing on Complaints*

- (1) Upon the filing of a complaint, the Commission shall promptly notify all parties in writing of the receipt of the complaint. Such notice shall also inform the parties that the landlord is prohibited from retaliating against the tenant due to the filing of the complaint.
- (2) If a complaint alleges housing conditions that violate a housing, health, building or other code or statute, the Commission shall notify the appropriate municipal office or agency, which may then concurrently exercise its own powers. In addition, the Commission may request that the appropriate municipal official or agency promptly investigate and provide a report to the Commission.
- (3) If two or more complaints are filed against the same landlord by tenants occupying different rental units in the same building, complex, or mobile home park that appear to raise the same or similar issues, the Commission may consolidate such claims for hearing.
- (4) The Commission or municipal staff may, to the extent practicable, encourage the parties to the complaint to reach a mutually satisfactory resolution through informal conciliation. Municipal staff (but not Commission members) may serve as informal conciliators. Any agreement to resolve the complaint shall be in writing and signed by the parties.
- (5) A hearing on the complaint shall be scheduled no later than thirty (30) days after the filing of the complaint, unless impracticable. Written notice of the date, time, and place of the hearing shall be given to the parties to the complaint at least ten (10) days prior to the hearing by first class and certified mail and, if practicable, by electronic mail.
- (6) All parties to a hearing shall have the right to be represented, to cross-examine witnesses, to examine documents introduced into evidence, and to call witnesses and introduce evidence. The testimony taken at a hearing shall be made under oath. Hearings shall be recorded.
- (7) In the event that there is insufficient time to complete a hearing or for other cause, the Commission shall have the power to adjourn the hearing to another time and date.
- (8) No sale, assignment, transfer of the housing accommodation in question or attempt to evict the tenant shall be cause for discontinuing any pending proceeding nor shall it affect the rights, duties and obligations of the Commission or the parties.

(e) *Rent Reduction Order and Repairs*



(1) The Commission shall render its decision at the same meeting at which the hearing on the complaint is completed or within thirty (30) days following such date, unless impracticable. In accordance with the state Freedom of Information Act, both the hearing itself and the deliberation by the Commission shall be open to observation by the public.

(2) If the Commission determines after a hearing that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in subsection (c) above, as to be harsh and unconscionable, it may order that the rent be limited to such an amount as it determines to be fair and equitable. A Commission's orders may include, but are not limited to, a reduction in a rental charge or proposed rent increase; a delay in an increased rental charge until specified conditions, such as compliance with municipal code enforcement orders, have been satisfied; or a phase-in of an increase in a rental charge, not to exceed a fair and equitable rent, in stages over a period of time.

(3) If the Commission determines after a hearing that a housing accommodation fails to comply with any municipal ordinance or state statute or regulation relating to health and safety, the Commission may order the suspension of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring the housing accommodation into compliance with such laws, statutes, or regulations. If the Commission's order constitutes a complete suspension of all rent, the rent during such period shall be paid to the Commission to be held in escrow subject to such ordinances or provisions as may be adopted by the town, city or borough.

(f) *Retaliation*

(1) In the initial notice scheduling a hearing or conciliation on a complaint, and in its notice of decision, the Commission shall include notice to landlords and tenants that retaliatory actions against tenants are prohibited under CGS § 47a-20 and which actions are not deemed retaliatory under CGS § 47a-20a.

(2) Any tenant who claims that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission may file a notice of such claim with the Commission. If the Commission determines, after a hearing, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission, the Commission may order the landlord to cease and desist from such conduct.

(g) *Appeals*

(1) Any person aggrieved by any order or decision of the Commission may appeal to the Superior Court for the judicial district in which the Town is located within thirty (30) days of the issuance of the written notice of the decision to the parties. Such notice shall include notice of the right to appeal, the court to which an appeal may be taken, and the time in which an appeal must be filed. Unless otherwise directed by the Commission or the court, the filing of an appeal shall not stay any order issued by the Commission. Any such appeal shall be considered a privileged matter with respect to the

order of trial.

(h) *Failure to Comply with Commission Orders*

(1) Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to § 7-148e is pending, or who violates any other provision of C.G.S. §§ 7-148b through 7-148e or C.G.S. § 47a-20, or who refuses to obey any subpoena, order or decision of the Commission pursuant thereto shall be fined not less than \$25 nor more than \$100 for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.

(2) The Commission, in its own name or through the municipality, may bring a civil action to any court of competent jurisdiction or take any other action in such a court to enforce any order of the Commission made pursuant to this subchapter, or to enjoin a violation or threatened violation of any order of the Commission.

(i) *Amendments to State Law.*

(1) Any amendments to the state law referring to fair rent commissions shall be automatically incorporated into this article and made a part hereof. Any provisions and amendments to the Town Charter that apply to appointed commissions shall apply to the Commission.

## **Karina Saryani Betfarhad**

5 Melon Patch Lane  
Westport, CT 06880  
203-571-0562  
ksbetfarhad@gmail.com

June 16, 2023

Kristin Schneeman  
RTM - District 9  
WTD - Committee Chair  
Westport, CT 06880

As a resident of the town of Westport for the past 14 years, I bring a deep understanding of the community's needs and a genuine commitment to its well-being. I am an experienced Civil Engineer specializing in Construction Management and Structural Engineering, bringing a wealth of knowledge and a strong dedication to public service in the Westport School District. This unique position allows me to seamlessly integrate my professional experience, academic training, and commitment to serving the community of Westport.

I hold a B.S. in Civil Engineering from San Jose State University, where I completed all core engineering classes for an MSCE specializing in Transportation and Structural Engineering. Over the course of a decade, I have worked as a civil engineer for three prominent construction companies as well as the City of San Jose's Streets and Traffic Department. These experiences have honed my skills and equipped me with a comprehensive understanding of engineering principles and practical implementation.

During the past 9 years, while raising my three young children, I actively volunteered in the Westport School District across various capacities and educational levels, from elementary to high school. My involvement has been diverse, ranging from providing assistance to WPS educators in various tasks to assuming leadership roles in managing budgets and committees. In my capacity as a leader, I discovered a true passion for achieving goals while ensuring a positive and enjoyable experience for fellow volunteers.

The role I am applying for is an excellent opportunity for me to harness my professional experiences and academic accomplishments to continue serving my community. By combining my industry knowledge, academic studies, and unwavering commitment to public service, I am confident in my ability to contribute significantly to the Westport Transit District.

Sincerely yours,

Karina Betfarhad

## Karina Saryani Betfarhad

### PROFILE

Accomplished Civil Engineer and dedicated professional with many years of service to the community seeking the position of Westport Public Transit Director. Committed to help provide excellent, efficient and sustainable transportation solutions while fostering community partnerships.

### EXPERIENCE

**EXECUTIVE BOARD MEMBER & COMMITTEE CHAIR, WESTPORT PTA (LLS, BMS, SHS); WESTPORT, CT 2014-PRESENT**

Varied responsibilities including coordinating volunteers for various committees, filling in when any committee needed help.

- As a Board Member of SMPA (Staple Music Parent Association)- solicited ad purchases by local businesses to 100% fund two town wide concerts.
- VP of Graduation - coordinating volunteers and vendors for various services provided by SHS PTA for the graduating seniors, ie., graduation party and rehearsals, graduation field decorations, and finally ticket checks and crowd control.
- Co-Chair for Volunteer Coordinator at the SHS Library- assisting the SHS Library staff with various needs.

**VOLUNTEER, PEGASUS THERAPEUTIC RIDING; BREWSTER, NY; 2022-PRESENT**

- Work with disabled and cognitively challenged children to teach them critical life skills, along with mobility, balance, posture, coordination, concentration and behavioral control employing equine-human interaction.

**ASSISTANT PROJECT MANAGER, HIT CONTRACTING INC.; FALLS CHURCH, VA; JUNE 2003 - APRIL 2004**

- Collaborated with cross-functional teams to successfully complete projects within schedule and budget constraints.
- Assisted in project planning, resource allocation, and cost estimation.
- Monitored project progress, identified risks, and implemented effective mitigation strategies.
- Fostered strong relationships with clients, contractors, and stakeholders, ensuring client satisfaction and project success.

5 Melon Patch Lane, Westport, CT 06880 (203) 571-0562 ksbetfarhad@gmail.com

**SR. PROJECT ENGINEER, SWINERTON BUILDERS; SANTA CLARA, CA - SEP 2000 - APRIL 2022**

- Managed multiple engineering projects, overseeing planning design, and execution phases.
- Led project teams, facilitating effective communication and coordination among stakeholders.
- Conducted feasibility studies and developed comprehensive project proposals.
- Ensured compliance with regulatory standards and implemented quality control measures.

**ASSISTANT PROJECT ENGINEER, FIELD ENGINEER, PROJECT ESTIMATOR, HENSEL PHELPS CONSTRUCTION COMPANY; SAN JOSE, CA; APRIL 1997 - SEPTEMBER 2000**

- Performed accurate cost estimation for construction projects, ensuring competitive bidding.
- Managed on-site field operations, ensuring adherence to project specifications and safety regulations.
- Coordinated with subcontractors, suppliers, and vendors to maintain project timelines.
- Supported office operations, including document control, reporting, and procurement activities.

**EDUCATION**

San Jose State University, San Jose, CA - Master of Science in Civil Engineering with Structural and Transportation Concentration; 6 elective units remaining, fulfilled all core requirements

San Jose State University, San Jose, CA - Bachelor of Science in Civil Engineering with concentrations in Transportation Engineering, Structural Engineering and Construction Management, December 1997

5 Melon Patch Lane, Westport, CT 06880 (203) 571-0562 ksbfarhad@gmail.com

**Westport RTM Transit Committee Meeting Report, June 20, 2023**

Meeting via Zoom

**Agenda:**

- The Committee met to discuss and interview candidates for the open position of Westport Transit District Director.

**In Attendance:**

RTM Transit Committee Members

- Kristin Schneeman, Brien Buckman, Ross Burkhardt, Peter Gold, Nancy Kail, Sal Liccione, Dick Lowenstein, Claudia Shaum

Others

- Transit District Director candidates Karina Betfarhad, Sal Liccione
- RTM members Andrew Colabella, Harris Falk, Lou Mall, Don O'Day
- Thane Grauel (Westport Journal reporter), Jamie Walsh, John Suggs, Stephen Carpentieri

The Transit Committee met via Zoom on June 20<sup>th</sup> to interview two candidates for the open Westport Transit District position (Peter Gold holds the other Director position), and to make a recommendation to the full RTM regarding the appointment of one of them. Personnel issues such as this are typically handled in an executive session; however, Sal Liccione exercised his right to request that his interview be held in public meeting, and the committee did so. Members asked a series of questions that were asked of both candidates, including:

- Why are you interested in serving in this position?
- What are some of your prior leadership experiences? What skills and expertise do you feel you can bring to the table?
- Do you have thoughts about the strategic direction of the Westport Transit District, what the most pressing transit/transportation needs in Westport are?
- Have you had experience (professional or volunteer) in organizational management, budgeting, grant-writing, communications/marketing?
- What attributes do you think are essential for successful board members? What do you see as a board's role and responsibilities?

At the conclusion of Mr. Liccione's interview, the committee voted to go into executive session to interview Ms. Betfarhad, employing the same set of questions. At the conclusion of her interview, the committee discussed both candidates in executive session and then voted to return to public session.

**Claudia Shaum moved to recommend that the RTM appoint Karina Betfarhad to the position of Westport Transit District Director for the term of four years, and Brien Buckman seconded. The vote was six in favor, with Mr. Burkhardt opposed. Mr. Liccione abstained.**

Ms. Jennifer Tooker  
First Selectwoman

Re: Supplemental FY 22-23 Appropriations Request - Excessive Medical Claims

Dear Ms. Tooker,

The Westport Library asks for approval to add a supplemental appropriations request of \$320,000 for the fiscal year 2022-23 to the Board of Finance's July 5, 2023 meeting agenda to cover actual medical claims that have far exceeded the budgeted amount.


Background

Using planning guidance, the Library budgeted \$1,558.17 per employee per month (PEPM) or \$532,000 for the fiscal year 2022-23, a 4.4% increase.

Through April 2023, actual claims have totaled \$677,695 vs budgeted accruals of \$442,520, leaving a shortfall of \$235,175. Estimating the full year at current rates projects actual costs of \$853,000, for a full year shortfall of \$320,200.

Actual medical claims are running 65% over previous year's actuals. Information from the insurance company indicates a few high claims are driving the overage, but they have not reached the stop-loss level yet.

Thank you for supporting this request. We are happy to provide additional detail as needed.

APPROVED:   
Jennifer S. Tooker  
First Selectwoman  
Date: 6/1/2023

### Library medical claims running far above budgeted amounts in FY22-23

Period	Budgeted Monthly Transfer	Monthly Claims	B/(W) to Budget
Jul-22	42,070.59	114,586.60	\$ (72,516.01)
Aug-22	43,628.76	89,795.54	\$ (46,166.78)
Sep-22	43,628.76	22,057.24	\$ 21,571.52
Oct-22	45,186.93	50,706.34	\$ (5,519.41)
Nov-22	45,186.93	45,098.27	\$ 88.66
Dec-22	45,186.93	28,031.80	\$ 17,155.13
Jan-23	45,186.93	45,493.05	\$ (306.12)
Feb-23	43,628.76	53,576.60	\$ (9,947.84)
Mar-23	43,628.76	175,200.87	\$ (131,572.11)
Apr-23	45,186.93	53,148.96	\$ (7,962.03)
May-23	45,186.93	64,124.10	\$ (18,937.17)
Jun-23 est	45,186.93	67,438.12	\$ (22,251.19)
<b>Full Year 22-23</b>	<b>\$ 532,894.14</b>	<b>\$ 809,257.49</b>	<b>\$ (276,363.35)</b>

### Issue identification was delayed by “lumpy” billing

Period	Budgeted Monthly Transfer	Actual Billing	YTD Net Accrual Balance
Jul-22	42,070.59		42,070.59
Aug-22	43,628.76		85,699.35
Sep-22	43,628.76	167,080.09	-37,751.98
Oct-22	45,186.93		7,434.95
Nov-22	45,186.93		52,621.88
Dec-22	45,186.93		97,808.81
Jan-23	45,186.93		142,995.74
Feb-23	43,628.76	227,418.02	-40,793.52
Mar-23	43,628.76		2,835.24
Apr-23	45,186.93		48,022.17
May-23	45,186.93	398,106.93	-304,897.83
Jun-23	45,186.93		
<b>Full Year 22-23</b>	<b>\$ 532,894.14</b>	<b>\$ 792,605.04</b>	



### FY 22-23 overages are driven by a few extraordinary claims and higher rates

- Two ongoing claims (HIPAA cloaked) are running very high but each is below their \$200K stop-loss ceiling  
FY Impact: **\$(200,000 +)**
- Actual Per Employee Per Month rates are higher than the budgeting guidance from the Insurance agency:
  - Budget PEPM rate: \$1,558.17
  - Actual PEPM rate: \$1,732.78
  - FY Impact: **\$(60,764)**

(Full year impact offset by open FT positions)

### In fact, PEPM guidance has been too low for the past few years

FY	Budget Guidance PEPM	Actual PEPM	% diff
21-22	1,308.49	1,492.50	+14%
22-23	1,558.17	1,732.78	+11%
23-24	1,620.50	1,780.94	+10%

Note: Budget guidance received in January; Actual rates given in May/June

## Resulting in significant variances in the past three years

FY	Contributions vs. Claims	Act/Bud
2008/2009	177,457.98	39.80%
2009/2010	113,293.41	27.30%
2010/2011	23,199.22	4.80%
2011/2012	23,159.10	4.60%
2012/2013	109,910.97	23.10%
2013/2014	88,862.04	20.40%
2014/2015	(112,541.48)	-22.20%
2015/2016	62,378.13	11.20%
2016/2017	297,307.24	51.80%
2017/2018	(146,325.07)	-25.60%
2018/2019	68,068.26	11.20%
2019/2020	61,694.95	11.10%
2020/2021	(199,406.90)	-45.60%
2021/2022	(57,291.44)	-12.50%
2022/2023 Fcst	(276,363.29)	-51.90%

## So we anticipate there may be an exposure in FY 23-24

- The handful of extraordinary claims will carry into the new claim year, with a stop-loss reset to \$200K each.  
FY Impact: unclear
- Library-specific PEPM rates maybe much higher than the budgeting guidance:
  - Budget PEPM rate: \$1,620.50
  - Town PEPM rate: \$1,781
  - Library PEPM rate: \$2,369 (+46%)
- Better budgeting approach will be needed going forward.

**RTM Joint Committee Meeting of Library Museum and Arts & Finance Committees  
July 6, 2023  
Meeting via Zoom**

A joint committee meeting was held by zoom on July 6th to address a proposal from the Westport Library for a supplemental appropriation of \$320,000 to cover unexpected medical claims for FY '22/'23.

In attendance for the Westport Library

- Bill Harmer – Executive Director
- Scott Bennewitz – Trustee and Finance Chair
- Meryl Kaplan – Director of Finance

In attendance For RTM Finance:

- Seth Braunstein – RTM Finance Committee
- Nancy Kail– RTM Finance Committee
- Don O’Day– RTM Finance Committee
- Lyn Hogan – RTM Finance Committee
- Noah Hammond – RTM Finance Committee

In attendance for RTM Library and Media Art Committee:

- Kristin Mott Purcell– RTM Library and Media Art Committee
- Candace Banks – RTM Library and Media Art Committee
- Karen Kramer– RTM Library and Media Art Committee
- Lori Church – RTM Library and Media Art Committee
- Harris Falk– RTM Library and Media Art Committee
- Julie Whamond– RTM Library and Media Art Committee
- Dick Lowenstein– RTM Library and Media Art Committee
- Wendy Bateau– RTM Library and Media Art Committee
- Brien Buckman– RTM Library and Media Art Committee
- Mike Perry– RTM Library and Media Art Committee

Others in attendance:

- Chris Tait – RTM
- Lou Mall – RTM

Bill started by presenting a summary of how these unforeseen medical expenses arose:

- Unexpected claims from a few employees that took the anticipated self-coverage much higher than budgeted for in FY '22/23
- Significant procedures deferred b/c of COVID are now coming due
- Expectations from the town-side consultant, Lockton, fell short despite being accurate for many years.

Scott walked through a presentation of the numbers:

- See presentation attached
- \$320,000 will make up for the extraordinary claims and refill the reserve which acts as the repository for over-age and underage of expenses on a month to month basis.
- Going forward, we need to get a better handle on estimated expenses from Lockton

**The joint committees had a number of questions:**

When did you first know that there was a problem?

- Reporting is lumpy. We first heard of it in June.
- What is the difference between the town’s insurance program and library’s?
- Is the \$320,00 being requested the only request we will see
  - Probably not. It will cover us for FY ‘22/23. There may be an additional request for FY ‘23/24
- What is the balance of the reserve account and how was it established?
  - We allocate \$\$ to the reserve Fund each month based on the estimates per employee per month as recommended by Lockton. Monthly expenses are drawn each month from the reserve. Some months are higher, some lower based on actual expenses
- Aside from the differences between estimated expenses and actual expenses, is there a root cause to having to make this request now.
  - Yes. Two extraordinary claims are driving a large part of the expense overage for this year
- If the reserve is \$200k today, what was the balance on July 1<sup>st</sup>?
  - \$525,000
- What is the employee cost sharing between the town, library and board of education?
  - The Library’s is 18.5% - You will need to ask Gary about the Town
- Why wasn’t this addressed during the budget season?
  - We have to use 18-month old estimates for the budgeting process. We didn’t have this data then
- What would have happened if the Library had not maintained the high deductible plan when the Town and BofE changed their plans?
  - We have been told our program is not more expensive than the Town’s
- What have the Library’s administration and board done to cut costs to address the overrun?
  - Meryl – We watch the budget very carefully. It is hard to overcome this type of shortage with a budget as tight as ours.
  - Bill-if you look at the budget document from last year the town funding of the library as a % of the total budget has trended down while simultaneously increasing the services offered and delivering a five-star quality library.
- Why has the Board of Trustees not voted on this appropriation request?
- What happens if the RTM doesn’t approve the appropriation
  - The reserve will get drawn down
- Is this a one and done?
  - This is extraordinary, but we can’t see what is coming
- Is it appropriate to request a larger town review on healthcare across all of our municipal policies?

Seth Braunstein asked for public comments and there were none. Each committee voted. Results are reported below:

**Voting for the Finance Committee was 4 - 0 - 1:**

Voting in favor of the appropriation

- Nancy Kail
- Seth Braunstein
- Noah Hammond
- Lyn Hogan

Abstaining votes:

- None

Voting against the appropriation:

- Don O’Day

**Voting for the Library, Museum & Arts Committee was 9 - 0 - 1:**

Voting in favor of the appropriation:

- Kristin Mott Purcell
- Candace Banks
- Karen Kramer
- Lori Church
- Harris Falk
- Julie Whamond
- Wendy Bateau
- Brien Buckman
- Mike Perry

Abstaining votes:

- None

Voting against the appropriation:

- Dick Lowenstein

Item # 4  
BOF Approved 6/7/23



**DEPARTMENT OF PUBLIC WORKS**

TOWN HALL, 110 MYRTLE AVENUE  
WESTPORT, CONNECTICUT 06880  
(203) 341 1120 www.westportct.gov

May 15, 2023

Honorable Jennifer S. Tooker  
First Selectwoman  
Town Hall  
Westport, CT 06880

Re: Request for Appropriation for Construction Funding  
Sanitary Sewer Contract 77 - Pump Station #8 Upgrade

Dear Mrs. Tooker:

This office, herein requests an appropriation in the amount of one million (\$1,000,000.00) for the upgrades to Pump Station #8 (Nyala Farms Road). This pump station was originally built in 1971 in conjunction with the development of the Stauffer Chemical Corporation Headquarters, which is now owned and occupied by Bridgewater Associates and only receives flow from the corporate office park. The station is being upgrade due to it's age (52 years old) not due to flow capacity. As defined in the Town of Westport land records, volume 357, pages 110-112, the Town of Westport is responsible to operate and maintain the station but the property owner maybe assessed for any future modification to the station. This will be the seventh pump station upgrade project that has been conducted over the past fifteen years to address aging infrastructure of the Westport Water Pollution Control Facility collection system.

Pump Station #8 discharges through a 6" diameter ductile iron force main and is approximately fifty-seven hundred linear feet (5,700lf) long located within the rights-of-ways of Nyala Farms Road, State DOT Sherwood Island Connector, and Greens Farms, extending from the pump station, and discharges into a gravity manhole in the intersection of Greens Farms Road and Hills Point Road. The current pump station was designed to have a flow rate of two-hundred gallons per minute (200gpm) which will remain the same.

The recommendation of this office is to bond the project and pay the debt service out of the Sewer Reserve Fund. Funds have been projected in the Sewer Reserve Fund for this work.

Respectfully,

Peter A. Ratkiewich,  
Director of Public Works

cc: Gary Conrad, finance Director

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**Engineer's Cost Estimate  
Sanitary Sewer Contract 77  
Pump Station #8 Upgrade  
60 Nyala Farm Road**



Item	Item Description	Estimated Cost	Vendor
	Demo and Fill Existing Station		
	Install New Valve Vault with all piping and valves		
	All Necessary Electrical Upgrades		
1	Provide & Install New Enclosure for all electrical components Control Panel, Alarm, ATS, Meter	\$ 532,000.00	Kovaas (proposal received)
	Provide & Install New top on Wet-Well with New 36"x48" Aluminum Hatch		
	Pour New Concrete Generator Pad with all required conduits		
	Bypass Pumping as required		
2	Pumps (2 - 15HP)	\$ 40,000.00	Homa (proposal received)
3	Control Panel with soft starts	\$ 75,000.00	CSI (proposal received)
4	New 35kw Generator with 48 hour diesel fuel tank, Level II Sound Attenuation	\$ 75,000.00	Sourcewell (proposal received)
5	Wet-Well Sealing / Coating	\$ 35,000.00	Green Mountain (estimated)
6	Misc Lanscaping	\$ 15,000.00	(estimated)
7	Misc Paving (Driveway)	\$ 25,000.00	(estimated)

Total \$ 797,000.00  
 10% Contingency \$ 79,700.00  
 Sub Total \$ 876,700.00  
 10% Inflation \$ 87,670.00  
**Grand Total \$ 964,370.00**

**Funding Request \$ 1,000,000.00**





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Is it a replacement? YES  NO

If yes, describe condition of what is to be replaced: \_\_\_\_\_

Pictures attached? YES  NO   
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What other approvals/reviews are necessary to begin this project? RTM, BOS  
[Empty rectangular box]

**FINANCE**

*This section to be completed by the Finance Director.*

EFFECT ON TOWN FINANCES, INCLUDING DEBT SERVICE:  
IF APPROVED:  
IF NOT APPROVED:

**REVIEW/SIGN-OFF**

DEPARTMENT HEAD [Signature] DATE: 5-15-23  
FINANCE DIRECTOR \_\_\_\_\_ DATE: \_\_\_\_\_  
FIRST SELECTMAN [Signature] DATE: 5-16-2023



WESTPORT™

**WESTPORT, CONNECTICUT**

DEPARTMENT OF PUBLIC WORKS  
TOWN HALL, 110 MYRTLE AVE.  
WESTPORT, CONNECTICUT 06880  
(203) 341 1120

June 16, 2023

Jennifer S. Tooker  
First Selectwoman  
Town Hall  
Westport, CT 06880

Re: Request for Appropriation to the Municipal Improvement Fund, along with Bond and Note authorization for re-construction of the Parsell Public Works Center Pavement.

Dear Ms. Tooker,

This office herein requests an appropriation to the Municipal Improvement Fund, in the amount of **\$440,000** for re-construction of the paved area within the Parsell Public Works Center working yard.

The Parking lot was last paved in the late 90's. The pavement is subject to heavy equipment loading every day, as this is where much of our equipment and materials are stored. As such the pavement has deteriorated extensively over the last 25 years, especially in the material handling yard and around the salt shed. The proposal is to recycle the existing pavement into the base and reconstruct a 5" thick pavement surface.

We anticipate the construction to take approximately two weeks commencing in the fall of 2023. Currently we are carrying figures in the Capital Forecast of \$450,000 for construction during Fiscal Year 2024.

Respectfully,

Peter A. Ratkiewich, P.E  
Director of Public Works

cc: Gary Conrad, Finance Director  
G:\Pw\_off\PAR\APPRQST\ParsellPaving2023.doc

FISCAL YEAR 2024

## TOWN OF WESTPORT, CT

### JUSTIFICATION FOR A CAPITAL PROJECT

**DEPARTMENT INFORMATION**

DEPT NAME: Department of Public Works Date: 6-16-2023

PROJECT NAME AND DESCRIPTION  
 Parsell Public Works Center Pavement Rehabilitation

IS IT LISTED IN THE 5-YR CAPITAL FORECAST?      YES       NO

If no, why not?  
 If yes, answer the following two questions:  
 Which FY was the project first proposed? 2018  
 Which FY was the project first planned? 2012

APPROXIMATE COST:	\$400,460	COST IN CAPITAL FORECAST:	\$450,000
CONTINGENCY (10%):	\$ 40,046	←TOTAL	REQUEST→ \$440,000
	\$440,506		

SOURCE OF FUNDS:

CAPITAL BOND	GEN'L FUND	CNR	GRANT
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STATE	OTHER		
<input type="checkbox"/>	<input type="checkbox"/>		

OTHER, DESCRIBE:  
 PAYBACK PERIOD: N/A

**EST. COMPLETION**

PROJECTED START DATE: September 2023      DATE: October 2023

ESTIMATED USEFUL LIFE: 20 years

Is this project part of a larger capital project? No

Has an RFP been issued?      YES       NO  We will bid this using our normal bid procedure, as close to project construction as possible

Have bids been received?      YES       NO  Number of bids received: See above

Was the lowest bid the winner?      YES       NO  If not, why? See above

Who will benefit from the project? The entire Town



Pavement Reconstruction - Parsell Public Works Center

Item	Description	Qty.	Unit	Unit Price	Total Price
1	Site Preparation	1	LS	\$ 12,000.00	\$ 12,000.00
2	Pavement Reclamation	6700	SY	\$ 9.00	\$ 60,300.00
3	Drainage repairs	1	LS	\$ 10,000.00	\$ 10,000.00
4	3 inch lift HMA S1.0	1156	TON	\$ 160.00	\$ 184,960.00
5	2 inch top coat HMA S0.375	770	TON	\$ 160.00	\$ 123,200.00
6	Environmental monitoring	1	LS	\$ 10,000.00	\$ 10,000.00
Subtotal					\$ 400,460.00
10% Contingency					\$ 40,046.00
<b>Grand Total</b>					<b>\$ 440,506.00</b>

**REQUEST \$ 440,000.00**

Prepared by:  
 Peter Ratkewich, P.E.  
 Director of Public Works



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**WESTPORT, CONNECTICUT**

DEPARTMENT OF PUBLIC WORKS  
TOWN HALL, 110 MYRTLE AVE.  
WESTPORT, CONNECTICUT 06880  
(203) 341 1120

June 16, 2023

Jennifer S. Tooker  
First Selectwoman  
Town Hall  
Westport, CT 06880

Re: **Request for Appropriation from Capital Non-Recurring fund – Purchase of Elgin Pelican three-wheeled sweeper**

Dear Ms. Tooker,

This office respectfully requests an appropriation of **\$300,000** for replacement of our 2008 Elgin Pelican Sweeper.

This is a front-line piece of equipment assigned to the Highway Division. It is used for spring sweeping of streets from March to June and routine sweeping of the Downtown and Saugatuck areas, weekly through November each year.

Currently Sweeper #72 is showing its age. It is on the Capital Forecast for replacement in FY 2024 at a value of \$250,000. Inflation has caused the price to increase to \$295,475. When we receive the vehicle, we will have to outfit it with safety lights, radio, and Automatic Vehicle Locator equipment, etc. We have rounded the cost up to \$300,000 to account for these upfits.

Respectfully,

Peter A. Ratkiewich, P.E.  
Director of Public Works

cc: Gary Conrad, Finance Director

FISCAL YEAR 2024

**TOWN OF WESTPORT, CT**

**JUSTIFICATION FOR A EQUIPMENT/VEHICLE**

**DEPARTMENT INFORMATION**

DEPT NAME: **Public Works - Highway** Date: **6/16/23**

EQUIPMENT OR VEHICLE NAME AND DESCRIPTION  
**Elgin Pelican NP Three-wheel Broom Street Sweeper**

IS IT LISTED IN THE 5-YR CAPITAL FORECAST? YES  NO   
 If no, why not?

APPROXIMATE COST: **\$300,000** COST IN CAPITAL FORECAST: **\$250,000**  
 Source of funds: **Capital Non-recurring Fund**

ESTIMATED USEFUL LIFE: **12-16 years**

Has an RFP been issued? YES  NO  Equipment will be purchased through Sourcewell Collective  
 Have bids been received? YES  NO  Number of bids received: **See above**  
 Was the lowest bid the winner? YES  NO  If not, why? **See above**

How will the equipment/vehicle be used?  
 This equipment is used for roadway sweeping in the spring from March to June and routine sweeping of downtown and Saugatuck on a weekly basis from June through November. Street sweeping causes quite a bit of wear and tear on the mechanical components of the sweeper, so they need to be replaced more often than other vehicles.

Is it a replacement? YES  NO   
 If yes, describe condition of what is to be replaced: **2008 Elgin Pelican Sweeper**

Pictures attached? YES  NO

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**FINANCE**

*This section to be completed by the Finance Director.*

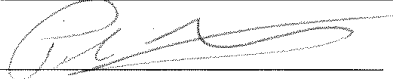
EFFECT ON TOWN FINANCES, INCLUDING DEBT SERVICE:

IF APPROVED:

IF NOT APPROVED:

**REVIEW/SIGN-OFF**

DEPARTMENT HEAD



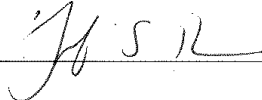
DATE: 6-16-2023

FINANCE DIRECTOR

\_\_\_\_\_

DATE: \_\_\_\_\_

FIRST SELECTMAN



DATE: 6/20/23

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**Presents a Proposal Summary**

of the



**Pelican P**

Pelican NP Three Wheel Broom Street Sweeper with Dual Side Brooms and Belt Conveyor

for

**Westport CT**

Quote Number: 2023-54031

1 of 5

Edward Beauregard  
Tel:

**PRODUCT DESCRIPTION**

· Dual steer & gutter brooms, hydraulically driven, Tier 4F JD 4045TF low emission diesel engine, hydrostatic drive and steering, chassis and wheels powder coated standard white

**STANDARD FEATURES**

- Air cleaner, two-stage, dry type with restriction indicator
- Air Conditioner
- Alternator, 120 amp
- Anti Siphon water fill
- Automatic engine shutdown (oil pressure/engine temperature)
- Automatic pickup in reverse
- B20 biodiesel compatible
- Back up alarm, electric
- Battery, maintenance free
- Brakes, power
- Broom, main, hydraulically suspended
- Broom, main, in cab pressure control
- Broom, main, prefab, disposable
- Broom, side broom, hydraulically suspended
- Broom, side broom, in cab pressure control
- Broom Measurement Ruler
- Bumper pads, front jack
- Coolant recovery system
- Doors, see through glass, prop-able
- Electronic Throttle
- Engine, hour meter
- Gauges & Warning lights:engine oil temperatureengine oil pressurefuel levelspeedometer & odometer w/trip set
- Fenders, over front wheels
- Flushing system for hopper/conveyor
- Fuel tank, 35 gallons
- Fuel Water separator with indicator light
- Heater, pressurizer with filtered air, defroster
- Hose, hydrant fill, 16' 8" with coupling
- Light, spotlight, adjustable, one per side broom
- Lights, 2 combination, tail/stop lights
- Lights, headlights, multiple beam
- Lights, low water light
- Low Hydraulic Warning
- Main broom controls in cab
- Manuals, operator and parts
- Mirror, inside rear view
- Mirrors, outside, front mounted 6 inch fish eyes
- Mirrors, outside, front post mounted, west coast type, one each side
- Parking brake with interlock
- Rear Camera & in cab monitor
- Return to sweep feature
- Seat Belts (both sides for dual)
- Seats, extra wide cordura suspension seats with arm rests
- Signals, self-canceling directional with hazard switch
- Sprung guide wheel, heavy duty
- Steering wheel, tilt and telescoping
- Sun visors
- Tachometer, diesel engine
- Tires, tubeless radials
- Tow loops, four

Quote Number: 2023-54031

2 of 5

- Water tank, fill gauge
- Water tank, molded polyethylene: 220 gallon total nominal capacity
- Wheels, dual guide
- Wheels painted grey
- Window, opening front opera
- Windshield washer
- Windshield wipers with intermittent setting
- Windshield, tinted
- Steel Bristles with Polyethylene Sidebroom Segments
- Single Wrap Polypropylene Mainbroom - Disposable
- Unheated Unmotorized Mirrors
- Sweeper Painted Standard White
- Red Logo
- Sweeper - Operator Manual
- Sweeper Parts Manual
- John Deere Operator Manual
- John Deere Parts Manual

**ADDITIONAL FEATURES**

- Greasable Dirt Shoes w/Carbide
- Midwest Autolube Dual Sidebrooms
- Engine Pre-Cleaner
- Hydraulic Level Shutdown
- Hydraulic Temperature Shutdown
- 4 Flashers 2 front 2 rear CN Wood
- LED Stop/Tail/Turn
- Lighting Package 11: Rear Light Mounting Channel and Wire/Mount/Guard for 1 Light
- Lighting Package 10: Front Light Mounting Channel Only
- AM/FM/CD With (2) Map Lights
- Right Hand Limb Guard
- Left Hand Limb Guard
- Steel Right Hand Door w/Sliding Window
- Warranty through 5th Year (Parts/Labor)
- Sweeper Service Manual
- John Deere Service Manual

Quote Number: 2023-54031

3 of 5

Sourcewell #093021 Total: \$295,475.00

Price valid for 30 Days from date of 6/6/2023

Product Model: PELICANP

Product Model: PELICANP

Proposal Date: 6/6/2023

Quote Number: 2023-54031

Price List Date: 5/30/2023

P.O. Number:

Payment Terms:

Proposal Notes:

1. Multiple unit orders will be identical to signed proposal. Changes or deviations to any unit of a multiple unit order will require a new signed proposal.
2. Chassis specifications and data codes for customer supplied chassis must be submitted to and approved by Elgin Sweeper Company prior to submittal of customer purchase order
3. All prices quoted are in US Dollars unless otherwise noted.
4. This proposal incorporates, and is subject to, Vactor Manufacturing's standard terms and conditions attached hereto and made a part hereof.

SIGNED BY:

\_\_\_\_\_ Date: \_\_\_\_\_

Quote Number: 2023-54031

4 of 5

**LIMITED WARRANTY**

ELGIN SWEEPER COMPANY warrants each new machine manufactured by it against defects in material and workmanship provided the machine is used in a normal and reasonable manner. This warranty is extended only to the original user-purchaser for a period of twelve (12) months from the date of delivery to the original user-purchaser.

ELGIN SWEEPER COMPANY will cause to be repaired or replaced, as the Company, may elect, any part or part of such machine which the Company's examination discloses to be defective in material or workmanship.

Repairs or replacements are to be made at the selling Elgin distributor's location or at other locations approved by ELGIN SWEEPER COMPANY.

The ELGIN SWEEPER COMPANY warranty shall not apply to:

1. Major components or trade accessories such as but not limited to, trucks, engines, tires or batteries that have a separate warranty by the original manufacturer.
2. Normal adjustments and maintenance services.
3. Normal wear parts such as but not limited to, broom filters, broom wire, shoe runners and rubber deflectors.
4. Failures resulting from the machine being operated in a manner or for a purpose not recommended by ELGIN SWEEPER COMPANY.
5. Repairs, modifications or alterations without the consent of ELGIN SWEEPER COMPANY which, in the Company's sole judgment, have adversely affected the machine's stability or reliability.
6. Items subjected to misuse, negligence, accident or improper maintenance.

The use in the product of any part other than parts approved by ELGIN SWEEPER COMPANY may invalidate this warranty. ELGIN SWEEPER COMPANY reserves the right to determine, in its sole discretion, if the use of non-approved parts operates to invalidate the warranty.

Nothing contained in this warranty shall make ELGIN SWEEPER COMPANY liable for loss, injury, or damage of any kind to any person or entity resulting from any defect or failure in the machine.

**TO THE EXTENT LIMITED BY LAW, THIS WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.**

This warranty is also in lieu of all other obligations or liabilities on the part of ELGIN SWEEPER COMPANY, including but not limited to, liability for incidental and consequential damages on the part of the Company or the seller.

ELGIN SWEEPER COMPANY makes no representation that the machine has the capacity to perform any functions other than as contained in the Company's written literature, catalogs or specifications accompanying delivery of the machine.

No person or affiliated company representative is authorized to give any other warranties or to assume any other liability on behalf of ELGIN SWEEPER COMPANY in connection with the sale, servicing or repair of any machine manufactured by the Company.

ELGIN SWEEPER COMPANY reserves the right to make design changes or improvements in its products without imposing any obligation upon itself to change or improve previously manufactured products.

## RTM PUBLIC WORKS & FINANCE COMMITTEE MEETING

**DATE;** PW & Finance – Thursday July 6, 2023

**TIME;** PW/Fin - 7:30 PM meeting start, ZOOM

**PURPOSE;** Review requested expenditure for Pump Station #8, Public Works Center Paving and Sweeper replacement.

**PRESENTED BY;** Peter Ratkiewich, Public Works Director

**Pump Station #8** - Mr. Ratkiewich requested an appropriation of \$1,000,000.00 along with bond and note authorization to the Sewer Reserve Account for upgrades to Pump Station #8 at Nyala Farms. The funds will be bonded over 19 years and will be fully paid for by the Nyala Farms Business Park.

The Public Works Committee voted 8-0 to recommend and the Finance Committee voted 5-0 to recommend approval to the full RTM.

**Public Works Center Paving** - Mr. Ratkiewich requested an appropriation of \$440,000.00 along with bond and note authorization to the Capital and Non-Recurring Fund Account for the re-paving of the Parsell Public Works Center. The lot was last paved in the 1990's and is subject to the daily wear and tear of heavy vehicles such as the snow plow trucks. The existing asphalt has deteriorated and is currently broken up in several areas. The existing asphalt will be reclaimed and used as base for the new asphalt.

The Public Works Committee voted 8-0 to recommend and the Finance Committee voted 5-0 to recommend approval to the full RTM.

**Sweeper Replacement** - Mr. Ratkiewich requested an appropriation of \$300,000.00 to the Capital and Non-Recurring Fund Account for the purchase of a new Elgin Sweeper to replace the current 2008 version. The sweeper is heavily used March through June for town-wide Spring clean-up and routine sweeping through November at the beach/Saugatuck areas and downtown. This equipment is starting to wear as it is constantly exposed to dirt, sand and debris. The replacement of the sweeper is in the capital forecast for 2024 and will be fit out with lights, locator and radios after delivery.

The Public Works Committee voted 8-0 to recommend and the Finance Committee voted 5-0 to recommend approval to the full RTM.

In attendance;

PW Comm - Jay Keenan (chair/reporter), Don O'Day (both), Matt Mandell, Jack Klinge, Lori Church, Dick Lowenstein, Chris Tait, Andrew Colabella

Finance Comm – Seth Braunstein (chair), Lyn Hogan, Noah Hammond, Nancy Kail



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**WESTPORT, CONNECTICUT**

DEPARTMENT OF PUBLIC WORKS  
TOWN HALL, 110 MYRTLE AVE.  
WESTPORT, CONNECTICUT 06880  
(203) 341 1120

June 16, 2023

Jennifer S. Tooker  
First Selectwoman  
Town Hall  
Westport, CT 06880

Re: **Request for Appropriation from Capital Non-Recurring fund – Purchase of Trackless MT7 Multipurpose machine**

Dear Ms. Tooker,

This office respectfully requests an appropriation of **\$225,000** for replacement of our 2014 Trackless MT6 Multi-Purpose Machine.

This equipment is used for sidewalk sweeping, sidewalk snow clearing, and roadside mowing. It is a small, versatile piece of equipment that can get into tighter places than our larger backhoes and tractors. This equipment is used year-round, almost daily, so it takes on wear and tear more frequently than other equipment. It is currently showing signs of wear and requires frequent repairs. It is time to replace the unit.

Currently Trackless Unit #175 is on the Capital Forecast for replacement in FY 2024 at a value of \$210,000. Inflation has caused the price to increase to \$219,920. When we receive the vehicle, we will have to outfit it with safety lights, radio, and Automatic Vehicle Locator equipment, etc. We have rounded the cost up to \$225,000 to account for these upfits.

Respectfully,

A handwritten signature in black ink, appearing to read 'Peter A. Ratkiewich'.

Peter A. Ratkiewich, P.E.  
Director of Public Works

cc: Gary Conrad, Finance Director

FISCAL YEAR 2024

**TOWN OF WESTPORT, CT**

**JUSTIFICATION FOR A EQUIPMENT/VEHICLE**

**DEPARTMENT INFORMATION**

DEPT NAME: Public Works - Highway Date: 6/16/23

EQUIPMENT OR VEHICLE NAME AND DESCRIPTION  
Trackless MT7 Multipurpose Machine

IS IT LISTED IN THE 5-YR CAPITAL FORECAST? YES  NO   
If no, why not?

APPROXIMATE COST: \$225,000 COST IN CAPITAL FORECAST: \$210,000  
Source of funds: Capital Non-recurring Fund

ESTIMATED USEFUL LIFE: 10-12 years

Has an RFP been issued? YES  NO  Equipment will be purchased through Sourcewell Collective  
Have bids been received? YES  NO  Number of bids received: See above  
Was the lowest bid the winner? YES  NO  If not, why? See above

How will the equipment/vehicle be used?  
This equipment is used for sidewalk sweeping, sidewalk snow clearing, and roadside mowing. It is a small, versatile piece of equipment that can get into tighter places than our larger backhoes and tractors. This equipment is used year-round, almost daily, so it takes on wear and tear more frequently than other equipment.

Is it a replacement? YES  NO   
If yes, describe condition of what is to be replaced: 2014 MT6 Trackless Multi Purpose machine  
Pictures attached? YES  NO

G:\Pw\_of\PAR\APPRQST\CPR-V MT7 Trackless Multi Purpose Machine.docx





## Proposal

To:

Date: 6/6/2023

Town of Westport Ct.  
ATTN: Joe Bottone

C.N. Wood Enviro, LLC is pleased to offer the following quotation for your consideration:

Trackless MT7 Base Machine w/license plate bracket	\$148,910
Ride Control	\$2,525
Locking Front Differential	\$2,150
Dual Winter Tires and Wheels	\$5,735
Boom Flail Mower	\$34,205
Ribbon Blower-51	\$17,740
Rear HYD. Sander- single agitator	\$7,155
Freight	\$1,500
<b>Total</b>	<b>\$219,920</b>

Thank you for considering C.N Wood Enviro, LLC for your equipment needs.

\*Due to current market conditions and on-going supply chain issues pricing and availability is subject to change without notice.

Ed  
Beauregard  
CT. Sales Rep

No warranties are made other than those extended by the manufacturer of the equipment, and in the event of alleged breach of warranty, expressed or implied, the liability of C. N. Wood Enviro, LLC, shall be limited to the liability of the manufacturer to it, and shall be subject to all limitations and conditions imposed by the manufacturer. Seller shall not be liable for any default or delay in delivery, as a result of shipping delays, strikes, fires, lockouts, or inability to procure materials.

200 Merrimac St.  
Woburn, MA 01801  
(781) 935-1919  
Fax (781) 937-9809

140 Wales Ave.  
Avon, MA 02322  
(508) 584-8484  
Fax (508) 584-8514

102 State Rd.  
Whately, MA 01093  
(413) 665-7009  
Fax (413) 665-7277

60 Shun Pike  
Johnston, RI 02919  
(401) 942-9191  
Fax (401) 942-9266

848 Warren Ave.  
Westbrook, ME 04092  
(207) 854-0615  
Fax (207) 854-0614

25A Bernhard Rd.  
North Haven, CT 06473  
(203) 848-6735  
Fax (203) 848-6734

**Joint RTM Finance and Public Works Committee Meeting**  
**Appropriation of \$225,000 to the Capital and Non-Recurring Account for the**  
**Purchase of a Trackless MT-7 Multipurpose Machine**

**July 6, 2023**

**Meeting via Zoom**

The RTM Finance and Public Works Committees met jointly on July 6th to consider an appropriation request of \$225,000 from the Director of Public Works to the Capital and Non-Recurring Account for the purchase of a Trackless MT-7 Multipurpose machine. This new machine would replace the aging MT-6 machine in use since 2014.

The new MT-7 machine is in the Town's FY 2024 Capital forecast at \$210,000

**In Attendance for the RTM Finance Committee :**

- Seth Braunstein – Chairman
- Noah Hammond
- Nancy Kail
- Don O'Day
- Lyn Hogan

**In Attendance for the RTM Public Works Committee:**

- Jay Keenan – Chairman
- Lori Church
- Andrew Colabella
- Jack Klinge
- Dick Lowenstein
- Matt Mandell
- Don O'Day
- Chris Tate

**Other Westport Officials in attendance:**

- Pete Ratkiewich – Public Works Director

**DISCUSSION SUMMARY AND VOTE**

The MT-7 machine is a small versatile tractor used year-round for sidewalk sweeping, snow clearing and roadside lawn mowing. Its smaller size allows the MT-7 to address tighter work areas and sidewalks that larger machines cannot access.

The current price of a MT-7 machine is \$220,000 with another \$5,000 for safety lights, radio and a vehicle locator, is slightly higher than \$210,000 amount in the Capital Forecast.

Approval by the RTM, during this July meeting, would allow the Public Works to lock in the purchase price.

**The Finance Committee motion was made by Nancy Kail and seconded by Lyn Hogan. The Committee voted unanimously, 5-0, to approve the request.**

**The Public Works Committee motion was made by Andrew Colabella and seconded by Jack Klinge. The Committee voted unanimously, 8-0, to approve the request.**

Respectfully Submitted by Don O'Day

RTM District 3



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**WESTPORT, CONNECTICUT**

DEPARTMENT OF PUBLIC WORKS  
TOWN HALL, 110 MYRTLE AVE.  
WESTPORT, CONNECTICUT 06880  
(203) 341 1120

June 16, 2023

Jennifer S. Tooker  
First Selectwoman  
Town Hall  
Westport, CT 06880

Re: **Request for Appropriation from Capital Non-Recurring fund – Purchase of John Deere 5105M 4WD Tractor, w/ flail mower**

Dear Ms. Tooker,

This office respectfully requests an appropriation of **\$172,000** for replacement of our 2009 John Deere 5101E Tractor/Flail mower.

This equipment is used exclusively for roadside mowing during the warmer months, to keep weeds and brush from encroaching the traveled portion of the road, and to keep sightlines clear.

Currently tractor #39 has been in and out of the shop for more and more repairs, so it is time to replace this unit. It is on the Capital Forecast for replacement in FY 2024 at a value of \$150,000. Inflation has caused the price to increase to \$166,634.67. When we receive the vehicle, we will have to outfit it with safety lights, radio, and Automatic Vehicle Locator equipment, etc. We have rounded the cost up to \$172,000 to account for these upfits.

Respectfully,

Peter A. Ratkiewich, P.E.  
Director of Public Works

cc: Gary Conrad, Finance Director

FISCAL YEAR 2024

## TOWN OF WESTPORT, CT

### JUSTIFICATION FOR A EQUIPMENT/VEHICLE

#### DEPARTMENT INFORMATION

DEPT NAME: **Public Works - Highway** Date: **6/16/23**

#### EQUIPMENT OR VEHICLE NAME AND DESCRIPTION

John Deere 5105M 4WD Tractor with Bengal Series mower system

IS IT LISTED IN THE 5-YR CAPITAL FORECAST? YES  NO

If no, why not?

APPROXIMATE COST: **\$172,000** COST IN CAPITAL FORECAST: **\$150,000**

Source of funds: **Capital Non-recurring Fund**

ESTIMATED USEFUL LIFE: **10-15 years**

Has an RFP been issued? YES  NO  Equipment will be purchased through Sourcwell Collective

Have bids been received? YES  NO  Number of bids received: **See above**

Was the lowest bid the winner? YES  NO  If not, why? **See above**

#### How will the equipment/vehicle be used?

This equipment is used for roadside mowing to keep weeds and brush from encroaching the traveled way, and to keep sightlines clear.

Is it a replacement? YES  NO

If yes, describe condition of what is to be replaced: **2009 John Deere 5101E Tractor with Mower**

Pictures attached? YES  NO

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**FINANCE**

*This section to be completed by the Finance Director.*

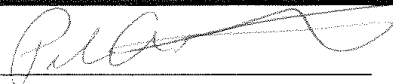
**EFFECT ON TOWN FINANCES, INCLUDING DEBT SERVICE:**

IF APPROVED:

IF NOT APPROVED:

**REVIEW/SIGN-OFF**

DEPARTMENT HEAD



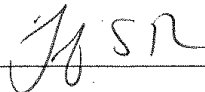
DATE: 6-16-2023

FINANCE DIRECTOR

\_\_\_\_\_

DATE:

FIRST SELECTMAN



DATE: 6/20/23

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180 Roberts Street, East Hartford CT 06108 Tel: (860) 296-7000 •WWW. ES-CT.COM

Town of Westport, CT  
 Attn: Joe Bottone  
 300 Sherwood Island Connector  
 Westport, CT 06880

6/8/2023

State Contract order 070821-TGR

We are Pleased to Quote the Following: **TIGER MOWERS BENGAL SERIES MOWER SYSTEM w/ JOHN DEERE 5105M 4WD TRACTOR**

Qty	Order Code	Description	Approx. (lbs)	List Price	Disc	Sourcewell Price
1	JD5105M	MFWD 16 x 16 Pwr Rev. Trans. - Air Ride Seat <i>INCLUDES: Cab Tractor with front crankshaft adapter, Vertical Exhaust, 2 sets of SCV's, 540 PTO, Front Auxiliary Drive Kit, Flange Rear axles. Front wiper/washer</i> <i>Strobe light installed Included in tractor base</i> <i>Radio, AM/FM Stereo Included in tractor base</i> <b>UPGRADE: Naklan TRI 2 Tires</b>	9185	\$102,877	18%	\$84,359.14
				\$6,104.67	18%	\$5,005.83
1	BB-18	Mid-mount Boom Mower System <i>INCLUDES: Boom Arms, Mounting system, Wheel Weight, Mower Hydraulic Drive System, Operator Safety Screen/Poly, 3 Pt Open Stow System</i>	3950	\$39,606.00	18%	\$32,476.92
1	FL50MBG	50" Flail Head with Medium Brush/Grass Knives	808	\$20,637.00	18%	\$16,922.34
1	JSTK	Joystick, Electro-hydraulic and Valve Kit	80	\$18,304.00	18%	\$15,009.28
1	Factory Mnt	Installation of complete boom mower system		\$8,446.00	18%	\$6,925.72
1	PGUARD	Hydraulic pump guard	26	\$320.00	18%	\$262.40
1	BPS-BNGL	Electronic Boom Positioning System		\$1,672.00	18%	\$1,371.04
1	Strobe 4	Strobe Light Package(Amber)/ Installed <i>INCLUDES: Two Front Mounted Strobe Lights</i> <i>Two Rear Mounted Strobe Lights</i>		\$1,620.00	18%	1,312.00
13	Dealer PDI	Dealer PDI (prep, delivery, installation, callibration) Hourly Rate		\$230.00		\$2,990.00
<b>Totals</b>						<b>\$166,634.67</b>

All prices are FOB Destination.  
 Prices are subject to change without notice.  
 Pricing Valid for Orders Placed within 30 Days of Quotation.

Respectfully Submitted,  
*Chris Spak*  
 Sales Consultant

ACCEPTANCE OF PROPOSAL: The above prices, specifications, and conditions are satisfactory and are hereby accepted.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_



**July 6, 2023**

**Joint RTM Finance and Public Works Committee Meeting**

To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$172,000 to the Capital and Non-Recurring Account for the purchase of a John Deere 5105M 4WD Tractor.

**Meeting via Zoom**

**In Attendance for the RTM Finance Committee :**

- Seth Braunstein – Chairman
- Noah Hammond
- Nancy Kail
- Don O’Day
- Lyn Hogan

**In Attendance for the RTM Public Works Committee:**

- Jay Keenan – Chairman
- Chris Tait
- Lori Church
- Andrew Colabella
- Jack Klinge
- Dick Lowenstein
- Matt Mandell
- Don O’Day

**Other Westport Officials in attendance:**

- Pete Ratkiewich – Public Works Director

**DISCUSSION SUMMARY AND VOTE**

Public Works Director Peter Ratkiewich explained that this item has been on the capital forecast for 2024 at a price of \$150k, but with the impact of inflation it has increased it to \$166,635 plus upfitting for some additional equipment which rounds the total expense to \$172K.

He also explained the function of this piece of equipment and the role it plays in cutting grass on the side of roads and medians and how the arm allows it to reach over guide rails. This appropriation would allow the DPW to replace a 14 year old unit that is showing significant wear and tear. Director Ratkiewich expects that the town will be able to get significant salvage on the tractor but less so on the extendable arm unit. He also explained that they had a hydraulic failure in this unit last year which led to a close call for the operator of the unit and thus has deemed it an unsafe piece of equipment.

For Finance Noah Hammond moved and was seconded by Lyn Hogan: passed 5 - 0

For Public Works Andrew Colabella moved and was seconded by Lori Church: passed 8 - 0

Report Submitted by Seth Braunstein  
Chair – RTM Finance Committee



WESTPORT

**DEPARTMENT OF PUBLIC WORKS**

TOWN HALL, 110 MYRTLE AVE.  
WESTPORT, CONNECTICUT 06880  
(203) 341 1120

June 16, 2023

Jennifer S. Tooker  
First Selectwoman  
Town Hall  
Westport, CT 06880

Re: **Request for Appropriation from Capital Non-Recurring fund – Safe Streets for All Planning Grant**

Dear Ms. Tooker,

This office respectfully requests an appropriation of **\$562,500** for the creation of a Town-wide Safe Streets for All, (SS4A), Action Plan.

The SS4A program provides Federal funds to develop a comprehensive safety action plan. The goal of an Action Plan is to develop a holistic, well-defined strategy to prevent roadway fatalities and serious injuries in a locality. The Action Plan identifies the most significant roadway safety concerns in a community and prioritizes the implementation of projects and strategies to address roadway safety issues. Action Plans are the foundation of the SS4A grant program. In addition to Action Plan grants, the SS4A program also provides competitive Implementation grants, but the municipality cannot apply for Implementation grants until they have an eligible Action Plan. This is where Westport is right now.

Once we have an Action Plan, we will be eligible to apply for implementation of the projects and strategies provided in the plan.

SS4A Grants, both Planning and Implementation are eligible for 80% reimbursement from Federal Funds. Of the \$562,500 requested, we will be reimbursed \$450,000, making the ultimate cost to the Town \$112,500.

We intend to go out to RFP for Consultant services in early July.

Respectfully,

Peter A. Ratkiewich, P.E.  
Director of Public Works

cc: Gary Conrad, Finance Director

FISCAL YEAR 2023

## TOWN OF WESTPORT, CT

### JUSTIFICATION FOR A CAPITAL PROJECT

#### DEPARTMENT INFORMATION

DEPT NAME: Department of Public Works Date: 6/16/23

#### PROJECT NAME AND DESCRIPTION

Safe Streets for All Planning Grant

IS IT LISTED IN THE 5-YR CAPITAL FORECAST? YES  NO

If no, why not? If yes, answer the following two questions:  
 This is a program that came up last year under the Infrastructure and Jobs Act Federal funding. It is a reimbursement program that is paid at 80% from Federal funds with a 20% contribution by the Town. The net cost to the Town will be \$112,500

Which FY was the project first proposed? 2022  
 Which FY was the project first planned? 2022

APPROXIMATE COST: \$562500 COST IN CAPITAL FORECAST:

CONTINGENCY (0%): \$562,500 ←TOTAL REQUEST→ \$562,500

#### SOURCE OF FUNDS:

CAPITAL BOND <input type="checkbox"/>	GEN'L FUND <input type="checkbox"/>
CNR <input checked="" type="checkbox"/>	GRANT <input type="checkbox"/>
STATE <input type="checkbox"/>	OTHER <input type="checkbox"/>

OTHER, DESCRIBE:

PAYBACK PERIOD: N/A

PROJECTED START DATE: September 2023 EST. COMPLETION DATE: November 2024

ESTIMATED USEFUL LIFE:

Is this project part of a larger capital project? This plan must be completed and accepted by the Federal government before we can apply for traffic safety grants under the same program.

Has an RFP been issued? YES  NO  As of June 2023 we are preparing an RFP to go out in July

Have bids been received? YES  NO  Number of bids received: \_\_\_\_\_

Was the lowest bid the winner? YES  NO  If not, why? \_\_\_\_\_

Who will benefit from the project? All of Westport

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Is it a replacement? YES  NO

If yes, describe condition of what is to be replaced: \_\_\_\_\_

Pictures attached? YES  NO   
[Empty rectangular box]

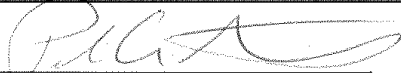
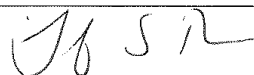
What other approvals/reviews are necessary to begin this project? RTM, BOS, SS4A

**FINANCE**

*This section to be completed by the Finance Director.*

EFFECT ON TOWN FINANCES, INCLUDING DEBT SERVICE:  
IF APPROVED:  
IF NOT APPROVED:

**REVIEW/SIGN-OFF**

DEPARTMENT HEAD		DATE: 6-16-23
FINANCE DIRECTOR	_____	DATE: _____
FIRST SELECTMAN		DATE: 6/20/23

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**Ratkiewich, Peter**

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**From:** Ratkiewich, Peter  
**Sent:** Wednesday, June 21, 2023 10:33 AM  
**To:** Ratkiewich, Peter  
**Subject:** FW: SS4A Grant Award

From: "Teicher, Paul (OST)" <Paul.Teicher@dot.gov>  
Date: Tuesday, January 31 2023 at 4:27 PM EDT  
Subject: SS4A Grant Award  
To: "Marsan, Nicholas" <NMARSAN@westportct.gov>

CAUTION: This email originated from outside of the Town of Westport's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern from the Town of Westport,

The SS4A Action Plan Grant to Westport, Connecticut, for the Notice of Funding Opportunity (NOFO) FY22 Safe Streets and Roads for All Action Plan, was selected for award. Congratulations! The selection is for \$450000 in Federal funding.

This email is not authorization to begin work, and it does not guarantee Federal funding. USDOT and Town of Westport must establish and execute a signed, mutually agreed upon grant agreement prior to the disbursement of award funds. No costs incurred before USDOT signs and executes the grant agreement will be reimbursed. Below provides information on next steps.

**Immediate next steps:** USDOT will make public announcements related to the awards on Wednesday, February 1. We will also publish a short summary of the proposal from your application to put on our Safe Streets and Roads for All website as part of the public announcement, pursuant to Section H Part 2 of the Notice of Funding Opportunity (NOFO). If you want to modify what is provided on our website once you see it, please let me know by emailing [SS4A@dot.gov](mailto:SS4A@dot.gov). The website link is <https://www.transportation.gov/grants/SS4A>.

**What to expect in the next few weeks:** My colleagues at the Federal Highway Administration (FHWA) are responsible for establishing and executing a SS4A grant agreement with Town of Westport. You can expect to hear from a FHWA representative with your State's FHWA Division Office in the near future. In the weeks ahead you will receive more information about next steps, including an invitation to an upcoming FHWA-sponsored webinar for grant recipients to describe the process leading to an executed grant agreement. The webinar will be recorded for those who are unable to attend. In the meantime, if you have questions about next steps, please direct them to FHWA using the email [SS4A.FHWA@dot.gov](mailto:SS4A.FHWA@dot.gov).

Finally, we ask for your patience as we work diligently toward executing grant agreements so your important safety work may begin. This is a new program, with hundreds of new grant recipients, and it will take us time to process these grant agreements.

It's exciting to see so many communities on the path to improving roadway safety, and the whole SS4A Program team is passionate about helping you succeed. Thank you for your commitment to roadway safety.

Paul



Paul D. Teicher

Grantor, Safe Streets and Roads for All

Office of Policy Development and Coordination

Office of the Secretary of Transportation

**Summary of Award Information:**

**Project Name:** SS4A Action Plan Grant to Westport, Connecticut

**Applicant:** Town of Westport

**Grant Type:** Action Plan

**SS4A Grant Funding Amount:** \$450000

**Estimated Total Project Costs:** \$540000

**Project Description:** The award will be used by the Town of Westport to develop a comprehensive safety action plan.

**Joint RTM Finance and Public Works Committee Meeting**  
**Appropriation of \$562,000 to the Capital and Non-Recurring Account for the**  
**Creation of a Town-Wide Safe Street Action Plan**

**July 6, 2023**

**Meeting via Zoom**

The RTM Finance and Public Works Committees met to consider an appropriation request of \$562,000 from the Director of Public Works to the Capital and Non-Recurring Account. These funds will be used to hire a consultant who will create a comprehensive town-wide Plan that will prioritize steps to improve roadway safety and reduce or prevent serious injuries or fatalities on the roads in Westport.

A comprehensive Plan is a required step to participate in the US Department of Transportation's Town-wide Safe Streets for All (SS4A). Westport's participation in SS4A will result in a grant of Federal funds covering 80% of our cost, a reimbursement of \$450,000. Town officials will apply for that grant in 2024. If we receive the grant, the net cost to Westport will be \$112,500.

This SS4A Plan, should funding be approved by the RTM, will begin with an RFP in July. The Consultant selected will develop the Plan will be managed by Westport's Department of Public Works as well as other committee members from our Police and Fire Department who participated in the district by district road safety study commissioned by the First Selectwoman in 2022.

**In Attendance for the RTM Finance Committee :**

- Seth Braunstein – Chairman
- Noah Hammond
- Nancy Kail
- Don O'Day
- Lyn Hogan

**In Attendance for the RTM Public Works Committee:**

- Jay Keenan – Chairman

- Lori Church
- Andrew Colabella
- Jack Klinge
- Dick Lowenstein
- Matt Mandell
- Don O'Day
- Chris Tate

**Other Westport Officials in attendance:**

- Pete Ratkiewich – Public Works Director

**DISCUSSION SUMMARY AND VOTE**

Committee members asked why a consultant was needed. “Don’t we have enough information already” was a common refrain. The answer from Public Works Director Ratkiewich is that the Plan must be completed by a qualified Traffic Engineer and Westport does not have someone with this qualification on staff. Hence the need for a consultant and this appropriation request.

Questions from RTM committee members and the public voiced concern around how prior safety studies would be used and whether this Plan could actually lead to improvements on state-owned roads where Westport officials are not the decision makers. Director Ratkiewich acknowledged this concern and stated that prior studies and public input would be shared with the consultant and stated that a U.S. Department of Transportation approved Plan under the SS4A program would carry additional weight with the state.

Further, several committee members asked how we could be assured that this expenditure, will not simply result in a binder that is mailed and shelved with no further action being taken. This valid concern was recognized by Director Ratkiewich who embraced the importance of this effort and committed to managing the outcome. Director Ratkiewich also added the effective public outreach will be done throughout the process.



**The Finance Committee motion was made by Nancy Kail and seconded by Don O’Day. The vote to approve was unanimous at 5-0.**

**The Public Works Committee motion was made by Andrew Colabella and seconded by Lori Church. The vote to approve was unanimous at 8 – 0.**

Respectfully Submitted

Don O’Day

District 3



WESTPORT™

**DEPARTMENT OF PUBLIC WORKS**

TOWN HALL, 110 MYRTLE AVE.  
WESTPORT, CONNECTICUT 06880  
(203) 341 1120

June 16, 2023

Jennifer S. Tooker  
First Selectwoman  
Town Hall  
Westport, CT 06880

Re: **Request for Appropriation from Capital Non-Recurring fund – Preliminary Engineering Services for Center Street and Greens Farms Road Bridges**

Dear Ms. Tooker,

This office respectfully requests an appropriation of **\$260,000** for the preliminary design of replacement of the Center Street and Greens Farms Road Bridges over Muddy Brook.

These two bridges are located downstream of the Hillandale Road bridge which is actively under design. Together, all three bridges all need to be addressed to provide a comprehensive solution to the flooding issues that occur between the Post Road and Greens Farms Road. We are looking to leverage the hydrology, hydraulics, and analysis that have already been completed for Hillandale Road. This design effort will also complete a comprehensive overview of the flood mitigation efforts needed in this watershed south of the Post Road, which has been identified as the number one priority by the Flood and Erosion Control Board.

Bringing these two bridges to the preliminary design stage will allow us to understand what the specific issues are with each bridge. As part of this effort, we will conduct public outreach to identify any non-engineering issues as well. We will then propose solutions trying to balance and address all issues while still providing the goal of flood mitigation.

The consultant will also provide us with an Opinion of Probable Cost so that we can file funding requests through the LOTCIP program or other funding mechanism for construction.

Attached is the proposal from Tighe and Bond for \$235,000. Adding a 10% contingency brings the request to \$258,500. We have rounded the request up to \$260,000.

Respectfully,

Peter A. Ratkiewich, P.E.  
Director of Public Works

cc: Gary Conrad, Finance Director

FISCAL YEAR 2023

## TOWN OF WESTPORT, CT

### JUSTIFICATION FOR A CAPITAL PROJECT

**DEPARTMENT INFORMATION**

DEPT NAME: Department of Public Works Date: 6/16/23

PROJECT NAME AND DESCRIPTION  
 Preliminary design of Greens Farms Road and Center Street bridges over Muddy Brook

IS IT LISTED IN THE 5-YR CAPITAL FORECAST? YES  NO   
 If no, why not?  
 If yes, answer the following two questions:  
 Which FY was the project first proposed? 2019  
 Which FY was the project first planned? 2017

APPROXIMATE COST:	\$235,000	COST IN CAPITAL FORECAST: \$110,000 (Greens Farms only)	
CONTINGENCY (10%):	\$23,500		
	\$258,500	←TOTAL	REQUEST→ 260,000

SOURCE OF FUNDS:

CAPITAL BOND	GEN'L FUND	CNR	GRANT
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STATE	OTHER		
<input type="checkbox"/>	<input type="checkbox"/>		

OTHER, DESCRIBE:  
 PAYBACK PERIOD: N/A

EST. COMPLETION  
 PROJECTED START DATE: October 2023 DATE: September 2024  
 ESTIMATED USEFUL LIFE:

Is this project part of a larger capital project? Yes – this will lead to final design and ultimately construction of the two bridges

Has an RFP been issued? YES  NO  We are proposing to extend the Hillendale Road Bridge project to analyze the two downstream bridges

Have bids been received? YES  NO  Number of bids received: See above

Was the lowest bid the winner? YES  NO  If not, why? See above

Who will benefit from the project? All who live in the lower watershed of Muddy Brook

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Is it a replacement?  YES  NO  N/A – the design process will determine whether the bridges need to be repaired or replaced

If yes, describe condition of what is to be replaced: \_\_\_\_\_

Pictures attached?  YES  NO

What other approvals/reviews are necessary to begin this project? RTM; BOS

**FINANCE**

*This section to be completed by the Finance Director.*

EFFECT ON TOWN FINANCES, INCLUDING DEBT SERVICE:

IF APPROVED:

IF NOT APPROVED:

**REVIEW/SIGN-OFF**

DEPARTMENT HEAD [Signature] DATE: 6/16/23

FINANCE DIRECTOR \_\_\_\_\_ DATE: \_\_\_\_\_

FIRST SELECTMAN [Signature] DATE: 6/20/23



W1993-0-P015  
June 16, 2023

Mr. Peter Ratkiewich, PE  
Director of Public Works  
Town of Westport  
110 Myrtle Avenue  
Westport, CT 06880

Re: **Proposal for Preliminary Engineering Services for the  
Center Street and Greens Farms Road Bridges over Muddy Brook**

Dear Mr. Ratkiewich:

Tighe & Bond has prepared this proposal to provide engineering services to the Town of Westport in support of the replacements of the Center Street and Greens Farms Road bridges over Muddy Brook. The replacement of these two structures, located downstream of the Hillandale Road bridge over Muddy Brook which Tighe & Bond is actively designing, will enable to Town of Westport to realize the flood mitigation benefits that are sought within the Muddy Brook watershed south of Post Road. The efforts contained within this proposal will further support the planned improvements at Hillandale Road, provide the design and analyses associated with the comprehensive flood mitigation objectives, enable the Town to communicate with the public and river adjacent residents of their comprehensive plans for the stream corridor, and position the Town to seek funding for the additional two structures along Muddy Brook. We have included a public outreach task within this proposal to support the Town in communicating the benefits of the projects with the area residents and the Town.

## Scope of Services

### Data Collection

#### Task 1 – Wetland Delineation and Reporting

One of Tighe & Bond's Professional Wetland Scientists / Registered Soil Scientists will field-delineate wetland resource areas located at the project sites and within regulatory setbacks identified in the Town of Westport's Waterway Protection Line Ordinance (WPLO). We understand that the WPLO establishes an increased offset of 15 feet beyond the 25-year storm flood elevation along Muddy Brook, or 15 feet from the wetland boundary, whichever of the two is greater. The Town's Inland Wetlands and Watercourses regulations also establish an upland review area up to 100 feet from the watercourse. Wetlands will be identified, classified, and delineated with consecutively numbered survey tape or pin flags (wetland flags). In addition, a desktop review will be completed to identify and characterize wetlands and environmental resource areas adjacent to the site.

During the field work, the wetland scientist will collect data on the vegetation, soils, and other indicators of wetland hydrology at a level of detail sufficient to support the completion of pertinent regulatory forms and reports for future permitting efforts.



**Tighe&Bond**

**Task 2 – Geotechnical Explorations, Evaluation and Recommendations**

Tighe & Bond will coordinate a subsurface exploration program to evaluate the suitability of each site's subsurface conditions to support the proposed replacement structures. The exploration program will include the following components:

1. Site History and Geologic Conditions – Review available existing United States Geologic Survey (USGS) mapping for the area to aid in preparation of the subsurface exploration and sampling program.
2. Exploration Layout and Coordination – Mark the proposed exploration locations prior to the required utility clearance notification. Tighe & Bond will coordinate the exploration efforts upon completion of the drilling subcontractor's notification to "Call Before You Dig" and their field markings.
3. Test Borings – Subcontract with a drilling contractor to complete two borings within or near the proposed footprint of each of the two proposed structures. It is assumed that the boring locations will be truck rig accessible. It is anticipated that one boring will be completed for each day budgeted, for a total of four borings in four days. Borings will be advanced with hollow-stem augers or flush joint casing using drive and wash methods to target depths of 30 feet below the existing ground surface, 15 feet into glacial till, or refusal, whichever is shallower.

Split-spoon samples using Standard Penetration Test (SPT) procedures will be obtained continuously through existing fill or organic soils to a maximum depth of 12 feet, and at 5-foot maximum intervals thereafter. A 5-foot rock core will be taken in one of the borings if refusal is encountered within proposed exploration depths. Groundwater monitoring wells are not proposed but groundwater levels will be noted during drilling, if encountered.

Boreholes will be backfilled with cuttings or sand if there is an insufficient volume of cuttings to fill the hole. An asphalt "cold patch" will be used at borings completed in paved areas, and the area will be swept clean. No other surface repair is included. Any cuttings unable to be returned to the hole will be spread near the boring location in a vegetated upland area.

A staff member from Tighe & Bond will be onsite to observe and document the test borings.

4. Permits/Coordination – The schedule of our fieldwork will be coordinated with Town personnel. We have assumed that the borings will be conducted within the street right of way. It is assumed that the Town will provide and pay for a police detail during the exploration program. Our scope currently includes no local permitting effort for these subsurface explorations. We will inquire with the Town prior to performing the explorations and if a local permit is required, we will amend our scope and fee accordingly. "Call Before You Dig" coordination will be performed by the driller subcontractor.
5. Material Testing – Conduct four grain size analyses on select samples obtained in the explorations to aid in soil classification and assist in determination of properties of subsurface materials and evaluation of the suitability of materials for reuse as fill on-site.
6. Geotechnical Letter Report – Tighe & Bond will prepare a geotechnical evaluation letter report that will include the following:
  - Proposed Development – Provide a brief description of the proposed structure and site grading.



**Tighe&Bond**

- Subsurface Conditions – Provide a description of observed subsurface conditions, including exploration logs, a subsurface exploration location plan, and laboratory test results.
- Subsurface Suitability – Provide an evaluation of the subsurface conditions with regard to their suitability as a bearing stratum to support the proposed structure. This evaluation will be based upon review of the SPT data, laboratory testing, and visual observation of the subsurface conditions.
- Foundation Requirements – Provide recommendations regarding suitable foundation types for the subsurface conditions encountered and a commentary on AASHTO and CTDOT requirements as they pertain to foundation design.
- For the purposes of this proposal, it is assumed that the structure will be founded on non-cohesive and reasonably dense soils suitable to support a conventional, shallow spread footing foundation system. If actual subsurface conditions require a deep foundation or ground improvement to support the proposed structure, additional explorations, laboratory testing, and analyses may be required under a revised scope and fee.
- Bearing Pressure and Settlement – Provide an allowable bearing pressure and estimated elevation for the anticipated stratum. Provide an estimate of anticipated total and differential settlements under the recommended allowable bearing pressures. Again, this assumes that the structure can be supported on a conventional, shallow foundation system.
- Lateral Earth Pressures – Provide recommendations for anticipated lateral earth pressures on wall stems and culverts.
- Geotechnical Construction Recommendations – Provide commentary concerning geotechnical aspects of construction. This will include excavation and backfilling, temporary excavation support and dewatering, protection of adjacent structures to remain, demolition of existing structures to avoid conflicts with new foundations, suitability of site soils for reuse as backfill, and foundation subgrade preparation.

**Task 3 – Field Survey**

Tighe & Bond will secure the services of a Connecticut Licensed Land Surveyor to prepare an A-2/V-2/T-2 class accuracy field survey referenced to NAD 83 Connecticut State Plane coordinates and NAVD 88 vertical datum. Survey at the two project sites is illustrated in the attached Figures 1 and 2. The survey will extend approximately 25 feet past the edge of road and 25 feet from the top of bank through the project limits. The survey will also capture ten stream cross sections centered on each bridge (20 sections total) along Muddy Brook at locations to be selected prior to field data collection as required to support the hydraulic analysis.

The following data collection activities will be performed:

- Investigate and obtain copies of geodetic control monumentation and rights-of-way mapping.
- Investigate the municipal land records to obtain copies of property maps, deeds and property owner names and addresses per the current Assessor's record.
- Request copies of all available maps and records indicating the location and size of utility lines and facilities.

Control survey activities will be performed as follows:

- Establish a network of horizontal control traverse which will serve as the basis for field survey. This network will be tied to NAD 83. Control points will be referenced by tie distances to



**Tighe&Bond**

nearby features. Traverse lines will be measured in the field using appropriate equipment and procedures so that the resulting error in position closure shall not exceed 1 part in 10,000 for primary control and 1 part in 5,000 for secondary control.

- Establish a network of vertical control tied to NAVD 88. At each bridge, establish a minimum of two project benchmarks that are permanent in nature and record their description and location to facilitate future recovery.

Boundary survey will be performed as follows:

- Locate all recoverable monumentation marking street lines.
- Compile existing rights-of-way and adjacent property boundaries on base mapping based on available maps and recovered monuments and property markers.
- Annotate names of adjacent property owners on base map.

Topographic survey and mapping will be performed within the limits previously described, collecting data regarding the location of existing physical features and representative ground elevations. Field data will be processed, and drafting performed to prepare mapping of the subject area depicting the following physical features:

- Contours of the ground surface at one-foot intervals extending to the survey limits.
- Spot elevations to the nearest 0.01 foot in an appropriate grid along sidewalks, curbs, gutter lines, edges and centerlines of paved roads, and edges of driveways and parking areas within survey limits.
- The horizontal and vertical geometry of the existing retaining walls, including breaks in alignment and grade.
- The locations of structures, steps, fences, and walkways.
- The perimeter of wooded areas, edge of watercourses, and wetland flags.
- The locations of ditches, channels, existing drainage pipes and culverts.
- The locations of utility poles, light standards, gate valves, manholes, and other evidence of utilities.
- The locations of drainage structures. Inverts will be captured for structures with removable grates or covers, unless the structures are silted in. Cleaning structures is excluded.
- The locations of signs.
- Spot elevations at each existing bridge and culvert, including top of deck and low chord elevations at the upstream and downstream faces.
- Cross sections of the watercourse at the upstream and downstream faces of the Center Street and Greens Farms Road bridges, plus five additional sections upstream and downstream of the bridges, showing at a minimum top and bottom of each bank and changes in grade along the channel bottom, and other changes in grade along the bank. Survey to show alignment of cross sections.

## **Preliminary Engineering**

The Preliminary Engineering tasks below will provide the work products needed to size the proposed structures, develop the roadway geometric layout and profiles, determine the pre- and post-construction flood elevations, establish the scope of the stream channel improvements along Muddy Brook, and develop the documents and deliverables to support the preparation of funding applications for the two bridges.





Tighe&amp;Bond

**Task 4 – Hydrology, Hydraulics & Scour**

Muddy Brook drains an area of approximately 2.3 square miles at Center Street and 2.5 square miles at Greens Farm Road, with the watershed extending northward to the Merritt Parkway. The Flood Insurance Study for Fairfield County, effective July 8, 2013, Flood Insurance Rate Map Panel 09001C0414G, shows that there is a regulatory floodplain and floodway associated with the watercourse.

Tighe & Bond will use the FEMA (Federal Emergency Management Agency) hydraulic model of Muddy Brook, which we have been working with for the Hillandale Road bridge. We will calibrate the model and add cross section data collected along Muddy Brook to incorporate topography obtained from the project survey to update the existing conditions model for Muddy Brook that extends throughout the overall project area from north of Hillandale Road to south of Greens Farms Road.

We assume that we will use the flow rates developed in the Flood Insurance Study for design, since the project's regulatory floodplain and floodway impacts will also need to be assessed. We will compare hydrology from other sources to confirm that there are no significant differences which would necessitate design for a higher discharge rate than what is published in the FIS. We will use HEC-RAS to determine the impact of the proposed crossing improvements on the water surface elevation. Furthermore, HEC-RAS will also be used to assess compliance with the Town's floodplain management regulations for compensatory storage and equal conveyance.

Tighe & Bond understands that flood mitigation is a priority of the Town. Upon sizing the hydraulic opening for each bridge, we will assess the potential benefits of continuing stream channel improvements upstream and downstream of each structure. We understand from our work on the Hillandale Road bridge that additional stream channel improvements between Center Street and Hillandale will be beneficial to further mitigate flood elevations and impacts on adjacent properties. We will determine if additional improvements are required at Greens Farms Road, including reviewing the effects of the private bridge over Muddy Brook upstream of the project structure on the river hydraulics, and include the scope of the improvements in the preliminary engineering drawings that will be prepared for each project. Three options may be considered for stream channel improvements at the Center Street and Greens Farms Road bridges, with item three below being the most likely approach:

1. Keep the stream channel improvements local to the bridge, so that only a Self-Verification Notification Form (SVNF) is needed
2. Extend the stream channel improvements upstream and downstream, but keep them within the threshold of a Pre-Construction Notification (PCN)
3. Extend the stream channel improvements to maximize the potential benefits to the Town and adjacent properties, and plan to pursue an Individual Permit. We do not envision extensive downstream improvements from Greens Farms Road given the existing conditions and presence of a significant wetland area.

We will prepare a technical memorandum summarizing each of the three options for stream channel improvements and associated benefits in terms of regulatory (flood) elevations. We will also make recommendations regarding potential channel bank benching, working closely with the project environmental team so that the benching provides flood conveyance while also providing natural and beneficial functions. Upon the Town's review of our stream channel improvements memo and selection of their preferred option, we will proceed with final modeling and reporting.



**Tighe&Bond**

Our analysis will also include a scour evaluation for abutment and contraction scour if a clear span option is proposed. The design will be in accordance with HEC-18, and as modified by the CTDOT Drainage Manual for abutment scour (Modified Froehlich Equation). Velocities and flow distributions would be taken from the HEC-RAS model. Similarly, if needed, where revetment stabilization is warranted, we will utilize HEC-23 to evaluate the stability of revetment lining materials. The scour analysis will inform the foundation design of the proposed structures to provide adequate scour countermeasures.

Hydrologic and hydraulic modeling will also be used to assess temporary hydraulic facilities, such as cofferdams, that will be required for water handling to allow Muddy Brook to flow through the work area. The temporary hydraulic facilities will be designed in accordance with the CTDOT (Connecticut Department of Transportation) Drainage Manual, Appendix 6F.

The results of the hydrologic and hydraulic analyses will be summarized in a final technical memorandum, with corresponding backup data documenting the modeling, scour, and temporary hydraulic facilities analysis as required to support the permitting and design process. We will also deliver the final hydraulic models to the Town at the completion of design for your records.

**Task 5 – Utility Outreach**

As part of our Preliminary Engineering effort, Tighe & Bond will perform initial outreach to all utility companies listed on CTDOT's "Utility by Town List" to inform them about the projects and receive feedback on the presence of known utilities and potential utility upgrades or alterations within the anticipated project limits. This early coordination and feedback will provide the basis for potential utility accommodations that will be identified in our preliminary design. Resolution of final utility accommodations will occur during the final design phase.

If tests pits are needed to confirm the locations of any existing underground facilities, those will need to be performed by the respective utility companies. Additional field survey for test pits is not included. Rather, the locations of existing facilities exposed by test pits should be captured by the subject utility companies using ties to surveyed features, and field notes provided to Tighe & Bond for information and coordination purposes.

**Task 6 – Roadway Design**

Center Street and Greens Farms Road are proposed to be reconstructed only to the extent that is required to perform the bridge work and to accommodate the design flows of Muddy Brook. Opportunities to significantly modify the vertical geometry at both locations are limited but will be reviewed in the context of the comprehensive river hydraulics and geometric design. We will also review opportunities to improve pedestrian facilities along Center Street as the existing sidewalk is narrow and not ADA compliant with utility poles located in the middle of the existing path. Extending a new sidewalk along the roadway from Kirock Place to Brightfield Lane will be included in the project scope and further support the comprehensive project benefits to the community. We do not anticipate compete streets improvements along Greens Farms Road given the existing setting, lack of adjacent pedestrian facilities, and limited number of pedestrian traffic generators near the project limits.

A Roadway Typical Section will be prepared showing the pavement structure, curbing, sidewalk, and slope treatment.



**Tighe&Bond**

Drawings will be prepared showing proposed improvements, including:

- Construction baseline
- Existing and proposed walls
- Existing and Proposed Roadway profile
- Curbing and sidewalk (including sidewalk ramps)
- Existing utilities and conceptual utility accommodations
- Existing and proposed drainage
- Limits of driveway reconstruction and other roadside elements
- Proposed construction limits
- Required construction rights, partial takes, and easements
- Maintenance and Protection of Traffic / Detour Plan

#### **Task 7 – Structural Design**

Based on a desktop review of existing conditions, preliminary hydraulic analysis, a site visit to both structures, and our understanding of the Town's goals, we assume that the proposed replacement structures will consist of precast box culverts or shallow clear-span structures. Our scope for the Preliminary Engineering phase will consist of determining the appropriate structure types and layouts in coordination with our geotechnical and hydraulic efforts, sizing the structures, and preparing the preliminary plans that are needed to convey the project during public outreach and funding support efforts.

Tighe & Bond will prepare a Type Study Report to document the decision-making process behind the structure type selection and geometric layout at each crossing. Structure type selection can be affected by hydraulic, geotechnical, geometric and constructability considerations as well as utility accommodations. The Type Study Reports will address these issues and provide a preliminary opinion of probable construction cost (OPCC) for each option. The reports will also serve as the basis to document alternatives considered to satisfy the feasible and prudent alternatives test for the local inland wetland permit. Additionally, based on coordination with WestCOG on the Hillendale Road project, we know that staff will be seeking the Type Study Reports in support of the LOTCIP funding requests.

Each Type Study Report will include a General Plan, Elevation & Typical Section drawing for each option considered. The plan view will include baseline stationing, controlling horizontal dimensions, span length, skew angles, utilities, and grading. Projected below the plan will be an elevation view showing the proposed structure, controlling horizontal and vertical dimensions, and pertinent watercourse elevations. The typical cross section will show the lane and shoulder arrangements, sidewalk, structural member spacing, slab thickness, and other pertinent details.

Upon completion of the type studies, we will meet with the Department of Public Works to discuss the findings and recommendations at each crossing, solicit feedback, and determine the Town's preferred alternative to advance to the public outreach and funding support stages.



**Task 8 – Public Outreach**

The proposed improvements contemplated along Muddy Brook will have a far-reaching impact on property owners that live directly adjacent to the waterway. In addition, these improvements have previously been studied and contemplated by the Town with the intent of providing a significant public benefit through flood elevation mitigation and infrastructure resiliency. Tighe & Bond will support the Town's public outreach process as described below.

The Town of Westport has favored a two-phase approach involving direct stakeholder engagement followed by broader public outreach. In support of this approach, we have proposed the following tasks to work with the Town to advise project stakeholders and the public. Furthermore, these public outreach initiatives will support future funding requests demonstrating that the project has garnered the general support of the impacted project stakeholders.

- Conduct up to three stakeholder meetings, one associated with each bridge. The stakeholder meetings will be conducted in-person at a location to be selected by the Town. We will prepare and provide a presentation summarizing the project purpose and need, the hydraulics study and results, and the proposed improvements, including the planned structure improvements and stream channel improvements associated with each bridge. We anticipate that up to three staff from Tighe & Bond will be present at each stakeholder meeting to engage with residents, answer questions, and deliver the presentations. We will document the meeting results in a summary memorandum to the Town.
- Following the stakeholder meetings, conduct up to three Public Information Meetings, one associated with each bridge. We will prepare and provide a presentation summarizing the project purpose and need, the hydraulics study and results, and the proposed improvements, including the planned structure improvements and stream channel improvements associated with each bridge. We anticipate that up to three staff from Tighe & Bond will be present at each Public Information Meeting to engage with residents, answer questions, and deliver the presentations. We will document the meeting results in a summary memorandum to the Town.
- In support of and prior to each series of meetings, Tighe & Bond will participate in one virtual meeting with Town staff to review the presentation materials and discuss the approach to each meeting. We will revise the presentation based on feedback from the Town. We have assumed that up to six virtual meetings to coordinate the public process with the Town staff.

**Task 9 – Funding Support**

Following the completion of Data Collection and Preliminary Engineering, described in Tasks 1-8, Tighe & Bond will support the Town in preparing funding applications for the Center Street and Greens Farms Road projects. Based on conversations with the Town, we understand that the current direction involves seeking LOTCIP funding for both bridges as individual projects. In pursuit of this funding, Tighe & Bond will develop the necessary supplemental documentation and narratives required in the application, develop opinions of probable construction costs for both projects in accordance with LOTCIP guidelines, apply for a functional classification change to a minor collector for Center Street (required to qualify for LOTCIP funding), collect and analyze safety data, collect the required supportive traffic data, and collaborate with the Town to respond to up to two rounds of comments and questions from WestCOG and CTDOT on both applications. We have included participating in up to two virtual meetings to support the development of funding requests for the Town.



Tighe&amp;Bond

## Assumptions and Exclusions

In an effort to provide you with a limited fee for the requested services, we have prepared a detailed scope of services based upon our understanding of your needs. In this same regard, the following section describes our assumptions and those services that are not included in our scope of services. If these services are required, we will modify our proposal accordingly to meet your needs. Any modifications and cost changes shall be by written amendment signed by both parties.

- The wetland delineation, survey and design services are limited to the areas shown in Figures 1 and 2. If the hydraulic studies result in the Town pursuing more extensive flood mitigation improvements along Muddy Brook, Tighe & Bond will provide an amendment to provide the additional design and permitting services associated with developing the design documents for those improvements.
- The hydraulic model will be based on the Muddy Brook model provided by the Town, supplemented with additional topographic survey and hydraulic sections proximate to the bridges as described in the Scope of Services. We assume that the HEC-RAS model of the stream that was provided by the Town is sufficient for the balance of the Muddy Brook analysis.
- A separate Design Report will not be prepared. We will include a brief discussion of design criteria in our structure type study.
- We have assumed that the projects will have a negligible impact on impervious areas within the project limits for each bridge. The design of roadway storm drainage will be based on collecting stormwater runoff and piping to existing outlets to maintain existing drainage patterns. The development of roadway drainage calculations, analyses, and development of a drainage report are excluded.
- During this initial phase of design for both bridges, potential impacts on private properties will be identified and evaluated. However, the identification and definition of temporary easements, permanent easements, and partial property takes along with the development of property maps will be conducted under the final design phase of these projects. Preparation of property maps is excluded.
- Utility design is excluded. We will develop a scope of work associated with complete utility coordination needs for each bridge under the final design phase. Our services are limited to initial coordination efforts as described in the Scope of Services.
- Illumination design is excluded.
- Permitting for Center Street and Greens Farms Road is excluded. Following the completion of the services included in this proposal and development of a better understanding of the scope of the permitting, we will include the scope and effort for permitting in the final design amendment.
- Based on the assumption that Permitting will be conducted in our Final Design phase of the project in a future amendment, we have also assumed that the design of potential stream channel improvements along Muddy Brook within the global project area, including bank stabilization, sediment transport analysis and design of streamside improvements are excluded.
- We have assumed that both Greens Farms Road and Central Street will pursue LOTCIP funding and that the functional classification for Center Street will be successfully changed to a collector road.



**Tighe&Bond**

- Landscape Architecture including the design of improvements on private properties to mitigate project impacts is excluded.
- Additional meetings beyond the number included in the scope of services are excluded.
- Preparation of final design, construction documents, bidding and construction phase services are excluded. We will develop a scope of services to conduct these tasks in coordination with the Town following the completion of Preliminary Engineering efforts.
- Services not specifically described in the Scope of Services are excluded.

**Fee**

Tighe & Bond will perform the services for the lump sum fee of \$235,000, invoiced monthly based on percent complete. If the scope of work is increased for any reason, the lump sum fee to complete the work shall be mutually revised by written amendment. We will provide our services contained in this proposal in accordance with the Professional Services agreement negotiated with the Town of Westport for the Hillandale Road bridge project.

For information purposes, the table below summarizes the fees that have been developed for each task. The intent of the table is to give the Town a better understanding as to how the proposed fee was developed. Invoices will be submitted based on the total project fee and will not be itemized based on the fee table.

<b>Task</b>	<b>Fee</b>
1. Wetland Delineation and Reporting	\$8,000
2. Geotechnical Explorations, Evaluation and Recommendations	\$30,000
3. Field Survey	\$28,000
4. Hydrology, Hydraulics & Scour	\$30,000
5. Utility Outreach	\$10,000
6. Roadway Design	\$30,000
7. Structural Design	\$60,000
8. Public Outreach	\$17,000
9. Funding Support	\$22,000
<b>Total Fee</b>	<b>\$235,000</b>

**Schedule**

We will commence work on this project upon receipt of an executed proposal and purchase order from the Town. We will initiate work on the survey within 4 weeks of notice to proceed, based on surveyor availability, and expect to have survey mapping within 12 weeks of notice to proceed. The subsequent H&H and design tasks will be initiated following receipt of the survey base mapping from our surveyor. We will provide the Town with an updated project schedule at that time and coordinate the project milestones to conduct the public outreach and seek project funding.



**Tighe&Bond**

The main person responsible for this effort will be Jonathan Ives, PE, Senior Project Manager. Christopher Granatini, PE, will represent Tighe & Bond as Project Director. If you have any questions or comments, please do not hesitate to contact either of us. We look forward to continuing our work with you on this project.

Very truly yours,

**TIGHE & BOND, INC.**



Christopher O. Granatini, PE  
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[cogranatini@tighebond.com](mailto:cogranatini@tighebond.com)



Jonathan Ives, PE  
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[jives@tighebond.com](mailto:jives@tighebond.com)

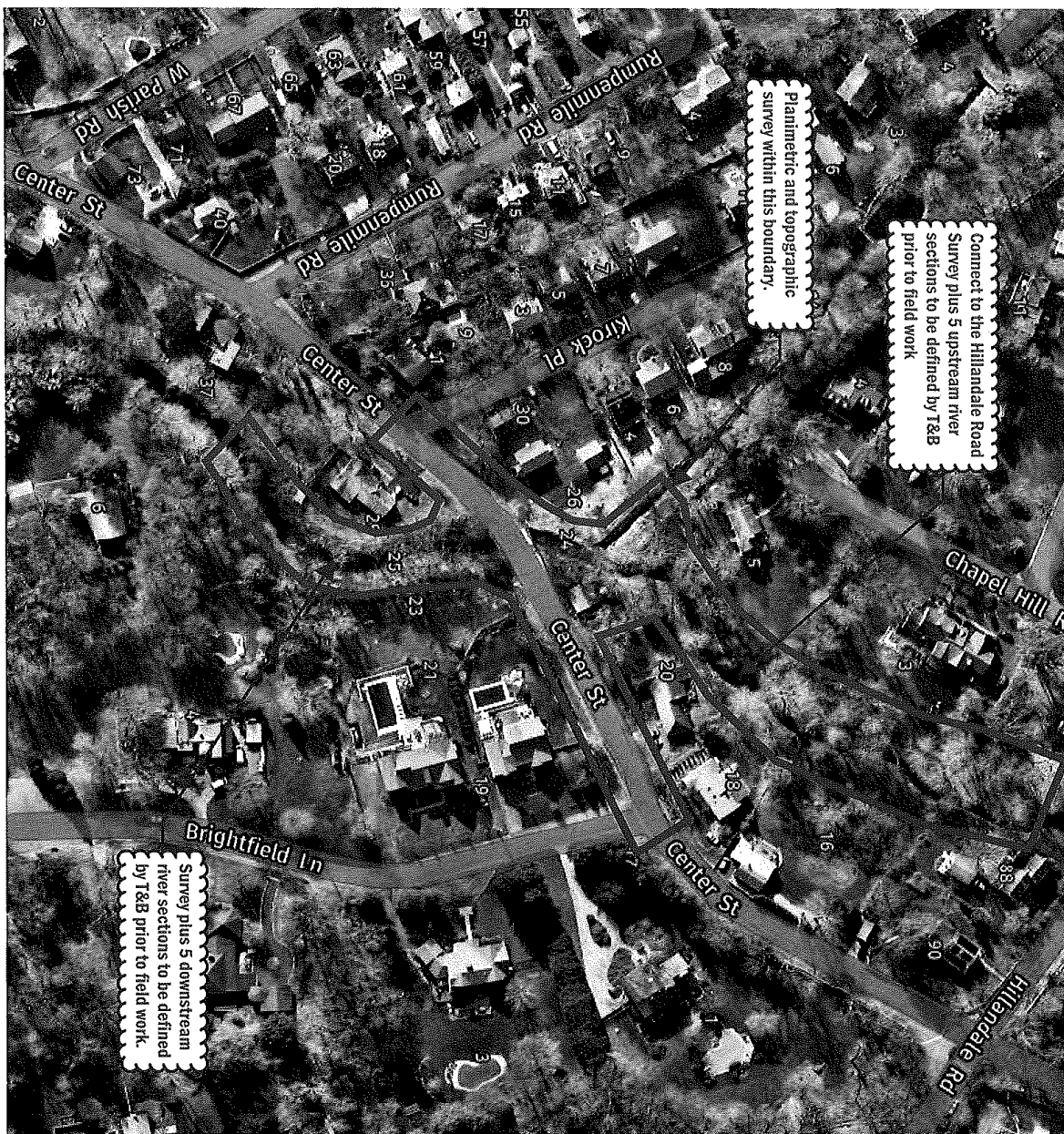
**ACCEPTANCE:**

On behalf of the **Town of Westport**, the scope, fee, and terms of this proposal are hereby accepted. Please sign and date acceptance below which we will consider Notice to Proceed.

Authorized Representative	Print Name and Title	Date

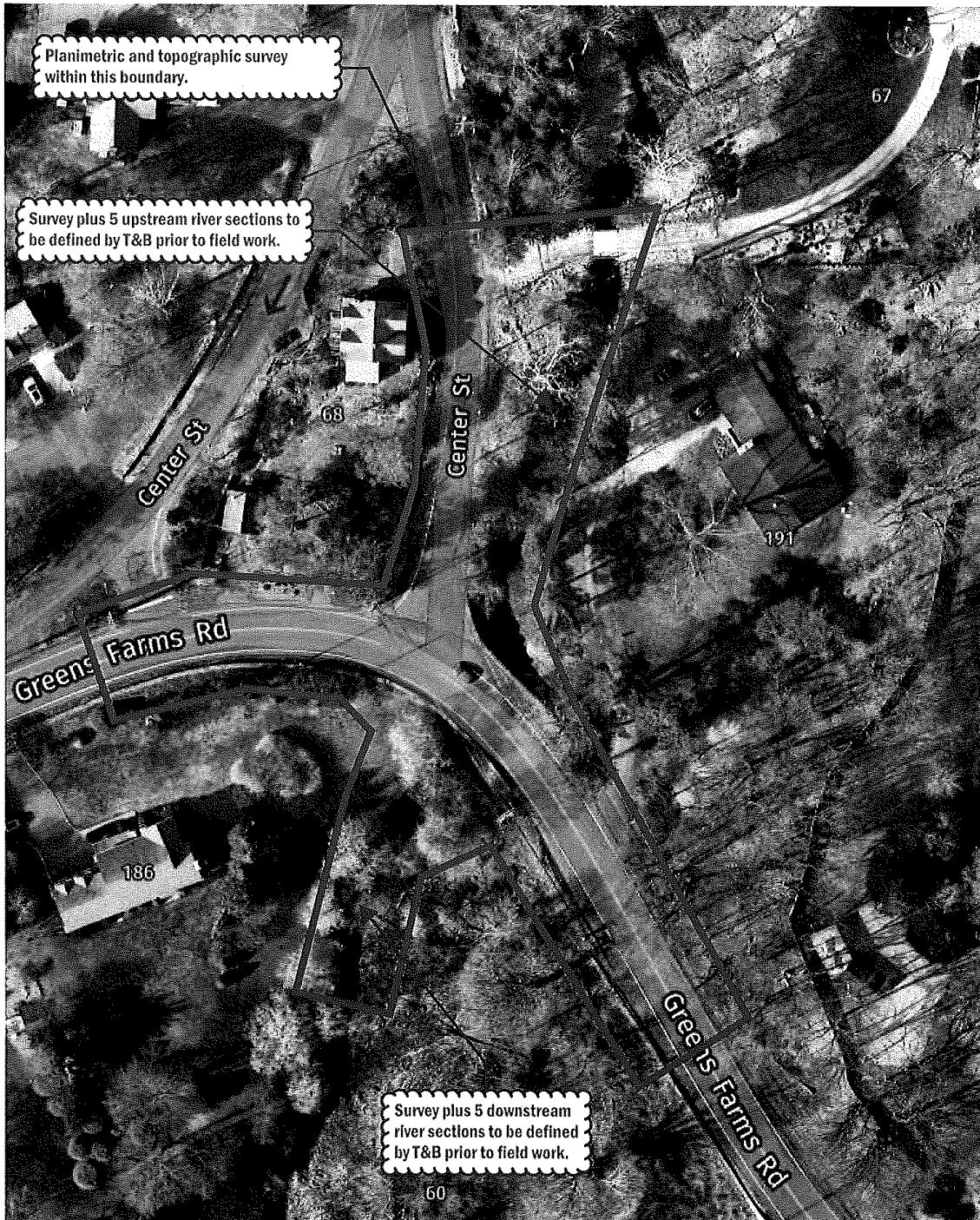


**FIGURE 1**  
**Center Street Bridge**  
**Survey Limits**  
**Westport, CT**





**FIGURE 2**  
**Greens Farms Road Bridge**  
**Survey Limits**  
**Westport, CT**





## Historic District Commission

Town Hall, 110 Myrtle Avenue  
Westport, CT 06880  
Westportct.gov  
Telephone (203) 341-1184

July 5, 2023

RTM Finance Committee  
RTM Public Works Committee  
RTM Library, Museum & Arts Committees

Dear Committee Members,

Regarding Item 8 of the agenda for your July 6, 2023 meeting, I am writing to advise that one of the bridges for which funding is requested—the Greens Farms Road Bridge (near Center Street)—is a notable early **20<sup>th</sup>** century Craftsman style bridge. It is one of several in Westport for which a study committee has been established for the purpose of potentially obtaining a thematic historic designation. In fact, the Greens Farms Road bridge—due to its length and curvature—is perhaps the most significant of the remaining bridges. A group of Westport residents is currently working with the HDC on a study report for these bridges.

I am writing to respectfully request that any funding for engineering services for the Center Street Bridge be contingent on the requirement that project RFPs for this bridge prioritize historic restoration and flood mitigating remedial work versus demolition and replacement.

Westport's stone bridges are a significant link to Westport's bucolic past, a fact that is reflected in Westport's adopted 2017 Plan of Conservation and Development (Page 28, attached). We trust that members will agree that the Greens Farms Road bridge is worthy of preservation and that engineering funding should support this goal.

Regards,

Scott Springer  
AIA, NCARB, LEED AP BD+C  
HDC Vice Chair  
Chair, Stone Bridges Study Committee



July 5<sup>th</sup>, 2023

Subject: DPW funding request for Preliminary Engineering Services for Center Street and Greens Farms Road Bridges

To: Town of Westport RTM Public Works and Finance Committees

CC: Department of Public Works Director Peter Ratkiewich

Dear members of the RTM Finance and Public Works committees:

First the Greens Farms Association wishes to state we are in support of this request and appreciate the speed with which the town of Westport is now moving to mitigate flooding along Muddy Brook. Our comments are largely fine tuning what is a very comprehensive proposal by Tighe & Bond.

1. While the proposal covers a great extent of flooding issues observed within Greens Farms, it does not address the problems that occur at the corner of the Post Road and Morningside South, which at times blocks access to Greens Farms Elementary School. We should not lose sight that this will need to be addressed.
2. Task #4 – Hydrology. We want to ensure that the project investigates the need for stream clearing the portions of Muddy Brook that contribute to flooding. The wording in this task plus Figures #1 and #2 seem to cover most of this concern, but the neighbors impacted want to make sure.
3. Task #6 – Roadway Design. We applaud the Center Street improvements, including sidewalks. But the proposal needs to acknowledge the use of Greens Farms Road by runners and cyclists.
4. Task #7 - Structural design. The Greens Farms Road bridge is a historic resource, which is not acknowledged in this proposal. While neighbor concerns are largely with flooding and public safety, it should be anticipated that historic resource preservation will become an issue to be dealt with.
5. Task #8 - Public Outreach – the history of Muddy Brook is fraught with lack of alignment between town engineers and the neighbors who would benefit from flood mitigation efforts. We applaud the commitment here to this very important task and offer Association resources to assist.

Sincerely,

Art Schoeller

President – Green's Farms Association

**July 6, 2023**

**Joint RTM Finance and Public Works Committee Meeting**

To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$260,000 to the Capital and Non-Recurring Account for the Preliminary Engineering Services for Center Street and Greens Farms Road Bridges.

**Meeting via Zoom**

**In Attendance for the RTM Finance Committee :**

- Seth Braunstein – Chairman
- Noah Hammond
- Nancy Kail
- Don O’Day
- Lyn Hogan

**In Attendance for the RTM Public Works Committee:**

- Jay Keenan – Chairman
- Chris Tait
- Lori Church
- Andrew Colabella
- Jack Klinge
- Dick Lowenstein
- Matt Mandell
- Don O’Day

**Other Westport Officials in attendance:**

- Pete Ratkiewich – Public Works Director

**Members of the Public:**

- Art Schoeller – President, Greens Farms Association (GFA)

**DISCUSSION SUMMARY AND VOTE**

Public Works Director Peter Ratkiewich provided some historical context for the area around Muddy Brook and the upstream and downstream implications that have followed from the series of fairly recent charettes that the town has conducted. He also provided the conclusions and action plan associated with the replacement of the bridge at Hillandale which had failed requiring an immediate intervention/replacement. All of this put the requested funds into perspective and why it was critical to address the entire area inclusive of the bridges at Center Street and Greens Farms Road downstream from the bridge at Hillandale.

Director Ratkiewich explained that these funds would allow for an engineering study which will lead to preliminary engineering recommendations. He also acknowledged that the engineering element is only one of multiple considerations for these bridges including the historic significance of these structures. HDC is in the process of assessing the cultural significance of this bridge which will need to be part of the discussion when deciding on the rehabilitation or replacement of this bridge. He also recounted that generally we have seen similar bridge related studies end up with a recommendation for replacement due to structural issues. He would like to preserve as much of the historical elements

as possible while bringing the structure up to current standards - similar to what the town has done with the Kings Highway bridge. This study will be used to determine both the structural and hydraulic issues with these two bridges.

We also heard from Art Schoeller, the President of the Greens Farms Association (GFA), who stressed that stream clearing needed to be included in this study/plan in addition to the bridge scrutiny - need a holistic approach that considers both in order to determine an effective solution. Art explained that while the GFA believes in historic preservation they are primarily concerned with the public safety aspects of the bridge. Art suggested that the study should not presuppose a commitment to historic preservation exclusively. The town needs the study and requires well researched answers to what has been a very difficult problem for decades. Art explained that this area has been a concern for the GFA going back to the 1970s and that there had been a long earned sense of futility about a workable solution ever being possible as previous efforts have failed due to mismatch between what the town has proposed and what neighbors have been willing to accept. Art finished by stating that recent developments have him feeling encouraged that a solution may actually emerge and that the GFA would like to play a role in helping to facilitate the public outreach.

For Finance Nancy Kail moved and was seconded by Don O'Day: passed 5 - 0

For Public Works Andrew Colabella moved and was seconded by Jack Klinge: passed 8 - 0

Report Submitted by Seth Braunstein  
Chair – RTM Finance Committee

~~\*\*\*REVISED DRAFT 6-26-23\*\*\*~~

CODE OF ORDINANCES, TOWN OF WESTPORT, CONNECTICUT

Chapter 2 - ADMINISTRATION

ARTICLE IV. BOARDS AND COMMISSIONS

Sec 2-90. - Fair Rent Commission

(a) *Established.*

(1) Pursuant to and in conformity with C.G.S. §§ 7-148b through 7-148f, 47a-20 and 47a-23c, there is hereby created a Fair Rent Commission ("Commission") for the purpose of controlling and eliminating excessive rental charges for housing accommodations within the Town, and to carry out the purposes, duties, responsibilities and all provisions of the above described sections and any other sections of the statutes, as they may be amended from time to time, pertaining to fair rent commissions.

(2) The Commission shall consist of five (5) members, all of whom shall be electors of the Town. ~~The members and alternates, and at least one (1) of whom shall be a residential tenant and at least one (1) of whom shall be a residential landlord. The members~~ shall be appointed by the First Selectman in accordance with Section C4-4 of the Town Charter, and according to the provisions of Chapter 3 of the Town Charter. Members of the Commission shall serve without compensation.

(3) Members of the Commission shall be appointed for staggered terms of four (4) years. Vacancies on the Commission shall be filled in the manner of original appointment for the unexpired portion of the term. Any member of the Commission may be reappointed in the manner of original appointment.

(b) *Powers*

(1) The Commission's powers shall include the power to:

- a. Receive complaints, inquiries, and other communications concerning alleged excessive rental charges and alleged violations, including retaliation, of C.G.S. §§ 7-148b ~~to~~through 7-148f, ~~inclusive~~, C.G.S. § 47a-20, C.G.S. § 21-80a, and C.G.S. § 47a-23c in housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which jurisdiction shall include mobile manufactured homes and mobile manufactured home park lots. "Seasonal basis" means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year.

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“Rental charge” includes any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord, and includes any charge that is already in effect;

- b. Make such studies and investigations ~~regarding rental housing within the Town~~ as are appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein;
- c. Conduct hearings ~~on and receive complaints or requests for investigation submitted relative to it by any person~~ regarding rental charges on housing accommodations, subject to the terms, limitations and conditions as set forth herein;
- d. Compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions;
- e. Determine, after a hearing as set forth herein, whether or not the rent for any housing accommodation is so excessive as to be harsh and unconscionable;
- f. Determine, after a hearing as set forth herein, whether the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety;
- g. Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of subsection (f) below and make such orders as are authorized herein;
- h. Order a reduction of any excessive rent to an amount which is fair and equitable, and make such other orders as are authorized herein;
- i. Order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing accommodation into compliance with any municipal ordinance or state statute or regulation relating to health and safety;
- j. Establish an escrow account with a local bank or financial institution into which it shall deposit all rent charges or other funds paid to it pursuant to subsection (e) below; and
- k. Carry out all other provisions of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20, 21- 80a and C.G.S. § 47a-23c as now existing and as hereinafter amended, as they apply to fair rent commissions.

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(c) *Determination of Excessive Rent*

- (1) In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the

Commission shall consider such of the following circumstances as are applicable to the type of accommodation:

- a. The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;
- b. The sanitary conditions existing in the housing accommodations in question;
- c. The number of bathtubs or showers, flush waste closets, kitchen sinks and lavatory basins available to the occupants thereof;
- d. Services, furniture, furnishings and equipment supplied therein;
- e. The size and number of bedrooms contained therein;
- f. Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;
- g. The amount of taxes and overhead expenses, including debt service, thereof;
- h. Whether the accommodations are in compliance with the ordinances of the Town and the General Statutes of the State of Connecticut relating to health and safety;
- i. The income of the petitioner and the availability of accommodations;
- j. The availability of utilities;
- k. Damages done to the premises by the tenant, caused by other than ordinary wear and tear;
- l. The amount and frequency of increases in rental charges; and
- m. Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.

(2) The rent of a tenant protected by C.G.S. § 47a-23c (certain seniors and persons with ~~disabilities~~disabilities in buildings and complexes with five or more units) who files a complaint with the Commission pursuant to C.G.S. § 47a-23c(c)(2) may be increased only to the extent that such increase is fair and equitable, based on the criteria set forth above.

(d) *Procedures and Hearing on Complaints*

(1) Upon the filing of a complaint, the Commission shall promptly notify all parties in writing of the receipt of the complaint. Such notice shall also inform the parties that the landlord is prohibited from retaliating against the tenant due to the filing of the complaint. ~~It shall also inform the parties that, until a decision on the complaint is made by the Commission,~~



~~the tenant's liability shall be for the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed upon rent, and that an eviction based upon non-payment of rent cannot be initiated against a tenant who continues to pay the last agreed upon rent during the pendency of the Commission proceeding.~~

(2) If a complaint alleges housing conditions that violate a housing, health, building or other code or statute, the Commission shall notify the appropriate municipal office or agency, which may then concurrently exercise its own powers. In addition, the Commission may request that the appropriate municipal official or agency promptly investigate and provide a report to the Commission.

(3) If two or more complaints are filed against the same landlord by tenants occupying different rental units in the same building, complex, or mobile home park that appear to raise the same or similar issues, the Commission may consolidate such claims for hearing.

(4) The Commission or municipal staff may, to the extent practicable, encourage the parties to the complaint to reach a mutually satisfactory resolution through informal conciliation. Municipal staff (but not Commission members) may serve as informal conciliators. Any agreement to resolve the complaint shall be in writing and signed by the parties.

(5) A hearing on the complaint shall be scheduled no later than thirty (30) days after the filing of the complaint, unless impracticable. Written notice of the date, time, and place of the hearing shall be given to the parties to the complaint at least ten (10) days prior to the hearing by first class and certified mail and, if practicable, by electronic mail.

(6) All parties to a hearing shall have the right to be represented, to cross-examine witnesses, to examine documents introduced into evidence, and to call witnesses and introduce evidence. The testimony taken at a hearing shall be made under oath. Hearings shall be recorded.

(7) In the event that there is insufficient time to complete a hearing or for other cause, the Commission shall have the power to adjourn the hearing to another time and date.

(8) No sale, assignment, transfer of the housing accommodation in question or attempt to evict the tenant shall be cause for discontinuing any pending proceeding nor shall it affect the rights, duties and obligations of the Commission or the parties.

(e) *Rent Reduction Order and Repairs*

(1) The Commission shall render its decision at the same meeting at which the hearing on the complaint is completed or within thirty (30) days following such date, unless impracticable. In accordance with the state Freedom of Information Act, both the hearing itself and the deliberation by the Commission shall be open to observation by the public. ~~Until a decision on the complaint is made by the Commission, the tenant's liability shall be for the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed upon rent.~~

(2) If the Commission determines after a hearing that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in subsection (c) above, as to be harsh and unconscionable, it may order that the rent be limited to such an amount as it determines to be fair and equitable, ~~effective the month in which the tenant filed the complaint.~~ A Commission's orders may include, but are not limited to, a reduction in a rental charge or proposed rent increase; a delay in an increased rental charge until specified conditions, such as compliance with municipal code enforcement orders, have been satisfied; or a phase-in of an increase in a rental charge, not to exceed a fair and equitable rent, in stages over a period of time.

(3) If the Commission determines after a hearing that a housing accommodation fails to comply with any municipal ordinance or state statute or regulation relating to health and safety, the Commission may order the suspension ~~or reduction~~ of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring the housing accommodation into compliance with such laws, statutes, or regulations. If the Commission's order constitutes a complete suspension of all rent, the rent during such period shall be paid to the Commission to be held in escrow subject to such ordinances or provisions as may be adopted by the town, city or borough. ~~Upon the landlord's full compliance with such ordinance, statute or regulation for which payments were made into such escrow, the Commission shall determine after hearing such distribution of the escrowed funds as it deems appropriate.~~

(f) *Retaliation*

~~(1) No landlord shall engage in retaliatory actions. Retaliatory actions by a landlord include but are not limited to the following:~~

- ~~a. Engaging in any action prohibited by C.G.S. § 47a-20 or § 21-80a within six months after any event listed in such statutes, including but not limited to within six months after the tenant has filed a complaint with the Commission;~~
- ~~b. Refusing to renew the lease or other rental agreement of any tenant; bringing or maintaining an action or proceeding against the tenant to recover possession of the dwelling unit; demanding an increase in rent from the tenant; decreasing the services to which the tenant has previously been entitled; or verbally, physically or sexually harassing a tenant because a tenant has filed a complaint with the Commission;~~
- ~~c. Engaging in any other action determined by the Commission, after a hearing, to constitute landlord retaliation as set forth in C.G.S. 7-148d(b).~~

~~(2)(1) In the initial notice scheduling a hearing or conciliation on a complaint, and in its notice of decision, the Commission shall include notice, in plain language, to landlords and tenants that retaliatory actions against tenants are prohibited under CGS § 47a-20 and which actions are not deemed retaliatory under CGS § 47a-20a.~~

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~~(3)(2) Any tenant who claims that the action of his or her landlord constitutes retaliatory action~~

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~~may file a notice of such claim with the Commission. If the Commission determines, after a hearing, which hearing shall be expedited, Any tenant who claims that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission may file a notice of such claim with the Commission. If the Commission determines, after a hearing, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission, the Commission may order the landlord to cease and desist from such conduct and order the landlord to withdraw or remediate such conduct as has already occurred.~~

(g) Appeals

(1) Any person aggrieved by any order or decision of the Commission may appeal to the Superior Court ~~for the judicial district in which the Town is located~~ within thirty (30) days of the issuance of the written notice of the decision to the parties. Such notice shall include notice of the right to appeal, the court to which an appeal may be taken, and the time in which an appeal must be filed. Unless otherwise directed by the Commission or the court, the filing of an appeal shall not stay any order issued by the Commission. ~~Any such appeal shall be considered a privileged matter with respect to the order of trial.~~

(h) Failure to Comply with Commission Orders

(1) Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to § 7-148e is pending, or who violates any other provision of ~~this chapter~~ C.G.S. §§ 7-148b through 7-148e or C.G.S. § 47a-20 ~~or 21-80a~~, or who refuses to obey any subpoena, order or decision of the Commission pursuant thereto shall be fined not less than \$25 nor more than \$100 for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.

(2) The Commission, in its own name or through the municipality, may bring a civil action to any court of competent jurisdiction or take any other action in such a court to enforce any order of the Commission made pursuant to this subchapter, or to enjoin a violation or threatened violation of any order of the Commission.

(i) Amendments to State Law.

(1) Any amendments to the state law referring to fair rent commissions shall be automatically incorporated into this article and made a part hereof. Any provisions and amendments to the Town Charter that apply to appointed commissions shall apply to the Commission.

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**\*\*\*REVISED DRAFT 6-26-23\*\*\***

**CODE OF ORDINANCES, TOWN OF WESTPORT, CONNECTICUT**

**Chapter 2 - ADMINISTRATION**

**ARTICLE IV. BOARDS AND COMMISSIONS**

**Sec 2-90. - Fair Rent Commission**

(a) *Established.*

(1) Pursuant to and in conformity with C.G.S. §§ 7-148b through 7-148f, 47a-20 and 47a-23c, there is hereby created a Fair Rent Commission (“Commission”) for the purpose of controlling and eliminating excessive rental charges for housing accommodations within the Town, and to carry out the purposes, duties, responsibilities and all provisions of the above described sections and any other sections of the statutes, as they may be amended from time to time, pertaining to fair rent commissions.

(2) The Commission shall consist of five (5) members, all of whom shall be electors of the Town, and at least one (1) of whom shall be a residential tenant and at least one (1) of whom shall be a residential landlord. The members shall be appointed by the First Selectman in accordance with Section C4-4 of the Town Charter, and according to the provisions of Chapter 3 of the Town Charter. Members of the Commission shall serve without compensation.

(3) Members of the Commission shall be appointed for staggered terms of four (4) years. Vacancies on the Commission shall be filled in the manner of original appointment for the unexpired portion of the term. Any member of the Commission may be reappointed in the manner of original appointment.

(b) *Powers*

(1) The Commission’s powers shall include the power to:

- a. Receive complaints, inquiries, and other communications concerning alleged excessive rental charges and alleged violations, including retaliation, of C.G.S. §§ 7-148b through 7-148f, C.G.S. § 47a-20, C.G.S. §21-80a, and C.G.S. § 47a-23c in housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which jurisdiction shall include mobile manufactured homes and mobile manufactured home park lots. “Seasonal basis” means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year. “Rental charge” includes any fee or charge in addition to rent that is imposed or sought to

be imposed upon a tenant by a landlord, and includes any charge that is already in effect;

- b. Make such studies and investigations as are appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein;
- c. Conduct hearings and receive complaints relative to rental charges on housing accommodations, subject to the terms, limitations and conditions as set forth herein;
- d. Compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions;
- e. Determine, after a hearing as set forth herein, whether or not the rent for any housing accommodation is so excessive as to be harsh and unconscionable;
- f. Determine, after a hearing as set forth herein, whether the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety;
- g. Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of subsection (f) below and make such orders as are authorized herein;
- h. Order a reduction of any excessive rent to an amount which is fair and equitable, and make such other orders as are authorized herein;
- i. Order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing accommodation into compliance with any municipal ordinance or state statute or regulation relating to health and safety;
- j. Establish an escrow account with a local bank or financial institution into which it shall deposit all rent charges or other funds paid to it pursuant to subsection (e) below; and
- k. Carry out all other provisions of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20, 21- 80a and C.G.S. § 47a-23c as now existing and as hereinafter amended, as they apply to fair rent commissions.

(c) *Determination of Excessive Rent*

- (1) In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the Commission shall consider such of the following circumstances as are applicable to the type of accommodation:

- a. The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;
- b. The sanitary conditions existing in the housing accommodations in question;
- c. The number of bathtubs or showers, flush waste closets, kitchen sinks and lavatory basins available to the occupants thereof;
- d. Services, furniture, furnishings and equipment supplied therein;
- e. The size and number of bedrooms contained therein;
- f. Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;
- g. The amount of taxes and overhead expenses, including debt service, thereof;
- h. Whether the accommodations are in compliance with the ordinances of the Town and the General Statutes of the State of Connecticut relating to health and safety;
- i. The income of the petitioner and the availability of accommodations;
- j. The availability of utilities;
- k. Damages done to the premises by the tenant, caused by other than ordinary wear and tear;
- l. The amount and frequency of increases in rental charges; and
- m. Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.

(2) The rent of a tenant protected by C.G.S. § 47a-23c (certain seniors and persons with disabilities in buildings and complexes with five or more units) who files a complaint with the Commission pursuant to C.G.S. § 47a-23c(c)(2) may be increased only to the extent that such increase is fair and equitable, based on the criteria set forth above.

(d) *Procedures and Hearing on Complaints*

(1) Upon the filing of a complaint, the Commission shall promptly notify all parties in writing of the receipt of the complaint. Such notice shall also inform the parties that the landlord is prohibited from retaliating against the tenant due to the filing of the complaint.

(2) If a complaint alleges housing conditions that violate a housing, health, building or other code or statute, the Commission shall notify the appropriate municipal office or agency, which may then concurrently exercise its own powers. In addition, the Commission may request that

the appropriate municipal official or agency promptly investigate and provide a report to the Commission.

(3) If two or more complaints are filed against the same landlord by tenants occupying different rental units in the same building, complex, or mobile home park that appear to raise the same or similar issues, the Commission may consolidate such claims for hearing.

(4) The Commission or municipal staff may, to the extent practicable, encourage the parties to the complaint to reach a mutually satisfactory resolution through informal conciliation. Municipal staff (but not Commission members) may serve as informal conciliators. Any agreement to resolve the complaint shall be in writing and signed by the parties.

(5) A hearing on the complaint shall be scheduled no later than thirty (30) days after the filing of the complaint, unless impracticable. Written notice of the date, time, and place of the hearing shall be given to the parties to the complaint at least ten (10) days prior to the hearing by first class and certified mail and, if practicable, by electronic mail.

(6) All parties to a hearing shall have the right to be represented, to cross-examine witnesses, to examine documents introduced into evidence, and to call witnesses and introduce evidence. The testimony taken at a hearing shall be made under oath. Hearings shall be recorded.

(7) In the event that there is insufficient time to complete a hearing or for other cause, the Commission shall have the power to adjourn the hearing to another time and date.

(8) No sale, assignment, transfer of the housing accommodation in question or attempt to evict the tenant shall be cause for discontinuing any pending proceeding nor shall it affect the rights, duties and obligations of the Commission or the parties.

(e) *Rent Reduction Order and Repairs*

(1) The Commission shall render its decision at the same meeting at which the hearing on the complaint is completed or within thirty (30) days following such date, unless impracticable. In accordance with the state Freedom of Information Act, both the hearing itself and the deliberation by the Commission shall be open to observation by the public.

(2) If the Commission determines after a hearing that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in subsection (c) above, as to be harsh and unconscionable, it may order that the rent be limited to such an amount as it determines to be fair and equitable. A Commission's orders may include, but are not limited to, a reduction in a rental charge or proposed rent increase; a delay in an increased rental charge until specified conditions, such as compliance with municipal code enforcement orders, have been satisfied; or a phase-in of an increase in a rental charge, not to exceed a fair and equitable rent, in stages over a period of time.

(3) If the Commission determines after a hearing that a housing accommodation fails to comply with any municipal ordinance or state statute or regulation relating to health and safety,

the Commission may order the suspension of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring the housing accommodation into compliance with such laws, statutes, or regulations. If the Commission's order constitutes a complete suspension of all rent, the rent during such period shall be paid to the Commission to be held in escrow subject to such ordinances or provisions as may be adopted by the town, city or borough.

(f) *Retaliation*

(1) In the initial notice scheduling a hearing or conciliation on a complaint, and in its notice of decision, the Commission shall include notice to landlords and tenants that retaliatory actions against tenants are prohibited under CGS § 47a-20 and which actions are not deemed retaliatory under CGS § 47a-20a.

(2) Any tenant who claims that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission may file a notice of such claim with the Commission. If the Commission determines, after a hearing, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission, the Commission may order the landlord to cease and desist from such conduct.

(g) *Appeals*

(1) Any person aggrieved by any order or decision of the Commission may appeal to the Superior Court for the judicial district in which the Town is located within thirty (30) days of the issuance of the written notice of the decision to the parties. Such notice shall include notice of the right to appeal, the court to which an appeal may be taken, and the time in which an appeal must be filed. Unless otherwise directed by the Commission or the court, the filing of an appeal shall not stay any order issued by the Commission. Any such appeal shall be considered a privileged matter with respect to the order of trial.

(h) *Failure to Comply with Commission Orders*

(1) Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to § 7-148e is pending, or who violates any other provision of C.G.S. §§ 7-148b through 7-148e or C.G.S. § 47a-20, or who refuses to obey any subpoena, order or decision of the Commission pursuant thereto shall be fined not less than \$25 nor more than \$100 for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.

(2) The Commission, in its own name or through the municipality, may bring a civil action to any court of competent jurisdiction or take any other action in such a court to enforce any order of the Commission made pursuant to this subchapter, or to enforce a violation or threatened violation of any order of the Commission.

(i) *Amendments to State Law.*



(1) Any amendments to the state law referring to fair rent commissions shall be automatically incorporated into this article and made a part hereof. Any provisions and amendments to the Town Charter that apply to appointed commissions shall apply to the Commission.

**Report of the RTM Health and Human Services Committee**

July 11, 2023

The Committee met on 5/24/23 and 6/12/23 to discuss and make a recommendation to the RTM on a proposed ordinance to establish by an act of the city/town legislative body a Westport Fair Rent Commission pursuant to and in conformity with C.G.S. §§ 7-148b through 7-148f, 47a-20 and 47a-23c, there is hereby created a Fair Rent Commission (“Commission”) for the purpose of controlling and eliminating excessive rental charges for housing accommodations within the Town, and to carry out the purposes, duties, responsibilities and all provisions of the above described sections and any other sections of the statutes, as they may be amended from time to time, pertaining to fair rent commissions as mandated by statute

Members Present 5/24/23 were Wendy Batteau, Jessica Bram, Harris Falk, Jack Klinge, Sal Liccione, Kristin Schneeman, Chris Tait, Julie Whamond. Assistant Town Attorney Eileen Flug and Aspetuck Health District Mark Cooper also attended and participated. Those RTM members and Attorney Flug were also present 6/12/23.

The Westport Ordinance was prepared by Attorney Eileen Flug, First Selectwoman Jen Tooker, and Police Chief Foti Koskinas, based on the group Home Connecticut’s Toolkit on Fair Rent Commissions sample ordinance and ordinances from other Connecticut communities. The statute is included in RTM packets.

Time issues had prevented most committee members from considering the first and then a revised version of the town ordinance and checklist on 5/24. Questions arose as to which language was state-mandated and which was in the town’s discretion. Attorney Flug agreed to create a redlined clarifying version of the ordinance for a meeting continuation. The HHS Committee reconvened on June 12, 2023 with that information and a third iteration of the ordinance. The same committee members were present.

**Discussion:**

The express purpose of the ordinance mandated by the state is to provide residential tenants (though not short-term renters) a venue for addressing complaints about rents they deem to be unfair. While landlords may also have legitimate grievances about some tenant behavior, the commission will not address these; court is still the venue for residential landlords. The ideal commission objective, however, is to encourage parties to find a resolution before formal proceedings begin.

The authorities granted to a fair rent commission include the authority to receive and investigate rent complaints, issue subpoenas, administer oaths, hold hearings, and order landlords to reduce rents for specific reasons. When a commission finds that rental housing does not meet the local or state health or safety requirements for housing, the commission may suspend rent payments until the housing is brought into compliance. Also, a commission may order a landlord to stop any retaliation against a tenant who makes a complaint to the commission.

Committee members were concerned that language such as “unconscionable”, equitable”, and “fair” is vague and could be considered too subjective. Attorney Flug pointed out that these terms have meanings under law. Aspetuck Health District Mark Cooper explained the process used by the health district when they received complaints about unsanitary conditions. The ordinance does also spell out some considerations the commission should take into account. The HHS Committee expressed the opinion that the Commission should, as soon as constituted, create detailed written objective guidelines for its activities.

RTM members have in connection with the creation of prior commissions had strong reservations about granting ordinary citizens subpoena powers. Because this authority is mandated here by the state, the committee expressed concern that Commission members with experience in using it be selected.

If the commission finds housing in question to be below local or state health and safety requirements, it can require rent be paid to an escrow account rather than to the landlord. Because the municipality is responsible for

making provisions for the account, questions about where and how it would be held arose; Specific information about how and where an escrow account for the rent and for any fines incurred was to be confirmed.

Questions about how remediation of unsatisfactory housing would be evaluated are not addressed by the statute; the committee thought this should be made part of the commission guidelines

Retaliation by landlords against complaining tenants is also prohibited, and the Commission can order the landlord to cease and desist. No remedies for not desisting are specified. However, the Commission can appeal to the courts.

The state legislature is now considering various changes to statutes regarding housing and rental matters. This ordinance accounts for changes by directing those shall be incorporated in the town ordinance.

To understand the scope and context of the likely work of the commission we had attempted to get information about the number of town renters, average prices for various housing categories, nature and number of past complaints, and the like. This was not available.

**Amendments by the committee:**

The primary authority the town holds is determining the composition of the Commission and selecting its members. Statute specifies a group of 3-9. The sample ordinance and those of most other communities we reviewed included 7 members. Our initial ordinance specified 5. Other communities specified membership should include at least 1 renter (residential) and 1 landlord (residential) in addition to other members of neither category. The Administration was hesitant to include 7 members, worrying about a lack of volunteers. The Committee voted unanimously (motion Klinge, 2<sup>nd</sup> Schneeman) to amend this section of the ordinance to create a commission of 5 members, of which 1 must be a residential renter, 1 a residential landlord, and 3 of neither category; 3 alternates – 1 in each category; and that a quorum must include an equal number of renters and landlords, to prevent even an appearance of bias. This provision is included in ordinances of some other towns.

In response to the requested amendment A revised a 4<sup>th</sup> draft of the ordinance dated 6/26/23, requires the committee to include 1 residential tenant and 1 landlord, but does not specify alternates and the composition of a quorum. As Attorney Flug pointed out, the RTM can create such an amendment requiring these at this meeting.

Two Committee members also spoke for an amendment (Liccione, 2<sup>nd</sup>, Falk) requiring that the RTM oversee member selection. Attorney Flug was to check the legality of this process and will have the answer for our July meeting. The amendment did not pass at that time.

The Committee voted unanimously on a motion by Klinge and seconded by Schneeman, to recommend the ordinance with the committee-approved amendment to the RTM. As noted above, a slightly different version of the ordinance (without the full amendment) is under consideration tonight.

Respectfully Submitted,

Wendy Batteau  
Health and Human Services Committee Chair and Reporter

**TO: Representative Town Meeting**

**FROM: RTM Ordinance Committee**

**SUBJECT: Review proposed ordinance creating a Fair Rent Commission Ordinance**

**Meeting of May 24, 2023 (joint with Health and Human Services committee)**

Members present: Brandi Briggs (Chair), Ellen Lautenberg, Kristin Schneeman, Lauren Karpf and Stephen Shackelford. Peter Gold recused himself from this meeting.

Others present: Assistant Town Attorney Eileen Flug, Wendy Batteau, Julie Whamond, Sal Liccione, Jessica Bram, Jack Klinge, Harris Falk, Jeffrey Wieser and Mark Cooper.

On May 24, 2003, the Ordinance committee met by Zoom to discuss and review the proposed ordinance to create a Fair Rent Commission Ordinance. The state of Connecticut passed a law that all towns over 25,000 residents need to create a fair rent ordinance. Assistant Town Attorney Eileen Flug worked with First Selectwoman Jen Tooker and Police Chief Koskinas to create the Westport Fair Rent Commission Ordinance.

Jack Klinge asked if there was a history of rent disputes in Westport and Attorney Flug had no known history of disputes. We then began discussing the composition of the commission, who should appoint the commission members, is five a desirable number of commissioners and could it be filled. Sal Liccione suggested that the members be appointed by the RTM. Ms. Flug said that the Town charter states that the First Selectperson appoints most of the commissions in Westport. Wendy Batteau asked about alternates to make it easier for a quorum and about making there be a specified number of landlords and tenants to ensure that the entire commission was not made up of one or the other. There was a lengthy discussion regarding this topic but a decision was not made. Attorney Flug stated that the state law of minority representation would apply to this committee-no more than 3 members of one political party could be on the five-member commission at one time.

Jessica Bram addressed the question of subjectivity and who determines if fair and equitable. Ms. Flug said there were not specific guidelines and that common sense should prevail. Parties will be able to present evidence-what median rent is, tenant can provide evidence of code violations, etc.

Mark Cooper stated that sometimes, unsanitary conditions could be the fault of the tenant- hoarding, not cleaning out old food or letting mold grow that is not the fault of the landlord. He suggested taking out "sanitary" and adding "housing code enforcement." Ms. Flug said that much of the language is straight out of the statute and cannot be changed. She also said there will be an administrator of complaints that will get assigned

by the First Selectperson. There was a discussion regarding retaliation and if the statute requires the commission to deal with retaliation which Ms. Flug said it does.

The Ordinance committee then discussed if we should vote on this tonight. It was determined that everyone was comfortable voting on the language tonight but if there were substantive changes made at the next Health and Human Services committee meeting then we should meet again. We agreed that there were some unanswered questions, especially regarding the makeup of the commission but that it was not in the purview of the Ordinance committee to make those determinations. The committee then reviewed the text of the ordinance and made any necessary changes to the language. The HHS committee asked Ms. Flug to give them a redline version highlighting everything that is in the state statute and cannot be changed.

Kristin Schneeman made a motion and Stephen Shackelford seconded that the proposed Fair Rent Commission ordinance is ready for full RTM review. The vote was unanimous that the ordinance is ready for full RTM review.

#### **Meeting of July 10, 2023**

Members present: Brandi Briggs (Chair), Ellen Lautenberg, Kristin Schneeman, and Lyn Hogan. Peter Gold recused himself from this meeting.

Others present: Assistant Town Attorney Eileen Flug

The Ordinance committee met again on July 10, 2023 to discuss the changes that had been made at the Health and Human Services meeting and by Attorney Flug. Attorney Flug presented the changes. The primary change was that there would be five members of the commission but there is now a requirement that there be one landlord and one tenant on the commission to bring more balance. First Selectwoman Jen Tooker had agreed to these changes. There were no alternates added to the commission because these positions can be hard to fill and they did not want to stall the commission if alternates could not be found. Attorney Flug stated that many of the changes she made was to make the Westport ordinance more consistent with the state statute, not the model ordinance.

Ellen Lautenberg asked if all five members are not available, could the commission still meet which Ms. Flug said yes, they could still meet with less than 5 members present. Ms. Lautenberg asked about rent payments while complaint was ongoing and Ms. Flug said it was not the ordinance or commission role to advise tenants on what they should do or pay pending a hearing and it is not in the state statute.

Kristin Schneeman asked about the balance of landlord/tenant-could be 4 landlords, 1 tenant, etc. Ms. Flug replied that the goal of the First Selectperson would be to find balance among the commissioners.

After concluding that the ordinance was ready, Kristin Schneeman made a motion and Ellen Lautenberg seconded that the proposed Fair Rent Commission ordinance is ready for full RTM review. The vote was unanimous that the Fair Rent Commission ordinance is ready for full RTM review.