



WESTPORT

TOWN OF WESTPORT
REPRESENTATIVE TOWN MEETING
REPRESENTATIVE TOWN MEETING PACKET
OCTOBER 3, 2023
07:30 PM



REPRESENTATIVE TOWN MEETING AGENDA

OCTOBER 3, 2023
07:30 PM

Call

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 October 3, 2023, at 7:30 PM for the purposes listed below. If necessary, the meeting shall reconvene on Tuesday, October 17, 2023, to deal with any agenda items not disposed of at the adjournment of the October 3, 2023, meeting.

Attachment: [Resolutions.pdf](#)

Item #1

To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Director of Public Works, to approve an appropriation of \$275,000 to the Sewer Reserve Fund Account for emergency repairs to the Pump Station #10 force main.

Attachment: [RTM Finance - Public Works Committees Report- Item - 1.pdf](#)

Item #2

To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Superintendent of Schools, in accordance with C.G.S Section 10-222a, to approve an appropriation in the amount of \$133,655.45 to the 2022-2023 Budget, BOE Rentals & Reimbursements Expenditure Account.

Item #3

To take such action as the meeting may determine, upon the request of 2 RTM Members, to adopt an Ordinance establishing a Traffic, Transportation, and Parking Advisory Committee. (First Reading. Full text available in the Town Clerk's Office.)

Attachment: [Traffic Transportation and Parking Advisory Committee Proposed Ordinance- Item - 3.pdf](#)

Item #4

To take such action as the meeting may determine, upon the request of 2 RTM Members, to create a Civilian Public Safety Departments Review Board (First reading. Full text available in the Town Clerk's Office.)

Attachment: [Civilian Public Safety Departments Review Board Proposed Ordinance- Item - 4.pdf](#)

Attachment: [RTM Public Protection Committee Report.pdf](#)

Item #5

To take such action as the meeting may determine, upon the request of 2 RTM Members, to adopt a Westport Affordable Housing Fund (WAHF). (Second reading. Full text available in the Town Clerk's Office.)

Attachment: [Affordable Housing Fund Proposed Ordinance Checklist- Item - 5.pdf](#)

Attachment: [Affordable Housing Fund Proposed Ordinance Redline- Item - 5.pdf](#)

Attachment: [RTM Ordinance Committee Report- Item - 5.pdf](#)

Item #6

To take such action as the meeting may determine, upon the request of at least 20 Westport electors, to clarify for all Westport residents the meaning and intent of "Sec. A162-6.- Agenda" of the "Representative Town Meeting Rules of Procedures" as found in Exhibit A of the "Code of Ordinances of Westport Connecticut".

Attachment: [Petition Request- Item - 6.pdf](#)

Attachment: [_6Rules Committee Report 10-3-23.pdf](#)

General Attachments

[- Agenda Link](#)

Remote Attachment:

[Agenda Link \(https://www.westportc ... mponents/Calendar/Event/25191/745\)](https://www.westportct.gov/Home/Components/Calendar/Event/25191/745)
[\(https://www.westportct.gov/Home/Components/Calendar/Event/25191/745\)](https://www.westportct.gov/Home/Components/Calendar/Event/25191/745)

**RTM Meeting
October 3, 2023**

RESOLUTIONS

(1)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$275,000 to the Sewer Reserve Fund Account for emergency repairs to the Pump Station #10 force main is hereby appropriated.

(2)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Superintendent of Schools, in accordance with C.G.S Section 10-222a, the sum of \$133,655.45 to the 2022-2023 Budget, BOE Rentals & Reimbursements Expenditure Account is hereby appropriated.

(3)

RESOLVED: That upon the request of at least 2 RTM Members, an Ordinance establishing a Traffic, Transportation, and Parking Advisory Committee is hereby adopted. (First Reading. Full text is as follows.)

WHEREAS, C.G.S. § 14-297 defines "Traffic Authority" to be "the board of police commissioners of any city, town or borough, or the city or town manager, the chief of police, the superintendent of police or any legally elected or appointed official or board, or any official having similar powers and duties, of any city, town or borough that has no board of police commissioners but has a regularly appointed force, or the board of selectmen of any town in which there is no city or borough with a regularly appointed police force."

WHEREAS, C.G.S. § 14-312 states "The traffic authority shall have power to make regulations necessary to make effective the provisions of this chapter, and may make and enforce temporary regulations to cover emergencies and special conditions."

WHEREAS, § C4-7 of the Town of Westport Charter states "The Board of Selectmen shall be the Traffic Authority of the Town and shall have all the powers and duties conferred or imposed by law on Traffic Authorities."

WHEREAS, § C5-1 of the Town of Westport Charter states "The Representative Town Meeting shall have general investigatory power and authority to establish committees and boards of the Town... and to prescribe the mode of designation of the members of such committees and boards, their terms of office, the organization and officers thereof and the powers and duties thereof and to modify or terminate any committees or boards established hereunder."

WHEREAS, Sec. A162-6 of the Town of Westport Code of Ordinances states "The Moderator or, in the event of the Moderator's inability to act, the Deputy Moderator or, in the event of the

inability of both, the Town Clerk shall place on the agenda of the Representative Town Meeting such matters as the First Selectman, two Representative Town Meeting members or 20 electors of the Town may request by written notice delivered to the Moderator or the Town Clerk not less than 14 days prior to a Representative Town Meeting, not including the day of the meeting or the day of delivery of the notice.”

WHEREAS, the number of residents and visitors traveling within the Town of Westport Connecticut has increased significantly, leading to unique challenges related to traffic, transportation, and parking that the Town of Westport has not historically faced.

WHEREAS, it is vital that a formal and persistent forum exists by which knowledgeable and productive stakeholders can help Town of Westport officials address challenges related to traffic, transportation, and parking.

BE IT RESOLVED, that the Town of Westport, Connecticut Code of Ordinances is amended to include the following:

Sec 2-92 - Traffic, Transportation, and Parking Advisory Committee

- (a) Established. The Traffic, Transportation, and Parking Advisory Committee (Committee) is established for the purpose of providing recommendations to the Board of Selectmen, the Traffic Authority, the Representative Town Meeting, the Board of Finance, and/or the First Selectman, as appropriate.
- (b) Membership.
 - (1) The Committee shall consist of the following membership:
 - (i) The Westport First Selectman, or their designee (ex-officio, non-voting);
 - (ii) The Westport Chief of Police, or their designee who is a member of the Westport Police Department (ex officio, non-voting);
 - (iii) The Westport Director of Public Works, or their designee who is a member of the Department of Public Works (ex-officio, non-voting);
 - (iv) One Director of the Westport Transit District who shall be an elector of the Town of Westport, or should the Westport Transit District dissolve, one Director of the successor organization who shall be an elector of the Town of Westport (ex-officio, non-voting);
 - (v) The Chair of the RTM Transit Committee, or their designee who is a member of the RTM Transportation committee (ex-officio, non-voting);
 - (vi) Three voting members shall be appointed by the First Selectman and two voting members shall be appointed by the RTM.
 - (a) These members shall be electors of the Town of Westport.
 - (b) These members shall not serve in any other Town of Westport elected or appointed capacity.
 - (c) No more than two of these members shall be of the same political party.
 - (d) A Chair of the Committee shall be selected from these members by a majority vote of these members at the first meeting of the Committee with a quorum. Such Chair shall serve a term of two years commencing January 1, 2024, and a Chair shall be selected every two years thereafter.
 - (e) The first two voting members appointed by the First Selectman and the first voting member appointed by the RTM shall have a term of two years, commencing January 1, 2024. The term of service for all other and subsequently appointed voting members of the Committee shall be four years.
 - (f) Voting members shall not serve more than two terms.
 - (g) In the event that a vacancy exists with respect to voting members appointed by the First Selectman or with respect to voting members appointed by the RTM,

such respective appointing authority shall have 60 days to fill the vacancy. If the First Selectman is unable to fill such respective vacancy within 60 days of such vacancy occurring, then the RTM shall be empowered to fill such vacancy. If the RTM is unable to fill such respective vacancy within 60 days of such vacancy occurring, then the First Selectman shall be empowered to fill such vacancy.

(2) Ex-Officio members shall not be considered in establishing a Committee quorum.

(c) Powers and Duties.

(1) The Committee shall have the following powers and duties:

(i) By majority vote, providing recommendations to the Board of Selectmen, the Traffic Authority, the Representative Town Meeting, the Board of Finance, and/or the First Selectman, as appropriate, on matters related to policies and operations concerning traffic, transportation, transit, parking, bicycling, and pedestrians.

Specific recommendations may pertain to, but are not limited to, the following topics:

(a) traffic circulation;

(b) transit and shuttle services;

(c) parking accommodations and regulations;

(d) parking enforcement;

(e) bicycle and pedestrian accommodation, including sidewalks;

(f) lighting, signage, and security related to traffic, transportation, and/or parking.

(ii) The Committee shall provide members of the public a reasonable opportunity to speak on areas within the Committee's purview at each meeting.

(2) The scope of this Committee's work shall not include areas of responsibility specific to the Board of Education.

(3) The Committee shall meet at least once every three months.

(4)

RESOLVED: That upon the request of at least two (2) RTM Members, an Ordinance creating a Civilian Public Safety Departments Review Board is hereby adopted. (First reading. Full text is as follows.)

Sec 2-91. – Civilian Public Safety Departments Review Board

(a) *Established.*

(1) Pursuant to and in conformity with C.G.S. § 7-294aaa (pertaining to the Police Department), there is hereby created a Civilian Public Safety Departments Review Board ("Board") for the purpose of working closely with the members of the Town's Police, Fire and Emergency Medical Service ("EMS") Departments to diversify hiring, oversee the investigation of civilian complaints, and evaluate opportunities to improve transparency and accountability.

(2) **Mission:** The mission of the Board is to build on the foundation of public trust between the Police, Fire and EMS Departments and Westport residents by conducting the activities described herein.

(3) **Membership:** The Board shall consist of five (5) civilian members, all of whom shall be electors of the Town: two (2) members of the Westport electorate to be appointed by the First Selectman; one (1) member of TEAM Westport, to be nominated

by TEAM Westport and appointed by the First Selectman (at the First Selectmen's discretion); and two (2) other members of the Westport electorate to be appointed by the Representative Town Meeting (RTM).

i. **First Selectman Appointments:** The terms of the initial three members appointed by the First Selectman shall be two (2) years, and all subsequent terms for members appointed by the First Selectman shall be four (4) years. The TEAM Westport member shall be ex officio and shall no longer serve if he or she is no longer a member of TEAM Westport. If no eligible TEAM Westport member desires to serve, then the First Selectman may appoint any member of the Westport electorate to serve instead, and such member shall serve the term (or remainder of the term) of the TEAM Westport member.

ii. **RTM Appointments:** The terms of the two members appointed by the RTM shall be four (4) years. If the RTM does not fill any appointment within ninety (90) days after notice from the First Selectman that the position needs to be filled, then the First Selectman may make the appointment(s), and the appointed member(s) shall serve the term (or remainder of the term) for that particular position.

iii. **Vacancies:** The First Selectman shall fill any vacancies in the First Selectman-appointed members, whether caused by resignation of a Board member or otherwise. The RTM shall fill any vacancies in the RTM-appointed members, whether caused by resignation of a Board member or otherwise. Members appointed to fill vacancies shall serve for the remaining portion of the vacant term and may be reappointed as provided herein, subject to the applicable term limits.

iv. **Term Limits:** There are no limits on the number of terms any member may serve, generally. However, members may serve no more than two (2) consecutive full terms, regardless of how they were appointed. Service of a partial term by reason of appointment to fill a vacancy shall not count towards this two-consecutive-term limit. By way of illustration, a member could serve two consecutive terms (whether appointed by the RTM or the First Selectman), then step down for a full four-year term, and then serve another two consecutive terms.

v. **Alternate:** The First Selectman shall appoint one (1) member of the Westport electorate as the Board's alternate member. The alternate member shall be available to serve as a participating and voting member on any investigation where at least one regular member is unavailable to serve. He or she shall not be required or expected to attend any meetings other than those for a particular investigation in which he or she is participating, though he or she

shall be permitted to attend any meetings of the Board, including executive sessions. The term of the alternate member shall be four (4) years. Should the alternate member position become vacant for any reason, the First Selectman shall appoint a new alternate member, who shall serve out the remainder of the four-year term. No person may serve more than two (2) full consecutive terms as the alternate member of the Board.

vi. **Miscellaneous:** No more than a bare majority of the members of the Board may be members of the same political party. Each member, including ex officio members, shall have equal voting rights and shall count towards the determination of a quorum. The Board members shall elect a Chair of the Board annually, at the first meeting after December 1 of each year. No member of the Board shall be an employee, or a family member of an employee, of the Police, Fire or EMS Departments, and no member of the Board of Selectman shall be a member of the Board. The terms "Selectman" and "Selectmen" include elected Selectpersons of any gender.

(b) *Powers and duties.* The Board shall have the following powers and duties:

(1) **Hiring Feedback:** The Board will participate in the interview process of both new hires and lateral transfer applicants of the Police, Fire and EMS Departments. While the final decision on hiring will remain with the Chiefs of the departments and the First Selectman as provided by the Town Charter, the Board will offer substantive feedback on the selection of candidates through a direct line of communication with both the Chiefs and command staff, which may include offering scored feedback during the interview process.

(2) **Complaint Oversight:** The Board will review and provide feedback on (i) all documented complaints regarding Police and EMS Department personnel (both paid and volunteer) that are investigated by the Police Department's Office of Professional Standards, and (ii) all documented complaints regarding Fire Department personnel (both paid and volunteer) that are received by the Fire Department. Review of such complaints will be conducted regardless of whether the complaint was received by the applicable department, or received by the Board, and including anonymous complaints. A documented complaint is one that is either written or one in which the applicant verbally responds in the affirmative that he/she requests his/her complaint be considered a formal complaint for further investigation. The Board will also have the option, at its discretion, to review and provide feedback on any documented complaint that falls below the threshold for investigation by the Police Department's Office of Professional Standards. The Police Department, however, has no obligation to affirmatively report to the Board on documented complaints that fall below the threshold for investigation by the Police Department's Office of Professional Standards unless the Board has affirmatively exercised its option to review and provide feedback on a particular complaint.

i. Upon the receipt by the Board of any documented complaint

regarding Police, Fire or EMS personnel, the Board will promptly forward that complaint to the appropriate department for the department's review according to its standard procedures. Upon the receipt (i) by the Police and EMS Departments of any documented complaint regarding its personnel that is investigated by the Police Department's Office of Professional Standards, or (ii) by the Fire Department of any documented complaint regarding its personnel, then the applicable department will promptly forward the complaint to the Board. Thereafter, the Captain of Professional Standards of the Police Department, or the Deputy Fire Chief of the Fire Department, as the case may be, will provide regular updates on investigations and the conclusions and result of the investigation.

- ii. For all complaints to be reviewed by the Board, the Board shall have the duty to examine all records available to the relevant department, evaluate the departmental investigation, hold at least one meeting to discuss the complaint, and make recommendations to the relevant department after concluding its own evaluation. The Board shall also have the right (but not the obligation), at any time, to call for further investigation, including specific additional steps by the relevant department, such as interviewing or re-interviewing a witness on specific topics.
- iii. The Chief of the relevant department shall report to the Board within two (2) weeks regarding whether the Board's recommendations are being followed, including an explanation of the Chief's decision. The inclusion of the Board maintains the integrity of the current process by insuring thorough investigation and proper attention to every received complaint. The Chiefs of the departments shall retain responsibility for the ultimate decisions related to the severity of any imposed discipline.

(3) **Transparency & Accountability Improvements:** The Board may advise the departments on policies and procedures that improve transparency and accountability.

(4) **Public Meetings:** The Board is a public agency under the Connecticut Freedom of Information Act and will conduct public meetings. In compliance with FOIA, the Board may discuss the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee in executive session. If such public officer or employee requests that the discussion be held in an open meeting, the Board shall not meet in an executive session. The Board shall hold special meetings as needed. All meetings will be appropriately noticed.

(5) **Training:** The Police, Fire and EMS Departments shall provide training to the members of the Board as needed, in order for the Board to fully understand current policies, procedures, general orders, internal affairs, and legal issues.

(6) **Reporting:**

- i. Each department shall provide an annual report to the First

Selectman and the Board of all disciplinary complaints received and the status and resolution of those complaints. The departments shall ensure that information protected from disclosure under the Connecticut Freedom of Information Act is not available to the public.

- ii. The Board shall provide an annual report on its activities to the First Selectman, the RTM, and the Departments.

(c) *Recusals and Quorum.*

(1) **Required recusals:** Any member of the Board shall recuse him- or herself from (1) any hiring oversight when a candidate for the position is a member of that person's family or a business partner of that person, and (2) any complaint review where the complainant, or any subject of the complaint, is a member of that person's family or a business partner of that person.

(2) **Discretionary recusals:** Where a candidate for a position, complainant, or subject of a complaint is a personal friend of a member, or has some other personal or professional relationship with the member other than those described above, the member shall disclose that relationship to the Board before engaging in hiring oversight or complaint review involving that person. In such circumstances, the member may choose to recuse him- or herself from the relevant Board activity, or the Board may require such recusal if at least three (3) of the remaining members vote in favor of requiring recusal.

(3) **Quorum:** The participation of at least three (3) members of the Board in a particular Board activity shall constitute a quorum of the Board. If the Board is unable to achieve a quorum for a particular activity because of recusals, the First Selectman shall appoint additional, temporary members to the Board solely for the purpose of the activity in question.

- (d) *Website.* The Board shall develop and maintain a website, within the Town's general website, describing the Board's duties and responsibilities, hosting copies of the Board's annual reports, and providing an easy-to-use mechanism for persons to file complaints with the Board.

Section 1.

(e) *Miscellaneous.*

(1) **No subpoena power.** The Board shall not have the power to issue subpoenas to compel either the attendance of witnesses or the production of records.

(2) **Office of the Inspector General.** As required by Connecticut General Statutes Sec. 7-294aaa(e), upon receipt of a written request from the State Office of the Inspector General, established pursuant to C.G.S. Sec. 51-277e, the Board shall stay and take no further action in connection with any proceeding that is the subject of an

investigation or criminal prosecution that is being conducted pursuant to said section or C.G.S. Sec. 51-277a. Any stay of proceedings imposed pursuant to this subsection shall be subject to such state statutes, as they may be amended from time to time.

(5)

RESOLVED: That upon the request of at least two (2) RTM Members, an Ordinance creating a Westport Affordable Housing Fund (WAHF) is hereby adopted. (Second reading. Full text is as follows.)

The Westport Affordable Housing Fund (WAHF)

Purpose of Fund

The purpose of the Fund shall be the preservation of existing and the creation of new affordable rental and home ownership housing in the Town, pursuant to the current Town and Regional Plans of Conservation & Development, and any Connecticut General Statute applicable now or in the future. The preservation and creation of Affordable Housing shall include but not be limited to programs designed to further housing rehabilitation and/or development opportunities and to provide for a full range of housing choices throughout the Town for households of all incomes, ages and sizes.

Section 1: Establishment of Affordable Housing Fund & Committee; members; terms; annual report.

The Board of Selectmen shall appoint an Affordable Housing Committee consisting of five members to serve terms of four years; provided, however, that the initial appointees shall have staggered terms so that three members shall serve for two years and the remaining members shall serve for four years. No more than three members of the Committee shall be members of the same political party. A report shall be made to the RTM annually.

Section 2: Powers and duties.

A. The Affordable Housing Committee shall:

- (1) Study the need for affordable housing within the Town;
- (2) Make an inventory of sites within the Town which may be suitable for affordable housing;
- (3) Track the availability of such sites; and
- (4) Study sources of funding for affordable housing.

B. The Affordable Housing Committee may:

- (1) Consult such other Town bodies and hold such public hearings as it deems necessary to assist it in conducting its studies and making its recommendations;
- (2) Advise the First Selectman and Land Acquisition Committee of site acquisition opportunities; and
- (3) Make recommendations to the Board of Selectmen, Board of Finance, if required, and Representative Town Meeting, regarding the acquisition, creation, or preservation of affordable

housing, including both Town and other funding sources.

Pursuant to C.G.S. § 7-148(c)(2)(K), the Town of Westport does hereby create a special fund to provide affordable housing for the Town of Westport. The Fund shall be known as the "Westport Affordable Housing Trust Fund," hereinafter the "fund." Such fund shall not lapse at the end of the municipal fiscal year.

Section 3: Sources of funding; investments; limitations on use of fund.

- A. In addition to such sums as may be directly appropriated by the Town for deposit into said fund (if any), the Town is authorized to and shall deposit all other monies received by it for the purposes of affordable housing, from whatever source such monies are received (the "sources"). The sources may include, but are not limited to, Planning & Zoning fees, Building Department fees, inclusionary zoning fees, monetary gifts, grants, loans, and monies received from local, state and federal agencies.
- B. Said fund shall be in the custody of the Town of Westport. All or any part of the monies in said fund may be invested in any securities in which public funds may be lawfully invested. All income derived from such investment shall be placed into the fund and become a part thereof. The monies so invested shall at all times be subject to withdrawal for use as hereinafter set forth.
- C. No sums contained in said fund, including interest and dividends earned, shall be transferred to any other account within the Town budget. However, in the event that work is performed by departments of the Town of Westport pursuant to this chapter, the cost of said work may be reimbursed from the fund under § 7-3B. No expenditure shall be made from said fund except in accordance with the provisions of this chapter. No expenditure shall be made from the fund in excess of the available balance in the fund.

Section 4: Expenditures from fund.

- A. The continuation of the fund shall be perpetual, notwithstanding that from time to time said fund may be unfunded.
- B. Expenditures shall be made from the fund only in accordance with the following procedures and requirements:
 - (1) Said expenditures shall be made exclusively for the costs associated with the investigation, appraisal, acquisition, constructing, rehabilitating, repairing, administration, fees and maintenance costs relating to parcels of land, both improved and unimproved, or development rights, easements, deed restrictions, options, interests or rights therein, the use of which shall be limited to retention or designation of parcels for their long-term use in providing affordable housing within the meaning of C.G.S. § 8-30g.
 - (2) Recommendations for any and all proposed expenditures from the fund shall be submitted to the Affordable Housing Committee (AHC) and the Board of Finance and the RTM for approval. Recommendations from AHC and Board of Finance and the RTM for expenditures from the fund shall be submitted, including the sum to be expended, to the Westport Board of Selectmen for the approval of the Board of Selectmen.

- (3) The AHC will provide an annual report of the amount in the Housing Trust Fund and the expenditures to members of the Representative Town Meeting at their January meeting.

(6)

RESOLVED: That upon the request of at least 20 Westport Electors, the full Westport RTM at its October 3, 2023 meeting affirms that the meaning of the term "Shall" in "Sec. A 162-6. - Agenda" of the "Representative Town Meeting Rules of Procedures" as found in Exhibit A of the "Code of Ordinances of Westport Connecticut" is to be "construed as being mandatory", per the definition of the word "Shall" in "Sec. 1-2. - Definitions and rules of construction" and that "Sec. A 162-6. -Agenda" compels and requires the Moderator, or in the event of the Moderator's inability to act, the Deputy Moderator or, in the event of the inability of both, the Town Clerk to place on the RTM meeting agenda such matters as petitioned by at least 20 Westport Electors not less than 14 days prior to a Representative Town Meeting.

September 11, 2023

Joint RTM Finance and Public Works Committee Meeting

Upon the request of the Director of Public Works, to approve an appropriation of \$275,000 to the Sewer Reserve Fund Account 32003330-500461 for emergency repairs to the Pump Station #10 force main.

Meeting via Zoom

In Attendance for the RTM Finance Committee :

- Seth Braunstein – Chairman
- Noah Hammond
- Nancy Kail
- Don O’Day
- Stephen Shackelford

In Attendance for the RTM Public Works Committee:

- Jay Keenan – Chairman
- Chris Tait
- Andrew Colabella
- 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 the force main that had previously been repaired adjacent to the Stop and Shop parking lot has held up well but another section further west on the Post Road is now experiencing ruptures that require repair. It is likely that enhancing the lining on the previously repaired section created additional pressure on the newly ruptured section. This appropriation request is for an additional 1000 feet that runs from around Goodwill and ends around ASF (previous repair was also a 1000-foot section = a remaining 1100 feet would need to be addressed in the future to complete the 3100 foot span). This line has experienced 6 or 7 ruptures over the last few years. Entire forced main replacement was in the FY 2024 capital forecast for a total of \$750K. We are about 2/3rds of the way through, and it has cost about 2/3rds of the \$750k forecasted amount adjusted for inflation.

Director Ratkiewich also provided a comparison of the costs for this section vs. the previous repair. The current estimated cost is \$146/linear foot vs. roughly \$130/foot on last section.

For Finance: Don O’Day moved and was seconded by Nancy Kail, unanimous approval, 5 – 0.

Public Works did not have a quorum but all 5 members in attendance voted to recommend the appropriation to the full RTM.

Report Submitted by Seth Braunstein
Chair – RTM Finance Committee

Proposed Ordinance

Date Submitted: September 14, 2023

RTM Co-Sponsors: Brien Buckman, Kristin Schneeman, Peter Gold, Nancy Kail, Sal Liccione

Code of Ordinances, Town of Westport, Connecticut

WHEREAS, C.G.S. § 14-297 defines "Traffic Authority" to be "the board of police commissioners of any city, town or borough, or the city or town manager, the chief of police, the superintendent of police or any legally elected or appointed official or board, or any official having similar powers and duties, of any city, town or borough that has no board of police commissioners but has a regularly appointed force, or the board of selectmen of any town in which there is no city or borough with a regularly appointed police force."

WHEREAS, C.G.S. § 14-312 states "The traffic authority shall have power to make regulations necessary to make effective the provisions of this chapter, and may make and enforce temporary regulations to cover emergencies and special conditions."

WHEREAS, § C4-7 of the Town of Westport Charter states "The Board of Selectmen shall be the Traffic Authority of the Town and shall have all the powers and duties conferred or imposed by law on Traffic Authorities."

WHEREAS, § C5-1 of the Town of Westport Charter states "The Representative Town Meeting shall have general investigatory power and authority to establish committees and boards of the Town... and to prescribe the mode of designation of the members of such committees and boards, their terms of office, the organization and officers thereof and the powers and duties thereof and to modify or terminate any committees or boards established hereunder."

WHEREAS, Sec. A162-6 of the Town of Westport Code of Ordinances states "The Moderator or, in the event of the Moderator's inability to act, the Deputy Moderator or, in the event of the inability of both, the Town Clerk shall place on the agenda of the Representative Town Meeting such matters as the First Selectman, two Representative Town Meeting members or 20 electors of the Town may request by written notice delivered to the Moderator or the Town Clerk not less than 14 days prior to a Representative Town Meeting, not including the day of the meeting or the day of delivery of the notice."

WHEREAS, the number of residents and visitors traveling within the Town of Westport Connecticut has increased significantly, leading to unique challenges related to traffic, transportation, and parking that the Town of Westport has not historically faced.

WHEREAS, it is vital that a formal and persistent forum exists by which knowledgeable and productive stakeholders can help Town of Westport officials address challenges related to traffic, transportation, and parking.

BE IT RESOLVED, that the Town of Westport, Connecticut Code of Ordinances is amended to include the following:

Sec 2-92 - Traffic, Transportation, and Parking Advisory Committee

- (a) Established. The Traffic, Transportation, and Parking Advisory Committee (Committee) is established for the purpose of providing recommendations to the Board of Selectmen, the Traffic Authority, the Representative Town Meeting, the Board of Finance, and/or the First Selectman, as appropriate.
- (b) Membership.
 - (1) The Committee shall consist of the following membership:
 - (i) The Westport First Selectman, or their designee (ex-officio, non-voting);
 - (ii) The Westport Chief of Police, or their designee who is a member of the Westport Police Department (ex officio, non-voting);
 - (iii) The Westport Director of Public Works, or their designee who is a member of the Department of Public Works (ex-officio, non-voting);
 - (iv) One Director of the Westport Transit District who shall be an elector of the Town of Westport, or should the Westport Transit District dissolve, one Director of the successor organization who shall be an elector of the Town of Westport (ex-officio, non-voting);
 - (v) The Chair of the RTM Transit Committee, or their designee who is a member of the RTM Transportation committee (ex-officio, non-voting);
 - (vi) Three voting members shall be appointed by the First Selectman and two voting members shall be appointed by the RTM.
 - (a) These members shall be electors of the Town of Westport.
 - (b) These members shall not serve in any other Town of Westport elected or appointed capacity.
 - (c) No more than two of these members shall be of the same political party.
 - (d) A Chair of the Committee shall be selected from these members by a majority vote of these members at the first meeting of the Committee with a quorum. Such Chair shall serve a term of two years commencing January 1, 2024, and a Chair shall be selected every two years thereafter.
 - (e) The first two voting members appointed by the First Selectman and the first voting member appointed by the RTM shall have a term of two years, commencing January 1, 2024. The term of service for all other and subsequently appointed voting members of the Committee shall be four years.
 - (f) Voting members shall not serve more than two terms.
 - (g) In the event that a vacancy exists with respect to voting members appointed by the First Selectman or with respect to voting members appointed by the RTM, such respective appointing authority shall have 60 days to fill the vacancy. If the First Selectman is unable to fill such respective vacancy within 60 days of such vacancy occurring, then the RTM shall be empowered to fill such vacancy. If the RTM is unable to fill such respective vacancy within 60 days of such vacancy occurring, then the First Selectman shall be empowered to fill such vacancy.
 - (2) Ex-Officio members shall not be considered in establishing a Committee quorum.
- (c) Powers and Duties.
 - (1) The Committee shall have the following powers and duties:
 - (i) By majority vote, providing recommendations to the Board of Selectmen, the Traffic Authority, the Representative Town Meeting, the Board of Finance, and/or the First Selectman, as appropriate, on matters related to policies and operations concerning traffic, transportation, transit, parking, bicycling, and pedestrians.
Specific recommendations may pertain to, but are not limited to, the following topics:

- (a) traffic circulation;
 - (b) transit and shuttle services;
 - (c) parking accommodations and regulations;
 - (d) parking enforcement;
 - (e) bicycle and pedestrian accommodation, including sidewalks;
 - (f) lighting, signage, and security related to traffic, transportation, and/or parking.
- (ii) The Committee shall provide members of the public a reasonable opportunity to speak on areas within the Committee's purview at each meeting.
- (2) The scope of this Committee's work shall not include areas of responsibility specific to the Board of Education.
- (3) The Committee shall meet at least once every three months.

PROPOSED ORDINANCE

[#date]

CO-SPONSORS: Candace Banks, Andrew Colabella, Harris Falk, Noah Hammond, Jimmy Izzo,

Sal Liccione, Louis Mall, Stephen Shackelford, and Claudia Shaum

CODE OF ORDINANCES, TOWN OF WESTPORT, CONNECTICUT

Chapter 2 - ADMINISTRATION

ARTICLE IV. BOARDS AND COMMISSIONS

Sec 2-91. – Civilian Public Safety Departments Review Board

(a) *Established.*

(1) Pursuant to and in conformity with C.G.S. § 7-294aaa (pertaining to the Police Department), there is hereby created a Civilian Public Safety Departments Review Board (“Board”) for the purpose of working closely with the members of the Town’s Police, Fire and Emergency Medical Service (“EMS”) Departments to diversify hiring, oversee the investigation of civilian complaints, and evaluate opportunities to improve transparency and accountability.

(2) **Mission:** The mission of the Board is to build on the foundation of public trust between the Police, Fire and EMS Departments and Westport residents by conducting the activities described herein.

(3) **Membership:** The Board shall consist of five (5) civilian members, all of whom shall be electors of the Town: two (2) members of the Westport electorate to be appointed by the First Selectman; one (1) member of TEAM Westport, to be nominated by TEAM Westport and appointed by the First Selectman (at the First Selectmen’s discretion); and two (2) other members of the Westport electorate to be appointed by the Representative Town Meeting (RTM).

i. **First Selectman Appointments:** The terms of the initial three members appointed by the First Selectman shall be two (2) years, and all subsequent terms for members appointed by the First Selectman shall be four (4) years. The TEAM Westport member shall be ex officio and shall no longer serve if he or she is no longer a member of TEAM Westport. If no eligible TEAM Westport member desires to serve, then the First Selectman may appoint any member of the Westport electorate to serve instead, and such member shall serve the term (or remainder of the term) of the TEAM Westport member.

ii. **RTM Appointments:** The terms of the two members appointed by the

RTM shall be four (4) years. If the RTM does not fill any appointment within ninety (90) days after notice from the First Selectman that the position needs to be filled, then the First Selectman may make the appointment(s), and the appointed member(s) shall serve the term (or remainder of the term) for that particular position.

- iii. **Vacancies:** The First Selectman shall fill any vacancies in the First Selectman-appointed members, whether caused by resignation of a Board member or otherwise. The RTM shall fill any vacancies in the RTM-appointed members, whether caused by resignation of a Board member or otherwise. Members appointed to fill vacancies shall serve for the remaining portion of the vacant term and may be reappointed as provided herein, subject to the applicable term limits.
- iv. **Term Limits:** There are no limits on the number of terms any member may serve, generally. However, members may serve no more than two (2) consecutive full terms, regardless of how they were appointed. Service of a partial term by reason of appointment to fill a vacancy shall not count towards this two-consecutive-term limit. By way of illustration, a member could serve two consecutive terms (whether appointed by the RTM or the First Selectman), then step down for a full four-year term, and then serve another two consecutive terms.
- v. **Alternate:** The First Selectman shall appoint one (1) member of the Westport electorate as the Board's alternate member. The alternate member shall be available to serve as a participating and voting member on any investigation where at least one regular member is unavailable to serve. He or she shall not be required or expected to attend any meetings other than those for a particular investigation in which he or she is participating, though he or she shall be permitted to attend any meetings of the Board, including executive sessions. The term of the alternate member shall be four (4) years. Should the alternate member position become vacant for any reason, the First Selectman shall appoint a new alternate member, who shall serve out the remainder of the four-year term. No person may serve more than two (2) full consecutive terms as the alternate member of the Board.
- vi. **Miscellaneous:** No more than a bare majority of the members of the Board may be members of the same political party. Each member, including ex officio members, shall have equal voting rights and shall count towards the determination of a quorum. The Board members shall elect a Chair of the Board annually, at the first meeting after December 1 of each year. No member of the Board shall be an employee, or a family member of an employee, of the Police, Fire or EMS Departments, and no member of the Board of Selectman shall be a member of the Board. The terms "Selectman" and "Selectmen" include elected Selectpersons of any gender.

(b) *Powers and duties.* The Board shall have the following powers and duties:

(1) **Hiring Feedback:** The Board will participate in the interview process of both new hires and lateral transfer applicants of the Police, Fire and EMS Departments. While the final decision on hiring will remain with the Chiefs of the departments and the First Selectman as provided by the Town Charter, the Board will offer substantive feedback on the selection of candidates through a direct line of communication with both the Chiefs and command staff, which may include offering scored feedback during the interview process.

(2) **Complaint Oversight:** The Board will review and provide feedback on (i) all documented complaints regarding Police and EMS Department personnel (both paid and volunteer) that are investigated by the Police Department's Office of Professional Standards, and (ii) all documented complaints regarding Fire Department personnel (both paid and volunteer) that are received by the Fire Department. Review of such complaints will be conducted regardless of whether the complaint was received by the applicable department, or received by the Board, and including anonymous complaints. A documented complaint is one that is either written or one in which the applicant verbally responds in the affirmative that he/she requests his/her complaint be considered a formal complaint for further investigation. The Board will also have the option, at its discretion, to review and provide feedback on any documented complaint that falls below the threshold for investigation by the Police Department's Office of Professional Standards. The Police Department, however, has no obligation to affirmatively report to the Board on documented complaints that fall below the threshold for investigation by the Police Department's Office of Professional Standards unless the Board has affirmatively exercised its option to review and provide feedback on a particular complaint.

- i. Upon the receipt by the Board of any documented complaint regarding Police, Fire or EMS personnel, the Board will promptly forward that complaint to the appropriate department for the department's review according to its standard procedures. Upon the receipt (i) by the Police and EMS Departments of any documented complaint regarding its personnel that is investigated by the Police Department's Office of Professional Standards, or (ii) by the Fire Department of any documented complaint regarding its personnel, then the applicable department will promptly forward the complaint to the Board. Thereafter, the Captain of Professional Standards of the Police Department, or the Deputy Fire Chief of the Fire Department, as the case may be, will provide regular updates on investigations and the conclusions and result of the investigation.
- ii. For all complaints to be reviewed by the Board, the Board shall have the duty to examine all records available to the relevant department, evaluate the departmental investigation, hold at least one meeting to discuss the complaint, and make recommendations to the relevant department after concluding its own evaluation. The Board shall also have the right (but not the obligation), at any time, to call for further investigation, including specific additional steps by the relevant department, such as interviewing or

re-interviewing a witness on specific topics.

- iii. The Chief of the relevant department shall report to the Board within two (2) weeks regarding whether the Board's recommendations are being followed, including an explanation of the Chief's decision. The inclusion of the Board maintains the integrity of the current process by insuring thorough investigation and proper attention to every received complaint. The Chiefs of the departments shall retain responsibility for the ultimate decisions related to the severity of any imposed discipline.

(3) **Transparency & Accountability Improvements:** The Board may advise the departments on policies and procedures that improve transparency and accountability.

(4) **Public Meetings:** The Board is a public agency under the Connecticut Freedom of Information Act and will conduct public meetings. In compliance with FOIA, the Board may discuss the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee in executive session. If such public officer or employee requests that the discussion be held in an open meeting, the Board shall not meet in an executive session. The Board shall hold special meetings as needed. All meetings will be appropriately noticed.

(5) **Training:** The Police, Fire and EMS Departments shall provide training to the members of the Board as needed, in order for the Board to fully understand current policies, procedures, general orders, internal affairs, and legal issues.

(6) **Reporting:**

- i. Each department shall provide an annual report to the First Selectman and the Board of all disciplinary complaints received and the status and resolution of those complaints. The departments shall ensure that information protected from disclosure under the Connecticut Freedom of Information Act is not available to the public.
- ii. The Board shall provide an annual report on its activities to the First Selectman, the RTM, and the Departments.

(c) *Recusals and Quorum.*

(1) **Required recusals:** Any member of the Board shall recuse him- or herself from (1) any hiring oversight when a candidate for the position is a member of that person's family or a business partner of that person, and (2) any complaint review where the complainant, or any subject of the complaint, is a member of that person's family or a business partner of that person.

(2) **Discretionary recusals:** Where a candidate for a position, complainant, or subject of a complaint is a personal friend of a member, or has some other personal or professional relationship with the member other than those described above, the member shall disclose that

relationship to the Board before engaging in hiring oversight or complaint review involving that person. In such circumstances, the member may choose to recuse him- or herself from the relevant Board activity, or the Board may require such recusal if at least three (3) of the remaining members vote in favor of requiring recusal.

(3) **Quorum:** The participation of at least three (3) members of the Board in a particular Board activity shall constitute a quorum of the Board. If the Board is unable to achieve a quorum for a particular activity because of recusals, the First Selectman shall appoint additional, temporary members to the Board solely for the purpose of the activity in question.

(d) *Website.* The Board shall develop and maintain a website, within the Town's general website, describing the Board's duties and responsibilities, hosting copies of the Board's annual reports, and providing an easy-to-use mechanism for persons to file complaints with the Board.

(e) *Miscellaneous.*

(1) **No subpoena power.** The Board shall not have the power to issue subpoenas to compel either the attendance of witnesses or the production of records.

(2) **Office of the Inspector General.** As required by Connecticut General Statutes Sec. 7-294aaa(e), upon receipt of a written request from the State Office of the Inspector General, established pursuant to C.G.S. Sec. 51-277e, the Board shall stay and take no further action in connection with any proceeding that is the subject of an investigation or criminal prosecution that is being conducted pursuant to said section or C.G.S. Sec. 51-277a. Any stay of proceedings imposed pursuant to this subsection shall be subject to such state statutes, as they may be amended from time to time.

RTM Public Protection Committee Meeting

September 27, 2023

On Wednesday, September 27th, Members of the RTM Public Protection Committee met via Zoom to discuss edits to its proposed Ordinance creating a Civilian Public Safety Departments Review Board, and to vote on the ordinance being submitted to the full RTM. Present were:

Public Protection Committee: Jimmy Izzo, Chair, Candace Banks, Andrew Colabella, Noah Hammond, Karen Kramer, Sal Liccione, Dick Lowenstein, Louis Mall, Stephen Shackelford

Also Present were Chief Foti Koskinas, Deputy Chief Ryan Paulson, Deputy Chief David Farrell, Acting Fire Chief Mark Amatrudo, Deputy EMS Director Mark Hertog, Town Attorney Eileen Flug, and Civilian Review Panel members 2nd Selectwoman Andrea Moore, 3rd Selectwoman Candace Savin and Teresa Fabi.

Background: In 2020, as the RTM was considering a petition to create a Police Civilian Review Board pursuant to the Connecticut Police Accountability Act, First Selectman Jim Marpe created the Civilian Review Panel. The Panel was charged with working “closely with the members of the Police, Fire and EMS Departments to diversify hiring, oversee the investigation of civilian complaints, and evaluate opportunities to improve transparency and accountability.” First Selectwoman Jennifer Tooker later amended the Panel to provide that the RTM would appoint two of its five members, which the RTM did in 2022, appointing Mike Guthman and Teresa Fabi after receiving applications from numerous highly qualified town electors and conducting a lengthy interview process.

The RTM extensively considered and debated the proposed Civilian Review Board ordinance over several years, but ultimately voted it down in October 2021. Numerous RTM members explained that they wished to give the Civilian Review Panel some time to work, before ultimately considering the codification of a permanent Civilian Review Board using lessons learned by the Panel’s experience.

Discussion: Stephen Shackelford walked the Committee through the feedback received from members of the Panel who were not able to be present this evening, Mike Guthman and Harold Bailey, as well as key thoughts and subsequent edits resulting from the 9/26 RTM Ordinance Committee Meeting.

Mr. Shackelford reported that overall, the Panel is seen to be working very well, and providing value in both hiring and investigations. He also mentioned that Westport as a Town is leading the way in this effort in the state, and this should be a source of pride. Chief Koskinas added that the Police, Fire and EMT Departments all support the creation of the Board.

The key areas where refinements were made to the Ordinance were:

Membership – To clarify how members are appointed, and to remove the 2nd and 3rd Selectpersons, as there is a potential conflict there, including because the final level of appeal for certain personnel decisions (such as terminations) is the Board of Selectmen, and it could be a conflict of two of the three members of the Board of Selectmen also participated in earlier reviews of an investigation (as part of the Civilian Review Board) before being asked to participate in the final appeal of the same matter. The ordinance was edited to provide that the First Selectperson would appoint two members; TEAM Westport would nominate one member, who would have to then be approved by the First Selectperson; and the RTM would appoint two members.

Term Limits – Language was clarified as to the terms of the members, all of whom will be limited to 2 consecutive terms of 4 years.

Complaint Oversight – Language was clarified around the fact that all documented complaints rising to the level of investigation by the Police Department’s Office of Professional Standards will be sent to the Board, but that the Board will also have the option to request review of a complaint that has come to their attention, but not met the OPS level. Language was also clarified to provide that the Police Department would not be required to submit complaints falling below the OPS level to the Board, unless the Board affirmatively requested participation for a particular complaint.

The members of the Panel who were present – Teresa Fabi, Candace Savin and Andrea Moore – each spoke about their experience this past year, and their thoughts on the Ordinance. Additional questions were asked by Public Protection Committee members and members of other RTM Committees.

Vote: Sal Liccione made the motion, and Andrew Colabella seconded, to recommend approval of the revised version of the Ordinance to the RTM to the full RTM at the November meeting. The motion passed 9-0. The Committee noted that if any member, after seeing the implementation of the changes discussed in final written form, wished to further discuss the revised ordinance in committee, the Committee would hold another meeting before the November RTM meeting.

CHECKLIST FOR PROPOSED ORDINANCES

TO: The RTM Ordinance Committee

FROM:

DATE:

RE:

CONTACT PERSON:

1) Why do we need this ordinance? (What problem does it solve?)

Answer: The fund will create the ability for the town to pay for affordable housing. It allows the town to have a greater say in affordable housing decisions and development maintaining local control of these decisions. This provides a local solution for the need for affordable housing, rather than leaving these decisions solely to for profit developers or one size fits all legislative solutions from Hartford.

It follows the recommendation laid out in the Westport Affordable Housing Plan 2022-2027 created pursuant to state statute 8-30j

Establish an Affordable Housing Trust Fund intended to raise funds to encourage and support the production of qualified affordable housing. Following the Connecticut General Statutes, Chapter 98, Section 7-148(c)(2)(K) (and Chapter 124, Section 8-2i. Inclusionary Zoning), establish an Affordable Housing Trust Fund intended to raise funds to encourage and support the production of qualified affordable housing. (p 36)

2) Is the proposed ordinance a new one or an amendment to an existing Westport ordinance? If an amendment, what are the proposed changes and why are they important? (Copy of existing ordinance to be attached.)

Answer: New Ordinance

3) Is this the only practical solution to the perceived problem or are there other options (either legislative or non-legislative):

Answer: This allows the town to create a new funding mechanism to address the affordable housing issue rather than allocating a portion of the operating budget.

4) Have we exhausted all non-legislative alternatives?

Answer: No – this is an effort to put in place a mechanism similar to what other local jurisdictions have implemented to help create more affordable housing.

5) Does the problem warrant the solution? That is, is the problem serious enough, or widespread enough, to justify any restrictions that will result if this ordinance is passed?

Answer: Absolutely, as affordable housing and how it will be developed is an issue being faced across the state and in our town as well.

6) Is the proposed ordinance fair to Westport’s citizens?

Answer: Yes – fees, if and when introduced by regulation would be assessed equally to all residents who seek certain permits. The ancillary benefits of use of the fund would be seen by the town and its residents.

7) Have the rights of all Westporters been considered?

Answer: Yes – while it will marginally increase certain fees, the benefit to the town is that the fees collected will provide the town with options for affordable housing development and maintain greater local control.

8) If the proposed ordinance involves a fine or penalty, is the penalty reasonable in amount and fair in application? How was the amount determined? Is a maximum penalty specified? Are there any exceptions for extenuating circumstances? Is an appeals process specified? Is the appeals process fair? Is it practical?

Answer: N/A – no penalties

9) Is the proposed ordinance consistent with the Town Plan of Conservation and Development?

Answer: Yes – it conforms with the desire to promote diversity and affordable housing.

Westport Plan of Conservation and Development 2017

Goal - Maintain the preponderance of single-family homes increase housing diversity as to size of units, and promote housing affordability. Pg 79

"The demand for affordable housing in Westport outstrips the supply. As a result, the Planning and Zoning Commission will continue to seek ways to address the need for 'below market rate' housing." Pg. 87

"Continue to address housing needs in Westport (affordable, aged, special needs, ADA)."Pg. 88

"Seek to address affordable housing in ways that are appropriate for the community rather than dictated by private developers." Pg. 88

Questions regarding financial implications:

10) If the proposed ordinance involves the collection of any fees (including a monetary fine or penalty), will the revenue be retained by the Town? If so, how much revenue is estimated? Will it be included in the general fund? If not, where will the funds be distributed?

Answer: The initial estimate is roughly \$300K per year. The funds will be retained by the town in a separate account which is strictly related to affordable housing related projects with oversight by the AHC, BOF and RTM as specified in the ordinance.

11) Will the passage of the proposed ordinance result in a decrease in amounts currently expended by the town (for example, decreased maintenance costs)? If so, how much savings is estimated??

Answer: No – should not impact current town expenditures.

12) Will the passage of the proposed ordinance result in any increased expenses for the town (for example, increased enforcement costs)? If so, how much additional cost is estimated?

Answer: No, additional expenditures by the town are not anticipated.

13) Will the passage of the proposed ordinance result in any decreased revenues for the town? (An ordinance covering abatement of property taxes would be an example.)

Answer: No – should be neutral to the town.

14) If so, how much revenue loss is estimated?

Answer:

Questions to be answered with assistance from the Town Attorney or Assistant Town Attorney:

15) Does the proposed ordinance conflict with any existing laws (municipal, state or federal?) If so, what modifications can be recommended? (Or, should the proposed ordinance be rejected in favor of a non-legislate alternative?)

Answer:

The proposed ordinance does not conflict with existing laws and is specifically enabled by state statute. Approval of the proposed ordinance would (1) establish an "Affordable Housing Committee" with authority to study and advise on affordable housing in Town; and (2) establish an "Affordable Housing Trust Fund" to be used for affordable housing purposes. Several other municipalities in Connecticut have enacted similar funds. The Committee, Board of Finance and RTM would need to approve expenditures from the fund subject to final approval by the Board of Selectmen. The proposed ordinance creates the Fund, but does not deposit any monies.

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16) Is the language (and the intent) of the proposed ordinance consistent with Westport's powers as a municipality? (Copy of the state and/or federal enabling legislation to be attached.)

Answer:

Yes; see attached Section 7-148(c)(2)(K) of the Connecticut General Statutes authorizing the Town "to create a sinking fund or funds or a trust fund or funds or other special funds, including funds which do not lapse at the end of the municipal fiscal year." The general powers of the Town under the Charter and C.G.S. § 7-148 provide authority for establishing advisory committees.

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17) Are there any existing state or federal statutes covering the same subject? If so, why is the proposed ordinance necessary or advisable? (Copy of relevant state or federal law to be attached.)

Answer:

C.G.S. § 7-148(c)(2)(K) enables the Town to establish the fund. Approving the proposed ordinance is the local legislative action that is necessary to establish the fund, so there is no conflict between the two.

18) Do our neighboring towns have similar ordinances? (Copies to be attached.) Does the policy in neighboring towns have an impact on Westport?

Answer:

Most immediately, the Towns of New Canaan, Fairfield and Greenwich have established similar affordable housing committees and funds. Copies of ordinances attached. The funds share similar purposes and functions and are entirely independent, so policy differences, if any, should not have any measurable impact on the Town.

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19) Is the language of the proposed ordinance consistent with its intent? Is the language of the proposed ordinance as clear as it can be? Will it be easily understood? Would it be clearer if definitions were added or revisions were made?

Answer:

See attached proposed ordinance with redlines and inline comments. Level of specificity can range from a basic framework, such as New Canaan and Fairfield, to a more detailed process like in Greenwich.

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The Westport Affordable Housing Trust Fund (WAHTF)

Section 1: Purpose of Fund

The purpose of the Fund shall be ~~to accumulate and administer funds to be used for~~ the preservation of existing and the creation of new affordable rental and home ownership housing in the Town, ~~pursuant to the current Town and Regional Plans of Conservation & Development, and any Connecticut General Statute applicable now or in the future.~~ The preservation and creation of ~~a~~Affordable ~~h~~Housing shall include but not be limited to programs designed to further housing rehabilitation and/or development opportunities and to provide for a full range of housing choices throughout the Town ~~for households of all incomes, ages and sizes.~~

Section 24: Establishment of Affordable Housing ~~Fund &~~ Committee; members; terms; annual report.

The ~~Board of Selectmen~~First Selectman shall appoint an Affordable Housing Committee ~~(the "AHC"), subject to confirmation by the Representative Town Meeting ("RTM"),~~ consisting of five members ~~who are electors of the Town~~ to serve terms of four years; provided, however, that the initial appointees shall have staggered terms so that three members shall serve for two years and the remaining members shall serve for four years. No more than three members of the Committee shall be members of the same political party. ~~A report shall be made to the RTM annually.~~

Section 32: Powers and duties of Committee.

A. The ~~Affordable Housing Committee~~AHC shall:

- (1) Study the need for affordable housing within the Town;
- (2) Make an inventory of sites within the Town which may be suitable for affordable housing;
- (3) Track the availability of such sites; and
- (4) Study sources of funding for affordable housing.

B. The ~~Affordable Housing Committee~~AHC may:

- (1) Consult such other Town bodies and hold such public hearings as it deems necessary to assist it in conducting its studies and making its recommendations;
- (2) Advise the First Selectman and ~~Selectman's Real Property Committee~~ Land Acquisition Committee of site acquisition opportunities; and
- (3) Make recommendations to the Board of Selectmen, Board of Finance, ~~if required,~~ and ~~Representative Town Meeting~~RTM, ~~if appropriate,~~ regarding the acquisition, creation, or preservation of affordable housing, including the use of both Town and other funding sources.

Section 4: Establishment of Westport Affordable Housing Trust Fund:

Pursuant to C.G.S. § 7-148(c)(2)(K), the Town ~~of Westport~~ does hereby create a special fund to provide affordable housing for the Town of Westport. The ~~F~~Fund shall be known as the "Westport Affordable Housing Trust Fund;" (~~hereinafter~~ the "Ffund:"). ~~Such The F~~Fund shall not lapse at the end of the municipal fiscal year.

Section 53: Sources of funding; investments; limitations on use of fund.

- A. In addition to such sums as may be directly appropriated by the Town for deposit into ~~thesaid F~~Fund (if any), the Town is authorized to ~~and shall~~ deposit ~~some or~~ all other monies received by it ~~into the Fund~~ for the purposes of affordable housing, from whatever source such monies are received (~~the "sources"~~). The sources may include, but are not limited to, Planning & Zoning fees, Building Department fees, inclusionary zoning fees, monetary gifts, grants, loans, and monies received from local, state and federal agencies. The sources shall not include the existing Real Property Fund established by the Town.
- B. Said fund shall be in the custody of the Town ~~of Westport~~. All or any part of the monies in ~~said fundthe~~ Fund may be invested in any securities in which public funds may be lawfully invested. All income derived from such investment shall be placed into the fund and become a part thereof. The monies so invested shall at all times be subject to withdrawal for use as hereinafter set forth.
- C. No sums contained in ~~said fundthe~~ Fund, including interest and dividends earned, shall be transferred to any other account within the Town budget. However, in the event that work is performed by departments of the Town ~~of Westport~~ pursuant to this chapter, the cost of said work may be reimbursed from the fund. No expenditure shall be made from ~~thesaid F~~Fund except in accordance with the provisions of this chapter. No expenditure shall be made from the Ffund in excess of the available balance in the Ffund.

Section 64: Expenditures from the Ffund.

- A. The continuation of the Ffund shall be perpetual, notwithstanding that from time to time ~~said the~~ Ffund may be unfunded.
- ~~B. Expenditures shall be made from the fund used exclusively for~~
- ~~C. only in accordance with the following procedures and requirements:~~
- B. Said expenditures shall be made exclusively for affordable housing, as that term is defined in Title 8 of the Connecticut General Statutes and/or the Town's Zoning Regulations, as follows:
 - a. ~~The~~ costs associated with the investigation, appraisal, acquisition, ~~constructing, rehabilitating, repairing,~~ administration, ~~fees~~ and maintenance ~~costs relating toof~~ parcels of land, both improved and unimproved, or development rights, easements, deed restrictions, options, interests or rights therein;
 - b. ~~Development, rehabilitation, repair and construction of affordable housing the use of which shall be limited to retention or designation of parcels for their long term use in providing affordable; e housing within the meaning of C.G.S. § 8-30g and/or~~
 - ~~c. Acquisition of buildings, structures or parts thereof.~~
- 2. Recommendations for any and all proposed expenditures from the Ffund shall be submitted to the

[4882-2505-6385, v. 1](#)

~~Affordable Housing Committee (AHC)~~AHC and the Board of Finance and the RTM for approval. Recommendations from AHC and Board of Finance and the RTM for expenditures from the ~~F~~fund shall be submitted, including the sum to be expended, to the ~~Westport~~ Board of Selectmen for ~~the~~ approval ~~of the Board of Selectmen~~.

3. The AHC will provide an annual report of the amount in the ~~Housing Trust Fund~~ Fund and the expenditures to members of the ~~Representative Town Meeting~~RTM at ~~their~~ ~~its~~ January meeting.

[4882-2505-6385, v. 1](#)

TO: Representative Town Meeting

FROM: RTM Ordinance Committee

SUBJECT: Review proposed ordinance creating The Westport Affordable Housing Trust Fund

Meeting of September 26, 2023

Members present: Brandi Briggs (Chair), Ellen Lautenberg, Kristin Schneeman, Lauren Karpf Stephen Shackelford and Peter Gold

Others present: Attorney Nicholas Bamonte, Seth Braunstein, Matt Mandell, Dick Lowenstein, Wendy Batteau, Jimmy Izzo

On September 26, 2023, the Ordinance committee met by Zoom to discuss and review the proposed ordinance to create The Westport Affordable Housing Trust Fund (fund). RTM members Seth Braunstein and Matthew Mandell are the lead petitioners for this ordinance. The meeting began with Mr. Braunstein giving a brief background on the ordinance. Mr. Mandell followed up by discussing the how and why of the ordinance and that it has two parts-creation of the actual housing fund and establishing an oversight/recommendation committee. There are seven other Connecticut towns including six in Fairfield County that have adopted an Affordable Housing Fund.

The committee started to go through the language of the ordinance. Ellen Lautenberg suggested that a few of the sections should be moved around to make it flow better by establishing the committee and then addressing the creation of the fund. There was a suggestion to take out “income, ages and sizes.” The committee discussed that this committee is advisory and could only make recommendations, not actually appropriate the money from the fund. Spending the money from the fund would need to go through the regular Town appropriation process. The committee discussed the word “perpetual” and it was determined that using this word was appropriate and that if there becomes an abundance of affordable housing, a future RTM can repeal the ordinance. Peter Gold suggested new language for section 5 (B) which broke it out into different sections. As we went through the ordinance section by section, minor changes were made to language. Attorney Bamonte determined that the changes made at this meeting did not rise to the level of needing a new first reading.

After concluding that the ordinance was ready, Kristin Schneeman made a motion and Peter Gold seconded that the proposed ordinance creating the Westport Affordable Housing Trust Fund is ready for full RTM review. The vote was unanimous that the proposed Westport Affordable Housing Trust Fund ordinance is ready for full RTM review.

Total
38

RTM PETITION FORM

Lead Petitioner: I John McCarthy am designated as lead petitioner.
 Address: 290 Main Street, Westport CT 06880
 Phone: 203-962-1863 E-mail: johnmcc888@gmail.com 2023 SEP - 5 A 10: 24

RECEIVED FOR RECORD
WESTPORT TOWN CLERK

LEAD PETITIONER WILL BE THE PRIMARY CONTACT FOR THE TOWN CLERK, AND WILL BE RESPONSIBLE FOR COMPILING AND DELIVERING TO THE TOWN CLERK ALL DOCUMENTATION IN SUPPORT OF THE PETITION.

JEFFREY M. DUNKERTON

Petition request

In the interest of clarifying for all Westport residents the meaning and intent of "Sec. A162-6. - Agenda" of the "Representative Town Meeting Rules of Procedures" as found in Exhibit A of the "Code of Ordinances of Westport Connecticut", the undersigned Electors of the Town of Westport request that the following Resolution be placed on the Agenda of the October 3, 2023 meeting of the Westport RTM for a vote of the full RTM:

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17

	Signature of Elector	Printed Name of Elector	Date of Birth	Street Address	Date Signed
✓	<i>John F. Suggs</i>	John F. Suggs		301 Post Road East #8	9/11/23
✓	<i>MORLEY BOYD</i>	MORLEY BOYD		6 VIOLET LANE	9.2.23
✓	<i>P.W. Wriedt-Boyd</i>	P.W. Wriedt-Boyd		6 VIOLET LANE WESTPORT	9/2/23
✓	<i>SEAN STRAN LIGIONE</i>	SEAN STRAN LIGIONE		50 CHURCH LANE	9/2/23
✓	<i>ROZANNE BATE</i>	ROZANNE BATE		277A NORTH AVE	9/1/23
✓	<i>JNA CHADWIG</i>	JNA CHADWIG		50 POST ROAD	9/3/23
✓	<i>Suzanne Shauden</i>	Suzanne Shauden		277A North Ave	9/3/23
✓	<i>Jennifer Johnson</i>	Jennifer Johnson		28 TAMARAC ROAD WEST	9/3/23
✓	<i>EVAN T BARR</i>	EVAN T BARR		28 Tamarac Rd West	9/3/23
✓	<i>D. H. TRUMP</i>	D. H. TRUMP		301 POST ROAD EAST	9/3/23
✓	<i>ROBIN HILLAS</i>	ROBIN HILLAS		301 POST RD EAST	9/3/23
✓	<i>Nick Logan</i>	Nick Logan		301 Post Rd East	9/3/23
✓	<i>Joanipe Letter</i>	Joanipe Letter		301 Post Rd East	9/3/23
✓	<i>CHRISTOPHER SHEPHERD</i>	CHRISTOPHER SHEPHERD		14 Post Rd East Westport	9/3/23
✓	<i>JOHN L. BOLTON</i>	JOHN L. BOLTON		14 Post. Road E West	9/3/23
✓	<i>Barbara Jay</i>	Barbara Jay		8 Webb Rd West	9/4/23
✓	<i>Wendy Crowther</i>	Wendy Crowther		38 E MAIN ST WEST	9/4/23

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8

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1		Jesse Narte	[Redacted]	24 Washington	9/2/23
2		Ester Clanton	[Redacted]	23 Washington Ave	9/3/23
3		Christopher Clanton	[Redacted]	23 Washington Ave	9/3/23
4		Mananne Haredo	[Redacted]	25 Washington Ave	9/4/23
5		Andrew Camacho	[Redacted]	"	9/4/23
6		Michelle Ryan	[Redacted]	32 Washington Ave	9/4/23
7		Ralph Herbert	[Redacted]	no	9/4/23
8		Tracy Harte	[Redacted]	24 Washington Ave	9/6/23
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RECEIVED TOWN CLERK
WESTPORT TOWN CLERK
2023 SEP - 5 AM 10:21
TOWN CLERK

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✓ 1	<i>[Signature]</i>	John McCarthy	[REDACTED]	290 Main St.	9/3/23
✓ 2	<i>[Signature]</i>	SUSAN MCCARTHY	[REDACTED]	290 Main St	9/3/23
✓ 3	<i>[Signature]</i>	Laurie Goldbergy	[REDACTED]	20 GORHAM	9/3/23
✓ 4	<i>[Signature]</i>	EDUARDO PERAZZO	[REDACTED]	20 GORHAM	9/3/23
✓ 5	<i>[Signature]</i>	JAMES WALSH	[REDACTED]	3 GORHAM AVE	9/3/23
✓ 6	<i>[Signature]</i>	DOUGLAS ENSLIN	[REDACTED]	5 GORHAM AVE	9/3/23
✓ 7	<i>[Signature]</i>	Lawrence P. Whelan	[REDACTED]	29 Greenwald St.	9/3/23
✓ 8	<i>[Signature]</i>	SUSAN M. LeDanne	[REDACTED]	39 Tamarac Rd	9/3/23
✓ 9	<i>[Signature]</i>	GRAYSON C. BRAUN	[REDACTED]	3 Gorham Avenue	9.3.23
✓ 10	<i>[Signature]</i>	MARY MCCARTHY	[REDACTED]	4 Surrey Lane	3 Sep 23
✓ 11	<i>[Signature]</i>	GABRIELA GOL	[REDACTED]	131 KING'S HAVEN	3.2.23
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 JEFFREY M.
 DIRECTOR

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1	<i>[Signature]</i>	Deb Ryanfield	[Redacted]	34 TANDRAC Rd	9/3/23
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 JEFFREY M. DANFORTH

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1		JAMES CONWAY		73 WILCOX LANE	9/2/23
2		JIM LANZARDO		240 MAIN ST	9/2/23
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WESTPORT TOWN CLERK
 SEP - 5 A.D. 23
 DIRECTOR

RTM Rules Committee Meeting October 3, 2023

On October 3, 2023, members of the RTM Rules Committee met in the Town Hall Auditorium to discuss and vote on a petition, submitted by 38 electors on September 5, 2023, which states: “RESOLVED, that the full Westport RTM at its October 3, 2023 meeting affirms that the meaning of the term “Shall” in “Sec. A 162-6 - “Agenda of the “Representative Town Meeting Rules of Procedures” as found in Exhibit A of the “Code of Ordinances of Westport Connecticut” is to be “construed as being mandatory” per the definition of the word “Shall” in Sec. 1-2 ‘Definitions and rules of construction” and that “Sec. A 162-6 - Agenda “compels and requires the Moderator, or in the event of the Moderator’s inability to act, the Deputy Moderator, or, in the event of the inability of both, the Town Clerk to place on the RTM meeting agenda such matters as petitioned by at least 20 Westport Electors not less than 14 days prior to a Representative Town Meeting.”

The Rules Committee members present included Jeff Wieser, Lauren Karpf, Matthew Mandell, Lou Mall, Jimmy Izzo, Andrew Colabella, Karen Kramer, Seth Braunstein, Ellen Lautenberg, Wendy Batteau, Kristin Schneeman. Eileen Flug, members of the public (including the Lead Petitioner) and members of the RTM were also present.

Background:

The petition was filed on September 5, 2023 following the Moderator’s decision not to add a discussion of the Parker Harding development plans to the RTM agenda. During the meeting, John McCarthy presented on behalf of the petitioners. Eileen Flug provided a brief background and answer questions raised by members of the Committee, the public, and other members of the RTM.

Discussion:

The Committee entered into a lengthy discussion pertaining to the appropriate process to address matters brought to the RTM by members of the public or 2 RTM members. We agreed that “shall” means “must” for purposes of this discussion, and that the context of the sentence as it relates to the word “matter” is most important. We discussed whether the word “matter” pertains solely to issues that are under the purview of the RTM, or if the RTM should hear any matter brought by 20 electors or 2 RTM members.

Some members were concerned that the RTM would be discussing and voting on matters under the purview of other departments or commissions. Others were concerned that frivolous matters or highly contentious matters about which the RTM has no decision making power would be brought before the RTM. Other members felt that any matter that 20 electors or 2 RTM members wish to discuss should be added to the agenda.

After much discussion, it became clear that the Rules committee needs to meet again to discuss a process for handling petitions to add matters to the agenda. Some ideas included:

-Increase the 20 electors to a higher number;

- Add 15 minutes of public comment on non-agenda items to each meeting;
- Require a 2/3 vote of RTM members present to keep a matter off the agenda;
- Form a Committee to hear public comments/concerns;
- Allow petitioners to appeal the denial of a petition to the Rules Committee.

The Committee agreed that it will continue to meet to determine rules and procedures pertaining to petitions to add matters to the RTM agenda. In the meantime, the Committee voted on whether to recommend approval of the resolution.

A motion was made and seconded to recommend approval of the resolution to the RTM. The vote was 4 in favor (Colabella, Izzo, Mandell, Lautenberg) and 6 opposed (Mall, Kramer, Braunstein, Karpf, Schneeman, Wieser), with 1 abstention (Batteau). Thus, the Committee voted not to recommend approval of the resolution to the full RTM.

Submitted by:
Lauren Karpf