

**RTM Meeting Minutes  
October 3, 2023 Westport Town Hall**

**The Call**

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.
  
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.
  
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.)
  
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 (~~Second~~ First reading. Full text available in the Town Clerk's Office.)
  
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.)
  
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".

The meeting called to order at 7:30 p.m.

Attendance: 35 RTM members present. Absent: Whamond.

Voting on the following 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.

**By show of hands, the motion passes unanimously 35-0.**

(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.

**Requested amount amended to \$143,655.45  
By show of hands, the amended motion passes unanimously 35-0**

(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.

(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.

**By show of hands, the motion passed unanimously 35-0**

(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.

**By Roll Call Vote, the motion fails 6-29**

The meeting adjourned at 10:53 p.m.

Respectfully submitted,  
Jeffrey M. Dunkerton  
Town Clerk