

RTM Meeting Minutes June 4, 2024, Westport Town Hall

The Call

1. To take such action as the meeting may determine, upon the request of the Human Services Director, to approve applicants to the Connecticut Neighborhood Assistance Act (NAA) Program pursuant to CGS 12-630aa et seq.
2. To take such action as the meeting may determine, upon the recommendation of the RTM Library, Museum and Arts Committee, in accordance with Section C34-1 of the Town Charter, to appoint one elector from the Town of Westport and re-appoint two members to serve as Trustees of the Westport Library.
3. To take such action as the meeting may determine upon the request of the Parks & Recreation Director, to approve an appropriation in the amount of \$265,000 from the American Rescue Plan Act (ARPA) Fund Account for the development of a Parks Master Plan.
4. To take such action as the meeting may determine, upon the request of the Parks & Recreation Director, to approve an appropriation in the amount of \$170,000 along with bond and note authorization to the Municipal Improvement Fund Account for the design, fabrication and delivery of fuel dock and electrical pedestals at the Ned Dime Marina.
5. To take such action as the meeting may determine, upon the recommendation of the Director of Public Works, to adopt a Resolution to authorize First Selectwoman Jennifer S. Tooker to accept on behalf of the Town of Westport, a 2023 Connecticut STEAP Grant in the amount of \$500,000 for Construction of Cross Highway Sidewalk Improvements and to enter into and execute any and all agreements, contracts and documents necessary to obtain said 2023 STEAP Grant with the State of Connecticut.
6. To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation in the amount of \$990,000 along with bond and note authorization to the Municipal Improvement Fund Account for Phase I of the Cross Highway School Zone Corridor Improvements.
7. To take such action as the meeting may determine, upon the petition request of at least 20 Westport electors, to review, discuss and reject the new Parks & Recreation regulation, or modify it in order to preserve the gardening hours at the Westport Community Garden to their prior hours during school days (i.e. no gardening between 8-9 a.m. and 3-4 p.m.).
- ~~7. To take such action as the meeting may determine, upon the recommendation of the Flood & Erosion Control Board and the Conservation Commission, to approve the amended application WPL 11805-23 submitted by the Town of Westport, Department of Public Works, for parking lot improvements within the Waterway Protection Line (WPL)~~

~~area of the Saugatuck River at Parker Harding Plaza and Jesup Green.~~ **ITEM WITHDRAWN**

8. To take such action as the meeting may determine, upon the request of the Director of the Westport Transit District, to approve a supplemental appropriation in the amount of \$26,000 to the Westport Transit District Account for the services for the elderly and disabled.

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

Attendance: There are 34 RTM members present. Absent: Hammond & Schneeman.

Voting on the following resolutions:

(1)

RESOLVED: That upon the request of the Human Services Director, pursuant to CGS 12-630aa et seq; The Saugatuck Cooperative Apartments; Waveny LifeCare Network, Inc; The Westport Historical Society (The Westport Museum for History & Culture) and Homes with Hope, Inc are hereby approved as programs eligible for investment by businesses under provisions of the 2024 Connecticut Neighborhood Assistance Act (NAA) Program.

**By show of hands, the motion passes unanimously 30-0.
Mr. Bloom; Ms. Levy; Ms. Banks and Ms. Briggs were absent from vote.**

(2)

RESOLVED: That upon the recommendation of the RTM Library, Museum and Arts Committee, in accordance with Section C34-1 of the Town Charter, Liza Van Gundy is hereby appointed to serve as Trustee of the Westport Library for a four year term beginning July 1, 2024 to June 30, 2028 , Andrea Berkeley is reappointed as Trustee of the Westport Library for one year from July 1, 2024 to June 30, 2025 and Krishna Patel is reappointed to serve as Trustee of the Westport Library for a four year term beginning July 1, 2024 to June 30, 2028.

**By show of hands, the motion passes unanimously 30-0.
Mr. Bloom; Ms. Levy; Ms. Banks and Ms. Briggs were absent from vote.**

(3)

RESOLVED: That upon the request of the Parks & Recreation Director, the sum of \$265,000 from the American Rescue Plan Act (ARPA) Fund Account for the development of a Parks Master Plan is hereby appropriated.

**By show of hands, the motion passes unanimously 31-0.
Mr. Bloom; Ms. Levy and Ms. Briggs were absent from vote.**

(4)

RESOLVED: That upon the request of the Parks & Recreation Director, the sum of \$170,000 along with bond and note authorization to the Municipal Improvement Fund Account for the design, fabrication and delivery of fuel dock and electrical pedestals at the Ned Dime Marina is hereby appropriated.

TOWN OF WESTPORT, CONNECTICUT

A RESOLUTION APPROPRIATING \$170,000 FOR COSTS ASSOCIATED WITH THE DESIGN, FABRICATION AND DELIVERY OF A FUEL DOCK SYSTEM FOR THE NED DIMES MARINA AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION.

RESOLVED: That upon the recommendation of the Board of Finance, the Town of Westport, Connecticut (the "Town") hereby appropriates the sum of One Hundred Seventy Thousand and 00/100 Dollars (\$170,000) for costs associated with the design, fabrication and delivery of a fuel dock system for the Ned Dimes Marina, including, but not limited to, related electrical pedestals, walers, and other materials, as well as, related inspection, administrative, financing, legal and other soft costs (the "Project").

Section 1. As recommended by the Board of Finance and for the purpose of financing One Hundred Seventy Thousand and 00/100 Dollars (\$170,000) of the foregoing appropriation, the Town is hereby authorized to borrow a sum not to exceed One Hundred Seventy Thousand and 00/100 Dollars (\$170,000) and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing a portion of the appropriation for the Project.

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

Internal Revenue Code of 1986, as amended, and other applicable laws and regulations of the United States and the state of Connecticut (the "State"), to provide for issuance of the bonds in tax exempt form, including the execution of tax compliance and other agreements for the benefit of bondholders, and to meet all requirements which are or may become necessary in and subsequent to the issuance and delivery of the bonds in order that the interest on the bonds be and remain exempt from federal income taxes, including, without limitation, to covenant and agree to restriction on investment yield of bond proceeds, rebate of arbitrage earnings, expenditure of proceeds within required time limitations and the filing of information reports as and when required and to execute Continuing Disclosure Agreements for the benefit of holders of bonds and notes.

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

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

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

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

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

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

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

**By show of hands, the motion passes unanimously 32-0.
Ms. Levy and Ms. Briggs were absent from vote.**

RESOLVED: That First Selectwoman Jennifer S. Tooker be, and hereby is, authorized to accept on behalf of the Town of Westport, a 2023 Connecticut STEAP Grant in the amount of \$500,000 for Construction of Cross Highway Sidewalk Improvements; and

FURTHER RESOLVED: That First Selectwoman Jennifer S. Tooker is hereby authorized to enter into and execute any and all agreements, contracts and documents necessary to obtain said 2023 STEAP Grant with the State of Connecticut.

**By show of hands, the motion passes unanimously 32-0.
Ms. Levy and Ms. Briggs were absent from vote.**

(6)

RESOLVED: That upon the request of the Director of Public Works, the sum of \$990,000 along with bond and note authorization to the Municipal Improvement Fund Account for Phase I of the Cross Highway School Zone Corridor Improvements is hereby appropriated.

TOWN OF WESTPORT, CONNECTICUT

A RESOLUTION APPROPRIATING \$990,000 FOR PHASE 1 OF THE CROSS HIGHWAY SCHOOL ZONE IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION.

RESOLVED: That upon the recommendation of the Board of Finance, the Town of Westport, Connecticut (the "Town") hereby appropriates the sum of Nine Hundred Ninety Thousand and 00/100 Dollars (\$990,000) for costs associated with Phase I of the Cross Highway School Zone Corridor Improvements between Wakeman Farm Road and Bayberry Lane including, but not limited to, sidewalks, handicap ramps, crosswalks, flashing beacons, drainage and guardrail improvements and traffic control, including costs for construction, materials, as well as, related, surveying, administrative, contingency, financing, legal and other soft costs (the "Project").

Section 1. As recommended by the Board of Finance and for the purpose of financing Nine Hundred Ninety Thousand and 00/100 Dollars (\$990,000) of the foregoing appropriation, the Town is hereby authorized to borrow a sum not to exceed Nine Hundred Ninety Thousand and 00/100 Dollars (\$990,000) and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project.

Section 2. The First Selectwoman, Selectmen and Finance Director are hereby appointed a committee (the "Committee") with full power and authority to cause said bonds to be sold, issued and delivered; to determine their form, including provision for redemption prior to maturity; to determine the aggregate principal amount thereof within the amount hereby authorized and the denominations and maturities thereof; to fix the time of issue of each series thereof and the rate or rates of interest thereon as

herein provided; to designate the bank or trust company to certify the issuance thereof and to act as transfer agent, paying agent and as registrar for the bonds, and to designate bond counsel. The Committee shall have all appropriate powers under the Connecticut General Statutes including Chapter 748 (Registered Public Obligations Act) to issue the bonds and, further, shall have full power and authority to do all that is required under the Internal Revenue Code of 1986, as amended, and other applicable laws and regulations of the United States and the State of Connecticut (the "State"), to provide for issuance of the bonds in tax exempt form, including the execution of tax compliance and other agreements for the benefit of bondholders, and to meet all requirements which are or may become necessary in and subsequent to the issuance and delivery of the bonds in order that the interest on the bonds be and remain exempt from federal income taxes, including, without limitation, to covenant and agree to restriction on investment yield of bond proceeds, rebate of arbitrage earnings, expenditure of proceeds within required time limitations and the filing of information reports as and when required and to execute Continuing Disclosure Agreements for the benefit of holders of bonds and notes.

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

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

all powers and authority as set forth above in connection with the issuance of bonds and especially with respect to compliance with the requirements of the Internal Revenue Code of 1986, as amended, and regulations thereunder in order to obtain and maintain issuance of the notes in tax exempt form.

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

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

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

Section 8. All necessary future and past action by the Town, or other proper authority of the Town, to apply to the State and accept from the State or other parties, grants, gifts and contributions in aid of further financing the Project, including, but not limited to, a grant from the Small Town Economic Assistance Program (STEAP) for the Project, is hereby authorized and ratified. Once the appropriation becomes effective, the First Selectwoman, or other appropriate official of the Town, is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the Project, including any grants received and applied towards the costs of the Project and is specifically authorized to make, execute and deliver any contracts or other documents necessary or convenient to complete the Project and the financing thereof.

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

**By show of hands, the motion passes unanimously 33-0.
Ms. Briggs was absent from vote.**

(7)

RESOLVED: That upon the petition request of at least 20 Westport electors, the new Parks & Recreation regulation is hereby rejected, or modified in order to preserve the gardening hours at the Westport Community Garden to their prior hours during school days (i.e. no gardening between 8-9 a.m. and 3-4 p.m.).

Vote to reject the Parks & Recreation regulation:

**By roll call vote, the motion fails 4-29.
Mr. Hayes; Mr. Gold; Mr. Lowenstein and Ms. Johnson voted yes.**

Vote to modify the gardening hours:

**By roll call vote, the motion fails 2-30-1.
Mr. Hayes & Ms. Johnson voted yes. Mr. Lowenstein chose not to vote.**

(7)

~~**RESOLVED:** That upon the recommendation of the Flood & Erosion Control Board and the Conservation Commission, the amended application WPL-11805-23 submitted by the Town of Westport, Department of Public Works, for parking lot improvements within the Waterway Protection Line (WPL) area of the Saugatuck River at Parker Harding Plaza and Jesup Green is hereby approved. **ITEM WITHDRAWN**~~

(8)

RESOLVED: That upon the request of the Director of the Westport Transit District, the supplemental appropriation in the amount of \$26,000 to the Westport Transit District Account for the services for the elderly and disabled is hereby appropriated.

**By roll call vote, the motion passes 31-0-1. Mr. Gold recused himself.
Mr. Bloom was absent from vote.**

The meeting adjourned at 11:36 p.m.

Respectfully submitted,
Jeffrey M. Dunkerton
Town Clerk