

RTM Minutes
April 7, 2009

The call

1. To take such action as the meeting may determine, upon the recommendation of the Board of Finance, to approve a request by the Town Attorney for a transfer of \$100,000 from Board of Education Debt Services Account (Long Term) to the Town Attorney Account (Contract Services) in order to cover the continuing caseload and litigation expenses.
2. To take such action as the meeting may determine, upon the recommendation of the Board of Finance, to approve a request by the Parks & Recreation Director for an appropriation of \$48,000 to the Capital & Nonrecurring Expenditure Fund (C&NEF) Account (Surf Rake) for the planned replacement of this equipment to groom beaches.
3. To take such action as the meeting may determine, upon the recommendation of the Board of Finance, to approve a request by the Public Works Director for an appropriation of \$5,800,000 with bond and note authorization to the Municipal Improvement Fund (MIF) Account (Saugatuck Shores Sewer Construction) to complete construction of the Sanitary Sewer Extension Contract #58.
4. To take such action as the meeting may determine, in accordance with Sec. 30-96 of the Code of the Town of Westport and upon the recommendation of the Conservation Commission and the Flood and Erosion Control Board, to approve the creation of an open space park on the former Allen's Clamhouse restaurant site, 191 Hillspoint Road.

Minutes

Moderator Hadley Rose:

This meeting of the Westport Representative Town Meeting is called to order. I'd like to welcome those of you joining us here in the auditorium this evening as well as those of you at home watching on channel 79 or streaming live on westportct.gov. My name is Hadley Rose. I am the Moderator of the RTM and to my right is Jackie Fuchs, the RTM secretary. Tonight's invocation is being given by Rabbi Jeremy Wiederhorn of the Conservative Synagogue.

Invocation, Rabbi Jeremy Wiederhorn:

In the 20th Psalm, the ancient Hebrew states: "Some place their trust in chariots, others in horses -- but we honored the name of the Lord our God --- They stumble and fall but we rise and stand firm." As community leaders and public officials working for this Town of Westport, representing all faiths and backgrounds, may we always stand together with the understanding that each of us was created in the image of God. As we work side-by-side for the greater good of this community, may we always be blessed with insight, wisdom and compassion. O God, source of all life, grant us the determination to continually improve our lives and the lives of those around us. May we remember that divisiveness results in the stumbling and falling of individuals who choose that path. But by remaining united in spirit and in practice, we will rise and stand firm forever. Amen.

There were 34 members present. Mr. Meyer notified the Moderator that he would be absent and Dr. Rome was also absent. Mr. Timmins notified the Moderator that he would arrive late.

There were no corrections to the minutes of February 19. Please forward any corrections to the Moderator or the secretary.

Announcements

Mr. Rose:

We have a number of birthday greetings: Mr. Suggs, Ms. Davidson, Ms. Ancel, our Town Clerk, Patty Strauss and even though Bill Meyer is not here, I held him for last because Bill said that I should make a point of pointing out that it is his 80th birthday. So, happy birthday to Bill out in California if you are somehow watching this on the Internet.

Our next RTM meeting, we are going to be having our budget meetings. The first one will be Monday, May 4. That one typically deals with the Town side of the budget. In the past, we have had that meeting at 7:30. Watch your e-mails. I might move that meeting to eight o'clock because, if there is nothing else to add to the agenda, I don't think we need it at 7:30 any more with our new format. We are also scheduled to meet on Tuesday, May 5. That will be the night primarily focused on the Board of Education. If there is a carryover, Wednesday should be open but you never know.

Upcoming RTM meetings

- Finance will be very busy this month, obviously. The Finance Committee has a meeting on Tuesday, April 14 at 7:30, room 309; April 21, also Tuesday, at 7:30 in room 309; April 28, 7:30 in room 201.
- Public works: April 15, 7:30 in room 102.
- Library, Museum, and the Arts, I have down for April 22, 6 p.m., the seminar room in the library.
- The IT Committee is meeting April 20 at 7:45 in room 309.

Dick Lowenstein, district 5:

The Public Protection Committee will meet on Wednesday, 22 April, at the Fire Department Headquarters at 7:30 to review the Police and Fire Department budgets in that order. The notice will go out tomorrow.

Mr. Rose:

Are there any other committee meetings that are scheduled at this time? As they come up, please let us know. I know there should be a few more on schedule.

Announcements

Jack Klinge, district 7:

Actually, I have two announcements that I am very happy to make. The first one deals with our kids in Westport. If you recall, when we were doing the Town Plan, we had a presentation to us by some Staples students about their input into the Town Plan and

what they thought was important. One of them was a concept of what used to be called "Safe Rides" and will now be called Safe Rides again. I'm happy to announce that, thanks to some very energetic Staples students, that's safe rides will begin once again on May 2 of this year. It's a program where, very simply, run by kids for kids, mainly high school age, in Westport where on a Saturday night from 9:30 p.m. to 2 a.m., any teenager at a party or a gathering where he or she would like to get a ride home, not to another party, only has to call Safe Rides in confidence and they have a system set up where they have a room at Christ and Holy Trinity Church and they have volunteer drivers, navigators, and dispatchers and a car will be sent to pick them up with both a driver and a navigator trained in CPR and other medical services and deliver them safely to their destination. It is an idea whose time has come once again and I am proud of the 10 kids who serve on the board. I am one of the adult advisers to that board. We have raised our seed capital already thanks to the PTA and the PAL. So, you will be hearing more about it with their aggressive PR campaign, outside/inside Staples starting next week as the lead up to May 2. That's one of my positive announcements.

The second one: I want to take you back to those days of yesteryear in October 2007 when this body spent a little bit of time talking about the blue line. It was in the context of one of our Y discussions. At that time, I promised on behalf of the Long Range Planning Committee that we would do some research, pull together all the factual information about the blue line and present in a document our findings to this body. I am happy to say that we have finally, as a committee, gotten the information, put it together in a forum in a document such that we all feel comfortable with the tone and actual content of that document. It's a basic white paper on the blue line. It's our desire that all members of this body and the Town be well informed about what the blue line is and what it is not. I will be leaving a copy of this document with Hadley or 40 copies, our committee has their eight, to pick up after our meeting. I don't want you reading it during the meeting during our discussions. I will give Hadley a set of these pass out. A couple of thank yous... first to Steve Edwards who provided a lot of the input in meetings with us; Velma Heller who did her best Thomas Jefferson act like writing the Declaration of Independence who actually wrote and organized all the prose from various sources; to our committee members, many of whom had some involvement with the blue line; Matt Mandell, through ARS and other committee members, they all played a role in the content and style of this document. Again, it is my objective that all members of this body be knowledgeable in the blue line whether you are talking to constituents in a public or private forum, you could use this document to framing your comments in a context that our objective. It will give you a chance to better explain it to others. Should you have any questions about this, feel free to call any of our committee members. Should there be a need for the public for more than 40 copies, why don't you pull one and leave it with Patty Strauss and have her make extras down in Town Hall. I am not going to discuss this tonight. I'm not going to take any questions but I urge you to pick up your copy and take a look at it.

Jonathan Cunitz, district 4:

As you will recall, last September, Westport took some environmental leadership and passed an ordinance banning plastic bags in retail stores and encouraging people to bring reusable bags when they go shopping. The ordinance became operative on March

19 and we have had an ongoing education campaign. As part of that campaign, the Westport Beautification Committee has donated the funds for a decal to remind people to bring their reusable bags when they go shopping. This three color decal designed painstakingly by our own Gene Seidman is designed to be placed inside the driver's car window on the side, not on the windshield. Our suggestion is that you place it when you face the car door on the bottom right, near the door handle so, when you are reaching for the door handle, you will see this sticker and it will remind you to take your bags when you go shopping. There is a supply on the stage. We had several thousand printed up. Please take as many as you like for yourself, for your friends, for your neighbors. Encourage people to put them on their cars. We are also going around to the merchants in Town. A number of them already have the decals on their doors to remind shoppers also. A big supply of reusable bags will be arriving sometime this month. We had the artist's exhibit where our advance shipment was pretty much sold out. The bags will be distributed during May, possibly the end of April. Quite a number of the PTAs are using the bags for fund-raising events and will be distributing them. There are three different bag designs. One is designed by our adult winner, another by a high school student and the last by a K-8 student. Liz is holding them up there. The one designed by the youngest girl, Anna, is a lunch bag with a Velcro top on it and a place for the student's names. It will be very, very useful. Those will be available through the PTAs. After that, the merchants in Town will also be making them available for sale. We'll let you know which merchants will be selling them.

Judy Starr, district 1:

I just wanted to remind everyone that the annual Holocaust remembrance service ceremony will be held on Monday evening April 20 at, I'm pretty sure, it's 7 p.m. at Beit Chaverim Synagogue.

Matthew Mandell, district 1:

I am also a trustee of Earthplace and on Saturday, the 25th of April, there will be the Earth Fair from 11 a.m. to 4 p.m. and I invite everybody to come. There will be exhibitions, there will be green vendors there, information about being green. There will also be this fantastic birds of prey exhibition where they will have a barn owl fly through people to get a mouse and it's just something as it flies by about half a foot from your nose and getting a mouse and then it goes back again in different directions. It's a great thing to bring the kids. There will also be a harbor watch/ river watch. There will be a petting area, a water tank. You can go in there for kids to come and get wet and feel different types of crustaceans. It's a great thing to come out. So be green. Be seen. Come to the green scene at Earthplace on Saturday the 25th and Mr. Steinberg will be giving another announcement about something he has specifically at Earthplace.

Jonathan Steinberg, district 8:

Many of you will recall several months ago that there was an environmental summit held here in Town Hall sponsored by the Westport Conservation Department and the League of Women Voters. It brought together lots of people who were environmentally concerned, not-for-profits, individuals, people from government. We were all very excited. Those of us who were a little bit more cynical wondered if there would be anything that would come of it. Often, these things start with great fanfare and then they

kind of peter out. I am pleased to report that a number of us stayed with the program, have identified a half dozen or so environmental initiatives that we would like to see occur in Westport and the first of these initiatives will debut at Earthplace on the 25th, what we call the Greenscapes Challenge. The concept is to raise awareness of issues related to excessive use of pesticides, herbicides, and fertilizers on lawns and gardens and their impact on waterways and Long Island Sound. The Greenscapes Challenge is intended not to be so much a competition as much as an invitation for Westport for us to take a pledge to begin to reverse the addictions of their lawns, their green carpets, towards a more organic and environmentally friendly lawn or garden. At Earthplace on the 25th, there will be representatives of NOFA, the Northeast Organic Farmers' Association, sort of the high priests of how you do things organically, who will be offering two different talks on how you can begin to follow organic lawn care at noon and at 2 p.m.. They are each about a half hour long. There may be some demonstrations outside as well. We will be handing out soil testing kits for free so that you can get a sense of the nature of your lawn and what some of the issues might be. We invite everyone in Westport and, by the way, it's no longer just Westport because First Selectman Woody Bliss of Weston is also very interested in this and we may expand the scope of our program as the Green Energy Task Force has done here in Westport. We invite everybody to participate. This is inclusive rather than exclusive. We will not be recognizing winners as much as acknowledging everyone who makes an effort to begin to transition their lawns from the traditional green carpets, manicured lawns, toward a more responsible and well-managed, more organic lawn. We will be handing out brochures on some things you might do to get started and, if anybody has any questions, feel free to reach the e-mail or the phone which will be on the brochures.

Cathy Talmadge, district 6:

I don't know who knows this but I am now the RTM representative, thanks to Jo Ann Davidson asking me to take her place, on the Green Energy Task Force. One of our goals is to decrease, as you well know, our carbon footprint as a Town by 20 percent by 2010. In order to do this, you all know about the municipal steps that we have taken with Steve Edwards and the Board of Education kind of leading the charge and, on the commercial side, we are having green bag lunches and other events to help educate the business community but, one of the biggest changes we can make as residents is to go ahead and sign up for Connecticut Light and Power's green energy alternative. Right now, the Green Energy Club at Staples, led by A. J., who is also on the Green Energy Task Force has negotiated an agreement with Connecticut Light and Power whereby anyone that switches right now, any Westport resident, Staples Green Club or you can designate another club at Staples to receive a \$25 payment for anyone that switches plus, every 100 residents from Westport that switch over to green energy, for every 100 residents, we will get two \$10,000 solar panels. We've already gotten four. We are about three people from six, from another two to make six, and those we are going to, hopefully, install either at Staples or at Bedford or Steve would like to see them go to the transfer station on the roof there. Anyway, we are trying to work that out. So, I am going to go ahead and do an e-mail blast to all of you tomorrow with the form in case you haven't signed up yet. I know you have heard this before but, hopefully, anyone out there in TV land, if they would like to get the form and sign up, I can send them a form

and an envelope. All they have to do is e-mail cathyalmadge@optonline.net and we can get money for the clubs at Staples and solar panels for the Town.

The secretary read item #1 of the call – Transfer of \$100,000 from Board of Education Debt Services Account to Town Attorney Account. By show of hands, the motion passes 29-0-5. Those abstaining: Keenan, Galan, Ancel, Chelico, Mandell.

Presentation

Ira Bloom, Town Attorney, Berchem, Moses & Devlin:

Tonight I am here to request an approval for a transfer of \$100,000. Most of you know that by state law transfers are actually the purview of the Board of Finance but, because this is a significant amount, when the Board of Finance made this transfer back in February, February 4, the first Selectman said that this should come to the RTM because it's an important item and significant amount and we want to have this all before the RTM and the general public so that you are aware of how this money is being spent. Consequently, we are here tonight for your approval. It is theoretically nonbinding but, nevertheless, we are asking for your support for this. I started out on February 4 asking the Board of Finance, actually, I started for an appropriation back in February. It was changed to a transfer. I had asked for \$200,000 back in February and the Board of Finance, at that time, they approved a transfer of \$100,000 and they said, basically, see what you can do with this. Take a look at the budget and come back if need be a little bit later in the fiscal year. So, that's what we've been doing. We have been carefully watching this whole year, certainly, since February 4. At this point in time, I can tell you that it does appear likely that some additional amount will be needed to maintain close to the level of services that we provide but it will not be another \$100,000. What I plan on doing after tonight, if you should approve this, is again carefully monitor this, see what happens as we get into May and then make a decision as to what amount will be required to finish out the fiscal year. In any event, before you have this \$100,000, by way of background, you probably know from your budget analysis that we have a line in our budget called contract services. This is essentially the litigation amount. It is set at \$500,000 in the current budget year, that's 08-09. I am fully aware that for anybody to come and request more money during these difficult economic times is a difficult request but, nevertheless, frankly, we have had an extraordinary amount of, really, unanticipated litigation in this fiscal year which started July 1 of last year. That is the reason for requiring this additional amount of money. At the same time, the budget forecast that I make each year is an estimate, my best estimate, of what we think will happen but it is only that, ultimately, an estimate, because most of what we do is respond to lawsuits filed against the Town. There are a few reasons that I have highlighted for the request and for why the budget has gone beyond what we hoped it would be:

1. We've had a large number of tax assessment appeals which have come to a head this year. We had about 84 assessments appeals filed. A lot of them came to a head over the last six or eight months. Either they were assigned for hearings were pre-trials or, in some cases, trials. Most of them get assigned to court in New Britain so there is extra distance involved and extra time. It was a

significant number of cases which derive from the tax list of 2005 and they came to a head this year.

2. I have identified as another reason ongoing litigation related to Staples High School. Most of you know that there have been a series of lawsuits related to the new Staples and they have been ongoing some of them have been resolved but we have been left with one case involving the electrical contractor which has gone on and on and on. The bills have been piling up. There was a point in time several years ago where those expenses came out of the School Building Committee accounts. That no longer is the case so this comes directly from our Town Attorney budget. That case is, indeed, still pending and is getting scheduled for trial very soon.
3. I have identified a number of zoning, land use cases which have taken a large amount of time. There is, of course, the Family Y- related appeals. There are five appeals pending in two different courts related to the new, proposed Y. There have been a series of extra activities including depositions that were taken by the parties in that case, depositions of the First Selectman, depositions of our conservation staff things of that nature, motions that have been argued, briefs that have been written. These are all still on a preliminary basis. The cases have not even been assigned for trial yet. Those have been complicated. It's not simply the Y. We have had a whole bunch of other land use cases including the Gorham Avenue affordable housing situation which resulted in a settlement which I think is quite favorable to the Town. There is a suit just settled involving Greens Farms Academy. The Hales Court/ Westport Housing Authority project, very important for the Town has been the subject of time-consuming litigation and a variety of other more routine zoning applications requiring briefs, some cases scheduled for the appellate court and it goes on and on. A new suit is about to be filed this week I've been told. These cases continue, notwithstanding whatever is happening in the general economy, people are still filing their zoning appeals.

In all these cases, we are responding to suits brought by others. These are not the Town's initiative. We are responding. In some cases, we are co-defendants. In those cases, I ask the other defendants to try and carry the load to keep the Town expenses down. We try to do that as much as possible. We have several mechanisms in place before we initiate any legal action in Town, whether it's a tax foreclosure, we have a Foreclosure Review Committee. We look at things quite carefully. There is a process before our zoning enforcement gets instituted. Everything gets reviewed carefully by various department heads, by the Finance Director, and, indeed, by the First Selectman, also, before any decisions are made. It is a group effort to have certain standards that are applied to every decision that we make to initiate litigation. A lot of what we do results in revenues to the Town. We have recently collected over \$100,000 in one particular foreclosure action. There was \$80,000 that was collected in another very recent tax matter so, some of what we do directly relates to collection of tax revenues. We have a couple of foreclosures which have just been started recently, again, after a careful review by the Foreclosure Review Committee. Those will result in protecting taxes for the Town and for the citizens. Those are some of the suits that we do initiate. We respond to most of them but, in some limited cases such as tax foreclosure, we do initiate those. Zoning enforcement, that's a Town initiative that we do

undertake; although, we are doing that at infrequent intervals because of the budgetary situation. Some things have had to be cut back. Anyway, over the last couple of years, there have been a series of steps we have taken in our legal department to try to monitor these things and reduce the costs as best we can. For starters, I think that most of you know that the hourly rate that we charge, our firm charges the Town, is a reduced hourly rate. It's \$200 per hour. That is substantially below a private hourly rate. It is the same rate that most municipal attorneys charge, perhaps a bit less than some Fairfield County Towns which go as high as \$230-\$250 per hour but it is a reduced rate and it is in line with what others are charging. We do not assign two lawyers to a file as a general matter. We have Gail Kelly who works, of course, in Town Hall working on an extraordinary amount of items. We have increased her workload because she does not bill separately for her time. She works in the Town hall, basically, full time. A lot of the time that I allocate to Town matters is billed toward a separate Town Attorney retainer account. That is a fixed amount which is \$3,700 per month. If you break that down on an hourly rate, that is about four or five hours per week. I exceed that amount by a considerable amount and I do not bill the excess. In essence, the Town gets a lot of additional services on my part which are unbilled. We have also reduced our bills on a monthly basis by thousands of dollars over the course of the year simply because, in some cases, we just thought they were high and we had to cut back. So, we feel like we are doing our part, our firm, and we have tried to be fair and reasonable in terms of our billings. In any event, I have gone on here, I think for a while. I will conclude my remarks at this point and, again, ask you for your support for this transfer. Again, I will conclude by saying I realize in today's times any additional appropriation is an extraordinary request but, nevertheless, if we are going to continue to defend the cases we have and take some basic steps for the Town, then, I would ask you to support this transfer so we can finish out the balance of the year. I can assure you that we are using all of our efforts to try to control the costs and defer anything that is unnecessary, send it back to the departments and let the departments handle things on a number of cases. This is where we are in terms of the budget. I will be happy to answer your questions at a later point in time.

Committee report

Finance Committee, Allen Bomes, district 7:

Mr. Bloom was pretty thorough so I am not going to sit here and reread the report. I will just hit a couple of highlights. The report is a little stale. The committee met on February 10. This was expected to come up before our meeting last month which was postponed. As we heard, this started out as a \$200,000 appropriation. It became \$100,000 transfer as the Board of Finance did not want to approve \$200,000 at their February meeting and also the Board of Finance did not want to appropriate new funds and they asked Finance Director, John Kondub to find unspent funds within the current budget. He found the funds in the Education Debt Service – Long-Term Interest Account which was unspent. Because of the financial chaos going on the Town did not go to the bond market. We also heard that under state law, transfers only need Board of Finance approval. However, our First Selectman, Mr. Joseloff, felt that an amount this large should be reviewed and voted on by the RTM. So while the committee applauds Mr. Joseloff for being as transparent as possible, we do not know what will happen to the requested and needed funds if the RTM votes “no” since we have no legal authority to

review this request in the first place. Looking at the budget, the \$500,000 Contract Services budget is 2/3 of the entire Town Attorney's budget of \$738,000. Last year we appropriated an additional \$50,000 so the actual expenditures were \$550,000. Right now with this \$100,000, it's 20 percent over the budget and nine percent over last year's actual expenditure. It will probably go higher as Mr. Bloom was originally scheduled to go before the Board of Finance last night but it will probably come next month. The spending level does seem to be falling off through January of the current fiscal year. The spending was at a rate of about \$58,000 a month which would have meant, with the extra hundred thousand dollars, it would have run out of funds in March. So, the spending level did fall off. The only other thing I want to mention, before voting, the committee discussed whether the overall budget for the Town Attorney, with this \$100,000 it will be \$838,000 and probably going higher, it would make more sense to go out and hire an in-house attorney to basically handle all the litigation. Mr. Bloom felt that we would still need specialists for the different legal areas and he did not think it would be cost-effective. The only other thing that I guess is being considered was whether it would make sense to hire a second Assistant Town Attorney, another Gail Kelly type. This may or may not prove beneficial. We were hoping that this would be thoroughly reviewed by the Board of Finance for the budget was finalized. Based on the information presented, the committee voted unanimously to recommend that the full RTM support the transfer request of \$100,000 as approved by the Board of Finance.

Members of the Westport electorate

Don Bergmann, 32 Sherwood Drive:

This issue of the management of the legal function is something I have talked about last year and I wrote about it and sent you all a memo, and email, that I have prepared a document that outlines my views on the best way to manage this function. I would just like to reiterate that an invitation is sent in the e-mail which is if you would like to get a copy of that, I would be happy to send it to you. I think that it is worthwhile. I think it addresses some of the points that have just been raised in terms of possible ways to manage this function a little more effectively. My fundamental concern is that I am not convinced that the clients of Ira Bloom and his assistants are actually managing the legal work that is being provided. I can't say I am correct about that but it is a concern that I have and it is expressed in the materials. So, if you would like it, just contact me and I will e-mail it to you.

Mr. Steinberg read the resolution and it was seconded.

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Town Attorney, a transfer of \$100,000 from Board of Education Debt Services Account (Long Term) to the Town Attorney Account (Contract Services) in order to cover the continuing caseload and litigation expenses is hereby recommended.

Mr. Rose: It is moved and seconded by Mr. Rubin to approve the resolution just read.

Members of the RTM - no comments

By show of hands, the motion passes 29-0-5. Those abstaining: Keenan, Galan, Ancel, Chelico, Mandell.

The secretary read item #2 of the call – Appropriation of \$48,000 for a surf rake to groom beaches. By show of hands, the motion passes 33-1. Mr. McCarthy opposed.

Presentation

Stuart McCarthy, Director, Parks and Recreation Department:

This is a fairly straightforward request. It is a replacement of a piece of capital equipment that has been scheduled, actually deferred at one point, and is due for replacement. The current machine is really no longer effective and does need to be replaced. It is the only piece of equipment of its kind in the department. So, I don't have backup equipment. For those of you who probably have seen, it is the big yellow surf rake that runs up and down Compo Beach three times a week during the summer down to Old Mill and Burying Hill Beach about once a week. It cleans the beach, takes off debris, small stones, off the beach, etc. The old machine has lived its useful life. The refurbishment cost, if we chose to go in that direction, would have been in excess of \$20,000. We certainly do not believe it is prudent to put that expenditure into that old machine. When we met with the committees, I showed them some photographs which I am happy to share with you. The existing piece of equipment does have metal fatigue which suggests that it is not a candidate for refurbishment. I am happy to answer any questions you may have this evening.

Committee reports

Finance Committee, Mr. Bomes:

I am going to go home after this report, I think, because I am done after this. The RTM Finance Committee met on Tuesday, March 10th to consider a request by Stuart McCarthy, Director of Parks & Recreation. We heard the present surf rake is 15 years old and is not grooming the beach properly. It is suffering from metal fatigue. We can either spend \$48,000 or \$23,000 to refurbish it and it still would not be functioning properly because it is suffering from metal fatigue. The committee discussed whether it was possible to borrow a rake from another Town. However, this is not feasible because all Towns who have beaches need to clean and rake their beaches the first thing in the morning. It doesn't make sense to rake a beach when it is crowded with people. So sharing is not a viable option. Since Compo beach is a significant revenue generator for the Town, the committee considers this a worthwhile expenditure at this time. The price for the new rake is from a single-source vendor on the state bidding list, but we are going to get a \$5,000 trade-in allowance. Based on the information presented, the committee members present voted unanimously to recommend the approval of the appropriation request of \$48,000.

Parks and Recreation Committee, Joyce Colburn, district 6:

Pretty much following what Allen had to say that the surf rake is critical to the maintenance of the Town beaches. It is 15 years old. It doesn't function adequately. It doesn't pick up the debris from the beach. It is going to cost in excess of \$23,000 to function adequately and repair is not really a reasonable action. The Barber Surf Rake is available at a considerable discount through State of Connecticut bidding. It can be

available for the 2009 beach season. It is needed in order to maintain the Town beaches. We will receive \$5,000 on a trade-in for the old machine and the new machine is guaranteed for 15 years. There are no options for rental, leasing or sharing with other Towns. Based on the need for this Barber Surf Rake, the committee unanimously approved the appropriation of \$48,000.

Members of the Westport electorate

Tom Feeley, 12 Fairfield Avenue:

I came to the Parks and Recreation Committee meeting of the RTM meeting last week which, if those of you who noticed, was published on the 30th. It was a really short term, like, let's get this in. Only five members showed. There were two other citizens beside myself who came and wanted to speak because they were talking about sand and pebbles on the beach. We were ignored by the chairman until Joyce mentioned, 'don't you want to ask the public?' At that point, he did. I mentioned that I had other things to do at which point he took the vote, dismissed John Suggs, I think, said thank you very much and also let Stuart McCarthy go off to a prior meeting which I understand. He then told me, 'sorry, it's over. We don't need to hear what you have to say.' I said I came with other people to speak to the committee so then he allowed, Jack Klinge was there with other people, he then allowed us to speak informally to the committee which I am doing here and now. They were in a big rush. I said I had something to bring up and he said, 'it's over.' Not your best thing on the guy's birthday. He's not here but I'm taping it if you want a copy of it. Those of you on the RTM before know that I have been an advocate of cleaning the beach. We talk about the beach. That's a very generic term. There is the water, then there is the beach, then there is the pavilion, Joey's by the Shore, the bathrooms, the other pavilion and the other showers. Then there is the parking lot. Whenever I have said, 'I think we can do a better job on cleaning the pavilion area and making the bathrooms cleaner', I am told it doesn't matter. I found out the reason is there are no standards for the beach. I don't like rhetorical questions so I am going to ask you a question but I'm going to give you the answer first. All of the places in Westport that I am going to read right now are higher priority to the Town of Westport and to the Parks and Recreation Committee than Compo Beach: Winslow Park, Town Hall, the library, Doubleday, Luciano Park, Canal Park, Coleytown, Staples, Soloman Park, Jesup Green, Burr Farms, Long Lots, Greens Farms, Longshore, recreation office, Wakeman Park, Hillspoint fields, Police Department, Bedford Middle School, Levitt Pavilion, Town Commons and Town Farms. I have asked that the Town raise Compo Beach to the same level as Longshore. I point out here that the income from golf last year was \$938,000. The expenses were \$876,000. The math is easy. The income from the beach is \$1.2 million. The expenses were \$250,000. I am wondering why we can't keep it to a higher standard. When I ask this, I was told by the chairman, it's sand on the beach. That's what's supposed to happen. That's pretty close to a quote. He said, 'we don't do that', meaning the RTM. He said, 'take it to the commission, the Parks and Recreation Commission. They are the ones who handle it'. I said, 'no, Gordon Joseloff appoints those people. You are the elected people on the RTM. You are the ones that handle this and you are the ones that a citizen should come to and say 'I have a problem' or 'I have a suggestion'. The meeting scheduled by the Parks and Recreation Commission has been canceled again. This is the announcement that just came out today. My suggestion here and what I would like to see done, my question

is, does the RTM run the beach and the Parks and Recreation Commission? That's rhetorical. I'm not asking you to jump in on this. The proper sphere of the Parks and Recreation Committee shall include the administration, acquisition and use of parks and the other recreational facilities, the recreational program and the budget appropriations for these facilities and activities. So, there are a couple of things: A) How come the RTM isn't doing anything? How come they are shutting out people who want to ask them to do it? I hate to say that because I was a member of this august body. B) Why can't we raise the standards of Compo Beach to the same level as Longshore? I drive into Longshore and see the guys out there. They are blowing toothpicks off the greens. When you go down to Compo Beach, it says that this thing is supposed to take small rocks out of the beach. You've got small rocks in the playground right now. You've got sand on the playground. In some cases, when you go over there, you can't sit down on them because there is so much sand on those benches that they built. The best cleaning of the beach is when there is a storm. On the Fourth of July, when they go down there, they have to take shovels to shovel off the sidewalks. So I'm saying, can't we have standards? The only way you get standards is to raise it to a level one. I think that is much as I like to go to the men's room here, at Town Hall when I come, I go more often down there and I have heard more women complain about the restrooms at Compo than I have heard them complain about the restrooms here. The reason is, they have standards here. I just went to the men's room. There is a sign on the wall that says 'if you are not happy, dial 341-.....' fabulous, fabulous. All I am saying is, let's do the same thing at Longshore. I am sorry to take up your time with this. I think it's important. I would like someone to suggest that instead of the \$48,000, let's raise it to \$48,500. That would include the price of a blower. I personally have gone down there with a blower and it doesn't take much time. It's under an hour. You can blow the entire boardwalk. So, I think we need to do something. I think we need to take better care of the beach. I'd like to see someone propose that a blower could be used to do it down there to make it sanitary, to make it nice.

Mr. Steinberg read the resolution and it was seconded.

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Parks & Recreation Director, the sum of \$48,000 to the Capital & Nonrecurring Expenditure Fund (C&NEF) Account (Surf Rake) for the planned replacement of this equipment to groom beaches is hereby appropriated.

Mr. Rose: It is moved and seconded by Mr. Rubin to approve the resolution just read.

Members of the RTM

Bob Galan, district 3:

I just have a quick question. If it costs \$48,000 and we get a \$5,000 trade-in, how come we are not appropriating \$43,000?

Mr. McCarthy:

Forty-eight thousand dollars is the net. It costs \$53,000. While I'm here, Ms. Colburn referenced, 15 years is the anticipated life of the equipment. It is not a guarantee on the equipment. I didn't want to leave that confusion. It's not the manufacturer's warranty. It is the anticipated life and that is the life that we had off of the last Barber Surf Rake.

Mr. Mandell:

Mr. Feeley is one of my constituents and if his asking a question doesn't bring Mr. McCarthy up then and RTM member has to. Stuart, could you please come up and maybe answer some of the questions that Mr. Feeley was asking about the ratings of the different sections of parkland and whatnot that you take care of. Would it be possible to increase its level?

Mr. McCarthy:

Compo Beach receives our highest level of care. The document that Mr. Feeley refers to had groups of properties. Some of the athletic fields were grouped in level one based on the type of athletic fields they were. There were different facilities in different categories. I will assure you that no facility in the Town of Westport gets more attention than Compo Beach. We have staff at Compo Beach from seven o'clock in the morning, on weekends closer to six o'clock in the morning, until midnight at Compo Beach. They have a variety of responsibilities and all of them are responsible in some respect for the cleanliness of the facilities.

Amy Ancel, District 3:

Is the rake, the one that you want to buy, is it brand new? [Yes] Is it possible to find a used one that's in good shape? I think it's a waste buying brand-new vehicles of any kind when they depreciate immediately.

Mr. McCarthy:

I am not aware of the availability of a second hand machine. We have an old machine and, as I said, I can certainly share with you the pictures, this machine, given the environment that it works in which is saltwater environment, the metal fatigue becomes an issue on these machines. So, I would not suggest that in general this is the type of equipment you want to buy second hand. This is equipment that runs very hard in a very difficult environment. I would not recommend that. The answer to your question is I do not know the availability of a second hand machine.

Ms. Ancel:

Would you look into it? What if you found one that was two or three years old?

Mr. McCarthy: I would be happy to look into it.

Mike Rea, district 8:

Stuart, I am pretty sure you are not going to find too many used rakes around. They are a unique piece of equipment used by municipalities for beaches. They usually use them until they can't go any further. That's the situation in which we find ourselves. I not only wanted to rise to encourage you to vote for this appropriation, as it was mentioned in the reports, the beach is a revenue producer and a major source of pride and pleasure for many people in Westport. I guess, in these trying economic times where people are less likely to be traveling, it is even more important that we take care of the resources close to home. I think Compo Beach is going to get more and more use and so, while Mr. Feeley is not one of my constituents in my district, he is my soul mate when it

comes to the beaches as a former Parks and Rec. member, the chairman. I would just encourage and I know Stuart will take it to heart that particularly in these trying economic times and the demands on our facilities, that he'll make every effort to keep Compo Beach at the forefront of maintenance.

John McCarthy, district 9:

As Amy was speaking, I actually went on eBay and there is actually a Barber Surf Rake available for sale in Matituck, New York for \$11,500 for the buy it now price. I point this out, not that I'm saying we should go buy it off eBay, but I think, as Amy said, there are opportunities to save money. There are opportunities to practice what we preach when we say let's recycle, let's reuse. This is what we should be doing. I don't know if this is the same model, the same make, the same specs, whatever; however there may be opportunities to practice what we preach and buy it used.

Mr. Rose: I am happy the WiFi is working in Town Hall tonight.

Judy Starr, district 1:

Stuart, if you get a new one, I presume you can get a warranty but, not necessarily on an old one. Can you talk about the warranty a little bit, what the experience of a warranty is with a new versus an old and what the warranty would be like on the one we are looking at so we have an idea of the insurance that we get if we go with a new purchase.

Mr. McCarthy:

I apologize. I do not have the warranty information. I did not do the shopping for this piece of equipment. I don't have the warranty information with me this evening. I would suggest if you bought an \$11,000 used one, you would have no warranty.

Jeff Wieser, district 4:

I didn't realize this was going to be such a controversial topic but I would say I buy a lot of used cars. I like used cars. But I think if you get a rake that last 15 years, it sounds to me like they are taking really good care of their equipment. If we buy a new one and at last 15 years, \$48,000, that's \$3,000 a year to keep our best assets going. I think this is a slam dunk. We should vote for it and vote yes.

By show of hands, the motion passes 33-1. Mr. McCarthy opposed.

The secretary read item #3 of the call – Appropriation of \$5.8 million for Saugatuck Sewer Construction. By show of hands, the motion passes unanimously.

Presentation

Steve Edwards, Director of Public Works:

Good evening. My name is Steve Edwards, the Director of Public Works. Tonight I am very happy to be here before you for one of the larger appropriations that I have sought. This is a \$5.8 million appropriation. It is one that we started on this path back well

before 2000 but we came with a petition in 2000. That petition was to sewer the entire Saugatuck Shores area. That petition was brought forward by Jo Ann Ford who I think has moved on since but her work did not go without final merit, hopefully. That petition went before the Water Pollution Control Authority. It was approved unanimously. It went to the Planning and Zoning and got an 8-24 and then stalled. Unfortunately, we were looking to sewer that area through the Norwalk plant. That exercise failed. Then we tried to come back into the Westport system. The plant was under design at that time and we went through construction on the plant. Finally, everything has gotten together. The stars are in alignment, whatever. We are ready to go forward. The final project is going to sewer 323 properties. This project will involve the delivery of the effluent up Saugatuck Avenue to the Black Duck pump station, across, under the river, and to the newly constructed treatment plant. Everything is in line. It has gone before the Board of Finance. It got unanimous support there. Now we are before you tonight. This is a win/ win/ win. It is a project that is going to provide enhancements for 323 properties. It is an area that will have tremendous impact on the environment. We are going to remove 323 septic systems that are presently a stone's throw from Long Island Sound. We are going to provide additional users to the sewer system so the treatment plant funding will be offset to some extent by more users. We have our own stimulus project. Where else can we have a self funded stimulus like this, \$5.8 million in our backyard? Again, we highly recommend that this award goes through. Before I go forward also though, I have to give appreciation to all the boards and everybody that did work on this. Judy Starr has certainly been a big advocate in the area. She has been pestering the heck out of me for years and we are finally getting to the point and, obviously, Bryan Thompson in my office has been the main person in charge of bringing this to fruition. With that said, we certainly hope for your support.

Committee Reports

Public Works Committee, Mike Guthman, district 2:

I won't read the whole report. It essentially goes back and summarizes what Steve said. It has been in the works for many years. It is time to go forward with it. There is no cost to the Town. The cost is entirely borne by the residents who benefit from the program. The Public Works Committee voted 4-0-1 in favor of the proposal.

Environment Committee, Diane Cady, district 1:

The RTM Environment Committee met on April 6, 2009 to consider the impact on the environment of the proposed sewerage of Saugatuck Shores. Present were Michael Rea, Jo Ann Davidson, Kevin Green, Wendy Batteau, Cathy Talmadge, and Diane Cady. Stephen Edwards, Director of Public Works Department, presented for the Town the request for the sum of \$5,800,000 with bond and note to authorize construction of sanitary sewers for Saugatuck Shores. After 20 years of investigation and work to find a suitable place for a pumping station, the plan has changed to one wherein each of over 300 properties in Saugatuck Shores will be provided an individual pump. Each home owner will have one year in which to connect to the sewer line, a mandatory action. The sewerage is benefit assessed in its entirety. There may be appeals from homes that believe their septic systems do not pollute or those who find the charges are a hardship. The impact on the waters of the Saugatuck River and Long Island Sound

are difficult to underestimate. They are expected to be immense. For years, these waters have been polluted from individual septic systems that simply could not do the job. Among the problems were soils that could not percolate and clean the effluent that drained into the Sound. Protection of fragile areas, birds, shellfish, fish and humans is expected and we expect to see this from results of testing of these waters. There is concern that sewerage Saugatuck Shores may increase requests for increased coverage and density of development. This often follows a sewerage of an area. It is also possible that both ZBA and P&Z will allow minimal increased land coverage. The Environment Committee wishes to point out that septic systems that are well placed where soil can do its job and not pollute waterways, and septic systems that are well placed and maintained and cared for by alert homeowners, are effective. Septic systems have been serving mankind for many years and will remain so for many years to come. In a word, sewerage is not always the answer and septic systems are not bad. And it is also important to remember that the effluent from the sewers, after treatment, goes into the Sound. The vote in favor was unanimous and great appreciation was expressed to Steve Edwards for his efforts that have finally come to fruition.

Finance Committee, Mr. Chelico:

There is really not much more to say about the benefits of this. You have heard from Mr. Edwards and the other two committee reports. I did want to cover one of the concerns that, I guess Mr. Edwards didn't get into the details, but this is a system that will involve the placement of a pump in each house and it's also a mandatory system. To begin, the recommendation of our committee is that the RTM approves this. There was one abstention which was basically because it's mandatory, if there is an affordability issue, perhaps, for some residents. When this is extended, obviously, the homeowners will pick up the cost. In addition to the cost of the sewer, there is this cost of placing the pump and the tying of the pump to the line as well as any other expenses which were estimated by Mr. Thompson, perhaps some \$2,000-\$5,000, depending on the type of landscaping that homeowners have that may have to be restored, as well as the length of the line from the pump to the main line. As I said, this got a lot of attention at our meeting because it's mandatory and most members thought that the Town would have a solution to this. One of our members abstained at that point pending further clarifications of these costs but there will be an appeals process. If you have any questions, I'm sure that Mr. Edwards can expand on that. There was also some discussion that, as we keep extending the service, the sewer service to other areas, that we are careful not to change the character of the Town. We do have excess capacity in our treatment plant but we believe it should be used to take care of environmentally sensitive areas and it's not an effort to increase housing density. Some members of the Finance Committee felt that the RTM Planning and Zoning Committee should be asked to review future proposals to extend the sewer service. There were some questions from the public having to do with the pumps, for example, that the Town will buy all the pumps. One of the citizens asked what would happen to the pumps during an appeals process if someone can't afford to do this. Of course, the Town will store the pumps. Another question was maintenance or warranties on the pumps and how long the pumps last but if any of us have any concerns, the Town can answer these questions. There are a number of areas in Westport which are served by the same type of

sewering with individual pumps in their houses. I think that's all I have to say. We definitely do recommend it. It's long overdue.

Members of the Westport electorate

Alicia Mozian, Conservation Director and Dr. Drew Rice, Saugatuck Shores resident and member of the Shellfish Commission:

About a month ago, we were here before the Board of Finance and when they approved it, I think it was probably one of the happiest days of my professional life here in the Town because I knew, going forward, there was a pretty good chance that something really good was going to happen for the waters of Westport. I really believe that this is probably one of the single most important things that we can do to improve the water quality of the Saugatuck River estuary and Long Island Sound. I wholeheartedly believe that. The soils in Saugatuck Shores are not good for septic systems. The perk rate is pretty much too high and, even if they are not, the topography of that land is low. You know how much you get flooded down there. That means your septic systems are flooded. That's not a good situation. This has been in the Town Plan since 1987. In three Town Plans, we have been asking for this. Doing nothing is not an option because the water quality is only going to get worse and then, we have evidence to show you where the shellfish beds have been downgraded in the areas that are purple and they are red so that now on the red area which is right off Saugatuck Shores from Seymour Point over, you can no longer directly harvest from that area, right at the mouth of the Saugatuck. The areas and purple are areas that have been downgraded also to conditionally approved meaning that you have to make sure that after a storm of events and that kind of thing you can't go but that's an indication that the water quality is getting worse and, I think, doing nothing, what's next? Maybe you can't swim in it so, I really urge you to vote for this tonight.

Andrew Rice, Saugatuck Shores resident and member of the Shellfish Commission:

Just one other thing to add about these areas that have been downgraded, these areas have been downgraded within the last five to seven years so, we are seeing a rapid deterioration of the water quality surrounding both Saugatuck Island and then going over towards Compo Beach. So, I think it's a real concern that within may be five to 10 years, we could see a downgrading of even potentially the swimming beaches as a result of some of this pollution. I would like to say that it is not just pollution from this small island but it is also pollution that is coming in from other Towns, particularly Bridgeport and that kind of thing. The shellfish beds in the Town of Fairfield are actually closed to shellfish. Shellfish is a concern but I also think that swimming is of concern and the natural resource that we have here, certainly, with the beach and all the other things that go on. I appreciate the support.

Gordon Joseloff, First Selectman:

I just want to take this opportunity to thank those who have been involved and have labored so long to see this project finally near fruition. That starts with Steve Edwards our Director of Public Works, Brian Thompson in his office, residents of Saugatuck Shores led by Judy Starr, other residents. This has been very frustrating for you for many, many years. It's probably one of the most frustrating projects that I have been involved in since becoming First Selectman. The frustrating part has been because of

the demonstrated need to do this and the inability for so long not to be able to do it. It is one of those things that as we see neighbors who are desperate for the system to be in place but when we sought to place a pump station in a particular location, several times, we were frustrated because the need was there but the willingness to cede a little portion of land for the project was not, so, it was almost a mini version of the neighbor versus neighbor. It was an interesting project but I share the frustration and I know that I have talked to many of you by telephone and in person about this project. I just want you to know that I have been there. We have been there as much as we could have been. I'm sorry it took so long but I am looking forward to finally getting this under way. Steve didn't go into many of the details. I think a lot of the residents know those so I won't go over them. Suffice to say, there is no pump station on Saugatuck Shores. Steve Edwards referred to the Black Duct pump station. So, we are using a technology that has been proven, that we have investigated thoroughly and that we are confident will be the solution that is needed. Cleaning up Long Island Sound, maintaining the quality of Long Island Sound is paramount. It ought to be paramount for all of us. Again, I thank you, thank the residents for their perseverance and understanding and look forward to completion of the project.

Mr. Steinberg read the resolution and it was seconded by Mr. Rubin.

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Public Works Director, the sum of \$5,800,000 with bond and note authorization to the Municipal Improvement Fund (MIF) Account (Saugatuck Shores Sewer Construction) to complete construction of the Sanitary Sewer Extension Contract #58 is hereby appropriated.

Section 1. As recommended by the Board of Finance and for the purpose of financing the foregoing appropriation, the Town shall borrow a sum not to exceed \$5.8 million and issue bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town.

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

Section 3. The Bonds may be designated "Public Improvement Bonds of the Town of Westport," 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 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 first installment to mature not later than three 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 interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the committee may sell the bonds, or notes, on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semiannually or annually. The bonds shall be signed on behalf of the Town by the First Selectman and the Finance Director, and shall bear the seal of the Town. The signing, sealing and certification of said bonds may be by facsimile as provided by statute. The Finance Director shall maintain a record of bonds issued pursuant to this resolution and of the face amount thereof outstanding from time to time, and shall certify to the destruction of said bonds after they have been paid and cancelled, and such certification shall be kept on file with the Town Clerk.

Section 4. The said committee is further authorized to make temporary borrowings as permitted by the General Statutes and to issue a temporary note or notes of the Town in anticipation of the receipt of proceeds from the sale of the bonds to be issued pursuant to this resolution. Such notes shall be issued and renewed at such times and with such maturities, requirements and limitations as provided by statute. Notes evidencing such borrowings shall be signed by the First Selectman and the Finance Director, have the seal of the Town affixed, which signing and sealing may be by facsimile as provided by statute, be certified by and payable at a bank or trust company incorporated under the laws of this or any other state, or of the United States, be approved as to their legality by bond counsel, and may be consolidated with the issuance of other Town of Westport bond anticipation notes. Said 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 made by the appropriation resolution enacted concurrently herewith.

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 the Education Facilities Improvement Fund, or the

Capital and Nonrecurring Expenditure Fund for the aforesaid project with the proceeds of the bonds or notes to be issued under the provisions thereof. The allocation of such reimbursement bond proceeds to an expenditure shall be made in accordance with the time limitations and other requirements of such regulations. The Finance Director is authorized to pay project expenses in accordance herewith pending the issuance of the reimbursement bonds or notes.

Section 8. The Town of Westport, or other proper authority of the Town, is authorized to take all necessary action to apply to the State of Connecticut, and accept from the State, grants in aid of further financing the project.

Section 9. The said 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.

Mr. Rose: It is moved and seconded to approve the resolution just read.

Members of the RTM

Mr. Rea:

I'll keep it short because I made some small contributions to two other committees, being the Environment and the Finance Committees on these topics and I think Diane and Peter touched on my concerns about mandated sewers, about density, about zoning and I don't think I need to talk further on it. But we should consider those things in the future when we talk about the expansion of sewers and the ability to increase density. I will say that there is a philosophy with regards to the role of government and how major the role of government plays in our lives and in our finances. This is a perfect example, the Town of Westport, the RTM, the administrative executive offices here, a perfect example of what the Town should be doing for its citizens. The ability for the Town to bond this and make these funds available to bring this project to fruition is a wonderful way for us to handle this problem. Only with municipal bonding could this have been made possible. The sewage treatment plant, a major, major investment and you know I have my concerns about sewerage all of Westport, but if the sewer was meant for anywhere, it was meant for Saugatuck Shores. This is where we are going to have the most immediate impact not for just the residents, but for the environment. So, I encourage you to vote for this and congratulations.

Mr. Rose:

While Mr. Mandell is coming up, I just wanted to let everyone know there were two letters sent in to us by State Senator Toni Boucher and State Representative Joe Mioli, both with enthusiastic support for this project. They will be included in the record.

Mr. Mandell:

Many of you know me as a strong defender of septic systems and an activist against what we call "sewer sprawl", the unnecessary extension of sewers that allow for greater development and change of character of our Town. My constituents in Saugatuck Shores also know me as an advocate of the sewerage of Saugatuck Shores. If someone said to me, 'Matt, would you accept a sewer line that would allow for the new development of 323 homes?' I would say, 'not a chance' but there are homes already out there and there is a septic problem because they are failing. They need to be addressed. We don't extend sewers to allow for greater development, we extend sewers

to protect the environment where there are existing problems and there is an existing problem on Saugatuck Shores. Since 1987, when the Town Plan was written and said we need to sewer Saugatuck Shores, there was a problem then. It's 20 years later, 22 years later and the time has finally come to do this. Will there be problems with extending sewers there? Sure. In 2004, Diane Farrell met with the Planning and Zoning Commission and said, 'are you sure you want to back this?' They all said 'yes, we want to do this.' She said, 'do you realize there are 40 properties there that are not quite developed and if you send a sewer in there, there will be more houses, bigger houses, and that will be a problem and that is something you will need to take good care with.' They said, 'yes, we understand that.' I hope that all of us vote for this extension of sewers to Saugatuck Shores, that we let the Planning and Zoning Commission know to be wary, to be mindful of what can happen if the sewer does go there and what houses will get bigger and what properties will become developed because when you send a sewer to areas, marginal properties will start to be looked at as possibilities where they otherwise wouldn't. So, as we go ahead and do this, and I hope we all vote for it, there will be issues. Congratulations to Judy Starr who has worked very hard and I thank Steve Edwards and Brian Thompson for their hard work and, believe me, they did a lot of hard work and Brian Thompson walked the entire area, looked for a place for the pump station and he did a heck of a job and Brian should be thanked a lot for the work that he did. As we move forward, let's be attentive to our Town. Let's keep the character together and not allow sewers to go where they are not supposed to be going but Saugatuck Shores is sure one place that needs it.

Ms. Starr:

I have the honor to represent District 1 and Saugatuck Shores, the pleasure of living in Saugatuck Shores. Pretty soon I will stop hearing 'when are we going to have sewers?' This is just a wonderful point that we are at right now. It's been a long time coming. I want to thank Gordon for his role; Steve Edwards and Brian Thompson for their role; Judy Nelson, too, who, way back when the whole thing started was very supportive for the Westport Weston Health District which is also supportive and everybody who has shown support both with letters and coming here tonight and Alicia, too, I want to thank her and the Shellfish Commission. I had written a whole speech and I have really nothing much left to say. I echo what Steve said. I echo what Alicia said and I thank Mike Rea and Matt Mandell for their comments. I do want to add an observation that most of the properties are on small lots, close together, which is one reason they are so suitable to be sewerred aside from being on the water and being upstream from Compo Beach at the outgoing tide. Most of the properties, if not virtually all, are developed to the maximum footprint allowable by law but there's nothing wrong with stating one's concerns and being aware of possible implications. This is just a situation I'm describing as I see it now and there are maybe things I don't say. It's good for the Town. It's good for people not having to replace expensive septic systems when they stop working. It's good for the Town. It's good for the Sound. The time is now and I thank everyone for their interest and support who's expressed it and I hope that you'll join me in voting for this incredibly important project.

By show of hands, the motion passes unanimously.

The secretary read item #4 of the call – Approve creation of an open space park at 191 Hillspoint Road (former Allen’s Clamhouse Restaurant site.) By show of hands, the motion passed unanimously.

Presentation

Mr. McCarthy:

This is approval for the RTM under the WPLO ordinance. The WPLO, for private projects, is part of an approval by the Conservation Commission. Public projects require the Conservation approval as well as approval of the RTM so this item is here for your approval under WPLO. It has been approved by the Conservation Commission. We received administrative approval from the Planning and Zoning Commission we have, as of yesterday, received our approval from the DEP and, as of today, we have been told by the Army Corps of Engineers that our permit is on the way. So, this is, in fact, the final approval of the approvals for this project. I have a copy of the plan here. It is probably a little difficult to see from where you folks are but the basic plan for this project is to take the property formerly known as the Allen's Clam House property at 191 Hillspoint Road which now consists of a really large parking lot that used to serve the Clam House. The intent is to create a small park, a very reduced parking area that will serve approximately 10 vehicles and to turn the rest of the park into an open space park with the appropriate plantings for the waterside location. You see a series of pathways through the park and native plantings. If anyone wants to come and take a look at the plan, there are also detailed drawings here. We have been working with a committee on this. Sherry Jagerson is the chair of the committee. The committee has them working on fundraising while we have been pursuing these permits and land-use approvals. We have been working on the fundraising aspects of it and we can provide you with some detail of that but right now there is no funding request before the Town. We are working on private funding. The approvals that are in place will allow us with this final approval will allow us a window of several years to make all the planned improvements to the park. It is our hope that we can get started with some of this work later this year to take advantage of the summer planting season and get some of this work accomplished so I'd be happy to answer any questions you may have.

Committee report

Environment Committee, Ms. Cady:

The RTM Environment Committee meet on April 6, 2009 to hear the request from the Parks and Recreation Department on behalf of the Town to create an open space park at 191 Hillspoint Road. Portions of the work are within the WPLO area and floodplain of Sherwood Mill Pond. This area was previously the site of Allen’s Clam House. Presentation was made by Stuart McCarthy, Director of Parks and Recreation. This request has been approved by the Department of Environmental Protection on the state level and by the Planning and Zoning Commission, Conservation Commission and Flood and Erosion Control within the Town. It comes now, for final approval, to the full RTM because it falls within the WPLO—protection of waterways: that the construction will not impede or change flood carrying capacity or flood heights, nor threaten life, thermal energy and other important aspects of the environment. The Mill Pond floods this area on occasion and all design of the area has been cognizant of that. Parking will

be consolidated to 10 spaces. There may be a few picnic tables. Kayaks will have an unloading area. There will be a small rain garden to help protect the Mill Pond from pollution. Plantings will be only of plants native to Connecticut. The compacted parking area will be removed and soils replaced. The extent of expense by the Town has been minimal: time by Parks and Recreation and design. Liz Milwe and Cheryl Jagerson reported on fundraising and volunteers for the effort. Fifteen hundred plants, in the form of plugs, will go in. CL&P has pledged \$5,000, Westport Young Woman's League \$500 and GVI, Green Village Initiative, has pledged \$25,000. There is a large sign by Edward Henry showing birds and giving their description planned; the cost: \$9,000. Grant applications continue. Vote in favor: Michael Rea, Kevin Green, Cathy Talmadge, Wendy Batteau, Jo Ann Davidson, Diane Cady. There were no votes against.

Members of the Westport electorate

Gavin Anderson, 205 Hillspoint Road:

I co-chair the Sherwood Mill Pond committee with Sherry Jagerson. Sherry has chaired the committee that has brought this proposal before you tonight. But I just want to support the proposal by adding a couple of points here. For many years, the Town has invested in the Mill Pond. Some years ago you will remember, the significant investment that was made in putting in lock gates. The residents there contributed handsomely to doing that. The Town bought the island that you see off this particular parking lot. They bought Allen's Clam House to prevent building more houses in that area and to allow community access to the Mill Pond. The Mill Pond is really, environmentally, one of the real treasures we have in Westport. So, what is happening here, thanks to a few very dedicated people, you have only got to listen to the list of approvals that were cited tonight, it's doing something that is really very precious for a piece of property that needs it. It will be attractive. It will attract people to come and enjoy a location that is itself unique with the wildlife, with the tides and everything it enjoys right now and has done and this will go on forever. It's part of our responsibility. We all have to preserve what is there, what has been handed down to us. So, I urge you, please, to support this proposal.

Mr. Steinberg read the resolution and it was seconded.

RESOLVED: That upon the recommendation of the Conservation Commission and the Flood and Erosion Control Board and in accordance with Sec. 30-96 of the Code of Ordinances of the Town of Westport, the application by the Town of Westport for the creation of an open space park on the former Allen's Clamhouse restaurant site, 191 Hillspoint Road, is hereby approved.

Mr. Rose: It is moved and seconded to approve the resolution just read.

Members of the RTM

Wendy Batteau, district 8:

We just had a great victory for clean water with the Saugatuck Shores sewerage project and I would like to point out that this particular project is not simply a nice park and it's not simply preservation of the Mill Pond area. The area now is a hard packed dirt parking lot essentially. Neighbors and work people park cars and trucks and any variety

of vehicles there which leak and the area floods and there is rain and there is run off and it's a water pollution problem. As the committee's 35 year long clean water environmental nag, I urge you to think about this as a clean water project to and I hope you'll vote for it.

Mr. Chelico:

I do plan to vote for it but I have a couple of questions. One is 10 parking spaces, who is going to control the parking spaces? Will it be Town residents? Will there be somebody there? Secondly, will there be any toilet facilities in this property?

Mr. McCarthy:

We do not propose any toilet facilities in this location nor any trash receptacles. This will continue to be a carry in/ carry out location for trash which has been the case since the Town took over management of the property several years ago. Relative to the number of parking spaces, obviously, this is a significant reduction in the number of parking spaces. The regulations for parking are under the authority of the Parks and Recreation Commission. Currently, there is a regulation from May 1 to September 30 that vehicles parked in the lot must have a Westport parking emblem and there is no overnight parking. I believe the current regulations, the park closes at sunset.

Mr. Chelico: Who is going to enforce it?

McCarthy:

We do have staff that is going to enforce it. We do not have staff sitting there. I really can't justify having personnel full time at this location but we do monitor this location. We do respond to calls for service. We do have staff that does patrol on a regular basis for that lot.

Mr. Lowenstein:

I have a few questions. Specifically, what does our pending approval do that that we could not otherwise do with this property? By this vote, what are we able to do that we wouldn't otherwise do?

Mr. McCarthy:

The WPLO and, Alicia, jump up if I am misspeaking, the WPLO affects the development of property below the high water line on the property. Without his approval, we wouldn't be able to remove the parking lot and put in the plantings.

Mr. Lowenstein:

The Conservation Commission lists a lot of things that should be done and I believe that the Environment Committee report said that the expense to the Town would be minimal. I would like to know in the fiscal year 09-10, does Parks and Rec, other than administrative costs, plan to spend any Town money making capital improvements on the property?

Mr. McCarthy:

we will be expending some money out of our parks maintenance fees and services account, specifically, the conditions that require us to have the landscape architect who did the design do some monitoring of the actual construction to make sure that the construction methods that are used are consistent with the conservation approval. Beyond that, as both the Parks and Recreation Department and the Public Works Department have had discussions about providing in-house resources toward offsetting some of the costs of development, some of the things that we can do with our existing labor machinery, etc. that we can contribute to this project. Steve Edwards and I have been working closely to try to coordinate that. Specifically, we anticipate, perhaps being able to do a significant amount of the work relating to the development of the parking area and then allowing the volunteers to do a significant amount of the planting work. The part of the project that potentially gets costly and we still need to work out is the actual removal of the parking lot and the replacement of the soils with a soil medium that can grow. So, again, there is fundraising underway. There is currently no request before the Town for funds.

Mr. Lowenstein:

To some extent, I am concerned that both your department and the Public Works Department are facing budget cuts for the coming fiscal year. There have been concerns that these cuts will affect existing facilities adversely. I would want to make sure that any resources that we spend go first to the existing facilities that may be under funded for the coming fiscal year rather than funding resources for new facilities. I am perfectly willing to vote for this but I will tell you right now, should a request for a supplemental appropriation come up during the fiscal year coming, before the Board of Finance if it is under \$20,000 or here if it is over \$20,000, I will speak against it because I think for this fiscal year, if the volunteers and voluntary funds want to come in, I think that's fine but I think the priorities that are being affected right now by the proposed budget should take priority before we do new things. One minor point, will you be talking to the restaurant down on Hillspoint about the use of the spaces because without effecting monitoring during the peak season, that could become an issue if they allow their patrons to use those parking spaces for patron parking if they don't have Westport emblems. Will they be alerted to the fact that this is being done that there will not be restaurant parking other than for emblem people?

Mr. McCarthy:

There is actually no proposed change to the regulations. The regulations as I described them are currently in place at that location. I am not aware that the restaurant contributes to the parking issues in that particular lot.

Mr. Lowenstein:

So you are not aware of any abuse right now by the restaurant of that space? [No.]

Liz Milwe, district 4:

This is a project that Stuart has been working on for years and many people in Town, in fact, today I read an article on-line from 1988 in the New York Times about how residents in Westport wanted to make a park in Old Mill Pond. So, here we are in 2009 and yesterday we got our DEP approvals. So, although times are very bad financially,

we are still walking forward and looking forward to making this park happen. Two weeks ago, there was an article on the front page of the Westport News and we have gotten so many phone calls from members of our community who are so excited about the project and would like to volunteer to help. The only way this project is going to happen is with volunteers and with community support. We already have the Staples students, the Staples team, Builders Beyond Borders, the Young Women's League and we will be using the model of Compo Beach children's playground as our model as we go along to try to get this project done. I think the subject and the concern about the parking, we have had many discussions in our meetings. You should all know that there are two committees talking about this project all the time. We have the Sherwood Mill Pond Advisory Board and we have the 191 Committee. In both committees, the concern from many of the neighbors was that the parking lot was a parking lot and not a park. I think the architect took this very seriously. It's a place for our Town to discover nature and enjoy nature and if we get the new grasses in there and we get the educational signage, less and less trucks are going to hang out there. It will be a place for our families and our Town to enjoy. Stuart McCarthy, Alicia Mozian, Steve Enquist, Allan Raymond, Gavin Anderson, Wally Meyer, Sherry Jagerson, several commissioners on the park from the Parks Commission have been working on this so I hope you will vote for this tonight. The night before last, I got two members of Long Range Planning who are going to help us. Anyone here? We are looking for help.

Mr. Mandell:

I remember when Allen's Clam House was going to be torn down and there was controversy as to whether we would lose a piece of history, a piece of character of the Town. Maybe we did. In this case, sometimes things turn around and this is a wonderful step forward for the Town in taking what is now a gravel parking lot that, as Ms. Batteau said, actually creates pollution because the gravel goes so close to the water. Having a park there where people can go and enjoy it and adding more open space that is valuable and not just sitting there and looking like it is an undeveloped piece of property is wonderful. I was looking through the conservation paperwork and I didn't see that there was still going to be canoe and kayak access but looking at the plans that I hadn't seen before, I see that there is so come and experience the Mill Pond which actually isn't a pond. It is an estuary so the water comes in and out. It's really wonderful to be out there in a kayak or canoe and go through the different areas and the channels. Once this is together, I invite all of Westport to grab your kayak or your canoe and come down and enjoy the Mill Pond and enjoy nature and the environment.

Mr. Rose:

We have had five speakers for. Does anyone want to speak in opposition of this motion? Does anybody feel the need to speak in favor of it anymore?

Ms. Starr:

Another question: Will there be beach stickers required for parking there? How will you control parking? [Yes. Mr. McCarty already said that.] Number two. It sounds wonderful that so many volunteers are going to be involved in keeping costs to a minimum. Is there any thought of having something to the effect of a trust fund or something that

kind of would be responsible for ongoing costs that might be necessary for this rather than coming in the future to the Town budget? Is there any thought at all to that?

Mr. McCarthy:

I can't really speak to that in definitive terms. I would suggest at this point that we are a long way from the funding that we need to complete installation of the plants. The more money we can raise, I think the better we can build the park. I would be surprised if there were funds, at least at this time, available to create a trust fund. The short answer is, once the property is constructed, it is turned over to the Parks and Recreation Department for maintenance.

By show of hands, the motion passed unanimously.

The meeting adjourned at 10 p.m.

Respectfully submitted,
Patricia H. Strauss
Town Clerk

A handwritten signature in cursive script that reads "Jacquelyn Fuchs".

by Jacquelyn Fuchs
Secretary

ATTENDANCE: APRIL 7, 2009

DIST.	NAME	PRESENT	ABSENT	NOTIFIED MODERATOR	LATE/ LEFT EARLY
1	Diane Cady	X			
	Peter Chelico	X			
	Matthew Mandell	X			
	Judith Starr	X			
2	Linda Bruce	X			
	Michael Guthman	X			
	Jay Keenan	X			
	Sean Timmins	X		X	8:30 p.m.
3	Amy Ancel	X			
	Robert Galan	X			
	Bill Meyer		X	X	
	Hadley Rose	X			
4	Jonathan Cunitz, DBA	X			
	Elizabeth Milwe	X			
	Gene Seidman	X			
	Jeffrey Wieser	X			
5	Barbara Levy	X			
	Richard Lowenstein	X			
	Paul Rossi	X			
	John Suggs	X			
6	Joyce Colburn	X			
	Jo Ann Davidson	X			
	Ann Marie Flynn	X			
	Catherine Talmadge	X			
7	Allen Bomes	X			
	Jack Klinge	X			
	Lisa Rome, M.D.		X		
	Stephen Rubin	X			
8	Wendy Batteau	X			
	Michael Rea	X			
	Lois Schine	X			
	Jonathan Steinberg	X			
9	Eileen Flug	X			
	Kevin Green, Ph. D.	X			
	Velma Heller, Ed. D.	X			
	John McCarthy	X			
Total		34	2		

Attachment #1: Letter from Representative Joe Mioli

Dear Alicia, I don't know if I will be able to make the Board of Finance Committee tonight. Would you please read this testimony on my behalf and put into the record? State Representative, Joe Mioli.

To the Westport Board of Finance:

I am writing this to offer my support for the \$5.8 M bond appropriation and note authorization to complete construction of the sanitary sewer extension to Saugatuck Shores.

Aside from the upgrade to the sewage treatment plant, having it extend into Saugatuck Shores is the single, most significant step the Town of Westport can take to improve the water quality of the Saugatuck River Estuary and Long Island Sound.

The soils in Saugatuck Shores are highly porous; water drains very fast with no or very little pre-treatment by microbes that are normally present in more moderately porous soils. In addition, Saugatuck Shores is very low in elevation - most of the land is less than 10 feet mean sea level which is the elevation of a 25 year storm. So, either the septic effluent is draining too quickly through the soil in dry condition or, if there is even less than a 25 year storm event, the leaching fields are flooded. In either case, the septic leachate is not being treated prior to discharge into the Estuary and Long Island Sound. Every year there are several septic systems failures that add to the existing problems. There are also several properties with antiquated systems that provide even less treatment and are not acceptable by today's standards.

There are 323 septic systems that cause a negative effect on the Saugatuck River Estuary and Long Island Sound. This negative effect is evident by the water quality test results of the Bureau of Aquaculture for Fecal Coliform. Unacceptably high numbers have resulted in the recent down-grading of the water quality classification for the shellfishing area at the mouth of the Saugatuck River which extends from Seymour Point at the southeast tip of Saugatuck Shores to Cedar Point where the cannons at Compo Beach are located. This area is no longer available for direct harvest of shellfish for consumption. As you well know 2 years ago I worked very hard in the State Legislature to bring the shellfish beds under Westport's control. I ask that you don't make these efforts to be done in vain.

Furthermore, the consequences of doing nothing may have impacts that spread behind our shellfish area and to our beaches which may become closed for swimming. In addition, we know that pollution knows no geographical boundaries - how Westport cares for its water has a direct impact on surrounding Towns, for instance Bridgeport's poor sewer treatment plant has been a contributor to the complete closure of the shellfish beds in Fairfield.

I used to be a resident of Saugatuck Shores in late 1980's and I remember that the sewerage for Saugatuck Shores was in the Town Plan of Conservation and Development then. It has been endorsed by the Health District, Conservation Commission, Shellfish Commission, Planning and Zoning Commission, RTM and the Connecticut Department of Agriculture/Bureau of Aquaculture. It even falls within the "Blue Line" of the Town's Wastewater Facilities you have heard so much about lately and ranked as "High Priority Area" because of the poor soil conditions.

There really is no better time to do this project. With the economy the way it is contractors need work and the bids will be more competitive. If we wait it will cost more or the State DEP will force us to do it immediately, if not sooner, and naturally, at an even higher cost.

I am reminding you that this project will not be an extra burden on Westport's Taxpayers because, as you know, it is a Benefit Assessed Project and will be paid for by user fees. Please approve this bonding.

Many thanks for your attention.

Sincerely

Joe Mioli
State Representative, District 136
Westport.