

RTM Meeting  
October 16, 2018

**The Call**

Items #1 - #5 were completed at the October 2, 2018 meeting.

6. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and the request by the Director of Parks and Recreation, to approve an appropriation in the amount of \$50,000 to the Capital and Non-Recurring Account to purchase a new Kubota tractor for use by the Parks Department.

7. To take such action as the meeting may determine upon the petition request of at least 2 RTM members, to approve an ordinance prohibiting the application of synthetic infill material on playing fields on Town property. (Second Reading. Full text available in the Town Clerk's office.)

8. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and the request of the Director of Parks and Recreation, to approve an appropriation in the amount of \$85,000 with bond and note authorization to the Municipal Improvement Fund Account for the design services to replace four (4) synthetic turf fields and the Staples running track.

9. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and the request of the Director of Parks and Recreation, to approve an appropriation in the amount of \$270,000 with bond and note authorization to the Municipal Improvement Fund Account to install a pedestrian walkway including picnic table pads along Compo's South Beach.

10. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and the request of Director of Public Works, to approve an appropriation in the amount of \$196,000 to the Sewer Reserve Fund Account for the replacement of one Bar Screen Rack and Skylight at the Westport Water Pollution Control Facility.

11. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and the request of Director of Public Works, to approve an appropriation in the amount of \$25,000 with bond and note authorization to the Municipal Improvement Fund Account for the engineering, design and permitting of a replacement for the Burying Hill Beach Jetty.

12. To take such action as the meeting may determine, upon the request of the Conservation Director to amend the Code of Ordinances of the Town of Westport, Section 30-91, Waterway Protection Line Ordinance, to make the time requirements for scheduling, reviewing and deciding Waterway Protection Line Ordinance (WPLO) applications consistent with the state statutes governing timing of review of Inland Wetland and Watercourse (IWW) applications. (First Reading. Full text available in the Town Clerk's office.)

13. To take such action as the meeting may determine, upon the request of the Historic District Commission, to approve local historic district designation for the Cable's Landing Extension of the Kings Highway North Local Historic District. (First Reading. Full text available in the Town Clerk's office.)

## Minutes

Moderator Velma Heller:

We welcome those who are joining us tonight in the Town Hall auditorium, as well as those watching us streaming live on westportct.gov, and those watching on Optimum Government Access Channel 79 or Frontier Channel 99. My name is Velma Heller and I am the RTM Moderator. On my right is RTM Jackie Fuchs, the RTM Secretary. Tonight's invocation will be delivered by RTM member, Ellen Lautenberg.

Invocation, Ellen Lautenberg, district 7:

I was trying to come up with a theme for this invocation and thinking particularly about what has been going on nationally in terms of the discourse and rhetoric. Then I saw that Senator Ben Sasse just wrote a book called *Them: Why We Hate Each Other and How to Heal*. I haven't read the book but the title intrigued me so I looked at the book reviews. The reviews say:

Sasse's book aims to figure out what it is that's made American politics so tribalistic.

Sasse writes:

The nation has descended into a set of "anti-tribes" defined by what we're **against** rather than what we're for.

He urges readers to:

Start from the assumption that our opponents are like us---decent folks who want what's best but who start from a different place.

I'm not suggesting that this level of divisiveness is an issue here but I thought it seemed appropriate at this time to acknowledge that. Although we are a non-partisan body, we still have divergent beliefs and opinions that could easily distract us from focusing on the issues in front of us in the most effective way. It's not always easy to understand positions very different from our own. Generally, I feel that the RTM does a pretty good job; that we do act as one community and do our best to avoid that but we can always strive to do it even better.

There were 32 members present. Mr. Izzo and Ms. Talmadge notified the Moderator that they would be absent. Ms. Cady and Ms. Soloff were also absent. Ms. Bram and Mr. Carey notified the Moderator that they would be late. Ms. Parelli Gray was also late.

## Announcements

Dr. Heller:

As you know this is a continuation of the meeting of Oct. 2. The birthdays were addressed at the previous meeting. Minutes were addressed at the previous meeting. Should you have corrections to the July minutes, as we said, you can still let us know.

I do want to start with an announcement that I was asked to call to your attention. You may have already heard the sad news that Westport lost a young adult last week. Augustus Cardello, known as Gus, was 19. He was a sophomore at Providence College. We want to offer condolences to his family and friends. Visitation will be at Assumption Church from 3 until 8 p.m. The Funeral Mass will be held at 2 o'clock on

Saturday. Just so you know, Gus was always known for his smile; he was a charming and friendly and wonderful young man and a terrific friend, from all that we hear. We offer a moment of silence for Gus.

### **RTM Announcements**

Mark Friedman, district 3:

Friends, over the last couple of years, I've become concerned about the violence directed against journalists both here and abroad. I want to show support for them. I feel that the cause is morally right and I also see this as a way to honor the oath that I took to uphold the constitution. As many of you know, my son and I have created magnets, "I *heart* freedom of the press". They show our support for this core constitutional freedom. I have put these magnets on stage so that everyone can have one for free and show your support. I feel this is a critical time to do so.

Matthew Mandell, district 1:

I'm sort of feeling like Bill Meyer. For those of you who didn't know Bill, there wasn't a meeting where he didn't give an announcement. I feel as though I'm taking a little bit of Bill here, with a fist pump. Two announcements: the Chamber of Commerce is running the Annual Halloween Window Painting Contest and we're still seeking both sides of the issue. We still need windows in our local businesses, preferably first floor, so the kids can paint them so if you know of any businesses interested in having the kids come out the Saturday before Halloween and paint a window and win a possible ice cream, then it will be a great thing. The other side, of course, is kids to paint but we would really like to see how many windows we have first before we go out to get the kids because we don't want to have more kids than windows and disappoint anybody. So, windows are what we need and the next few days, if you could talk to any businesses, we'd really appreciate it. The second announcement is Supper and Soul. It's still on for Nov. 10. It's a great concert and dinner series that we're running. We're curating some good music and I'm bringing up an act from Nashville, Kasey Tyndall. *Rolling Stone* called her the number one new artist in 2017. If you like good music, if you like good food, come on and do Supper and Soul. You can get tickets online at the Chamber website.

**The secretary read item #6 of the call - To approve an appropriation in the amount of \$50,000 to the Capital and Non-Recurring Account to purchase a new Kubota tractor for use by the Parks Department. The motion passes unanimously.**

### **Presentation**

Jen Fava, Director of Parks and Recreation:

As indicated in my memo, the Parks Department has a tractor that was purchased by the former parks Superintendent and was not appropriate for the work performed by the Parks Department. Subsequently, the tractor has broken and is no longer functioning. We were planning to trade this in next year and put the funding into our operating budget to replace it. Unfortunately, it didn't last long enough. We have been provided a repair estimate of \$18,600 and it would be an additional \$5,000 for the new tires that are needed. We have been told that if traded in and in good condition we may receive

about \$24,000 for the trade in which is only about \$400 more than we would have to put into it. Therefore, we do not feel this is an appropriate use of funds.

Instead, we are requesting \$50,000 to buy a new tractor now that will be appropriate for our use. The new cost of the Kubota tractor is about \$60,000 but we have been told we should receive a trade in value of about \$10,500. This would be done off of a State contract. As noted in my memo, this piece of equipment is vital to the work performed by the Parks Department, including beach cleaning, spreading of clay and materials on ballfields, loading and spreading all sorts of materials, clearing debris, and snow removal, just to name a few. Without the appropriate equipment, our staff cannot perform the work that is important to maintain our facilities. Again, this pricing is from State contract and would come out of a Capital and Non-Recurring Account.

**Committee reports**

Finance Committee, Jeff Wieser, district 4:

The Finance Committee met and only had three members so we did not have a vote.

Parks and Recreation Committee, Chris Tait, district 1:

At the same meeting, we did have a quorum and we voted in favor 6 – 0.

**Members of the Westport electorate – no comments**

Mr. Wieser read the resolution and it was seconded.

**RESOLVED:** That upon the recommendation of the Board of Finance and the request by the Director of Parks and Recreation, the sum of \$50,000 to the Capital and Non-Recurring Account to purchase a new Kubota tractor for use by the Parks Department is hereby appropriated.

Dr. Heller: We have a resolution. It's been seconded.

**Members of the RTM – no comments**

**The motion passes unanimously.**

**The secretary read item #7 of the call - Upon the petition request of at least two RTM members, to approve an ordinance prohibiting the application of synthetic infill material on playing fields on Town property. (Second Reading.) The amended ordinance passes 27-0-2; Keenan and Gold abstain.**

**Presentation**

Wendy Batteau, district 8:

I'm not sure there is anybody here who hasn't been at least one, not to say six meetings about this subject. So, I really don't want to go on at length about it; however, there are a few things to say; partly, because I've received emails and phone calls indicating that there is a good deal of misinformation or at least some pieces of misinformation in the

public. The one that is most disturbing to me is 'Why do you want to close down all the fields in Westport?' I just want to assure everybody that nobody, as far as I know, wants to close down all the fields in Westport and that has absolutely nothing to do with this particular proposed ordinance. This is exclusively about not using crumb rubber in artificial turf fields. One thing that perhaps people hadn't heard is that the EPA has undertaken a study starting in 2016 and its study is completed and it's been in peer review and bits of it have been coming out to the public. It's not posted yet but there are a number of people and a number of industry-related groups that have been trying to say that the studies that say that crumb rubber is harmful to people, they are creating mythology saying that it's not what these reports say. That is false. Not only do you have this booklet that debunks all those myths but to quote from the government:

The existing studies do not comprehensively evaluate the concerns about health risks from exposure to tire crumb...Key data gaps included limited exposure information. Specifically, there was limited data and exposure factors, ingestion and dermal (skin) routes of exposure and exposures to tire crumb particles. Additionally, biomonitoring data were very limited and no epidemiological studies were identified.

The Federal Government does not guarantee the safety of this. It has withdrawn any statements it had once made about the safety of crumb rubber. The same thing with the State so in terms of liability and most importantly, from my point of view, moral liability, it's totally unfounded. A couple of remarks people may not know, the United States Agency for Toxic Substances and Disease Registry has this on its site now:

With regard to the content of crumb rubber used as infill in synthetic turf fields, manufacturing processes result in differences among types of crumb rubber. Additionally, the chemical composition may vary highly between different processes and source materials and may vary even within granules from the same origin.

Basically what they are saying is that when you have a crumb rubber field, you have crumb rubber from about between 20,000 and 40,000 tires. They are collected indiscriminately by places that have disposed of them; tires from autobahn in Germany and outside nuclear plants in Tokyo, not to mention Westport, maybe, but guaranteeing nothing. Each granule contains not only crumbs from the tires but also bacteria and so on from all the different places that these tires have been. There is absolutely no company can that can certify, let alone know, what is in one granule let alone 20,000 tons which is the minimum number of tons that are on the field of individual crumbs that grow on each field.

I won't read most of this because you all know it. I will say that adult athletes are able to exercise some control over their exposures. For example, the NFL has removed all of theirs. And the baseball leagues are on their way to 100 percent. Children are uniquely vulnerable to harmful exposures, toxic exposures. They are vulnerable to the health effects of toxic exposures due to a number of factors including their unique physiology and behaviors, stuffing things in their mouths and their noses, falling down and playing, rolling around, their rapidly developing organ systems and immature detoxification mechanisms. When told to use a field, they don't have a choice. Go out and play on the field guys. Guys and young women go play on the field. Potential dangers that playing

on artificial playing surfaces include inhalation problems. There are many, many chemicals, 12 carcinogens and many other chemicals. What has been studied is individual effects of substances. Combinations of substances which often create synergistic effects have not been studied. The chemicals are also volatile chemicals meaning they produce gas so you breathe them in, you eat them. It's very dangerous. Another danger is high temperatures on synthetic fields. Yale University did a study. On a 98 degree day, the temperature on the field surface was 200 degrees. On cooler days, temperatures of 120 to 140 degrees were recorded. In general, temperature of synthetic turf was 86.5 degrees hotter than natural grass. So, of course you get turf burns and heat stroke and dehydration and heat exhaustion and serious blisters even on the feet of kids who are wearing socks and shoes and certainly on their arms and faces and any other skin; also, body fluid contamination, blood, saliva, sweat, etc. Synthetic turf needs to be disinfected after games to insure safety though, in practice, this is hardly ever done. When it's done, it's chemical disinfectants, aka pesticides which adds additional concerns for the health and safety of players. This is something that is a little bit new. One of the more recent developments is the vandalizing of these fields by setting them on fire. Crumb rubber piles and tires have also been known to combust on their own from the heat that they generating by being mixed up together. The toxic smoke that comes out is hazardous not only for those in the vicinity but also for those living in close proximity to where the field is located. So, manufacturers of synthetic turf have begun treating the fields with chemical flame retardants which are linked to endocrine disruptions, neurological impacts and are considered carcinogens. Also, as many parents know, the pellets come home with the kids so exposure on the fields can be brought home. Sometimes I remember finding pellets in my kid's bed. Also, their clothes get stained. Their skin gets stained and, finally, a number toxic chemicals and components from the recycled rubber are soluble in water so when it rains or snows on synthetic fields, particularly when it's been used and there is a lot of dust generated by the deteriorating pellets, the hazards leech and contaminate ground water and soil and they go into the air. Even if we cannot know specifically what exposure each child has had to any number of toxins, one thing we know is that shredded, pulverized tire contains everything in tires and more ingredients including carbon black which is made of dangerous chemicals on its own, phthalates, COCs, PAHs, benzothiazoles, lead, chromium, zinc, nanoparticle additives, proprietary additives, 12 known carcinogens, 90 materials known to be harmful to human and environmental health. No guarantee can be possibly made that users of crumb rubber fields will not be exposed to serious dangers. In the scientific world, something called the *precautionary principle* dictates that if a product raises threats of harm to the environment or human health, precautionary measures should be taken even if cause and effect relationships are not fully established scientifically. With clear scientific evidence available that shredded tires contain hazardous materials that find their way into children's bodies. Are we really willing to take this ethical risk to our kids? We can probably agree that the use of crumb rubber on our athletic fields has to stop.

### **Committee reports**

Ordinance Committee, Brandy Briggs, District 7:

The Ordinance Committee met on September 11, 2018. At first we talked about the proposed ordinance and we talked about the need for an ordinance versus a policy, and the fact that neighboring towns do not have similar ordinances, although Hartford has a regulation similar in language to the proposed ordinance. Currently, Fairfield, New Canaan and Ridgefield still use crumb rubber. We also discussed the fact that we do not let children on our turf fields when the temperature exceeds 100 degrees. There was a discussion about the cost of crumb rubber versus organic infills. Jen Fava explained that five firms reported that maintenance of artificial organic turf fields costs approximately \$50,000 more per year to maintain. We will know more after we complete the proposed study by the consultants. After a discussion of the potential costs and concerns associated with organic infill materials and their longevity, safety, and maintenance, and how to maintain the fields until they are replaced if synthetic infill material is prohibited, the committee made minor revisions to make the language ready for RTM review. Peter Gold made a motion, seconded by Kristen Schneeman, that the Ordinance Prohibiting the Application of Synthetic Infill Material on Playing Fields on Town Property is ready for RTM review. The motion passed unanimously 5-0.

Education Committee, Lauren Karpf, district 7:

The Education Committee met Sept. 13 with the Health and Human Services Committee to discuss the proposed ordinance. Briefly, because the Health and Human Services Committee went into detail, it is expected that two turf fields will be replaced in 2019 (Staples and Wakeman B), and the other two will be replaced in 2020. Everyone agreed that the Town would not replace the fields with crumb rubber/synthetic infill material. In order to determine which infill material to use in the replacement fields, the Parks and Recreation Department hopes to complete a study of all potential materials by early 2019. As we know, it seeks an appropriation from the RTM to hire a consulting firm to conduct that study which is on our agenda next. The committee discussed a few things---whether an ordinance is necessary instead of a policy; potential costs and concerns associated with organic infill materials and their longevity, safety, and maintenance; and how to maintain the fields until they are replaced. There was also concern among committee members about liability for the Town, especially after the date of passage of the ordinance until the fields are replaced, but the Assistant Town Attorney alleviated those concerns. The majority of the meeting centered around how to maintain the fields over the next two years until they are replaced. Until that time, it is possible that the Parks and Recreation Department might need to add crumb rubber to the fields to maintain the integrity and safety of those fields. The committee discussed having relevant parties draft a policy allowing limited use of synthetic infill materials over the next two years until the fields are replaced, but preferred adding the language as an amendment to the ordinance. So, the committee drafted a new first sentence to the ordinance. Thus, the amendment to the ordinance reads as follows:

The application of synthetic infill material on any existing playing fields on Westport Town property shall be permitted only on an as needed basis to maintain health and safety standards as determined by the Parks and Recreation department on and after the effective date of this ordinance.

A motion was made by Ellen Lautenberg to recommend that the RTM pass the ordinance as written. A second motion was made by Kristin Purcell to amend the motion to recommend that the RTM pass the ordinance and recommend that the RTM approve an amendment to the first sentence of the ordinance with the amendment that I just read. The motion to recommend approval of the amendment passed by a vote of 4-2. A motion was made to recommend approval of the ordinance to the RTM with the amendment. It passed 5-0-1, with Ellen Lautenberg abstaining.

Health and Human Services Committee, Jack Klinge, district 7:

Lauren did a wonderful job summarizing both the Education Committee discussion and the Health and Human Services Committee discussion. I'll just mention who was in attendance at the meeting. It's kind of a who's who of all the relevant people. In addition to Committee members the following were also in attendance: Ned Batlin - Westport Police Department, Elio Longo - Westport Schools, Eileen Flug - Westport Town Attorney, Karen Kleine - Board of Ed., Jen Fava - Parks and Rec., Marty Lisiveck - Staples High School Athletic Director and Elaine Daignault - Director of Human Services. It basically did come down to not whether crumb rubber should be used in fields in Westport. We all agreed the preponderance of data and evidence that Wendy presented should preclude us doing any more fields with crumb rubber. You'll hear from Jen Fava that we have a two phased approach to replacing four fields; the first two in 2019, the Staples football field and Wakeman B. These are the two oldest fields, most in use and most in need of replacement. Phase Two should be completed Summer 2020 - PJ Romano PAL football field by Saugatuck and Ginny Parker Field where the Staples girls play field hockey and lacrosse. You heard about the amendment discussed by the Education Committee. The issue is basically how do we keep the fields maintained before they get replaced. Maintenance will require the addition of more crumb rubber to keep them safe and fully operational. Eileen Flug was there and listened to the amendment you heard about. She feels confident that, should there be an issue with anybody challenging the Town's right to have their kids playing on a field with crumb rubber, after this is passed, if it is tonight, that we can defend any liability charges or claims. Our committee voted. Amy Kaplan moved to approved the ordinance as written. There were no amendments suggested or offered. It was approved by a vote of four in favor, one opposed and one abstention.

Parks and Recreation, Mr. Tait:

First, I want to thank the Ordinance Committee for all the hard work you did on this and Wendy for all the information. It is appreciated. When the committee met, they had concerns of the original ordinance which would not allow maintenance of the existing fields, as you've heard, to add more crumb rubber by Parks and Rec. The amendment proposed which is in your packet does allow the maintenance of the crumb rubber fields until we replace the fields. The amendment was read and Jen stated, by the way, that this is a priority for her and if she can do it earlier, she will. The replacement of the fields, as Jack said, there will be two fields in 2019 and two fields in 2020. If Jen can do it earlier, she will. Jen also stated that she anticipated an increase in cost possible for the new fields. The committee decided to vote on the amendment and the ordinance. The committee voted all in favor of the amended ordinance.

**Members of the Westport electorate – no comments**

Mr. Wieser read the resolution and it was seconded.

**RESOLVED:** That upon the petition request of at least 2 RTM members, an ordinance prohibiting the application of synthetic infill material on playing fields on Town property is hereby adopted. (Second Reading. Full text is as follows.)

**An Ordinance Prohibiting the Application of Synthetic Infill Material on Playing Fields on Town Property**

The application of synthetic infill material on any existing playing fields on Westport town property shall be prohibited on and after the effective date of this ordinance. The creation of any new or replacement playing fields on Westport town property using synthetic infill material shall be prohibited on and after the effective of this ordinance. For the purposes of this ordinance, “synthetic infill material” means ambient and cryogenic crumb rubber, coated crumb rubber, ethylene propylene diene monomer granules, and recycled footwear.

Dr. Heller: We have a resolution. It’s been seconded.

**Members of the RTM**

Ms. Karpf:

As I discussed a few minutes ago, I’d like to make a motion. Before I make the motion, in case it wasn’t clear because there were so many committee reports, I’d like to explain how we came to this. We were somewhat at an impasse at our meeting because, on the one hand, we were all very much in favor of this ordinance and really believe in the purpose behind it and obviously we are so grateful for the time that was spent on it; on the other hand, we need fields for the next two years and if the fields need to be maintained and there are uneven areas, to maintain the safety of the fields, crumb rubber needs to be added. We don’t know if it will but if it does, fill would have to be put in. So that is how we came up with this ordinance to hopefully give a little to get a lot. That was how we viewed it.

So, I would like to make a **motion to amend the motion** so that the first sentence of the ordinance would read:

The application of synthetic infill material on any existing playing fields on Westport town property **shall be permitted only on an as needed basis to maintain health and safety standards as determined by the Parks and Recreation Department** on and after the effective date of this ordinance.

Seconded by Ms. Rea.

**Members of the Westport electorate – no comments**

**Members of the RTM**

Ms. Batteau:

I support this amendment; however, I wish to point out that this is taking a leap of good faith. There is nothing that commits Parks and Rec. to not keep putting crumb rubber on these fields for perpetuity. It says that it is solely within their discretion. It's a matter of good faith. We've heard from the Director of Parks and Rec. that they are going to replace two fields in '19 and two in '20. Then we are not going to be making any more crumb rubber fields per the ordinance. Right now, should Parks and Rec. say they will wait for a while and will just keep putting on crumb rubber, they can do it.

Carla Rea, district 8:

I would like to put on the record that the Director of Parks and Rec. has said she will not exceed these four years. Can I have Jen Fava here to confirm that it's the plan. I have seconded this motion with the idea that someone should put a date on it. I believe they can be trusted.

Jay Keenan, district 2:

Jen Fava can't approve the money to replace the fields. Only we can so we can't make her promise to replace the fields because we have to vote to approve the money. That's my opinion.

Ms. Rea:

I'm really worried about not having a date. We should have a date and have them accountable to that date.

Peter Gold, district 5

If we are going to do this, we should have a date somewhere. To Jay's point, we are not requiring her to approve money to the fields, we are just saying if you don't do it by this date, you can't do it with crumb rubber. You have to do it some other way. Maybe two years is too short; maybe four years. If we are going to do this at all, there should be an end date.

Seth Braunstein, district 6:

I share some concerns that are similar to Carla's but my overriding concern, frankly, is any delay at all in the process that would ultimately result in the replacement of these fields. Because while we are all here tonight supporting the great work that Wendy has done to introduce this ordinance, I think perhaps there is a more immediate concern. The state of the fields, putting the cancer risks aside, frankly, are perilous at this point and there are more immediate concerns such as orthopedic injuries, concussion risks for the athletes that are using them currently. So, I think, based on the conversations that have been had, that we are well along in the process that will ultimately result in replacing the fields. I actually, at one point, thought that I wouldn't support the amendment to force this issue but I don't think that would ultimately be productive. We do need to provide some leeway in order to maintain that the fields can be groomed and maintained properly. I would not be averse to some sort of expiration date but I think we ought to be mindful the process of working towards a process that will make sure those fields are replaced forthright. As Jay pointed out, ultimately, the expense is going to come back to this body and we're going to need to approve them. The next on the

agenda, the funding for the consultant is, hopefully, going to be the immediate step in the process. I think before we leave here this evening, we need to make sure we are all of a similar mind to get this completed.

Kristin Purcell, district 1:

We had some concerns, as well, in the Education Committee meeting and Jen, you were able to address those concerns---the seasonality, the appropriation cycle. Could you maybe give us an update on why the effective date is not necessary at this point?

Ms. Fava:

This was brought up in a couple of different committees. Where we are with the condition of these fields, we are done kicking the can down the road. We don't have that option so this is something we need to act on quickly. That's why I have said we don't need an actual date because, otherwise, as was stated, we may end up having to close fields which is not something we want to do. We want to make sure we have the appropriate facilities for all of our youth which I'll get into in the next agenda item. So, I don't think that's a concern. I had also stated in many of those committee meetings that if we were able to push up those fields that were scheduled to be in 2020, that we would try to do so. The issue is scheduling at that point. The reason we are saying the summer is it is while kids are not in school. We are limited in that sense. There is also a concern if there is weather or other things that might come up which is why we didn't have an actual date. I will say that this is a priority. This has got to be done. As far as we are concerned, there will not be any delay on our part.

Ms. Batteau:

As I said before, it's kind of an act of faith, a leap of faith. I think I would like to offer an amendment to the amendment that simply says

The Parks and Rec. Department will use its best efforts to insure that the four crumb rubber fields will be replaced by 2021.

I don't have the amendment in front of me so it would either go at the end of the amendment but I think it's better where you suggested at the end of the ordinance. It's just a best efforts clause.

Dr. Heller: We need the wording of that.

Ms. Batteau:

**The Parks and Recreation Department will use its best efforts to insure completion of the replacement of the four existing crumb rubber turf fields by the end of 2021.**

Seconded by Ms. Rea.

**Members of the Westport electorate – No comments**

[sneeze]

**Members of the RTM**

Mr. Wieser:

Let the record reflect, bless you.

We have a great ordinance, well thought out amendment. We have a public declaration by the Director of Parks and Rec. I don't think we need this best efforts thing which really complicates it and I'd like to get rid of it really quickly. I don't think it adds anything to the conversation.

Lee Arthurs, district 8:

I'd like to call up Eileen Flug. I don't want to put her on the spot but I am curious about what it means to add this language to the ordinance.

Eileen Flug, Assistant Town Attorney:

It would be a best efforts clause so it's not that enforceable.

Mr. Arthurs:

Does that mean you don't think it would make any difference in the effectiveness of it?

Ms. Flug:

I think it would serve as a reminder to get the fields done in two years but I don't think it would be an enforceable deadline. I guess in the worst case scenario if somebody claimed that there weren't best efforts, it's not quite certain what the consequences would be.

Mr. Klinge:

I'm kind of in the same mind as Jeff Wieser. I am going to defer to the Town Attorney. I would not like to see an ordinance that says "Best efforts with a cut off date". That's not the way we write an ordinance. It's just inappropriate and not necessary. I move to vote down the latest amendment on the floor.

**The amendment to amendment fails 5- 22- 2; Abstaining: Batteau and Arthurs**

Dr. Heller:

The amendment is in Education Report, a new first sentence.

The application of synthetic infill material on any existing playing fields on Westport town property **shall be permitted only on an as needed basis to maintain health and safety standards as determined by the Parks and Recreation Department** on and after the effective date of this ordinance.

Mr. Mandell:

I'm not sure why we're saying anything about an effective date because once it becomes an ordinance, it is not an issue. I don't know why we need that part of the language. I don't want to go into another amendment to cut that verbiage out because I think it's superfluous.

Dr. Heller:

I believe the Ordinance Committee put it forth. Education Committee... would you like to comment on it?

Ms. Karpf:

First of all, it doesn't do any harm but it refers back to the standards as determined by the Parks and Recreation Department on and after the effective date so that was why we had it in that sentence but it doesn't change anything.

Mr. Gold:

I serve on the Ordinance Committee and one of the big debates that we had in the Ordinance Committee, we have a checklist and the question on the checklist is, 'Is an ordinance the only way to accomplish the goal?' Obviously, we could do this by regulation without an ordinance just like Hartford did by regulation without an ordinance. The reason that was put forth for needing an ordinance rather than by regulation is that we didn't want to have to rely upon the Parks and Rec. Department's judgment and goodwill to not use crumb rubber. The amendment that is being proposed permits the Parks and Recreation Department to use its judgment forever to put crumb rubber on the fields or not to put crumb rubber on the fields. Yes, I know they say they are going to replace them but budgetary things come up and priorities change. Things can happen. That was the whole purpose in having an ordinance. I am generally against doing things by ordinance if we can do them by regulation. I can see no reason to have this language in here to have an ordinance. I will vote against this language. I am staying with the ordinance.

Christine Meiers Schatz, district 2

If a specific date were put in the ordinance, what vote by the RTM would be required to change that specific date if at a later time that date was no good?

Ms. Flug:

The RTM can amend ordinances by a majority vote the same way the RTM can adopt ordinance.

Ms. Meiers Schatz:

I don't want to say that that's the way to go but I throw that out there as another possibility. A specific date could be chosen and changed at a later time if people want a specific date.

Ms. Batteau:

The fields need to be replaced. That process is being started. The amendment does indicate that the amount of crumb rubber is the minimum to be used to insure health and safety in playing on the fields. I think it's okay. It's a leap of faith and I think it's okay.

Kristin Schneeman, district 9:

I just want to say I do think it's important to put these kind of issues into an ordinance because it is a statement of our principles as a community so I support it from that perspective. From a legalistic perspective, maybe it doesn't belong in an ordinance. Maybe it belongs in a regulation. It is an important statement of our principles as a community and an important signal to other communities about what we value. I think we consider ourselves a very environmentally progressive community and have demonstrated that in other ways so I view this in concert with that. I was supportive of the amendment to allow repairs to the fields in the interim since we can't replace them tomorrow. I don't think people are supportive of the idea to not allow kids to play on them at all until they are replaced. So this is a common sense compromise to allow Parks and Rec. to repair them so they meet whatever safety standards of how a playing field should be up kept to make sure the kids are safe from injury when they play on them. It seems like a common-sense compromise. I advocate voting for the amendment and then for the ordinance.

**The amendment passes 25-2-2; Opposed: Gold, Friedman; Abstaining: Batteau, Hamlin.**

Ms. Karpf read the full ordinance as amended:

**An Ordinance Prohibiting the Application of Synthetic Infill Material on Playing Fields on Town Property**

The application of synthetic infill material on any existing playing fields on Westport town property shall be permitted only on an as needed basis to maintain health and safety standards as determined by the Parks and Recreation Department on and after the effective date of this ordinance. The creation of any new or replacement playing fields on Westport town property using synthetic infill material shall be prohibited on and after the effective of this ordinance. For the purposes of this ordinance, "synthetic infill material" means ambient and cryogenic crumb rubber, coated crumb rubber, ethylene propylene diene monomer granules, and recycled footwear.

**Members of the Westport electorate – no comments**

**Members of the RTM – no comments**

**The amended ordinance passes 27-0-2; Keenan and Gold abstain.**

**The secretary read item #8 - To approve an appropriation in the amount of \$85,000 with bond and note authorization to the Municipal Improvement Fund Account for the design services to replace four (4) synthetic turf fields and the Staples running track. The motion passes unanimously.**

**Presentation**

Ms. Fava:

First, I want to make it clear that this is not a study. This is for actual design services. This is not something that is going to be stuck on a shelf somewhere and not looked at. As has been talked about, the Town currently has four synthetic turf fields, all of which are coming to the end of their useful life. Typical life expectancy is 8-10 years, ours are currently 11 and 12 years old. The replacement of the turf can no longer be delayed, as each year they get closer to no longer meeting safety standards. The Town and scholastic athletic programs have high participation rates as our fields (all fields) are used by more than 7,000 users and are scheduled more than 18,000 hours of use annually. The synthetic turf fields are essential to being able to provide the facilities needed by this very active community. The Staples running track, which is also part of this, is 20 years old, and has cracks and bubbles with heat and is extremely worn. There are photos in your packet that show the wear and cracks that I have mentioned. As the replacement of both the synthetic turf fields and the running track require expertise in this field, an RFQ was issued in order to acquire a highly qualified firm for this project. It is important for the Town to have the proper guidance through this process. As noted in my memo, five firms were interviewed and asked to submit price proposals. A working group comprised of representatives from the Town and the Board of Education, as well as citizen representation has been formed. This group interviewed the firms and ended up selecting the low bidder as the firm felt to be able to provide the proper guidance and expertise through this process at the most reasonable cost. My memo outlined the scope of what the firm will provide, but most importantly it will provide testing services to help establish for both the fields and the track, whether or not any changes need to be made to the sub surfaces, and will help us to determine the best possible solution for the Town of Westport when it comes to the system and infill to be used on the synthetic turf fields. As stated in my memo, they will be providing us with the pros, cons, and cost estimates for a variety of systems and infills so that the working group and the various bodies can make informed decisions throughout this process. Again, I just want to share, even without the crumb fill, there are multiple options; there are pads, there are a variety of things which is why we need the expertise from the design firm. The current plan is to replace two fields, Staples Stadium and Wakeman B, and the track during the summer of 2019, and replace the remaining two fields, PJ Romano and Ginny Parker, during the summer of 2020. Based on the information we have received so far, we anticipate that the bidding of the actual construction will probably go out in December or January in order to get the best possible pricing, and will request pricing for a variety of infill options. This will allow us to receive better pricing, while still providing us with additional time to continue our determination of the best infill for each field. Once those decisions have been made, we will then be coming back to the funding bodies for funding of the actual construction. As there is concern regarding these fields being replaced in a timely manner, as I have stated in various RTM Committee meetings, if we can move up the timeline on the fields slated for 2020, we will; however, much of that may be determined on the ability to provide alternate field space during the time of construction. So, tonight, we are requesting an appropriation in the amount of \$85,000 which will be bonded along with the larger construction project through a 10-year bond. Based upon approval tonight and contract approval by the Board of Selectmen, we plan to start this process

immediately so that we can complete construction on the Staples Stadium and Wakeman B fields and the Staples Running track over the summer of 2019.

### **Committees report**

Parks and Recreation and Finance Committees, Mr. Braunstein:

Jen's presentation was very comprehensive. There is really nothing that I would add to that. I would just provide a synopsis of the voting. All six members of the Parks and Recreation Committee voted unanimously in favor. The RTM Finance Committee did not have a quorum but the three members that were present also felt they would support this measure.

### **Members of the Westport electorate**

Jim Marpe, First Selectman:

This is a first, you telling me to spend more money faster. Mark this night down for posterity. I think you've heard it several times. Synthetic turf fields are using the end of useful life if not there already as is the running track. Thanks to the foresight and commitment of schools, parents, and the Town leaders over 15 years ago, we are fortunate enough to have these artificial turf fields. We recognize now that perhaps the infill is not what we would desire; the ordinance you just passed makes that quite clear. But as a result of having these turf fields, thousands and thousands of young people adults as well have been able to use recreational opportunities that might not otherwise have been available. So, I encourage you to pass the request for funding for the design efforts. That's the first important step in the installation of new synthetic turf fields that will allow us to in fact go along with the spirit of the ordinance. We are as committed as anyone in this room to making that happen as fast as possible and as practical as possible and we'll be back to you very soon for that request to make that implementation happen. We are asking for a positive vote on this request.

Mr. Wieser read the resolution and it was seconded.

**RESOLVED:** That upon the recommendation of the Board of Finance and the request of the Director of Parks and Recreation, the sum of \$85,000 with bond and note authorization to the Municipal Improvement Fund Account for the design services to replace four (4) synthetic turf fields and the Staples running track is hereby appropriated.

Dr. Heller: It has been moved and seconded.

### **Members of the RTM**

Ms. Schneeman:

I just wanted to say thank you Ms. Fava for your accelerating this process and I wanted to ask in this setting whether you would ask the consultant to consider natural grass as a comparator. I've heard loud and clear that it is unlikely we would go in this direction. I am not an expert in this field and I certainly don't know all of the pros and cons of all of the surfaces including natural grass. I think when it comes to select a surface to replace the fields, it may be helpful if we see it all laid out, e.g., Twice as expensive or requires four times as much maintenance. I just feel like it would be helpful for me, at least, when

we get to that point in the process to have that as one of the options and not have the question in my mind about 'What happened to grass?' I'm just wondering if that is something you would at least ask them to put in their report.

Ms. Fava:

We were not planning to. I'll explain why. We can ask them for pricing on that. The reason we were not asking is because the use on grass fields is no where near the ability of what we have on turf fields. It has to do with drainage. Any time it's wet, frozen, so early spring, late fall, we really run into issues where you can get onto them with synthetic but you can't get onto them with natural grass. Again, that is something we can ask them for some pricing for comparison.

Ms. Schneeman:

That is the kind of comparison information I think it would be helpful to have it all laid out next to each other.

Ms. Batteau:

Thank you all. You have done a very good thing. We just closed down a school for mold reasons. You have done a very good thing. On to this. I support this. I don't know if anybody has read the RFP or RFQ. One of the items on it says, the consultant who has been selected already, it's Malone and McBroom:

Will provide input on various types of infill as it pertains to any associated health risks and performance in northeast conditions.

The toxicologist who is associated with this company has gone on the record numerous times in numerous places saying that she finds no reason to think that crumb rubber is harmful. I would like to request that more than one opinion be obtained as to the health considerations. I don't know how to effect that. I do want to vote for this but I do not want to vote for that specific clause as written.

Ms. Fava:

That is part of the RFQ. That was what was put out there. I don't know that it matters if crumb rubber is no longer an issue. I don't see that it would come into play at this point.

Ms. Batteau:

Because it doesn't demonstrate very good research or judgment. It's not a problem if there's more than one person whose opinion we're going by.

Ms. Fava: Your point is taken into consideration.

Mr. Friedman:

Thank you for the report and the work you've done on this. I want to echo the concerns that Ms. Batteau made as well as Ms. Schneeman. I would be really interested in getting some information about grass, maybe for one of the fields out of four. Also, I don't want to put you on the spot but there are 18,000 hours which you say is significant. Maybe at a later date, if not now, we could get some information on how many fields that is spread across.

Ms. Fava: I believe it's 23 fields in total.

Mr. Friedman: That covers it for now. Thanks.

Mr. Mandell:

There are, I believe, five of us in this room who voted for the original fields: Mr. Wieser, me, Lois Schine, Velma, maybe Carla and Jack Klinge, maybe five or six. A little institutional memory, we voted for it back then and the initiating back then came from a private organization. One of the things that was mentioned at that time was that once we start going down that road, the finances will be a burden on the Town. Here we are looking at four fields and the burden is the Town. The question is, the same organization that raised money originally, is there any discussion of them coming with a donation again to help the Town with the fields. I'm just curious. Here we are 13 years later.

Ms. Fava: At this time, we have not had any formal discussions with them.

**By show of hands, the motion passes unanimously.**

**The secretary read item #9 of the call - To approve an appropriation in the amount of \$270,000 with bond and note authorization to the Municipal Improvement Fund Account to install a pedestrian walkway including picnic table pads along Compo's South Beach. The motion passes unanimously.**

### **Presentation**

Ms. Fava:

As I believe you are all aware, the idea of safe pedestrian walking trail/path was one of the top items that came up as desired through the charrette that was done as part of the process of the Compo Beach Master Plan that took place in 2013 and 2014. In March of 2015, the Parks and Recreation Commission, accepted the recommendation to create pedestrian circulation that is separated from automobile traffic. Using the funding received for design in 2016, (By the way, you'll remember from our site visit, there was a little accident of an RTM member backing up into a cyclist...couldn't have planned it any better) but we have been working with an architecture firm to create this important improvement to Compo Beach which will continue the walkway that was completed along the east beach in 2017 to go along the south beach and connect to the walking path located by the marina. As indicated in the plan that was included in your packet, we have included what we call "picnic table pads" which will provide four cement surfaces where we will place wheelchair accessible picnic tables and grills so that people of all abilities can enjoy the same experiences that many Westporters experience on the south beach. This walkway will help us to fulfill our efforts to serve the entire Westport community from the very young who are in strollers, to those who want to walk for exercise in a safe environment, to seniors and those with special needs. It is our duty to provide opportunities for people to recreate safely and to provide

facilities where everyone can have the same positive experiences. As we went through the project approval process, there have been 10 separate public meetings or hearings at which this project was reviewed and received unanimous approval from all of the required bodies and support of the project by the Commission on People with Disabilities, the Commission for Senior Services and the Human Services Commission as indicated by the letters in your packet. Comments and suggestions were made throughout the process by both the public and various boards and commissions, and modifications were incorporated into the final designs based on those comments. As indicated in my memo in your packet, eight bids were received ranging from \$171,384 to \$378,476. Through the DPW vetting process, it was determined that the two lowest bidders were not qualified for the job and, therefore, the lowest qualified bidder was selected. As broken out in the memo there are also additional costs for asphalt repair, the wood guiderail, construction oversight, and contingency bringing our total appropriation request to \$270,000. This project will be bonded through a 20-year bond. If granted funding tonight, we hope to have contracts approved by the Board of Selectmen so that we can start this project right away. Therefore, we ask that you support this appropriation request in the amount of \$270,000. For questions, we have Steve Edward, former Director of DPW, who is working as a consultant for us on this project. We can both answer questions.

### **Committees report**

Finance and Parks and Recreation Committee, Mr. Tait:

As Jen stated, this has been an ongoing process with Compo Beach. With the cost, she did stay with the concrete that is going to be used which is thicker than what the State uses and it has rebar in there and it will supposedly last for years unlike with Sandy, you saw some of the State roads torn up right away. She said it was built to last plus she is including the picnic tables which is a great idea. Everyone on the committee was in favor of this funding. The Finance Committee and our Committee was myself, Seth, Kristin, Jessica, Jack and Jimmy. There were six of us. The Finance Committee did not have a quorum.

### **Members of the Westport Electorate**

Mr. Marpe:

Madam Moderator and members of the RTM:

I ask your support for the funding of the walkway at Compo Beach. The installation of a similar walkway on east beach has proved to be immensely popular with beachgoers of all physical abilities and has demonstrated that such a walkway can exist without disrupting access to the beach or the view and can help improve safety of walking through the beach area. Most importantly, this walkway continues to expand our commitment to allow access and enjoyment of Compo Beach to as many beachgoers as possible regardless of their age or physical mobility. It makes it accessible to all residents of Westport. So, I hope you will approve the appropriation and the funding for this important project and one that reflects the best of what Westport has to offer.

Mr. Wieser read resolution and it was seconded.

**RESOLVED:** That upon the recommendation of the Board of Finance and the request

of the Director of Parks and Recreation, the sum of \$270,000 with bond and note authorization to the Municipal Improvement Fund Account to install a pedestrian walkway including picnic table pads along Compo's South Beach is hereby appropriated.

Seconded by Ms. Rea.

Dr. Heller: It has been moved and seconded.

**Members of the RTM**

Ms. Rea:

Chris, the reason I asked you about who was present was because I wasn't there. I am in favor of this project. I have a question. When we did the other sidewalk, I asked you if you put the same type of asphalt on the other walk around the marina, the red gravel that nobody walks on because it's so dangerous. I noticed that so far that has not been addressed. Are you able to address it this time when you do the sidewalk?

Ms. Fava:

That area was not part of this bid but we are planning to do that in our next step so it is consistent and easier to walk on.

Ms. Rea;

Does that mean you are going to have to come back to us for money? I'm sorry you didn't come this time.

Catherine Calise, district 2:

To start, I have some questions. This is the plan for the beach that is currently on the Parks and Rec. website. Is this the current plan?

Ms. Fava: That was a preliminary plan. The current plan is in your packet.

Ms. Calise:

I wanted everybody to be aware of the plans in process. It went from a plan to plan number three. The reason I liked this plan was because it had an interior sidewalk. It didn't affect anything on the beach for safety reasons, for a number of reasons. I don't have the current one. My question is, the plan as it is right now, without any sidewalk, with the current guardrail, do you plan to have the sidewalk extend from the east beach sidewalk all along south beach? There is an open area in front of the cannons and over by the trees. Is the sidewalk going to be there and where would a guardrail be in front of that section?

Steve Edwards:

The sidewalk would be continuous from the east beach sidewalk all the way up. The guardrail will be the front edge of the new sidewalk. That will push the cars back seven feet. That means everything will be transposed back. The sidewalk will run all the way from the existing sidewalk to the roadway up by the kayak storage and cross over to the

marina. There will be access. The sidewalk can be driven over. The guardrail will not be in place by the canons or up by the jetty. Access will still be provided to the beach, the religious services or other access. The guardrail will be discontinued by the canon and the upper end.

Ms. Calise:

How many feet, how much open space will you have. Will it be exactly the same as it is now?

Mr. Edwards: The same access that presently exists will be maintained.

Ms. Calise:

So, we have sidewalks that can be driven over for religious activities and if someone wants to have a clam bake, those are heavy; the beach will be accessible. My other concern was a safety concern. We've been told about cyclists behind cars. On the east beach sidewalk there is a sign that says there is no skateboarding and bicycle riding on the walkway. It is strictly for the use of pedestrians. The concern of someone backing into a cyclist or a skateboarder is still going to be there. That's not going to be alleviated; it will still be an issue. Another concern I have is the cost of building the sidewalk and the railings and the asphalt, there is going to be an additional cost to move the road back 14 feet and repave that whole area. So, I'm wondering if we have an idea of the cost for that and if that has been included in the \$270,000.

Mr. Edwards:

Yes. That is the asphalt and it will provide seven feet on the other side of the roadway.

Ms. Calise:

My main concern was environmental concern. If you look at the DEEP website, it talks about preserving the beaches and the sand dunes and not developing those areas. I still have concern because it is a different use of the beach. South beach is a very active part of the beach so I'm not sure if a pedestrian walkway is a good idea with cross traffic. But I do like the benefit of the picnic pads for handicapped people so they can enjoy picnicking as well. So, while I'm not a fan of the project for other reasons, I would have to support the project for the handicapped.

Kristin Hamlin, district 4:

I also am in favor of the sidewalks in order to facilitate things for the handicapped. I just want to clarify a few things regarding the environment. The area where there are trees, sort of drains towards south beach and the impervious sidewalk. Will the impervious space, I heard we are increasing the impervious space by about 10,000 feet. Is that correct? 6,300. When these items drain toward this impervious space, will this cause problems instead of draining into the sand on the beach?

Mr. Edwards: inaudible.

Ms. Hamlin:

You have said that the pickleball court is asphalt and front of it is asphalt and all of that drains toward the beach. You are saying that adding 10,000 feet of impervious space will not cause an environmental problem with the runoff.

Mr. Edwards: Cars are parked there. It is all gravel.

Ms. Hamlin:

The area that is identified as a bathroom, that could be completely removed as impervious space. Is that correct? If you did that, it would decrease impervious space, correct?

Mr. Edwards: Anything you take out of there decreases the impervious space.

Ms. Fava:

I just wanted to mention that the Conservation Commission and Planning and Zoning both approved the sidewalk unanimously.

Louis Mall, district 2

I don't want to look at this in a vacuum because \$270,000 for the sidewalk, we also have coming up \$840,000 for the bathrooms near the pickle ball court; so, that's \$1,110,000, a number I really gulped over. I want to stop for a moment and say the sidewalks we added at the east beach were one of the best additions that we've made at the beach. I'd like to thank the Parks and Rec. Commission and the First Selectman and the Parks and Rec. Department for putting that in. I also thought that the magic carpet that was installed this summer, I've just sort of taken in who's using these things. It was used quite often. I think those were really great additions. I am a little astounded at the \$1,110,000. I'm all for adding the sidewalk to the south beach and I'm all for the pads for the special needs and handicapped and so forth. We're making a concerted effort to include everyone in the use of our parks facilities. The \$1,110,000 is something and it comes to bathrooms that we'll be taking up next time. What I'd really like to say is I hope we sharpen our pencils when we come in for the approval of the \$840,000 in November because I think it's quite inflated. Carla's comment about the gravel stone sidewalk, actually, I do use it with my wife when we're down there so I would rather see money spent elsewhere in our parks system rather than turning it into sidewalk. One of the things is that our streets in very narrow in this Town and to have safe pedestrian sidewalks to go for a walk, the beach becomes a destination. It becomes an activity in and of itself. I was down at Compo this afternoon at noon and there were about 20 people all walking and there were a few bicyclists and so forth. No one was sunbathing; no one was picnicking or anything else. It was a safe place to go for a walk. We don't have that in some residential neighborhoods. You don't have sight lines; you have narrow roads. So, I think that this sidewalk addition is very important and I will support it but I caution that \$840,000 for a bathroom is really expensive.

Ms. Batteau:

I just wanted to say I consulted Alicia Mozian over the question of the runoff onto the beach with the impervious surface and she didn't have a problem with it.

Karen Kramer, district 5:

I'm pretty much with Lou Mall. We need the sidewalks. Looks like a great plan. I'd just like to know exactly what spaces are in between where people get to go on the beach.

Mr. Edwards:

The access to the beach will be the exact same like on the east beach. The railing will be open every other car space so you will have railing, open, railing, open. The spaces we talked about before are only for the larger vehicles to get equipment on the beach but access will be all along the railing.

Ms. Kramer:

I think this sounds fabulous. I'm with Lou in trying to keep the cost down. We should keep the beach the best Westport has to offer. As long as we can do that, I'll be satisfied.

Mr. Mandell:

Last weekend we spent in Delaware along the beach. What I enjoyed there was walking down the boardwalk. This is our boardwalk and it's a wonderful thing and the sooner the better to get completed. The first segment of this was great, well done and when you see moms pushing carriages or old folks pushing their perambulators, it's a wonderful thing. To get everybody out there, it's a wonderful thing. I appreciate it. To Kristan's point about where the bathrooms are going to be, jack hammering and making it a non-pervious surface, wherever you stick the bathroom will be a pervious surface so it's sort of a one to one. One suggestion in terms of east beach, it's something that people are doing around the country is back-in parking. I don't know if that is a possibility. The reason for it is many people use the beach at night and when they go to their cars, they turn on their cars and the lights come on to the beach and sort of destroy the ambiance. If cars could park back-in, they could unload easier and it will increase the ambiance of the beach. I'm wondering if that's something you might think about moving forward, Parks and Rec. Commission or at least signs, but some cars' lights are automatic. I would like to see that happen because if you're out on the beach with a fire and playing guitars and someone turns on the lights, it kind of ruins it. So, if we could keep the lights down, we could improve the experience there.

Mr. Tait:

Like Lou, the concerns I have are on the cost. Could you say how you came up with that cost.

Mr. Edwards:

The interesting component on this is that the sidewalk cost is almost identical to the east beach sidewalk cost. In this case, we have 1,200 linear feet of sidewalk being added for \$200,000 which is \$167/foot. On phase one, we had 550 linear feet. That was for \$84,000 which was \$155/linear foot. With the added four picnic pads, it shakes out to be almost the exact same per linear foot. It is rewarding that we were able to get the same price two years later. With inflation, I was very happy to get that price. We are

looking at a large chunk of concrete. Some people would say, if you put a state highway in, their sidewalks run about \$50/linear foot. This is a 44 inch deep concrete cut off wall and it's there so that it stays there. We won't have undermining. The intent is that the water will come up on the sidewalk and flush over it and there is a cut off wall on the water side. We're talking about a lot more concrete. We are talking about #4 rebar. A #4 rebar has a sizeable chunk of steel in there. Again, the State standard is a wire mesh. We are talking about eight inches of concrete, the thickness of a mat. This is a substantial concrete structure. This is not your run of the mill sidewalk. We put it there and it's going to be there.

**By show of hands, the motion passes unanimously.**

**The secretary read item #10 of the call - To approve an appropriation in the amount of \$196,000 to the Sewer Reserve Fund Account for the replacement of one Bar Screen Rack and Skylight at the Westport Water Pollution Control Facility. The motion passes unanimously.**

### **Presentation**

Pete Ratkiewich, Director of Public Works:

There is a little bit of an error in the call. We are not actually replacing the skylight. We are removing the skylight to put a piece of equipment into the water treatment plant and then we will be replacing the same skylight. Bar rack screen is a preventative maintenance item. The sewage treatment plant operates 24/7/365 so we want to make sure that all the moving parts in it continue to move. This is an essential front line device for the removal of paper, cloth and plastic debris from the sewage waste stream. This device, when working, removes about two cubic yards of material every week from the stream. We have two mechanical racks so we can alternate their use. If one goes down, we have the other one. We also have a manual back up rack. Again, this is preventative maintenance. This is in the capital forecast for this year and we'd like to replace the second one in two years. So what they will do is come in, remove sky light, reach down into the plant, pull this rack out of the piece of equipment that it is attached to and replace it with a new one.

### **Committees report**

Public Works Committee and Finance Committee, Mr. Keenan:

Public Works and Finance met on Sept. 30. I was going to point out the correction in the packet but Pete stole my thunder on that one. The waste treatment rack is \$196,000 and is being paid for by sewer fund. The sewer use fund is paid for by the user fees. If you do not have a sewer, you are not paying. So, it is totally funded by people who actually use the sewer. Both committees voted unanimously to approve.

**Members of the Westport electorate – no comments**

Mr. Wieser read resolution and it was seconded.

**RESOLVED:** That upon the recommendation of the Board of Finance and the request

of Director of Public Works, the sum of \$196,000 to the Sewer Reserve Fund Account for the replacement of one Bar Screen Rack and Skylight at the Westport Water Pollution Control Facility is hereby appropriated.

Dr. Heller: We have the resolution stated and seconded.

**Members of the RTM – no comments**

**By show of hands, the motion passes unanimously.**

**The secretary read item #11 of the call - To approve an appropriation in the amount of \$25,000 with bond and note authorization to the Municipal Improvement Fund Account for the engineering, design and permitting of a replacement for the Burying Hill Beach Jetty. The motion passes unanimously.**

**Presentation**

Mr. Ratkiewich:

This jetty is built around the New Creek outlet that comes down through Burying Hill Beach. It is in a state of disrepair. It was probably built sometime in the 30's or 40's. We don't have the records of when it was constructed. In your packet, there are some photographs of the current state of repair. If the jetty were not there, there would be migration of sand into New Creek and New Creek would probably push it out into the ocean which would mean we would have to renourish the beach. That is only in certain wind conditions where the wind is coming in from the east or northeast. More importantly, it is protecting sand movement on the beach. It is part of the Burying Hill Beach design. Because it is in disrepair, it is somewhat of an unattractive nuisance and we don't know if it would collapse with anyone climbing on it. We have had some complaints from the public. This request is for the design and permitting. About \$6,000 of the \$25,000 is for the permitting and the rest is for design.

**Committees report**

Public Works Committee and Finance Committee, Mr. Keenan:

This was the same meeting between Public Works and Finance. The cost was \$25,000 which would be to the Capital and Non-recurring account. It is for the design and permitting process. The permitting process will get through DEP, EPA and the Army Corps of Engineers. Mr. Ratkiewich mentioned that they would probably be back next year for funding to actually replace the jetty. Both committees vote 5 – 0 to approve.

**Members of the Westport electorate – no comments**

Mr. Wieser read the resolution and it was seconded.

**RESOLVED:** That upon the recommendation of the Board of Finance and the request of Director of Public Works, the sum of \$25,000 with bond and note authorization to the Municipal Improvement Fund Account for the engineering, design and permitting of a replacement for the Burying Hill Beach Jetty is hereby appropriated.

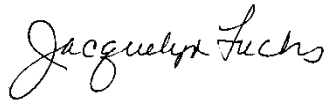
Dr. Heller: We have a resolution and a second.

**Members of the RTM – no comments**

**By show of hands, the motion passes unanimously.**

The meeting adjourned 9:41 p.m.

Respectfully submitted,  
Patricia H. Strauss  
Town Clerk

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

by Jacquelyn Fuchs

**ATTENDANCE: October 2, 2018**

DIST.	NAME	PRESENT	ABSENT	NOTIFIED MODERATOR	LATE/ LEFT EARLY
1	Diane Cady		X		
	Matthew Mandell	X			
	Kristin M. Purcell	X			
	Chris Tait	X			
2	Catherine Calise	X			
	Jay Keenan	X			
	Louis M. Mall	X			
	Christine Meiers Schatz	X			
3	Mark Friedman	X			
	Arline Gertzoff	X			
	Jimmy Izzo		X	X	
	Amy Kaplan	X			
4	Andrew J. Colabella	X			
	Kristan Hamlin	X			
	Lisa Parrelli Gray	X			Arr. 9:20
	Jeff Wieser	X			
5	Peter Gold	X			
	Nicole Klein	X			Left 9:20
	Karen Kramer	X			
	Greg Kraut	X			
6	Jessica Bram	X		X	Arr. 9:30
	Seth Braunstein	X			
	Monique Lions-Greenspan	X			
	Cathy Talmadge		X	X	
7	Brandi Briggs	X			
	Lauren Karpf	X			
	John Klinge	X			
	Ellen Lautenberg	X			
8	Lee Arthurs	X			
	Wendy Batteau	X			
	Carla Rea	X			
	Lois Schine	X			
9	Charles Carey	X		X	Arr. 9:10
	Velma Heller	X			
	Kristin Schneeman	X			
	Lauren Soloff		X		
<b>Total</b>		<b>32</b>	<b>4</b>		

9:20 p.m. 31 members present.

## Appendix I - #8

**RESOLVED:** That upon the recommendation of the Board of Finance and the request of the Director of Parks and Recreation, the sum of \$85,000 with bond and note authorization to the Municipal Improvement Fund Account for the design services to replace four (4) synthetic turf fields and the Staples running track is hereby appropriated.

**RESOLVED:** That upon the recommendation of the Board of Finance, the Town of Westport, Connecticut (the "Town") hereby appropriates the sum of Eighty-five Thousand and 00/100 Dollars (\$85,000) to fund costs associated with the design services for the replacement of four synthetic turf fields, two of which are located at Staples High School and others which are located at Saugatuck Elementary School, and synthetic turf on the running track at Staples High School including related administrative, financing and other related costs (the "Project").

As recommended by the Board of Finance and for the purpose of financing Eighty-five Thousand and 00/100 Dollars (\$85,000) of the foregoing appropriation, the Town shall borrow a sum not to exceed Eighty-five Thousand and 00/100 Dollars (\$85,000) and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project.

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

The Bonds may be designated "Capital Equipment 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 ten (10) annual installments of principal, the first installment to mature not later than three (3) years from the date of issue and the last installment to mature not later than ten (10) therefrom, or as otherwise provided by statute. The bonds may be sold at not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds, or notes, on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semiannually or annually. The bonds shall be signed on behalf of the Town by the First Selectman and the Finance Director, and shall bear the seal of the Town. The signing, sealing and certification of said bonds may be by facsimile as provided by statute. The Finance Director shall maintain a record of bonds issued pursuant to this resolution and of the face amount thereof outstanding from time to time, and shall certify to the destruction of said bonds after they have been paid and cancelled, and such certification shall be kept on file with the Town Clerk.

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

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

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.

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

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

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

## Appendix II #9

**RESOLVED:** That upon the recommendation of the Board of Finance and the request of the Director of Parks and Recreation, the sum of \$270,000 with bond and note authorization to the Municipal Improvement Fund Account to install a pedestrian walkway including picnic table pads along Compo's South Beach is hereby appropriated.

**RESOLVED:** That upon the recommendation of the Board of Finance, the Town of Westport, Connecticut (the "Town") hereby appropriates the sum of Two Hundred Seventy Thousand and 00/100 Dollars (\$270,000) to fund costs associated with installation of a pedestrian walkway, including picnic table pads, along the south beach at Compo Beach including related administrative, financing and other soft costs (the "Project").

As recommended by the Board of Finance and for the purpose of financing Two Hundred Seventy Thousand and 00/100 Dollars (\$270,000) of the foregoing appropriation, the Town shall borrow a sum not to exceed Two Hundred Seventy Thousand and 00/100 Dollars (\$270,000) and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project.

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

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

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

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

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.

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

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

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

## Appendix III #11

**RESOLVED:** That upon the recommendation of the Board of Finance and the request of Director of Public Works, the sum of \$25,000 with bond and note authorization to the Municipal Improvement Fund Account for the engineering, design and permitting of a replacement for the Burying Hill Beach Jetty is hereby appropriated.

RESOLVED: That upon the recommendation of the Board of Finance, the Town of Westport, Connecticut (the "Town") hereby appropriates the sum of Twenty-five Thousand and 00/100 Dollars (\$25,000) to fund costs associated with the design, engineering and permitting of the replacement of the Burying Hill Beach Jetty including related administrative, financing and other soft costs (the "Project").

As recommended by the Board of Finance and for the purpose of financing Twenty-five Thousand and 00/100 Dollars (\$25,000) of the foregoing appropriation, the Town shall borrow a sum not to exceed Twenty-five Thousand and 00/100 Dollars (\$25,000) and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project.

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

The Bonds may be designated "Capital Equipment 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 (3) years from the date of issue and the last installment to mature not later than twenty (20) therefrom, or as otherwise provided by statute. The bonds may be sold at not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds, or notes, on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semiannually or annually. The bonds shall be signed on behalf of the Town by the First Selectman and the Finance Director, and shall bear the seal of the Town. The signing, sealing and certification of said bonds may be by facsimile as provided by statute. The Finance Director shall maintain a record of bonds issued pursuant to this resolution and of the face amount thereof outstanding from time to time, and shall

certify to the destruction of said bonds after they have been paid and cancelled, and such certification shall be kept on file with the Town Clerk.

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

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

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.

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

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

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

## Appendix IV # 12

**RESOLVED:** That upon the request of the Conservation Director, Section 30-91, of the Code of Ordinances of the Town of Westport, Waterway Protection Line Ordinance is hereby amended, to make the time requirements for scheduling, reviewing and deciding Waterway Protection Line Ordinance (WPLO) applications consistent with the state statutes governing timing of review of Inland Wetland and Watercourse (IWW) application. (First Reading. Full text is as follows.)

**WPLO Section 30-91. Approval required for conduct of regulated activities.  
(requested changes are underlined and bolded):**

“Written applications to conduct a regulated activity shall be filed with the Conservation Department. Applications for regulated activities that are not permitted pursuant to Section 30-90 shall be considered by the Flood and Erosion Control Board and the Conservation Commission. Only those regulated activities that are not permitted pursuant to Section 30-90 will require the approval by both the Flood and Erosion Control Board and the Conservation Commission. Only completed applications, on the form supplied by the Town, shall be considered by the Flood and Erosion Control Board and the Conservation Commission. Failure of an applicant or his or her representative to sufficiently answer inquiries at a meeting of either the Flood and Erosion Control Board or Conservation Commission may be sufficient grounds for denial of an application. **For all applications for regulated activities filed after \_\_\_\_\_ 2018, each body shall render a written decision to the RTM Moderator within [45] 200 days after the [second] first regularly scheduled meeting following the date the application is filed, and shall follow the timing (but not the notice) provisions for public hearings provided in Section 9.8 of the “Regulations for the Protection and Preservation of Wetlands and Watercourses, Westport, Connecticut”, as they may be amended from time to time.** Each body shall notify the applicant by certified mail of its decision within 15 days from the date of the decision. Failure of either body to act within the prescribed time period shall be deemed an approval of the application by that body.”

## Appendix V #12

**RESOLVED:** That upon the request of the Historic District Commission, the local historic district designation for the Cable's Landing Extension of the Kings Highway North Area Historic District is hereby approved. (First Reading. Full text is as follows.)

Sec. 38-22. - Kings Highway North Area Historic District; extension.

(a) *Purpose.* The purpose of this section is to preserve and protect buildings and places of historic significance and their settings in the Town, recognizing them as landmarks in the history of the Town. For this purpose, there is hereby established a boundary extension onto the local historic district known as Kings Highway North Area Historic District, to be amended to include Lot B at 170 Post Road West, pursuant to C.G.S. §§ 7-147a through 7-147k.

Editor's note— The Kings Highway North Area Historic District was further extended by ordinance adopted February 20, 1990, effective March 2, 1990. A complete description of the extended boundary and the maps applicable thereto are on file in the Town Clerk's office.

(b) *Further extension of legal boundaries.* The Kings Highway North Area Historic District legal boundaries are further extended to include the property known as 5 Old Hill Road (described in the legislation from which this section is derived as Parcel One) and the property known as 6 Old Hill Road (described in the legislation from which this section is derived as Parcel Two), pursuant to C.G.S. § 7-147a et seq.

(c) *Further extension of legal boundaries.* The Kings Highway North Area Historic District legal boundaries are further extended to include the properties known as 146 Kings Highway North (Thomas Cable Homestead, c. 1760, Map \_\_\_\_\_, Lot \_\_\_\_\_), Kings Highway Bridge (Map \_\_\_\_\_, Lot \_\_\_\_\_), 122 Wilton Road (Map \_\_\_\_\_, Lot \_\_\_\_\_), 118 Wilton Road (Map \_\_\_\_\_, Lot \_\_\_\_\_), and Taylortown Saltmarsh (Map \_\_\_\_\_, Lot \_\_\_\_\_), pursuant to C.G.S. §§ 7-147a through 7-147k.