

RTM Meeting
November 13, 2018

The call

1. To take such action as the meeting may determine, upon the recommendation of the First Selectman, to approve the appointments of Richard Vornkahl and Robin Coleman as members of the Public Site & Building Commission to fill vacancies on two four-year terms which expire June 30, 2019.
2. To take such action as the meeting may determine, upon the recommendation of the First Selectman, to approve the acceptance of an anonymous donation in the amount of \$22,000 to the Westport Human Services Department in accordance with Section 2(C) of the Policy for Gifts to the Town.
3. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Superintendent of Schools, to approve an appropriation in the amount of \$400,000 to cover the cost of additional mold remediation incurred at Coleytown Middle School.
4. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Director of Parks and Recreation, to approve an appropriation in the amount of \$840,000 with bond and note authorization to the Municipal Improvement Fund Account to replace the current porta-johns with permanent restrooms containing three (3) ADA compliant restrooms and a storage room near Compo's South Beach.
5. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Deputy Chief of Police, to approve an appropriation in the amount of \$108,665.15 to the Railroad Parking Facilities Improvement Account for the re-paving of Lot 3 at the Greens Farms Railroad Station.
6. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Director of Public Works to approve an appropriation in the amount of \$426,000 with bond and note authorization to the Municipal Improvement Fund Account for the design expenses for replacement of the Bayberry Lane Bridge over the Aspetuck River. This bridge is eligible for reimbursement of 80% of expenses under the Federal Local Bridge Program.
7. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Director of Public Works to approve an appropriation in the amount of \$328,000 with bond and note authorization to the Municipal Improvement Fund Account for the burial of the remaining overhead communication utilities at the intersection of Main Street, Avery Place, and Parker Harding Road at Gorham Island.

8. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Director of Public Works to approve an appropriation in the amount of \$33,000 to the Capital and Non-Recurring for the preparation of a Condition Assessment Report and Restoration Plan for the Portico Columns, Pilasters, and Pediment of Town Hall.

9. 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 Lincoln Street-Riverside Avenue 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 Corey Thomas, Farm Director, at the Wakeman Town Farm.

Invocation, Corey Thomas, Farm Director, Wakeman Town Farm:

Good evening members of the Westport RTM. My name is Corey Thomas and I am the Farm Director for Wakeman Town Farm. The property on Cross Highway was farmed by the Akeman family for generations, raising chickens, corn, apples, and more for the surrounding community. Thankfully, unlike most farm land in Connecticut, it was preserved and the farm continues today as a community resource. It is this aspect of the farm that makes it such a special space and why I consider it a privilege to be a part of the magic. The farm is not only shaped and supported by the surrounding community but it has become a vibrant part of that community. The farm is a space that inspires and drives individuals to connect with both their food system and their surrounding community. We see these connections to the community in different ways. We see students walking to Staples fascinated by our goats grazing along Wakeman Farm Drive, eating invasive species and beautifying the overgrown spaces along the road. We see elementary school students inspired by our animals here at the farm and, in turn, inspiring their parents to raise chickens or ducks at home (sometimes with frantic emails back to the far Director asking what to do.) We see both novice and expert gardeners and chefs coming to the farm, supporting and learning from each other how to grow and cook amazing meals. And, believe it or not, we've even seen one volunteer so inspired by the farm's mission that they took part in our high school internship program, continued their education in agriculture, impacted hundreds of lives in agricultural development overseas and came right back to the farm after their return from the Peace Corps to support the farm as our new farm hand. We are so thrilled to help facilitate these amazing connections with the community. Whether it is through showing a single child how to pick a carrot or hosting a community event for hundreds, we are so thankful to be part of such a vibrant community. And, just like our various fruit and veggie plants at the farm, we are excited

to watch that community grow and thrive. Why does Wakeman Town Farm thrive in Westport? It is because the community has surrounded us with love and support, because Westport is dedicated to a healthy environment for future generations and it's because the governing body in front of me supported the idea of a Town-owned farm for Westport. We all thank you.

There were 34 members present. Ms. Kaplan and Ms. Hamlin notified the Moderator that they would be absent and Ms. Bram, Ms. Briggs and Mr. Carey notified the Moderator that they would be late.

There were no corrections to the minutes of the October meeting. Anyone with corrections, please forward them to Jackie Fuchs, Dr. Heller or Patty Strauss.

Announcements

Dr. Heller:

November birthday greetings to Lauren Soloff, Christine Meiers Schatz and Amy Kaplan. Congratulations to everyone.

I want to begin by welcoming Chas Durkin, our recently appointed representative from District 6. Chas, would you stand so everyone can see who you are.

RTM Announcements

Lisa Parelli Gray, district 4

I'm doing a little self-promotion but it's also for my studio-mates. This Friday and Sunday, the Art Studio of Westport will be hosting our Open house and art sale beginning at 5 o'clock on Friday evening. I'll leave postcards on the stage. We'll be serving beverages and food and there will be plenty of art work including some of my pieces which I've been doing over the last couple of years. We encourage you to come either Friday night between five and eight or Sunday from 11 to two. I hope I see all of you there.

Peter Gold, district 5:

The RTM Transit, Long Range Planning and Finance Committees will be having a joint meeting with the Westport Transit District and the Board of Finance at 7 p.m., Dec. 3 in room 201 to discuss the Westport Transit District. The Board of Finance has asked us to have this meeting to give them a sense of what we think and give them some guidance so we don't have to go back and forth at budget time for \$200,000. You are all welcome to come.

Wendy Batteau, district 8

This isn't a traditional announcement but it is something that doesn't fit into the framework of our usual meetings. RTM is getting so many requests for bonding issues these days that I'm requesting, if at all possible, for us to get from the Board of Finance or our Finance Director status reports on our bonding situation at regular intervals which would include how much we're bonded out for, what our annual debt service is and even, roughly, categories we've spent money on. It would be very helpful when we're trying to make decisions like the ones we have upcoming.

Upcoming committee meetings:

- Environment Committee will be meeting Nov. 20, room 309 at 7:30.
- Finance will be meeting Wednesday, Nov. 28, room 309.

Jimmy Izzo, district 3:

Last week we lost one of our employees from the Department of Public Works, a lifetime Westport resident; a person a lot of us in this room grew up with. May we have a moment of silence in honor of Dale Wehmhoff.

Dr. Heller:

Due to the very full and complex agenda, we will have, are planning to have, a special meeting on Nov. 27 to continue addressing tonight's agenda including items #6, 7, and 8. Item #9, the first reading of the Historic District designation, will be read into the minutes and it will be dealt with by committees which I will assign. Both Ordinance and Planning and Zoning Committees will deal with it. We will deal with it as a second reading once those committees have completed their work.

The next regularly scheduled RTM meeting will be Dec. 4 after the special meeting.

Before we get into the business of the agenda, if there's no objection, there will be a change in the order of items by placing item #5 as our first item on the agenda. It will give a smoother flow to the way things will go.

The secretary read item #5 of the call – To approve an appropriation in the amount of \$108,665.15 to the Railroad Parking Facilities Improvement Account for the repaving of Lot 3 at the Greens Farms Railroad Station. By show of hands, the motion passes unanimously.

Presentation

Chief Foti Koskinas, Westport Police Department:

I think it's the first time I've been invited up to make things flow smoother. I don't know if I'll accomplish that but thank you. This is a rather easy one. Before we start, I know there are some new members. When we come and ask for projects for the railroad, these are funds that we get from the Railroad Fund which we get from charging fees for permits, for ticketing, for \$5/day. These are not coming out of our tax dollars. It's not to say they are not equally important but when we spend for projects for the railroad, our users are paying for the services done down there. It is a little different. If you are familiar with the Greens Farms station on New Creek Road, you go under 95 and you see it and you go under the railroad tracks and there is a lone parking lot on the left as you go up the hill. That parking lot, the best we can tell, was paved at least 25 years ago. There are major problems, primarily when you go off the platform, there are several elevation changes which we've tried to patch over the years but there are a lot of elevation changes from the ramps to the steps to going into the parking lot. Additionally, there are excessive cracks which create a problem for drainage and also slip hazards during the winter because of the way

the drainage works. What we're asking to is to repave the lot. It is relatively a simple project. There is no drainage work. It drains over the side or onto New Creek Road. There is no lighting. The lighting is off of the existing telephone poles or the platform itself. So, it is a pretty simple project. We are looking to reclaim; we know from all the years we've gotten that the lining is pretty good; working with our Public Works Department, we are looking to reclaim the existing asphalt, put it into the product that is going to be underneath the base of the new asphalt, repave the lot; restripe it. I know some of the questions--- Are we going to gain spots? With our line marking company, we'll certainly entertain that. Our goal is to not lose any spots. If there is any way to gain one or two, we will certainly do that. Every space down there is very important to us and the commuters to New York City. There is a 10 percent contingency built in. We do not intend to use it but it is easier to put back into the Railroad Fund than to ask for funds if we run into minor problems that we didn't anticipate. I met with the Transit Committee and the Finance Committee on these matters.

Committee reports

Transit Committee, Mr. Gold:

The RTM Transit Committee met at 7:30 PM on November 2, 2018 in Room 309 of Town Hall to review an appropriation request for \$108,665.15 to the Railroad Parking Facilities Improvement Account #21002219-572200 for the re-paving of Lot 3 at the Greens Farms Railroad Station. Due to a scheduling conflict regarding the use of Room 309, the meeting was immediately adjourned and then immediately reconvened in Room 212D of Town Hall. Transit Committee members present: Peter Gold, Chair, Jessica Bram, Lisa Parrelli Gray, Kristan Hamlin and Amy Kaplan. Town employees and officials present: Sam Arciola, Deputy Chief Westport Police Department, John Broadbin, Deputy Director Westport Public Works Department. It was explained that Lot 3 at the Greens Farms train station, located on the New Haven bound side of the station, was in serious need of repaving due to uneven pavement, fracturing and poor drainage. Repaving the lot will make it safer and less icy which is of particular concern for the Greens Farms Academy students who commute through the Greens Farms train station. Four bids were received for the project and the \$108,665.15 requested, which includes a 10 percent contingency, was the lowest bid. The repaving project will reclaim the asphalt already on Lot 3 and will not result in any increase or decrease in the number of parking spaces in Lot 3. Because Lot 3 is not subject to heavy truck traffic which can cause significant damage to paved surfaces, the projected lifespan of the repaved lot is expected to be approximately 20 to 25 years. It is anticipated that the repaving project will take between three and seven days. Weather permitting, the work is expected to be done over the Thanksgiving Day week-end in order to minimize disruptions for commuters. Railroad Parking will send out notices to commuters on its mailing list (primarily those with railroad parking permit or on the wait list for permits) to advise commuters of work and to remind them that they can take the Westport Transit District buses on the Greens Farms route to the station or can park at the Imperial Ave. lot and take the Westport Transit District shuttles to the Saugatuck station. Deputy Chief Arciola said the fare for the shuttles from the imperial Avenue lot will be waived during the duration of the repaving project. Deputy Chief Arciola said the repaving of Lot 3 is the start of a larger project that will eventually include all the lots at Greens Farms and for Post Office Lane. However, work on Lot 1, the large lot

located on the west side of New Creek Road, is being delayed until the Connecticut Department of Transportation completes work on the Beachside Avenue bridge over I-95 as ConnDOT will use Lot 1 for access to the bridge for its heavy equipment which would cause significant damage to a newly repaved lot. Deputy Chief Arciola said the repaving of Lot 4 at Saugatuck, the lot for \$5 per day daily parking located on the west side of Saugatuck Ave on the New Haven bound side of the Saugatuck station, is also being put off since Metro North plans to use the lot of access for its equipment during the work on the WALK bridge in Norwalk. A motion was made by Lisa Parelli-Gray and seconded by Jessica Bram that the RTM should approve an appropriation of \$108,665.15 to the Railroad Parking Facilities Improvement Account #21002219-572200 for the re-paving of Lot 3 at the Greens Farms Railroad Station. The motion passed unanimously.

Finance Committee, Lauren Soloff, district 9:

RTM Finance Committee members present for this issue were Jeff Wieser; Lee Arthurs; Lauren Soloff; Cathy Talmadge; Seth Braunstein and Christine Meiers Schatz. Chief Koskinas presented the request on behalf of the Town. The Finance Committee met to consider the request for \$108,665.15 for the repaving of lot 3 at the Greens Farms Station. After some basic discussion as to why this was needed, most of which has already been explained, the committee voted unanimously to recommend the request to the RTM for approval.

Dr. Heller:

I'd like to remind the public, should you wish to comment, when it's time for public comment on any agenda item, I'll ask whether any members of the Westport electorate would like to address the item and you can raise your hand to be recognized. When you come forward, please state your name and address and spell your name and please try to limit your remarks to three minutes. Needless to say, I will remind you.

Members of the Westport electorate

Jennifer Johnson, 28 Tamarac Road:

I'm just going to make a quick comment. I hope you do approve this. Thank you Foti for the job of maintaining the parking for commuters. In light of the fact that you have an important meeting that Peter Gold announced on Dec. 3 with the Board of Finance, there will be discussions about the future of transportation in this Town. I'm just using this opportunity to educate people who are watching this and people that may not understand that the reason that this project and other railroad projects don't necessarily cost the Town and add to our mill rate is because they are funded through the Railroad Parking fund which is approximately \$2 million that the Town gets every year from a lease that we have with the State of Connecticut. It does generate approximately \$2 million plus or minus. That fund is currently administered by the Police Department which does a very good job but that fund is something that many people in Town believe we need to be looking at as a way to fund some of the transportation improvements that we may want in our Town as we move forward in trying to address congestion. Our concern about additional funding and the costs of whether or not we are going to improve sidewalk access or provide more multi-modal access to the Town. That actually can be funded through the Railroad Parking Fund because that has been approved by the State as a legitimate use of the

funds. So, as we move forward, if you have questions about that, I urge you to talk further with Peter and I encourage the RTM to think about that as we're looking forward to solutions as to how to address congestion in our Town. So, I just use this opportunity raise that awareness in our Town about what that fund is and also ask the RTM to look at or to create a laundry list what is eligible for use of this fund in terms of whether or not it is sidewalk improvements, in terms of transit improvements in context of parking lot improvements as we prioritize what's important and how we are going to address our congestion issues in Town.

Mr. Wieser read the resolution and it was seconded.

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Deputy Chief of Police, the sum of \$108,665.15 to the Railroad Parking Facilities Improvement Account for the re-paving of Lot 3 at the Greens Farms Railroad Station is hereby appropriated.

Dr. Heller: It has been moved and seconded to approve this resolution.

Members of the RTM – No comments.

By show of hands, the motion passes unanimously. 31-0.

The secretary read item #1 of the call - To approve the appointments of Richard Vornkahl and Robin Coleman as members of the Public Site & Building Commission to fill vacancies on two four-year terms which expire June 30, 2019. By show of hands, the motion passes unanimously.

Presentation

First Selectman Jim Marpe:

Good evening Madam Moderator and members of the RTM. I am here to request your approval of the appointments of Richard Vornkahl and Robin Coleman to the Public Site and Building Commission. The Commission is established by the Town's charter. Its role is to oversee, as necessary, public construction of buildings or other items we might be building here on Town property with Town funds. A good example of building that they oversaw was the building of the new Levitt Pavilion. They were quite involved with that; in fact, Mr. Coleman, one of the nominees, played a critical role in overseeing some concerns about the potential for cost overruns, given his financial background, did a wonderful job in making sure that that project stayed within its original budget. Mr. Vornkhal comes with a background in construction and Mr. Coleman in construction financing and real estate financing. They have already served on this Commission and done a great job there. I recommend both candidates for your consideration.

Committee Report

Public Works Committee, Jay Keenan, district 2:

The Public Works Committee met earlier tonight to review the appointments of Richard Vornkhal and Robin Coleman, each to be appointed to a four-year term. Their resumes

are in your packet. The committee voted to recommend to the full RTM that their appointments be approved.

Members of the Westport electorate – no comments

Mr. Wieser read the resolution and it was seconded.

RESOLVED: That upon the recommendation of the First Selectman, the appointments of Richard Vornkahl and Robin Coleman as members of the Public Site & Building Commission to fill vacancies on two four-year terms which expire June 30, 2019, are hereby approved.

Dr. Heller: It has been moved and seconded to approve this resolution.

Members of the RTM - No comments.

By show of hands, the motion passes unanimously.

The secretary read item #2 of the call - To approve the acceptance of an anonymous donation in the amount of \$22,000 to the Westport Human Services Department in accordance with Section 2(C) of the Policy for Gifts to the Town. By show of hands, the motion passes unanimously.

Presentation

Elaine Daignault, Director of Human Services Department:

I am here tonight to request the acceptance of a anonymous donation in the amount of \$22,000. These funds will directly benefit income eligible residents who find themselves in a financial crisis situation. The gift of \$22,000 will be used to assist both seniors and families with emergency needs; 50 percent going to the Senior Client Need Fund which will help fund seniors on a limited income who have zero means of transportation to use local door to door transportation service to doctor's appointments and grocery shopping trips. The other 50 percent will be deposited into our Families in Need Fund which helps families with emergency expenditures for which there are not extra funds or who must face the day to day reality of living on an income insufficient to meet their basic needs. I'd like to thank the donor for their ongoing support of our residents in need and I'd like to request your approval.

Committee report

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

We met earlier this evening before our formal meeting. There were five members present. Elaine spelled out the details of the request. We discussed it briefly and recommended unanimously to recommend acceptance of this wonderful gift.

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 Selectman and in accordance with Section 2(C) of the Policy for Gifts to the Town, the anonymous donation in the amount of \$22,000 to the Westport Human Services Department is hereby accepted.

I think everyone in the room can thank this anonymous donor so thank you very much.

Dr. Heller:

...Particularly, an anonymous donation which comes from the heart and it does make a difference in our Town. We do appreciate it for all of us. It has been moved and seconded to approve this resolution.

Members of the RTM – no comments

By show of hands, the motion passes unanimously.

The secretary read item #3 of the call - To approve an appropriation in the amount of \$400,000 to cover the cost of additional mold remediation incurred at Coleytown Middle School. By show of hands, the motion passes 32-0-2; Abstaining: Gertzoff and Gold.

Presentation

Elio Longo, Chief Financial Officer, Westport Public Schools:

I am here this evening on behalf of the Board of Education to request a special appropriation in the amount of \$400,000 for expenditures to date for mold remediation at Coleytown Middle School. A special appropriation in the amount of \$400,000 was previously approved by the Board of Finance. This evening, the request is before the RTM. To date, we have incurred expenses of \$684,568; previously approved by the Board of Finance an amount of \$400,000 leaving a net request to the Board of Finance scheduled for tomorrow evening of \$284,568. Detail on the expenditures to date. The Board of Education has taken the mold remediation expenditures out of its current operating budget and is seeking reimbursement by the Town funding and legislative body. In Account 431, which is our maintenance account, we have expended to date approximately \$671,000; a quick review of the details: AIG \$120,000 for mold abatement, Accuspec, we hired for the rental of industrial sized dehumidifiers on site, All Pro Cleaning assisted AIG in the remediation effort in the amount of approximately \$245,000, Clearview, Inc. was a mold abatement subcontractor, Eagle Ridge Construction is familiar to the school district for reconstruction services, Ferraro's Painting in the amount of \$2,300, G. L. Capasso is a masonry contractor for the Board of Education, indoor air quality was tested by Hygenix, Inc., electrical connections for an onsite generator by Kinsella Electric, we had various supplies by KAMCO and Marjam, Orange Fence for temporary fencing around the dehumidifiers, AIG subcontractor, Prism Response for mold abatement, Santa Buckley Energy for diesel fuel for the United Rentals generator and Triple S cleaning for cleaning supplies related to the auditorium. In Account 452, Maintenance Supplies, we've expended to date \$5,600 for individual stand-alone room dehumidifiers. Account 611, Instructional Supplies, we've spent \$7,087

for repair and replacement of damaged music supplies, musical instruments, equipment. In Account 735, Furniture, a total expenditure of approximately \$1,100 for numerous classroom chairs. There were fabric covered chairs that could not be saved and/or remediated. Total paid to date is \$674,000. The request before you this evening is for a special appropriation of \$400,000 leaving an amount of \$284,568. On the reverse side of the document is a detailed list of all pending payments amounting in total to \$143,376. The listing includes architectural services of K.G. & D, The final report is available on the Coleytown Middle School website. A report is pending from an industrial forensic hygienist, Turner Building Science. We should have a final report by next week; additional masonry and excavation work by G. L. Capasso, remaining indoor air quality testing by Hygenix for \$690; remaining diesel fuel and generator rental services, W. B. Meyers to assist district personnel in moving services moving furniture and equipment items from Coleytown Middle School to Bedford Middle School and Staples High School; Jonathan S. Ball for the replacement of music equipment; additional SPED equipment and music supplies are listed; Faust Harrison Pianos was for the replacement of the upright piano that was damaged by mold as well as high humidity levels, basically, there was a crack in the soundboard; Dazian LLC was contracted for auditorium cleaning of the curtain where mold had tested on the upper limits; School Specialty for miscellaneous supplies; an evaluation contracted by the administration by Yale Center of Occupational and Environmental Health. That is pending at this time. Approximate value is \$15,000. Again, total pending is \$143,376 bringing year-to-date actual paid and pending to \$827,944.

Committee report

Finance Committee, Lee Arthurs, district 8:

On November 8, the full members of the Finance Committee met with Colleen Palmer, Superintendent of Schools, and Elio Longo. I am not going to go into the amount of detail that Elio went into on these items. The highlight is that we are being asked to approve \$400,000 tonight out of \$684,568 that has already been expended and we should expect an appropriation for the difference coming to us for the Board of Finance assuming they approve it. In addition, there are expenses of \$143,376.36 that haven't been billed yet but are expected in the current remediation of Coleytown Middle School that is going on. We did discuss that Coleytown Middle will continue to have remediation and there probably will be additional expenses in the future until a decision is made on the future of the school. If we are going to repair it, we need to keep remediating until the time comes when that happens. Also, we spent some time discussing what is going on with the future plans; a couple of highlights is that renovation is projected to cost between \$25 million and \$30 million, replacement \$70 million. We also discussed that the Board of Education is currently preparing an RFP for the study of other school facilities. It was mentioned that the Long Lots windows need to be replaced and that the Board of Education is currently in the process of procuring rental of six modular classrooms to be added to Bedford Middle School. The Finance Committee voted unanimously to approve this appropriation request with a motion by Lauren Soloff and second by Seth Braunstein.

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 a request by the Superintendent of Schools, the sum of \$400,000 to cover the cost of additional mold remediation incurred at Coleytown Middle School is hereby appropriated.

Dr. Heller: It has been moved and seconded to approve this resolution just read.

Members of the RTM

Ms. Parelli Gray: Is insurance not covering any of this?

Mr. Longo:

We have filed a claim with Chubb Insurance, which is pending at this time. We have received a letter of reservation but no determination has been made as of yet.

Ms. Parelli Gray: When do we expect to hear from them?

Ms. Longo:

I am meeting with the Town/Board of Education insurance consultant tomorrow evening at which time I will be apprised of the timeline.

Ms. Batteau:

Has the study conducted by the Yale people been done yet? Is the report done? I'm just wondering what the status of the environmental school study.

Mr. Longo:

A point of clarification, the Yale study is pending. We did contract with Yale Center. A small team from Yale came to Coleytown Middle School for a walkthrough.

Catherine Calise, district 2:

I have a question on the cost. Based on the fact that we don't know how much it will cost to fix the problem, do you think this cost will be recurring? Will we continue to keep spending this money only to find out we can't really remediate mold because you have to get it 100 percent out or it will continue to keep growing? So can we conceivably spend money to fix the problem and then find out we can't fix the problem and are going to have to spend money to build a new school. The point is, if we continually spend money are we going to solve the problem or are we going to spend the money and find out we have to build a new school?

Mark Mathias, Chair, Board of Education:

At this point, our actions are not to remediate what we have. It is to keep building in shape so it doesn't get worse. We haven't taken remediation steps to keep things from happening. We're just keeping things at bay at this point. We have not made a decision as to whether we are going to remediate the building or not. We have been talking with the Board of Education and that is one of the buckets that we have. What are we going to do with the building? Do we remediate it? Do we not want to remediate it? The expenses are ongoing. We don't want to abandon the building and have the building get

terrible so the cost of remediation will go up. We are preventing it from getting worse at this point.

Ms. Calise:

So we don't know the cost of what it's going to cost to solve the problem.

Mr. Mathias:

That is correct. The architect, K. G. & D. gave us ballpark figures. They gave us two options for remediating the building and one option for rebuilding it. Those were not specifications. They were not the result of an RFP. They were ballpark figures and part of what we're doing in a Town-wide committee that is being constituted this week is we're trying to figure out with the building is offline, first of all, what do we want to do for the next school year 2019/20. That is our first charge. One of the next things is do we want to remediate the building or what do we want to do with that. There are two other things as well. One is what is our strategic educational goal? How do our buildings meet those educational goals? If we decide to rebuild that building or remediate it, do we want to have the same building we have? If we were to rebuild or start over again, would it be the same footprint? Higher? Lower? We just don't know what it is right now.

Mr. Gold:

Elio said the request for insurance is pending. What happens to the money if we approve the money tonight and then you get the proceeds? Do we get the money back?

Mr. Longo:

We had a somewhat similar situation earlier this year relating to insurance proceeds from the fiscal year 16/17. The Board of Education returned the full proceeds of \$562,000 to the Town of Westport. I will ask the Board of Education to follow insurance reimbursement practice. I should ask the board. We did return \$562,000 of prior insurance proceeds to the Town.

Mr. Mathias:

We literally had an example of that, as Elio said, where we got the check and said 'What do we do with this? Does it go back to the board? Does it go back to the Town? The determination was that it goes back to the Town. It is not in the Board of Education budget.

Mr. Gold:

I may have this wrong so correct me if I do; there is a substantial amount of money in carryover account. I believe it's close to \$1 million? Okay, it's \$380,000. I thought it was higher. Why don't we use the money in the carryover account instead of spending new money? This is money that has already been given to the Board of Education.

Mr. Mathias:

The memorandum that we have with the Town as far as the use of the carryover funds are not specifically intended for this situation. We would have to go to the Board of Finance to get the money allocated for that. The intent was not for this sort of purpose.

Mr. Gold:

I fully understand that. I don't think this type of situation was contemplated when that memorandum of understanding was drawn up. It's an unusual circumstance. We have unusual expenses. Maybe you might want to consider going back to the Board of Finance and seeing if they would approve it.

Mr. Mathias:

I was just told that the Board of Finance directed us to ask for an appropriation rather than use the carryover fund for that.

Mr. Gold:

That was my understanding. The Board of Finance directed you to come to the RTM. Can the RTM now direct you, since the Board of Finance asked for our guidance, to use the carryover account? We could conceivably pass a resolution amending this request and say we appropriate from the carryover account instead of the general fund. The Board of Finance asked for guidance. We can give them guidance.

Dr. Heller:

I really need to say at this point that it has gone through the process from the Board of Finance to us and it is not our usual process to send it back to them.

Mr. Gold:

This is the first time we have been asked to address this particular appropriation. The Board of Finance asked the RTM to deal with it. One of the ways we can deal with it is to say, 'We appropriate the money.' Another way is to say 'Spend the carryover account money and we'll give you the balance.'

Seth Braunstein, district 6:

I have a quick question about what I don't see on the list of expenditures that we are being asked for reimbursement for. From my vantage point, and this goes back to the Monday Nov. 5 Board of Education meeting which I found very helpful to understand from the experts where we were and what the alternatives were, one of the things that got a fair amount of discussion that evening was the need to make sure we didn't have similar festering issues at the other facilities. There was discussion of a \$200,000 cost to employ experts to conduct comprehensive studies. From my vantage point, and I'm sure it is shared by people in this auditorium and watching on television, that would be a very high priority to get that funded and get that completed so we truly have an understanding of whether this issue is strictly related to Coley or whether there are other areas that may need to be addressed. In the interest of having a full picture, I'd like to know when you're preparing to come back to the RTM for the funding of that study.

Mr. Mathias:

This question has come up. We actually have new this year a Finance and Facilities Committee. This discussion has come up at the Board of Education meeting and the Finance and Facilities Committee meeting and anticipate the Finance and Facilities Committee will be discussing that and making a recommendation to the Board of

Education to do a full facility review. I think it's \$250,000. We have to figure out if that would be a separate appropriation. We don't have the money in our current operating budget this year but it is something that has been expressed and there is support for that from the Board of Education.

Elaine Whitney, Co-Chair of the Finance and Facilities Committee of the Board of Education:

We have talked about it multiple times at the committee level and have a clear consensus that it's a very high priority. At an upcoming full Board of Education meeting, we anticipate discussing and hopefully moving forward with that.

Mr. Braunstein:

I would just stress that I think in order to truly make the best decision about what the alternatives are. It would be really helpful to know just to make sure that we don't have other exposures that we have to account for later in this process.

Mark Friedman, district 3:

I wanted to raise a quick question from a procedural standpoint as well as some questions that go with this. The question is what is the role of the RTM Education Committee in this process? We did hear from the Finance Committee but did not hear a report from the Education Committee.

Dr. Heller: This was heard by the Finance Committee.

Mr. Arthurs:

I don't support this but I should point out to what Peter Gold was saying, we could reduce this appropriation by the amount in the carryover account, just approve the difference and let the Board of Education and the Board of Finance go back and decide if they want to do the balance from the carryover account. Given the context in which we're dealing with and the amount of stuff that's coming down, I don't necessarily think that's a good way to go but it would be a possible resolution if you wanted to take that approach.

Ms. Batteau:

I would just like to second and emphasize what Seth said. I remember a couple of years ago we were told that two rooms at Coley Middle need to be remediated and there was nothing else wrong at Coley Middle at all which didn't seem logical at the time. We are now being asked to appropriate close to \$1 million to remediate something that two months ago we were told wasn't a problem. So, you guys are about to make some really difficult and important decisions about what to do with the students who are being displaced and if we don't have a good sense about what the situation is at Saugatuck or at Long Lots or whatever the other schools are, we could find ourselves in double the situation six months from now or shorter or longer. So, I really hope you make it a first priority to do a full study, not just an air study of all the facilities.

By show of hands, the motion passes 32-0-2; Abstentions: Gertzoff and Gold

The secretary read item #4 of the call - To approve an appropriation in the amount of \$840,000 with bond and note authorization to the Municipal Improvement Fund Account to replace the current porta-johns with permanent restrooms containing three (3) ADA compliant restrooms and a storage room near Compo's South Beach. By roll call vote, the motion passes 26-8. (Attached.)

Presentation

Jennifer Fava, Director, Parks and Recreation:

This project has been a long time in the making. It has been based on filling the need and desire of the community to have a restroom near south beach. It is also about making all areas of the beach accessible to all residents. It's about being inclusive. It's about making people's lives easier and it's about breaking down barriers and treating everyone as equals. We want to make south beach a place where users can easily access restrooms, whether you are with a family with young children, seniors, disabled or just an average person enjoying a barbecue. As I'm sure many of you know, this project dates back to 2013 and 2014 as part of the Compo Beach Master Plan process. Most of this information was in everyone's packets for the RTM. Hopefully, you've had a chance to look at it. Back on Nov. 23, 2013, there was a charrette. As part of that charrette, the number one item as a must have was rest rooms, sinks, showers on south beach. One of the next highest was more and renovated rest rooms. In total, when you combine both of those, we had 105 people requesting additional bathrooms. It has been commented on that there were only 150 people participating in that charrette. While that may be true, there were many more people involved with the overall master plan process with multiple public meetings where people's comments were heard. So, it was much more far reaching. As part of the master plan, there were pages, what was highlighted says:

Add accessible individual use bathroom facilities outside the existing men's and women's bathrooms where families and caregivers can provide assistance as needed.

What that shows us is there is a need and a desire for this type of facility.

This slide, what was highlighted for you was:

Create more conveniently located restrooms especially serving south beach. Public comments have unanimously criticized the lack of convenient restrooms at south beach.

Back in 2015, the Compo Beach Master Plan was presented to the Parks and Recreation Commission. This is a conceptual document. The plan was not adopted. Only some of the recommendations were accepted. If you were around at that time, some of the items that were recommended were placing dunes rather than having cars come right up to the beach, changes in traffic patterns and new roadways in and out of the beach, a new pavilion and east beach walkways. It was estimated that on the east beach, it would cost about \$1 million. The Parks and Recreation Department and Commission have been extremely cost conscious when doing these projects and we were able to not have to replace the pavilion with a \$4 million pavilion. We were able to renovate the restrooms and replace the roof on the pavilion for about \$400,000 instead of \$4 million. The east beach walkway was done for \$90,000 instead of \$1 million. You can see that we are trying

to be cost conscious while we are moving forward implementing the plans that the community wants. The Master Plan is a design document for us. It changed as things happened. What was on the slide was a design for a restroom. It was a concept. It wasn't a design. At that time, we didn't know what our requirements would be from DEEP. You'll hear about that later. Since that time, we've received additional feedback into how we should proceed with this part of the project. Back in October, 2016, when we were going for funding for both the design of the walkways and the restroom, people were encouraged to share opposition at the Town Clerks office. During that time, there were 161 emails received in favor and 27 opposed. Again, this showed us the need and the desire the public wants to have this enacted. We put together an RFP for an architectural firm and hired TO Design who created the plans both for the walkway and the restroom building. We get into what our building options were. We were originally planning and hoping that we could do this as a wet proof building which means that the water would come in and go back out. Through DEEP, we were informed that it would not be possible. They considered this restroom a finished space and, therefore, either needed to be elevated or dry-proofed. We had some discussions and throughout this discussion, with Planning and Zoning and some other agencies, we should keep this minimal. Make it as small as possible and as low as possible because, again, we all understand that the views at the beach are important. We want to limit any kind of obstruction. It was also mentioned as a possibility to have kind of a higher end porta-john which I'll discuss a little bit later. This is a timeline that we have for the south beach walkway and restrooms. Through this process, all the meetings in red date back to 2013 when we had the charrette. Since 2013, there were at least 21 public meetings on this topic. Since November 2017, there were 12 public meetings or hearings on this specific plan including the RTM committee meetings that were leading up to this meeting tonight. Submitting a project to the land use bodies, let me give you a summary of how the process works... You must submit one plan. You don't go in with various options. You submit one plan and the various bodies give you critique and as we went along, one body wanted something else and one body wanted something else and we kept modifying as needed. As part of that, to start of the process, we have a pre-application meeting which was with Flood and Erosion and Conservation staff as well as DPW staff and myself. That point, a number of different items were taken into account. It included views and potential view obstruction, elevation, ease of access, potential impact on parking spaces, environmental concerns, aesthetics, how the building would fit in with the surroundings and we kept hearing about minimizing change at the beach. When we go to Conservation, we are required, just like any other resident, to notify all of our abutters about this project. When we went to Planning and Zoning, which happened twice, actually we went more than that but two official public hearings, one for an 8-24 and another for a CAM site plan and special permit, we had to mail letters to neighbors 250 feet from our property. Not until after the Planning and Zoning unanimous approval in May were the current comments that everyone has been hearing and you have been receiving emails about were voiced. Just to put this in perspective, throughout the process, all of our land use bodies unanimously approved this and the Board of Finance approved it 6-1. As we went forward and we had the architects come in, basically what we had, this is the site plan. This is where the pickle ball courts are. The roadway runs along here. This is the proposed restroom building. As part of this, what you see as dark here removes the pavement and actually creates

additional green space. So that will be grass. What you see here is a rain garden with plantings. That is a requirement to help control the runoff from the building. In addition, as part of this, on the side over here, there will be a shower and on this side a water fountain and bottle filler. So, we have some additional amenities that people had talked about. Part of what has been discussed is that this area is part of recreational space. To clarify that a little bit, all of Compo Beach, the only official designation is 'Residential A' in accordance with Planning and Zoning. All of Compo Beach has historically and in practice been used for recreational purposes. There is no official designation that this must be used for recreational purposes. In fact, I would say that this is a support building for the recreational activities that take place at Compo Beach. Just to give you an idea of what the building would look like, this is the building in place. We've put in this rendering some of the grass. This is the view from the intersection of the road and the main lot. This was approved unanimously by the Architectural Review Board and was supported unanimously by the Historic District Commission which we did not have to go to but we did want to take it past them. They supported it. There has been some talk about the building. The building is designed to match all the other buildings that are at the marina and also the lifeguard building. This is white and we have the blue trim which matches all those buildings. This is a rendering of the pickle ball courts looking out. We also have a view from the main parking lot looking out showing that you can see around the building. This is the view of the water driving on the cut through road. We've been asked why three unisex ADA restrooms and why they are so large. One is per the master plan, people wanted individual use restrooms where families and care givers could give the assistance that they need. Another reason for three is, about three years ago, we had two porta-johns and they were not sufficient to keep up with demand. We increased them to four and, at that point, and also increased the clean out time. We thought that three restrooms would be sufficient because there isn't that finite capacity that you would have in a regular porta-john. Another reason for having three is that two restrooms will always be available if one is being closed for cleaning purposes. So, we wanted everybody to be treated equally. That is part of why we wanted to make these ADA compliant for all three and not just one. There is a storage plan and the master plan didn't have a storage room. It has a slop sink and can also hold our supplies. One of the other key items is that we want to have another beach wheelchair that we can store there to bring people out as we do on the east beach. There is one at the lifeguard area. We also wanted to make this place where a parent could go in or a caregiver, that there is plenty of space for them to go help the person in need. With that, I'm going to turn it over to Steve Edwards.

Steve Edwards, Public Works Consultant:

As we have served over the years, we were tasked with services to the Parks and Rec. Department. In this case, we were tasked to work with them on the major pavilion building; we worked with them on the sidewalks and the carryover now with this building. The issue here, we went through two years, three years of design meetings trying to get a concept of what, exactly, the community expected. As I indicated in all the committee meetings, this is not the building that I would have anticipated on day one when we first started the process. When we go through committees, we take on the responsibility of whatever committee desires and interests whether it be the Human Services aspect, the Conservation aspects, Flood and Erosion Control, all of those boards and commissions

have input. It is our job to listen to those and come up with a project that meets the desires of those representatives. The issue here, we had a building concept, the design engineer and the architect put through a set of specifications and went out to bid. Our task then was to take the bids and see what we were looking at from a cost perspective. We had an estimate going in and that estimate was considerably lower than the bids were. We had four good strong bids. The good news was that the bids were from \$615,000 to \$738,000. We had a spread of only 20 percent on the total bids. The number one bid and number two bid were five percent apart, \$35,000. We broke it down to look at the individual building construction. Tucci had a cost of \$586,000 and Warner had \$593,000. Seven thousand dollars separated the two bidders. For a project of that size, one percent between the two bidders, that was very encouraging to us. Obviously, the contractors knew what they were bidding on. They understood the specifications. There was no ambiguity. They were bidding on the project that we had scoped out...Very clean. Very simple. But, it was more than we had anticipated. We went back and tried to figure out why. What were we missing on the original estimate? We went back and when I broke down the individual Tucci bid and where the components were, we had about \$140,000 in base material, that is pilings and in concrete foundation. We are looking at 30 piles throughout the entire foundation bottom. The building that we've got is a major beam support set piles. That amount of concrete, steel is there to hold the building in place. In a coastal zone area like the beach we have to worry about uplift, if this water gets underneath it and having buoyancy in this area, we have an uplift. We also have horizontal forces and we have wind forces so all of those forces come into play and they end up giving you a very, very heavy design component. That translated to about \$140,000 of the specific bid. Taking the strip further, we were looking at different areas that we could compare relative to construction in the ACE Zone. We went over to our neighbor next door. Penfield is the most visible one. Penfield pavilion was built originally in 2011 for a cost of \$5.5 million. Obviously, it's bigger than what we've got here but the building lasted about a year. Sandy came by Penfield didn't have the bottom. They were very well constructed up top. Anybody who was at Penfield had a beautiful building but they were missing the pilings. They went back to square one, redesigned it, five years later and for an additional cost of \$7.4 million, they added the foundation that we're talking about here. When it reopened in March 2017, the Public Works Director over there, Joe Michelangelo was quoted in the Fairfield Citizen answering what was different in the building, he answered 'A massive foundation.' That is what we're talking about here. That is a cost factor. The good news is that building will be there. Our building, we are talking about 756 sq. ft. versus their 20,000 sq. ft. Ours is a lot smaller. Looking around for comparative costs, the only one I could find immediately was Stamford's Lion's Park. They had a bathroom construction down there. Theirs is 775 sq. ft. That is primarily a garage. They have a 400 sq. ft. garage and the remainder is two 12 by 12 ft. bathrooms. They went out to bid in January 2018. They got two bids back in. Their bids ranged from \$436,000 to \$659,000. Right away there is some ambiguity on that bid. They have a building that is not within the AE Coastal Flood Zone. They have a traditional upper building but they have no base. Theirs is a traditional concrete slab, six inch concrete slab, no piles, no piers, no grade beam. Their cost came in at \$436,000. If I take the 775 sq. ft. and add in our \$180,000 base on it, it's right back up to where we are now. Unfortunately, the cost seems to be the cost for doing business in this area. I'm more comfortable that what we've

got is what we've specified out and the location, the desire to have a restroom that close to the beach. That's a product of having a building there that is new construction and we want that building to be there in 50 or 60 or 70 years. If it were not a new construction, if it were something that was being repaired, similar to what we did over at the pavilion, we were able to go to the pavilion and not have to conform with FEMA regulations. We were able to pull a building permit because we kept the cost within the realm of Planning and Zoning and Building Department criteria. There we were able to for \$400,000; we did not have to build it up to FEMA criteria. That's the difference between a new construction and going in and doing a rehab. During our earlier meetings, we heard a lot of comparison with three Fairfield buildings. Fairfield did three bathrooms, all rehabs. None were up to FEMA standards. Once you go into new construction, the Building Department requires you to have FEMA compliance. That is a local requirement. We don't have a choice on that under new construction. What we've come up with is a request for an appropriation: \$586,000 for the building, \$12,000 for the sidewalk around the building, miscellaneous stone and concrete work, \$10,000 for the landscaping and rain garden so we've got a \$615,000 building project with construction oversight, contingency and utilities. Utilities is based on bringing the power, water and sewer from the marina area up into the project area. That is basically a set fee for anything we have up there other than a portable. Portables have no electric, no water and no sewer. So what we are looking at is an overall appropriation of \$836,214. I will now pass it back to Jen.

Ms. Fava:

As we've stated, we are comfortable with the numbers Steve has just shared and we have the bids in place. We don't anticipate using the contingency but a contingency is there in case we come across something that we're not expecting. The reason I'm saying this is we hope to be doing this for under \$800,000. We only get the contingency if it's used. We may not need all the construction oversight and design money. Where we can, if possible, with the landscaping and the utilities, that there are some portions of that that Town agencies can do, whether it is DPW or Parks and Rec. to maybe save some dollars there as well. It is important to mention that Compo Beach brings in approximately \$1.5 million annually to the Town. I think that's important for people to understand. The season for this is April to November. Of course that is dependent on the weather. It is winterized and shut down for the winter. It also would be closing on a daily basis around 9:30 or 10 o'clock as we do with the bathrooms at the pavilion. So, these would not be left open all night long. As you can see, we are talking about the bond and the bond repayment. If we were to take this total cost of \$840,000 and, again, hopefully it will be less than that and would reduce the bond payment, the payment is \$57,000 on an annual basis for 20 years. After that time, the building will be paid off. It will simply be regular maintenance costs and as Steve said, it's built to be sustainable and stay in place and last for 50, 70 or more years. When you break that down, there are about 10,000 households in Westport. The cost to each household over 20 years would be about \$5.70 per year or if you go by each day of the season it would be open, it is two cents a day for Westporters to have an actual bathroom instead of porta-johns. To spell this out, our options were dry flood-proof building and again, we're talking about just the building portion at this point. That's \$586,937. The elevated building, we took that out of the mix. Not only would it be an issue with views and view obstruction, in order to make it at the elevation required, it would

include very long ramps, making it less accessible which also keeps the cost high so most likely it would be the same cost, maybe even more but it was an option we skipped. It was mentioned in the letters from DEEP, we considered various options so over a 20 year period we have a couple of different options: To rent with a pump out is \$1,344,600. We realized we could hook this up to a sewer. If we did that, it would bring the cost down to \$1.2 million over the 20 years versus the \$586. If we purchased it, it would be about \$761,000 if it was to be pumped out. If we were to hook it up to the sewer, it would be \$265,200 and manual relocation costs as well as a sewer hookup. There would be continued inflation and after 20 years, there would be continued expense. There would be utilities expense because you would have to bring water and electric out to the trailers. That would be an expense. Who knows what the cost of inflation would be? To put this into perspective, when we did the cost in November 2017 and then in August 2018, the cost went up 17 percent. Also, if we used the porta-johns there would be less amenities. We wouldn't have the shower; we wouldn't have a water fountain; we wouldn't have a bottle filler. Most importantly, we felt when people were talking about rest rooms on south beach, they weren't talking about another porta-john. This is where we would have typically left off on our presentation but, given that there has been additional feedback that everybody has been hearing, we wanted to share some additional information with you. We had put together some additional information. We looked at the approved rest room location versus the alternate rest room location that has been to place it in the gravel lot across the cut through road. These are all pros that we thought were appropriate to keep it in the approved location. The one con is that it eliminates the use of the space for other uses; however, it is currently using unutilized space. It is already a paved area and actually we are reducing some of the impervious surface by creating green space next to the building. Because it is a foot lower than the gravel area, it's easier to create ADA access. Having that lower elevation also helps to minimize view obstructions. And it doesn't require the elimination of parking spaces. If we were to move it over, that gravel lot area is now used for our daily parking. If we were to put it over there, we might have to change some of the traffic flow. It's not as simple as just moving the building over. There are certain requirements. There were discussions at the site visit about how far we would have to keep it away from the trees if we didn't want to lose them for the root systems. The further out you go, the more space you would lose there. There is also additional pavement for designated spaces, which is required when you have a building of that type. Keeping it in the approved location would not require a change in traffic pattern or the elimination of ingress or egress for the daily parking lot. It requires only one road crossing or crosswalk so users of the skate park or pickle ball courts, even if they are in the main lot, would be able to simply access the bathrooms. If it were in the gravel area, even those users would have to cross the road. The approved location is in line with the skate park and the pickle ball courts so there is only one line of visual impact or obstruction. If you are looking it from the road, it is already somewhat obstructed from the skate park and the pickle ball court. We'd actually be improving the aesthetics of the area with the green space. It's already approved unanimously by all the land use bodies so, if we were to change the location, it would require a whole new process. We would be starting the process over again, all the public hearings, all the funding for new design so there would be additional costs involved, as well. Again, because this is approved, we can begin the construction process right away. We've already got the bids in place so

that's all set and ready to go once we receive funding. Again, it does not impact current or future events that utilize the gravel lot. Many of you may partake in the Lobster Fest or other things that take place in that area. It would limit things that would happen in the future. In fact, the building may actually block some of the wind from the pickle ball courts that we know has affected play. We use parking that already exists for the designated parking spaces; that is, along the roadway. The area right in front of the pickle ball courts is not meant for parking although some people have been parking there. We talked earlier about minimizing impact or change to Compo Beach because it's already used for a variety of activities. That is one of the things we heard all the time. We don't want change at the beach. We tried to limit that as much as possible. We felt that by putting it in an area where activities are taking place, it's already in use. It would require less disturbance and erosion and sediment control. It's not located in an active parking lot. The alternative location may require additional safety precautions. The way it has been portrayed is that it would be set a little bit further back which would mean for people to access it, they would have a longer walk from the beach and it also shows the traffic pattern still going in front between the building and the roadway so people would have to not only cross the road but also cross traffic within the parking lot. We felt that was a safety issue. We wouldn't require additional impervious surface for handicap parking. Most likely we would require a larger rain garden to help offset some of the impervious surface. It has also stated about the footage and comparisons. It has been stated that the size of the building is the size of the main room at the Ned Dimes Marina. On the drawing, the red line is the proposed restroom from an aerial view. The blue line is the outline of the Ned Dimes Marina. We have the side view. The red is the proposed restroom and the blue is the Ned Dimes Marina. This is a photograph which shows a truck from the Lobster Fest. If you were on the road you would be able to see if there was a building where if it was located where it is proposed, you wouldn't see it from the road; in fact, this is the view straight on from the road and all you see is the skate park. That view is already obstructed. This is closer photo showing the view is already obstructed. One of the other comments brought up is that this would obstruct the view of the sunset. The building would not obstruct the view from the pickle ball courts.

Ms. Daignault:

You have received three letters of support for the proposed restrooms on South Beach from the Senior Services, Human Services and Commission on People with Disabilities. These commissions represent residents from diverse (and frequently underserved) populations. The commissioners were consulted in the development of the proposal throughout the public process. The mission of Westport's Department of Human Services is to promote independence, personal development and an enhanced quality of life for Westport residents of all ages through a variety of programs and services. Ours is a community of inclusion; one that values the many amenities our community has to offer. Unfortunately, there are many people that are not able to fully access or participate in our beach community because of a lack of accessibility. When considering the vulnerability and shame that many people experience when they lack the autonomy and independence to simply use the restroom, there is no question that there is an established need for restrooms on south beach. Not only is it a priority for the population that we serve on a regular basis (be it seniors, families or individuals with disabilities) but it is a necessity to

ensure the quality of life of all residents who simply want to enjoy what others may take for granted. I am here today to advocate for those that are not able to be here this evening and attest to the urgency of accessibility issues. Tonight we have an opportunity to make a considerable difference in the lives of so many people. To put off this decision or take “a wait and see attitude” is not an option to address a basic need like restroom accessibility at one of the most popular attractions in Town. A restroom on south beach will undoubtedly enhance our crown jewel and evokes the concept of human dignity and equality for all people in Westport.

Ms. Fava:

I know the RTM received letters regarding safety concerns so I'd like to bring up Police Chief Koskinas.

Mr. Koskinas:

Somebody has got to be wondering what is this guy doing here. First he presented a parking lot and now he's talking about bathroom security. Unlike the other people, I'm not here to tell you whether we need the bathrooms or whether we want the bathrooms or anything like that. I would ask you that once I'm complete that we really focus on do we want the bathrooms and can we afford the bathrooms and not be sidetracked by some of the other information. I have sat down with Jen, even in the last few days, to look at our security needs down at the beach. There are certainly some concerns that we had to address. There is always a concern any time you have a location that locks and people can go in and lock it. I would not tell you that it's not a concern at any given time. The truth of the matter is that we have come up with different ideas and we are going to put them in place as the bathroom is being built. One idea which is very easy to do is to have an alarm inside each individual bathroom that would activate a strobe light and an audible alarm in that particular bathroom. In addition to that, we would have plenty of keys for the users who are down there--- meaning our staff, the police officers, the marine staff and, additionally if they are tied up elsewhere, a type of lock box key that the Fire Department has on all commercial buildings. It's the little red box that you see outside buildings. In this case, it would be a blue box that would give any police officer responding access to those bathrooms. Additionally, there is conduit that is being run through the other utilities that would give us access to cameras and, as you may know, cameras are a big deterrent when people know they are being watched. They are not going to be inside the bathrooms, obviously, they will be looking at the roadways, the access, people coming and going and it will be advertised as that with the proper signage. Another area where I think we've gotten a lot better in the last year, as many of you know, we voted on this last year, we have increased the patrols that are dedicated to the beach. There are police officers that drive during the busy months, certainly not as much in November and not as much in April, but certainly in May through September, there are active patrols during the week and on weekends and we do get out of the car and check the other bathrooms and other locations. We would certainly be doing this with these bathrooms like any other buildings. Additionally, the marine police are about 75 yards away. They do walk the area to check the marina and they would be available also to respond to those locations. As far as some of the arguments, it's not to say things don't happen. I was recently up here talking about School Resource Officers and we really try to compare and benchmark

ourselves to other communities and the problems we have. While I understand the concern, especially from a specific profession, it's tough to look at those numbers and compare ourselves to Chicago, to compare ourselves to Boston or even to compare ourselves to the overdoses that happen on the New Haven Green to what our bathrooms will be. I've done the homework and I can tell you right now we have three other locations in Town where the bathrooms work similarly; they lock from the inside. We do not have one recorded incident of an overdose, a murder or a rape at this time. I'd even go one further. All four porta potties that are down there also lock and somebody who is looking to shoot up isn't specific that they need to go to a clean bathroom. We have yet to have anybody do anything like that in any of the porta potties. So, I do feel confident about the system that is in place. I would never just tell you that things could never happen but I think that we have proven through our other locations that they haven't happened. In the communities around us, in Fairfield and other areas similar to ours, when you go to Sasco Hill, when you go to Southport Beach, when you go to other locations, you will see that the doors lock from the inside and the doors go all the way to the bottom. I actually learned something in speaking to somebody earlier this evening, why aren't the doors short so you can look through the bottom to see if somebody fell and I got an answer from somebody from within and I called the other Police Chief and there are several issues that come up with that. Some of them are as simple as we don't want sand and water getting in there and, more importantly, we don't want rodents getting in there. When you start weighing, what do you do after hours when animals can get in and things like that, there are some great ideas that Parks and Rec. has put in place and the mechanisms that we already have with our increased patrols and if we look at our track record, not that it could never happen, this is not an area that we have increased problems. One other thing I forgot to say earlier on, on top of all those patrols and all those people check, Parks and Rec. has an actual time schedule that they go to these bathrooms to clean them and check them and empty the garbage. So, I can't think of enough steps that are not in place to keep tabs on what is going on in the bathrooms. I'm confident. I'm comfortable and I hope we really focus on the fact of can we afford the bathrooms and do we want the bathrooms.

Ms. Fava:

In closing, we've all seen the emails coming in, some in opposition to this project and some in support. Some are calling this restroom a luxury but many others would say otherwise. I'd like to share a few quotes from some of our residents on why this restroom is so important.

- One said: South beach is always so busy during the summer and the use of porta-johns for a beach that serves hundreds of people daily during beach season is unsanitary and unacceptable.
- Another said: We are very regular users during all seasons of all the beaches in Westport but there is one that needs a basic quality of life improvement; that is south beach. It's very difficult for parents with small children and people with handicaps to use the porta-johns safely and hygienically.
- Another said: For many people like me, people with mobility issues, we have to fight and plead and beg like I am right now to get a fraction of what able-bodied people get and say that it is too much of an inconvenience to include me and other

disabled Westporters and visitors who pay just like everyone else to have stickers and be in this Town. To say that it doesn't matter is so upsetting to me and it makes me not want to be in this Town, to go somewhere else that will be more inclusive.

- Lastly: We go down to the picnic tables often with our three grandsons, ages one through six. It's such a hassle to take them to the pavilion or marina bathrooms. Sometimes the younger one doesn't make it. We also often meet our friends for sunsets, cheese and beverages. Porta-johns just don't cut it. To keep our Town and attraction for the next generation, we must continue to improve all aspects of our public space.

For these reasons, we ask that you approve this appropriation request for a restroom near south beach.

Committee reports

Parks and Recreation Committee, Chris Tait, district 1:

We met on 11/7 here in Town Hall. As you heard from Jen, we heard pretty much the same thing at our committee. The one main thing we heard Steve talk about the construction of the bathrooms being FEMA compliant and the issue of the cost. You see the bottom that he was talking about. Overall, the committee did have a concern and their concern was based on Coleytown. They wanted to hear from the Board of Finance on the issue because we are taking this up prior to Coleytown. That was probably the major concern of the committee. Its location was not. The public had the chance to weigh in with their opinions to the committee. Steve Edwards talked about the four bids coming in about one percent apart for four bids. Steve also mentioned the FEMA standards for the Building Department. They wouldn't issue a building permit unless there was FEMA, correct? Also, there is \$46,000 as a contingency cost which Steve doesn't think they will be using which then goes back to the Town. The one thing the committee wanted to express with their vote is more about talking to the Board of Finance and hearing from them about Coleytown than it was the bathrooms. They expressed their vote could change at the RTM.

Point of order, Carla Rea, district 8:

I wanted to make sure you understand my vote was not just because of Coleytown.

Mr. Tait:

Thank you Carla. So, most committee members' vote was based on hearing from the Board of Finance and their vote could change at the RTM meeting once they heard from the Board of Finance about the concerns we had on the committee. The vote was 0-4-3.

Finance Committee, Mr. Braunstein:

I am going to start out by going through quite an extensive list of RTM members and key constituents that played a role from the Finance Committee standpoint and I want to introduce the fact that we had two meetings, originally on Nov. 1 with follow up on Nov. 8. The Finance Committee members that were present at the initial meeting were Jeff Wieser (Chair), Seth Braunstein, Christine Meiers Schatz and Greg Kraut. The members that were present at the Nov. 8 meeting were Jeff Wieser (Chair), Seth Braunstein, Cathy Talmadge, Lauren Soloff, Greg Kraut, Christine Meiers Schatz and Lee Arthurs. From

Parks and Rec. and DPW were basically the same individuals you saw here this evening, Jennifer Fava, Director of Parks & Rec. Department; Charles Haberstroh, Chair of the Parks & Rec. Commission and Steve Edwards, former Director of DPW. There were a number of other Town employees at the Nov. 8 meeting. We had Chief of Police Foti Koskinas who you heard from this evening, Deputy Chief Sam Arciola, Conservation Director Alicia Mozian, Director of Human Services Elaine Daignault. As a testament to the importance and focus on this issue, there were quite a few RTM members who weren't on the Finance Committee that attended the meetings. At the first meeting on Nov. 1, we had Kristin Schneeman, Kristin Hamlin, Matthew Mandell, Chris Tait, Andrew Colabella, Jay Keenen, Jack Klinge, Lisa Parelli Gray, Peter Gold, Catherine Calise and Lou Mall. On the Nov. 8 meeting, additional members of the RTM who were not on the committee that attended were Catherine Calise and Jessica Bram. At the first meeting on Nov. 1, we heard the reasons why a south beach facility is being pursued, the detailed specifications of the structure, the site improvements required to provide utilities to the structure, why the structure was required to be FEMA compliant and the extent to which this compliance was the main driver of the expenses associated with this project. There was also considerable time spent detailing the process that Parks and Rec. has gone through to bring this project from initial conceptualization to tonight's appropriation request and how this iterative process was considered and approved by all of the appropriate Town bodies along the way. Members of the RTM and members of the public posed numerous questions relating to a variety of issues including:

- Consideration of alternative structures – based on size, whether FEMA compliance was truly needed, location, aesthetics and setup (single use gender neutral vs. multi use gender specific).
- Consideration of alternatives to a permanent structure – Could a higher quality, nicer portable solution provide similar utility at a lower price point in the near term and over long term?
- As Chief Koskinas explained safety was a concern that received a lot of attention - Was it acceptable to have locks on the doors, doors that opened inwards without an ability to see the entire space immediately, and if there were elevated risks associated with the design?
- As Chris mentioned, we faced similar concerns in the Finance Committee about Town budgets and prioritization – A general sense that the Town was about to face some significant expenses and whether it was the right time to pursue this particular project.

After roughly two and a half hours of learning about these plans and exploring all of these questions no motion to vote was made and the meeting shifted focus to the rest of the items that needed to be addressed that evening. The unwillingness to make a motion that evening on this appropriation request was reflective of the desire to gather more information and clarify some of the important questions that were raised in that initial discussion.

On Thursday, November 8th, a week later, RTM Finance Committee reconvened for additional consideration of the South Beach bathroom appropriation request. This second meeting provided Parks and Rec. with an opportunity to address the issues and questions raised at the initial meeting. Director Fava provided additional information of the types of portables that might be considered as an alternative, their costs, features and utilities

requirements. Steve Edwards provided a clear comparison of the structure planned for south beach versus a recent structure that Stamford constructed that had similar square footage but was not required to be built to FEMA specifications. This comparison concluded that there were approximately \$180,000 of additional expenses being incurred directly related to the FEMA requirements. Chief Koskinas weighed in with his views on the safety. I won't repeat what he said this evening. Chairman Haberstroh introduced the potential for Parks and Rec. to propose an extra \$5/beach emblem at the next Parks and Rec. meeting which would, in effect, offset the annual cost of the debt service related to the bathroom appropriation. This would generate approximately \$80,000 a year (\$5/emblem x 16,000 emblems) which while it would go into the General Fund could be earmarked, or in his words, "encumbered" so that it would offset the \$57,000 of annual cost/debt service for this project. Director Mozian provided information on how the process would work should this request be denied and a new design or location be pursued. Director Daignault was able to convey a sense for why this project would be helpful in providing significantly improved access to facilities at the beach for our disabled population and their families and that it would, in fact, rank as a high priority within the context of all desired improvements for the disabled throughout the Town. After roughly three hours of discussion at the second meeting and additional public input/questions, a motion to move to a vote was finally made by Jeff Wieser and seconded by Cathy Talmadge. The vote result was as follows: for: Jeff Wieser, Cathy Talmadge; against: Lauren Soloff, Seth Braunstein, Lee Arthurs, Christine Meiers Schatz; Abstain: Greg Kraut. In conclusion, and I think this is a really important point to make, while these vote results do not convey a clear recommendation from the Finance Committee, it is important to take a moment to explain that all of the voting members, including those who voted for the appropriation, wanted to better understand how our First Selectman and Board of Finance currently viewed this funding request in light of the information revealed on Monday, November 5th regarding the initial estimated costs to either remediate or replace Coleytown Middle School. Much of the concern expressed in these meetings was focused on how this particular appropriation should be prioritized amidst the overall budgetary considerations of the Town given the firmer, but still uncertain, estimated costs for Coleytown and other pending, imminent anticipated expenditures.

Dr. Heller:

Before we begin, I'd like to make a couple of points:

- The RTM acts on the decisions of Town bodies who have approved an item as part of the regular process of governing. This process is laid out in the Town Charter. In this case, we are addressing a request from the Parks and Recreation Commission for an appropriation approved by the Conservation Commission, the Planning and Zoning Commission and the Board of Finance in publicly noticed meetings. It is the responsibility of the RTM to consider the appropriation as described in this resolution.
- This body strives to maintain an orderly forum where participants are able to express their views without intimidation through positive civil discourse. Audience reactions such as applause or calling out can be intimidating to others and may interfere with civil discourse. We recognize that there are some very passionate feelings about various items that come before the RTM and we are reminding

everybody that it is important that though one can be passionate, there has to be that high regard for civil discourse and rules of order that are very much a part of the way we govern in Town and, hopefully, all across the country. It's part of our democracy that there are different points of view and that we respect them and we certainly respect the people who have different points of view.

- Please focus your remarks on the resolution for an appropriation as contained in this agenda.

Point of information, Matthew Mandell, district 1:

In light of the Finance Committee's report and their questioning as to what the First Selectman and the Board of Finance...

Dr. Heller: Would you let me just continue.

Members of the Westport electorate

Mr. Marpe:

Thank you for the opportunity to stand up after two hours. I am here tonight to request that the RTM approve the appropriation request that is before you. This project has been, and remains, a high priority for over two years and remains a priority for my administration. It's a priority because the need for quality restrooms on south beach has been on the top of every list of desired Compo Beach improvements. It's a priority because a significant percentage of our residents and beach going families of all ages and abilities are faced with the fact that porta-johns of any design do not adequately address their access and dignity. It's a priority because it creates a facility that meets the goals of NetZero by 2050, which this body adopted, by providing a resilient, sustainable FEMA compliant structure that will withstand future storms and sea level increases. It's a priority because it reflects the quality and brand of Westport on one of our greatest assets – Compo Beach – the same quality and brand that is reflected in our Senior Center expansion, the Levitt Pavilion, the about to be transformed Library and our rehabilitated top-10 golf course. This project has followed as complete and transparent an approval process for the past two years, as I have ever seen, as any required by our land-use and funding bodies. As you have heard, numerous public hearings with unanimous or near unanimous support have gotten us to this point. The Parks & Recreation Commission and our design team have worked diligently to achieve a FEMA compliant restroom facility that reflects the needs of Westport, the quality expectations of Westport and in a convenient location that will have the least impact on the beach itself. I recognize that we face the potential of significant bonded capital costs to address the problems of Coleytown Middle School. However, our recently completed debt and unassigned balance study gives us confidence that we can pay for this project and a number of other significant projects without threatening our Triple A bond rating or our ability to continue to pay down long-term debt and you'll hear momentarily from the Chairman of the Board of Finance more about that. During the upcoming annual budget process, I'll be working with each department head to review our five-year capital forecast to be sure that we have the major projects appropriately prioritized, sequenced, and modified for whatever capital expenditures will be required to address the Coleytown Middle School problems. We may need to postpone some projects on that forecast, but we cannot stop investing in and maintaining

our infrastructure and amenities that contribute to the quality of life that makes Westport so special. We can afford these restrooms. This expenditure will not jeopardize our response to the school project or any other capital project that assures public safety, maintains and repairs our aging infrastructure or enhances the brand of Westport. This appropriation request reflects a high quality design that we can all be proud of and which will serve the needs of beachgoers of all ages and abilities for decades to come. I urge you to approve this request.

Brian Stern, Chairman, Board of Finance:

I have been asked by your committee chair to explain three things in light of the surprise and the crisis at Coleytown Middle School. These three things are: 1) The bonding capacity and affordability presented; 2) The capital prioritization process and 3) The short-term funding of an extraordinary year-end 2019 expense and probably 2020 expense. These are very important questions and I understand the way various committees voted because it is a surprise and probably a large number. So, as Jim just said, coincidentally, we just finished, a month ago, a bond policy and unassigned fund balance committee has finished their assignment; apropos of this, it couldn't have come at a better time. The committee was led by Andrea Moore and Nancy Dupier from the Board of Finance and Sarah Harris supported them in the construction of the report. We used input from our bond issuers, our insurance experts, a couple of folks from Wall Street who are part of the population here and our external auditors. So, this is not a casual exercise. This is not a 'what if?' This was a legitimate formal policy committee. They will report to the Board of Finance, I think it's Dec. 6 and I welcome you to tune in to channel 79. The general objective was to answer this question: "Are the reserve and debt levels sufficient and appropriate and prudent?" I'll lean heavily on their analysis in answering those three questions.

1. Bonding capacity and affordability: This history of our bonding over the past 20 years is this. It's very simple. In 1998, our bond indebtedness was \$20 million. Then came the school building program, Bedford, Staples and some others and we spent nearly \$119 million on those. The peak indebtedness came in 2006 which was eight years after that and that was \$170 million bonded indebtedness. The current indebtedness today is around \$100 million. So, the net impact over that 12 year period is a net reduction indebtedness is \$70 million. We repay debt at the rate of about \$14 million/year. It has been that way for the last 10 years at least. And then you have to add on bonds for other things like the library, like the Senior Center and like the Levitt Pavilion, those large expenditures that Jim just spoke about. In the middle of that, we all remember, to give us even more stress, we had the great recession. If ever there were a test to our level indebtedness, the great recession was it. Revenues were down. The income of the Town was in jeopardy. I don't need to go through that. So, going forward, we posed the question and modeled the basic capital forecast of the Town with our consultants and put sensitivities against the Moody's indices that create the AAA that we have. When we did that modeling, I was even surprised that we had really more than sufficient head room as to not jeopardize our AAA rating as we move forward. In fact, it's scary. We could probably (I hope no one's listening) spend double what the

architects came up with and still keep our AAA rating based on the ability to repay debt. Bear that in mind as you make that decision tonight for less than \$1 million.

2. Capital prioritization: How does this fit in with the way we work? Jim had spoken about this probably more than I should here in his speech. Each budget session, before we go into the budget, we typically have a liabilities and five-year capital forecasting plans put in place. We never spend the capital forecast. The capital forecast for the next five years is \$93 million. We won't spend that but we won't spend that for good reasons. It's not because anything in there is not a priority, there are a lot of place-holders: fire department's trucks, bridges that need repaving and stuff like that. The Senior Center, when we went for that, it moved out about two years from our capital forecast to begin with. The net result, the bottom line on our prioritization is that we believe at the rate we are paying down debt right now and those items we have in our capital forecast, our debt will probably be the same. We'll probably stay at the \$100 million level with loads and loads of headroom for unanticipated events. So, we had a surprise. Name the number. By the way, we don't know what it is. We won't know for a long period of time and, by the way, even if we spend the money, it probably will be three to four years in terms of bonding. It won't hit us for a little while and we do have flexibility in terms of seeing this coming as the numbers get clearer and clearer. They are not clear at the moment but as those educational strategies numbers become clearer, we will have ample time and we have capacity to deal with it. In fact, as I read the policy committee's report, there was a sentence that says

The Town has sufficient debt capacity for education projects.

3. The tax rate: We have to set the tax rate each year... The impact on this year's financials and next year's financials from an operating budget perspective. It was an unwelcome surprise what happened at Coleytown Middle. My estimation only is that probably the impact this year is going to be \$2 million and we've already had \$1 million that was outlined today and who knows what the cost will be but say it's about the same in the \$2 million range. So, how do we cover that and not have a tax increase this year? We've covered \$2 million problems before. It takes a lot of work to do it but we have done it before. First of all, we know the Board of Ed. does have flexibility. Last year was an example of that where we had nearly \$2 million, the same sort of problem, related to health benefits expenses which I'm sure you all remember. How did we cover that? We covered that a little from the Board of Education. We covered some of it, I hate to say this, from the carryover fund which is not very popular here. We worked it that way. The first source of funding is the Board of Education themselves. We need to put pressure as a community on them to be precise in their numbers and precise in their opportunities and risks. Because this is such a high number, the Board of Finance, we will spend the first hour discussing exactly where they are so there are no surprises come budget time in May. The second source for the funding is that we have an unassigned fund balance - the target nine to 11 percent a year. The current fund balance is roughly \$24 million. We are dealing with a \$2 million problem here. This is the sort of surprise that the unfunded balance is for not that we go straight to the unfunded balance. We go to other things too. What are other things that can affect that balance this year? Two million dollars, a problem. You've

heard today, we've had a \$563,000 insurance claim from four years ago that came through. That helps offset it. We've had fairly good tax collection this year. We don't know what the grand list will be but if we continue to invest in the Town, the grand list will probably grow a wee bit. We've had unexpected revenues from the State from education cost-sharing grants that we did not include in our budget and we expect about \$400,000 this year. But clearly, we will probably have to go into the general reserve a wee bit. It's not a crisis subtraction from the general reserve, it's a prudent subtraction from that. My colleagues in surrounding towns have said we probably have the most conservative Board of Finance committee in Fairfield County. We've kept taxes flat, at least the mill rate flat for a long period of time and we intend to do the same even with these crises. The CMS event was an unwelcome surprise but we are very well reserved as a Town. We can afford to rebuild without impacting other important strategic plans that we have in Westport.

Paul Lebowitz, Chairman, Planning and Zoning Commission:

There are two things I would like to address tonight. One is the breadth and depth of the meetings that we took and the votes at both those meetings as well as the process going forward and what it might look like. First of all, the First Selectman brought his 8-24 request for the ADA compliant restrooms and sidewalks to us in February of this year. February 15 was our meeting. Jennifer Fava came in May and we had our public hearing then. In both those meetings, our Commission voted overwhelmingly without abstentions or negatives to approve both these items, both the 8-24 as well as the site permit application. In both cases, they were fully vetted. I will also add, we had very little input from the public. We were anticipating the public would come. I guess there was not as much concern as there was as after the meeting. In following what has happened since then, I just want to add a couple of things. This is a campsite plan special permit. One of the things a campsite plan special permit is, is it is outside the purview of the RTM because you are a funding body. So, if you turn down the funding and they have to come back to us for a site plan, we will have to start over. Especially, given the outcry that this was not duly noticed or not understanding that this was coming through Planning and Zoning, I, for one, would never recommend that we take any shortcuts the second time around. If this has to come back, it has to come back full. What that means is it has to come before the ARB; it has to go through the Planning and Zoning boards that come before us, Conservation, the Parks and Rec. Commission itself. So those are some of the meetings. I'm not sure the amount of time it took last time but I'm going to guess it took about five or six months. That's five or six months before it gets to us. That puts us close to the opening of the summer season this coming spring. That means if you want to see this built but if you delay in any way, you are talking about 2020. I just want to make that clear. There was a discussion about having a shortcut version of bringing it through the Planning and Zoning Commission. There are no shortcuts, especially in light of the demand by the public of having increased participation. What I'd like to enter into the record are the two resolutions, the 8-24 resolution and the site plan special cam site.

Edward Schenkel, Attorney:

I represent several taxpayers in Westport: Dava Waltzman, Jay and Caroline Walshon, Alan and Karen Schur, Steve Slaughter and Marion Kelly, Tom and David Lowrie. I have

prepared a letter on their behalf that I would like to submit into the record. I would like to read it into the record and I also have copies. For the record, Edward Schenkel from Gregory and Adams, P.C. in Wilton Connecticut.

Dear RTM Members:

We represent Jay and Caroline Walshon, Alan and Karen Schur, Dava Waltzman, Steve Slaughter, Marion Kelly, Tom Lowrie and David Lowrie, herein known as the objectors and write on their behalf regarding the Town of Westport's consideration of installing bathrooms at south beach at Compo beach. As explained more fully below, there are a multitude of serious public interest issues and concerns with respect to the bathroom project including issues regarding price, location, safety and process that warrant a stay on the project until the issues are fully investigated and addressed. In fact, our clients may seek relief in Court if the Town decided to proceed at this juncture.

Following is a summary of the major issues/questions our clients have regarding the proposed bathroom project:

1. At the March 31, 2015 Special Meeting of the Westport Parks and Recreation Commission, Parks and Rec. did not vote on the resolution that was before it regarding the bathroom project which at that time involved a proposal to spend approximately \$235,000 for separate men's room and woman's restrooms. This can be confirmed by review of the videotape of the March 31, 2015 meeting and various Town officials have admitted that the vote did not occur.
2. Nonetheless, the minutes of the march 31, 2015 meeting to approve the south beach bathroom resolution was made by Mr. Iannone, seconded by Mr. Axthelm, passed unanimously. Why or how the minutes reflect approval of a resolution that was never made is a mystery and in our view improper. As there was no underlying resolution proposed, any future action that relied on this phantom resolution is invalid.
3. At some point in 2015-2016, the bathroom project changed significantly in cost and design without a public hearing or input from the public regarding the reasons, safety concerns raised by the new design and other issues. The bathroom project was now three times the size in an in appropriate location and unsafe.
4. At a Parks and Rec. meeting on Aug. 17, 2016, Parks and Rec. Director Jen Fava stated as follows:

At the March 31, 2015 Parks and Recreation Commission meeting, there were a number of resolutions that were passed in regard to the Compo Beach Master Plan and two of the resolutions pertain to this project. The resolutions were as follows: Resolved: the Parks and Recreation Commission recommends the creation of pedestrian circulation separated from automobile traffic throughout the facility and Resolved: The Parks and Recreation Commission recommends the introduction of restrooms for the convenience of south beach users; the Commission does not recommend a pavilion near south beach to be included in the plan.

Based on that statement, Parks and Rec. voted on the following resolution:

Upon a motion by Mr. Iannone, seconded by Ms. Hess, and passed unanimously, it was resolved: The Parks and Recreation Commission

approves the request to the Board of Finance to approve an appropriation in the amount of \$100,000 for the design and engineering of the Compo south beach walkway and restrooms.

However, as noted above, the predicate resolution to which Director Fava referred was never approved, casting serious doubt on the validity of the April 17, 2016 resolution authorizing funds for design and engineering of the Compo south beach walkway and restroom.

5. On Nov. 15, 2017, Jen Fava introduced the restroom proposal to the public again referencing the non-existent resolution that was allegedly made at the March 31, 2015 public meeting the Parks and Recreation as “background as to how we got here tonight.” At the March 31, 2015 public meeting, the Parks and Recreation Commission listened to the resident’s concerns and voted that night on a number of recommendations, some of which they accepted and some of which they did not. Two of the resolutions that were passed that night pertained to the creation of pedestrian circulations separated from automobile traffic and restrooms.

Dr. Heller: Mr. Schenkel, are you close to wrapping up?

Mr. Schenkel: About 60 percent done. I’ll try to speed up.

Dr. Heller:

Could we just put it in the minutes? I think it’s hard for people to listen to this whole thing. The bottom line is you have a written prepared document that we can put into the minutes and I think it certainly would save a lot of time.

Mr. Schenkel:

There are a couple of main points at the end. Why don’t I spend 30 seconds summarizing them.

Dr. Heller: That sounds wonderful.

Mr. Schenkel:

I just want to talk about the price, the location and the safety. It’s only three-quarters of a page.

Dr. Heller:

We recognize that there are a number of points you are trying to make. If you can summarize them, that would be fine since we will have the written document.

Mr. Schenkel:

We go on to make a point about the notice letter, Nov. 16, 2015. This letter, we argue is inadequate. It doesn’t provide sufficient notice and characterizes the area where the Town is going to construct the restrooms as a parking lot and did not discuss the recreational use of the area south of the pickle ball court. Moving along to points of price, location and safety, what began as a \$230,000 project morphed into a \$1,110,000 project and we do

not believe the appropriation resolution does authorize a \$1,100,000 project. So, it does not have an appropriate underlying funding resolution. We take issue with the location. We believe location B, the gravel area, is much more prudent.

Dr. Heller:

Please understand Mr. Schenkel, we are dealing with an appropriation, not location.

Mr. Schenkel:

Understood. The final point that we make in the letter is related to overall safety, primarily the locks on the doors. This locked entry door design will eliminate the ability to adequately monitor the behavior within, detect any urgent and emergency healthcare needs within, will impede access and inevitably delay the emergency response for people in need of timely intervention. This is of concern to our clients because of the growing opioid crisis. I guess the rest of the points that we made are in the letter.

Dr. Heller:

You can present that document. Let me just say that this did extend well beyond the time allowed but there were many people involved in this. Our normal timeframe is within three minutes for members of the electorate. I ask you to please try to keep within that and I also ask you to please not repeat things that have been said again and again in the interest of saving time for everyone. I know that you have been sitting here for a long time and I am trying to consider everybody's situation.

Point of order, Mr. Braunstein:

The last speaker was a representative from a law firm. I think members of the public should be allowed to speak first.

Dr. Heller:

Yes. If your name was represented in this letter, I think we do have information from you so I would ask you not to repeat information in the document and I think people who are not in the lawsuit ought to have the opportunity to go first, if you wouldn't mind that, please.

Jim Ross, 18 Hillandale Road, Chair, Westport Commission on People with Disabilities:
I would like to thank the RTM for allowing us the opportunity to speak. This has been a long process. When we came to the RTM allowing us to form the Commission on People with Disabilities, it was forged in parallel with this first initiative that was brought to our attention in 2016, the south beach improvements. One of the things that was posited to us as we were forming the Commission was why does this have to be a permanent entity? Why can't it be a committee like our Boating Committee or our Golfing Committee? The message that I want to send to everyone in the RTM today to think about when you place this vote tonight is that the reason we fought so hard to make the Commission on People with Disabilities a permanent feature as part of our Town process is that inherent in the disability movement is the essence of civil rights. Forged in the core of disability rights is the right of inclusion. This is owned by the Americans for Disabilities Act and against discriminating against people with disabilities.

We hear an awful lot about the funding, the location, the size. I want to speak on behalf of the people in our community and beyond who want to be participating in this wonderful gem of the beaches that we have here, their unequivocal support for this initiative. The only way to access these beaches are through facilities that we provide. We have to make sacrifices. Sometimes it's funding, sometimes it's sightlines. But we are talking about civil rights of people who currently are unable to access our beaches. So, when you place this vote tonight, you have the very unusual opportunity to affirm, protect the civil rights of an important group of our community. Do not overlook your responsibility to them please.

Bart Goldberg, 7 Beachside Commons:

I think the point I want to focus on is expense, the process and possibly the question that even if the RTM turns this down, doesn't choose to vote for the money, there still is an alternative. I keep hearing that we moved through a process of consideration of a permanent structure that started from the beginning and was passed through different committees and everybody kept pushing the plan through with no one knowing the cost. There was an estimate, I'm hearing, in March 2015 of \$235,000. Probably, I'm guessing, because I didn't attend 27 meetings that cost wasn't being considered but this drawing, the concept. Everyone wants the bathrooms, basically support the idea of the bathrooms but I don't think anybody thought about the cost to do a permanent bathroom and dismissed through this whole process really looking at, it's a wrong term to call them "porta-johns" today, that is the ubiquitous plastic single stall thing that you see everywhere. Porta-johns are no longer. There are portable bathrooms. Portable bathrooms have come a long way. Through creativity and architectural design, and I submitted this to the RTM members yesterday and it came back that I am quarantined from sending out information to you, that's just a side note, so I don't know how many of you saw this but I looked into briefly what a ADA compliant three bathroom set of bathrooms that are mounted, built on a trailer that you may have seen in upscale function occasions that you may have attended which are, frankly, very nice bathrooms. The point is that that or something else more creative, you can put a portable bathroom in, avoid all the FEMA questions and FEMA costs and have it placed somewhere. When the storm comes, you can trail it out. If you want to dress it up, you can build an architecturally designed Westport architectural quality enclosure.

Dr. Heller:

Mr. Goldberg, I am going to ask you to tie this as closely to the resolution as you can.

Mr. Goldberg:

I am going to get to the numbers. The point I wanted to make is \$840,000 to put a permanent unit in or, what I submitted is a quote for \$56,000 for the most quality set of portable bathrooms with storage, with flushing toilets, everything that you would want. For that price, all you need to provide is electric power line and a garden hose. Of course, with a little bit more money, you can put in solar panels. The point is \$56,000 to \$840,000, there is plenty of room to have something very nice. You can have an architect build a surround in its place and save the Town a lot of money. Frankly, if you decide not to approve the \$840,000, put the \$56,000 in, have it available, the Town owns it and then

get around to build a nice building structure that would satisfy the Town of Westport. Save yourselves a lot of money and save the taxpayers a lot of money.

Ms. Johnson:

I'm going to make two comments that are related. As it relates to this project, personally, when we opened the Levitt in 2014, a wonderful public facility that we have in our Town, I had the honor of being able to go to that event that night. The reason why I raise this story is because when I left that event with my 10 year old daughter, I came out to my car and on the windshield was a flyer. My young daughter was frightened to see my name on that flyer. As a member of the Compo Site Committee, the members of that committee were publicly vilified for the Compo Master Plan. Some people really didn't like it saying the meetings had been held in secret and a variety of other things.

The reason why I bring this up is there are people in this community who don't want any change at Compo and I respect that. I respect that people are concerned about cost and they don't want any change. The problem comes when we vilify members of the public that may feel differently. Members of the Compo Committee were vilified and my daughter was frightened. In the end, the committee disbanded and the community was left with a plan. Some ideas stuck and we were able to build a sidewalk from Joey's to the canons and we're extending it now. We were vilified for it then and we're building it now. The idea of a bathroom came out five years ago. I feel that this is a perfect storm tonight because a lot of that frustration and anger toward Compo is coming back tonight in this vote. Some people don't want change there and may not want this bathroom.

I do hope you understand that there are people with different opinions in this Town and not everybody feels that change at Compo is not a bad thing. So, I do hope you approve this. I also want to add that the perfect storm of the anger about what was going on about Compo and people did not know despite the dozens of meetings and the thousands of hours of public time on this, we do have the perfect storm of Coleytown and I did attend the meeting last Monday and I saw the presentation of \$24 million to \$70 million. That's a terribly frightening number. But tonight, we've heard our First Selectman, we've heard the Chair of the Board of Finance, we've heard the Chairman of the Planning and Zoning Commission, our elected officials who have worked on this say, it's okay. I don't believe that we, as a community, should continue this dialog and hold part of our population hostage while we study this more and we go through another iteration. There's always going to be different things that we can do to satisfy the bathroom needs but we don't need to wait any longer on this. So, I urge you to make a decision and I urge all you RTM members to vote, not to abstain.

Patty Haberstroh, 224 Landsdown:

Yes, Charlie is my husband but I do believe as a resident of this Town I do deserve to hold my own opinion on things and that's what I'm here for tonight. I want to start on a happy note. Thank you to the RTM, the Board of Finance and other committees for doing the pepper challenge. I know it was tough and hot but so far we've raised \$627,00 to find a cure for ALS and you're part of it so thank you.

I just want to make three points tonight. Plans for these bathrooms have been in effect for five years. Unanimous approvals all the way up to the Board of Finance where there

was one negative vote from someone who just told me that he did not want any bathrooms on south beach. After the meeting, he told me that. I have great confidence that Steve Edwards was a consultant on this because I think those of us who have known him over the years have tremendous respect for him. Alicia Mozian felt the location was the best location for the Town's beach to continue the beauty that it has. Second point: People suggest we scrap this plan, start over. I urge you not to do that. We've heard how long it will take to do it again. It will just delay construction and those of us with disabilities have waited for years for the ability to use south beach like our able-bodied neighbors.

I have to add, I have not been one waiting for years. It has been only this year that I lost the ability to walk. Don't we have the right to clean ADA compliant bathrooms available to everybody? If you've ever negotiated a restroom with a wheelchair, you will quickly learn why they have to be large enough to accommodate the aid and the chair. Those who need these most are either those who have no voice or would find it difficult to come to meetings like this. Young families with children, all of whom would have to accompany mom with that child that needs to go, our seniors who comprise 33 percent of this Town's population as well as those of us with disabilities. It has been suggested that the expense at Coley Middle should cause us to delay. As a former PTA President at Coley El, Staples High School, PTA Council President as well as sitting on the Program and Space Committee that planned Staples High School, I spent innumerable nights in this room with several of you who were there with me. Somehow we managed to build all those new schools, new Staples, new Bedford, retrofit Bedford to an elementary school and reclaim Greens Farms Elementary but we were still able to find the money to plow the roads, maintain our terrific police and fire and build our terrific center for seniors. Westport, as you heard, is financially solid, AAA rated and capable of dealing with Coley Middle. Finally, I just want to ask when did we degenerate to the name-calling falsehoods and personal attacks against those who oppose our opinion. A former friend said "Parading disabled people in front of the Town to gain sympathy and allegiance for proponents of the proposal, shaming and humiliating them, our neighbors, our friends, that was horrible." That was written and I quote. The disability community find it hard enough to come here but we have a right to express our opinion. We come on our own to advocate for our need and I just hope that we can end the division and rancor in this community unlike anything I've seen in 28 years. We are better than this. Please vote yes tonight.

Mary Carol, 2 Broad Street:

I ask that you do give the money tonight. I do understand with the really nice portable johns, I've been in those and they are not that easy to get around. I've got other issues and I can't use those. Nobody has mentioned that you are going to need a generator for those and I think that would be something to think about. I appreciate everybody's opinion and I love everybody but it would be great if we could have bathrooms that are accessible to everybody. Not easy to move around or go to the bathroom.

Harrison Valonte, 7 Wake Robin Road:

I have been in Westport for 50 years. I came to this meeting with not a fixed feeling about this. I was concerned about the location of where it was going to go and I spoke to people who expressed their views to me privately but now that I'm here, I've gotten great concerns. I've heard some great support for this. I liked what our First Selectman had to

say about it. This is Westport. We shouldn't be worried about and using excuses that we may not have enough money to pay for it. We're using excuses that maybe it's the location from people who know. I can see what happens in the RTM meetings. When something is delayed, it's not just delayed, it's put off to a time when we're not getting to use it. You've heard two women speak here about it's now. It's not down the road. So, I would say let's get to it. Let's get this done and let's let our RTM make the right decision. Get those johns in there. Regarding the porta-potties, I'm down at south beach all the time. We keep a boat at Compo and we have picnics at the beach. My wife won't use the porta-potties. She walks from there all the way to the marina building to go to the regular johns. This is probably the case for many people who are using south beach. Good luck to you on your vote. I certainly support your voting in the positive on this.

Dee Chapman, 211 Sturges Hwy:

I have been attending Parks and Rec. meetings since 2012. I was elected to the RTM in 2015 and sat on Parks and Rec. Committee within the RTM. I want everyone to know that Westport would never build a bathroom that was not ADA compliant. I agree with Patty Haberstroh. People with disabilities should have an ADA compliant bathroom. I started a non-profit company at Bromley Mountain. I talked about it at the Board of Finance meeting. I gave a 10-year commitment to starting a center for an extended family member who died in 9/11. His name was Bart Ruggeri at Cantor Fitzgerald. He passed. I made a 10-year commitment to supplying chairs for men, women, children, men coming back from the wars that were disabled to go out skiing. I saw someone come down the mountain in a chair and I said does that cost \$500 or \$5,000? I want to donate one to the mountain. They said, 'We have space. Would you be interested?' I researched it and made a 10-year financial commitment so you had better believe that if we build a bathroom on any side of Compo Beach, it's going to be ADA compliant. I feel it's important to preserve the area of Compo Beach for future recreational use where residents of all ages and abilities come together, put down their cell phones and have a conversation instead of building one of the largest bathrooms in the State of Connecticut on Compo Beach. These three bathroom doors cost \$32,000, take two men to lift them to put them on. These doors are similar to a submarine door. If a storm comes in the middle of the night, are we going to wake up employees from Parks and Rec. and have them come down to the beach and put these submarine doors on properly and make sure they are water tight? Is anyone paying attention that the Ned Dimes marina building has been at Compo Beach for probably over 50 years and has survived Storm Sandy? Let's not forget the proposed bathroom is larger than the Ned Dimes event room. We didn't say it was larger than the building. We said it was larger than the event room which holds 50 people. Some residents of Westport might want a bathroom on the south side of Compo Beach, just not one this costly, in this location, this large, 21 ft. x 40 ft. by 13.5 ft. tall. The restroom is the size of two very large box trucks blocking the view of the Long Island Sound. Let's not forget it will have a three foot overhang around the building. But tonight we are also here to talk about the finance aspect. The State of Connecticut ended their fiscal year with nearly \$24 billion in taxpayers back bonded debt with one of the highest debt per capita rates in the nation. What does it have in common with Westport? Westport debt level is among the highest in the State of Connecticut. According to Moody's website, Westport has over \$80 million in outstanding bonds. This is after issuing \$60 million in

general obligation bonds in 2018. I was told tonight by Brian Stern, it is \$103 million. Westport has a AAA rating. In light of the \$25 - \$75 million expenditure to fix Coley Middle School, the Town should go on an immediate belt tightening. All discretionary spending should be stopped. Why? The Board of Education forecasts \$3 million for capital projects for Westport school buildings over 10 years which means that each school has only \$43,000 for total maintenance. The insurance on the Coleytown Middle School was not to be honored because the insurance company felt that the mold problem at Coleytown Middle School should and could have been avoided. Did you know that Long Lots needs to replace the windows and we don't know what the final cost will be? How will this impact our budget? All four soccer fields need replacing which costs \$1 million, total cost. Westport Fire Department needs a new fire truck which roughly costs \$1 million. The Police Department needs a new air conditioning system and needs to remove an oil tank and convert to gas. That will cost about \$735,000.

Main Street has empty stores. Our home values are continually declining. We need to build possibly a new school. One of the last things Dr. Palmer said in her meeting on Monday was 'Now it's time to review all schools.' We don't know if there is mold in other schools or what the possibility of maintenance will be. These are concerning times so why is Parks and Rec. asking Westport residents to spend \$840,000 of our tax money for a mere three toilets at an outrageous cost of \$1,100/sq. ft., \$280,000 per toilet when Coley Middle School has a very costly mold problem without knowing the financial implications to the Town of Westport. I don't have a child in the school system right now.

My daughter is 25 years old. The children of Coley Middle School are our first and most important priority. The RTM Finance Committee and Parks and Rec. vote last week regarding approval of \$840,000 for the bathroom was more nay than yea. The RTM is an elected body. They have the authority, control; you have the leadership and a greater responsibility to the children of Coleytown Middle School and the rest of the residents at Westport. We hold you financially responsible in these times when we don't know the impact of Coleytown Middle School will be on the residents. I ask you to vote no.

Jess Hart, 24 Washington Avenue:

Obviously, this is a very emotional topic. I think part of the job of the RTM is to find solutions not just point out faults. I was going to have a different speech but after listening to some people we should have an ADA and it should encompass the whole beach. As Brian Stern pointed out, we can afford it. I'll also say Warren Buffet can afford a Rolls Royce and he drives a Cadillac. It's not about the money. It's about spending it. And you are putting up, as Steve Edwards said, something that is going to last 50-70 years. For 50-70 years, do you want it in your front porch? I wrote a letter to you referencing bilco doors. Do you want to put this in your front porch or where the utility goes. This is a bathroom, it's the same as parking. It should be with parking on the utility side of the beach, not on our recreational side. So what I'm going to ask you as RTM members is to vote no and then turn around and vote yes. We should have ADA. There's no reason not to. So vote no now for \$840,000 at that location and please, someone at the RTM, stand up and be a thought leader. Make a new resolution to revisit this. And I cannot believe, and this is the P&Z, the Finance and all those other bodies, I cannot believe that you as the heads of all those other bodies would not work very quickly on this so there is no delay. There is a solution. It's your job not to be the losers. It's to be the solution people.

Bill Green, 2 Raymond Place:

I'd like to know if this is going to be televised tonight because I don't get on TV very often.

Dr. Heller: You can be a star tonight. You're there!

Mr. Green:

I'd like to say some very positive things if you don't take it off my three minutes about the RTM group. I'm impressed with the RTM. I've been to a lot of RTM meetings lately and I'm impressed with every one of you. You put in tremendous effort in and you don't get credit for it. You're 36 people out of 17,511 and you try to do the best job you can. I recognize that. That doesn't mean we'll always agree on things but I know we are civil with one another. Just to let you know, I am for bathrooms, ADA compliant, as well. If I had been at that charrette five years ago, I would have voted yes. Like the previous speaker, I couldn't vote for what we're doing now. I think there's a better solution. As he said, putting the bathroom where the utilities go is the right thing. Just a little about me, I am a retired CPA and a former CFO of a company. I like numbers. Don't hold that against me. I'll try to keep it a little bit interesting, not too much. The process bothers me a little bit. I know it's in the Charter. I know how you do it but I look out in this audience and there are maybe 100 people. I might be generous in that number. There are 27,511 people in Westport. How many have you really heard from? How do you know what they want? There were all these meetings but nobody showed up. Something is wrong with the process. No matter how the vote goes tonight, this is our crown jewel. Do we really want to take the input from 161 or 163? It's less than one percent. You need to really understand what the people really feel and I think the process needs to be fixed. But that is some other project. As far as finance goes, I listened to Brian, I did my homework, I looked through all the bond information, and fortunately, they're doing a great job. They've keep the spending down at a reasonable level. They work hard for it and they do a good job. One thing that I need to point out though, in the last 10 years, our taxes, the levied taxes, forget mill rates because that's a calculation, the amount of money that the taxpayers took out of their pocket and gave to the Town to spend went up by \$44 million. That's a big number. Having said that I live in the real world. I know there's inflation and keeping it at a reasonable level is very difficult. There are some concerns. Nobody knows the value of the project. Nobody knows what's going to be spent. There is nobody who can stand up and tell us the number and that's unfortunate. What is the risk of doing this project? The financial risk I'll address. The grand list went from \$10.4 billion to in 2008 to \$11 billion in 2018. That's one-half of one percent. That's how they access the taxes. The debt per capita is \$7,782 which is highest in the State. Interest rates are going up. The costs of borrowing are probably going up before this project is done. We haven't had a recession. They talked about the awful time of 2008 when income went down. We should be concerned that in the next two to five years we could have another recession. Westport taxpayers, most of them, do not get a deduction for their real estate any more. It's another tax that we have to pay right now. Taxpayers, 35 percent of our taxpayers are seniors. Connecticut is not a great place to retire. We have to do everything in our power to keep the taxes low. Right now, 'Mr. Mold', which is what I call Coleytown, stole \$25 - \$70 million of our net worth. We have to figure out a way to get it paid. The prudent thing to do is to

stop spending until we figure it out. Nobody knows the ultimate expenditure so my request for the RTM since the buck stops with you is until we know the answers to these questions is to vote no and as the previous speaker said, if there's a will there's a way. We need the bathrooms. Find a way.

Jonathan Prager, 35 Owenoke Park:

I'd like to address a couple of things that were said tonight. One is that the closest building was the Penfield Beach building which was \$3.3 million or \$7 million for 20,000 sq. ft. which is seven to 10 times bigger than this building. That was built at a cost of \$175/sq. ft. or \$350/sq. ft. if you take the \$7 million figure. This is proposed at \$1,100/sq. ft. Just because we can take money and throw it in the garbage doesn't mean we should. It should be spent at an appropriate construction cost which in Westport is \$200-\$400/sq. ft. and the people on the Board of Finance and the Finance Committee know that. Number two, the Town officials have said they want to be minimal and as small as possible. Seven hundred fifty-six square feet and 13.5 feet high is not minimal or as small as possible. It should be more like the tiny annex to the Ned Dimes building, not the huge room and even three to four times that to make space for ADA accessible bathrooms would be adequate. Views are important according to public officials. The further south you place this building, the more you more you block views of sky, Sound and sunset. This building would block views from the pavilion and the walkway.

Dr. Heller: Could you please tie this to the resolution.

Mr. Prager: I'm addressing what was said at this meeting.

Dr. Heller: The resolution doesn't include location.

Mr. Prager:

Why did the Town officials talk about that? I'm talking about what was talked about at the meeting. I've got a lot more to say but I'll get through it quickly. The space was designated as unused space; it is clearly recreational and designated recreational in the Town documents. I can provide those documents if those documents need to be looked at. We have three hundred fifty Westport residents on two petitions; that's 350 Town residents who are against this proposal. Their voices need to be heard tonight. At the P&R Committee meeting, 15 residents expressed their strong opposition to this and that was not entered into the record. The speakers from the handicapped community say that either their rights are being honored by building the existing design or they are being ignored by any redesign. That's not the truth. This issue is not for or against the bathroom at Compo. The new bathrooms can be built either way. The main issue is the egregious overspending that is targeted for the existing design. The secondary issue is the location of the current plan which both needlessly destroys beautiful and irreplaceable Sound views and vistas as well as needlessly appropriating land long designated for recreational usage. The new toilet building will either be built with the currently proposed but never legally appropriated \$1.1 million at a controversial and distorting location or perhaps a quarter of that money spent to build a more prudent, more efficient and aesthetically pleasing building better located for usage and better located for handicapped access

which will not spoil the beauty of our beloved Compo Beach. Any community is judged by the way it handles and addresses the needs of its children, its indigent and its handicapped. The handicapped community in Westport is making it seem as if their needs are being overlooked if the existing design is not approved. Yet, the facts are, in every case, the needs of the handicapped are being served but the difference is, if the existing \$1.1 million for design is approved and four times the money needed to build a beautiful and appropriate bathroom building is spent, there will be \$800,000 less in the Westport budget to serve the people of Westport including the handicapped. The most effective way to help the Westport handicapped community is by redesigning and relocating the building so that its cost becomes reasonable; its design fits within the existing architectural facilities at the beach and the location can be more fully safely and easily accessed. With the \$800,000 that hasn't been thrown in the toilet, the needs of the Westport handicapped will be additionally served. For starters, how about the Town buying specialized handicap coaches, lifeguards, have more sand walkways, more special wheelchairs, vehicles to transport around the beach that are handicapped. All of the above can be easily accomplished.

Dr. Heller: Mr. Prager, your time is up. There will be a five minutes recess.

Michael Calise, Sylvan Road South:

I have been following this since its inception and I have to tell you , it's pretty frustrating. When this was first coming up before Parks and Rec. to vote on the proposed plan, the meeting was on a Wednesday, all Parks and Rec. meetings are on a Wednesday. On Monday, I went into Parks and Rec. to see the plans and I was told they were not available. On Tuesday at the end of the day, I got a call that they were on the website. They did come up on Wednesday morning, the day of the meeting. At the meeting, Jen Fava made her presentation and recommended that the commission vote on a particular plan and a particular bathroom and they quickly did that. They didn't even discuss it. No one member asked a question. They made a motion and seconded it and voted on Jen Fava's recommendation. A few of us got up and said 'You really need to put this over to the next meeting (before the vote) so that we can look at these plans and render an opinion. They couldn't care less. They just simply voted on it. I found out just a few days ago that a week before that meeting, a letter was sent out to the members of the Parks and Rec. Commission with the recommendation and copies of all the plans. This is not the way our boards and commissions work. When staff makes a recommendation, it goes into the record, becomes part of the recommendation at the meeting and the public knows what is going to be presented and where staff stands and you have an adequate discussion. The point here is this simply was pushed through from the very start. As far as I'm concerned, this whole affair is a black eye on our administration and our community. Just think about what you are seeing tonight. First of all...

Dr. Heller: Please speak to the resolution we are voting on tonight.

Mr. Calise:

I stand corrected. First of all, no one is against bathrooms and we absolutely can have bathrooms this spring. No one is against handicap bathrooms. Everyone wants to see it

there. The only thing that has occurred is that some people have suddenly realized that they don't like its location and so they have requested the Recreation Commission to reconsider. The proposed location really does block views and really does take away from the natural beauty of the beach. These people and others around them have said, 'You're right. You just have to move it a couple of hundred feet.' It can be done in a couple of months' time. Just think what has happened here tonight. I have never seen an appropriation parade the chairman of every board and commission and Police Chief before the RTM to justify something that they want to do. The big mystery to me is, Parks and Rec. was just asked to reconsider and they absolutely dug their feet in and wouldn't talk to the public about it. They are just simply hard headed. We've had the Chairman of the Planning and Zoning Commission before us tonight tell us that it would have to go through the entire process. Other members of the P&Z have said, 'Not so. This would simply be a site plan modification.' Site plan modifications are done all the time before P&Z. Somebody comes in with a change on their site plan, the Chairman presents it and P&Z votes on it. It's very simple. I've heard in committees statements made that it would cost \$60,000 to redesign this. That's a lot of baloney. In the same sentence that they said it would cost \$60,000 to redesign it, they said it's not designed yet. They don't have the drawings yet.

Dr. Heller: Mr. Calise, could you please wrap up.

Mr. Calise:

This could be a very easy process. You are simply being asked to turn down a resolution, I'm not going to even talk about the dollars. We are building houses on the waterfront with hurricane windows, HVAC systems, elevators, the best of everything and are barely spending \$400/sq. ft. and we are spending \$1,100/sq. ft. to build this little shack.

Dr. Heller: Could you tie this to the resolution, please.

Mr. Calise:

I would simply ask you to turn this down because there is a path forward, regardless of what you are being told, to modify the site plan, to get the modification approved by the P&Z and happily move forward and provide the facilities that everyone in this community is looking for. So, I would sincerely ask you to vote this appropriation down.

Patricia Dusey, 21 Turkey Hill Road North:

My husband and I just moved here recently from McLean Virginia which is a very nice area right across the Potomac from D.C. and has a good school district. But I have to tell you, I'm so impressed with your school district, every one of your schools. Maybe it's partly because of the education of their parents; maybe it's you but they are really good. Despite the financial imprimatur that I've heard tonight about your finances, I'm not so sure that it's correct. I'm not so sure that you're sure it's correct. I would caution you to be careful with your schools because they are the future and it's your kids that are the future.

Dr. Heller:

Since we have your remarks in a letter, I'd ask you to keep your remarks brief.

Tom Lowry, 4 Grist Mill lane:

My memo is three R's: relocate, reprogram and rebid but I'm really only concerned with the relocation. They are locating the restroom in the area designated in 1997 for skate park and roller hockey with an unobstructed view. I just want to say what that property is used for right now.

Dr. Heller:

As you know, We are not into the location; we're simply voting on an appropriation tonight. We are not involved in the location aspect of that.

Mr. Lowry:

Yes, but it definitely has something to do with the costs as Mike has just said. May I make this one little point here. [Absolutely.] As you know, the area has been used for no parking, for public activity and recreation. I just found out, the SLOBs use it to teach children to ride bicycles. We know the EMS uses it for emergency training and a lot of the clubs use it for social functions and pickle ball outings there. I just found out that Conservation said as recently as July, that Parks and Rec. had two locations, one where it is proposed now and one to the west and I think it's correct that Conservation said they preferred the one to the west because it was one foot higher. That's all I had to say.

Carol Ann Walshon, 67 Roseville Road:

I'll keep this brief because I believe it's Jen Fava's birthday and I'm sure she'd want to go out and have a good time and I can't blame her for that. I just wanted to say to the RTM if you could please delay this and think about it. What's the rush? The ground breaking won't go through until March, I believe, and in the meantime, why can't we sit down with Parks and Rec. and the Board of Finance and everyone else that's involved in this and try to come up with a solution to make something that is less expensive and less obtrusive and with the remainder of the money, we can buy the PVC handicapped wheelchairs. I would love to have one for my father-in-law who comes up from New Jersey. I would love to have him be here but he is a Veteran and it's past his bedtime. He had too much Veteran's Day angst yesterday. I believe if we just commit to being a community; try to get Coleytown School situated before jumping into this huge expense. For the record, I know the newspaper that put my picture in last time and misquoted me, I'm sorry to point you out, but I want to tell everyone, I am for handicapped bathrooms, I am for handicapped bathrooms and, one more time, I am for handicapped bathrooms. I am a volunteer with hospice and my husband has devoted his entire life after medical school, for almost 40 years, to handicapped people and I think it is despicable that everyone is telling us because we are against this obtrusive amount and the location and the amount that we are against handicapped. I haven't heard one single person in Westport say they are against handicapped bathrooms. I don't know when this divide came but it has to stop. One last comment: I don't agree that they can have a one and a half hour presentation that we can't even...

Dr. Heller: You need to address...

Ms. Walshon:

I know I need to address but everyone else who is for this, they all got their due time and I'm only getting cut off. One last time, for the newspaper, I am for handicapped bathrooms.

Dr. Jay Walshon, 67 Roseville Road:

The first thing I want to say is I have so much respect, after being at all these meetings, for what you RTMers do; how much time you volunteer to help the Town of Westport, especially if you have a job. I don't have a job right now but it's been taking a lot of my time. The first thing I want to say is holy cow, what the heck is going on? Why, if this is a good proposal, why is it so contentious? If this was a good proposal, it would not be contentious. I've heard that friendships have been broken tonight because of this. Someone was ratted out as being opposed to bathrooms. I thought we don't do that kind of thing. I can say that someone from Parks and Rec. Commission came to me personally and said 'You know what? Those restrooms are in the wrong location and I think we ought to move them.' I'm not going to name who that person is but that's the truth. What are we doing here? You say it's not the location? But it is the location and the design and the cost. What are we buying. Brian Stern said something very interesting when he was talking about SROs. He said it's not just the charge for the money but what is it we are buying and what do the people in Town want? Actually, Jim Marpe said something very good in 2014 on this issue:

This needs to be done in a way that retains the charm of the great beach area and what reflects the cost of what the people want to spend.

First of all, this is not the cost that people want to spend and I guarantee this is not what the majority of the people in Town wants. We haven't even begun to figure out what the Town wants. I've got a survey from Jim Marpe asking me what I want to do about the Transit District. If he really wanted to know what the Town wants, they could do a survey and find out in one week about this big expensive, obtrusive project. So, I basically thought I have a lot of experience in emergency medicine and EMS and safety and health, but I also have experience in root cause analysis because when something went wrong, I had to figure it out but I had only charts to go to. In this case, I had videos to go to and minutes to go to so I asked Jen Fava a question which she's not answered. I asked her in an email and I asked her in public. When we had a Jim Lathrop proposal that everybody saw and it was the proposal for over two years, \$235,000, a separate men's and a separate women's room that could be ADA compliant, 300 sq. ft., not 800 sq. ft, not this huge, not this expense, a third this expense, how did it go from that to this? At what meeting did that take place? That is what we should all be asking. Jim Lathrop was here a few minutes ago. You could have asked him. He designed it. In 2104-2016, that was the plan. Suddenly in March, that wasn't the plan any more. Where did that come from? It is triple the size, triple the cost. Where did that come from? That should be an easy question that everybody wants answered but it's not been answered. Nobody knows how it morphed into this and all of a sudden, Jim Lathrop, who we hired as our expert, because he has over 20 years of design experience and he is a local resident. He is committed. He actually donated time to build a halfway house. He's done projects in Westport his whole life. He'll make sure it's done right. We hired him for that. Suddenly, he's gone. Why is that? When he came and told everybody that this restroom design is unsafe and he was here again to say that tonight, why is it that we went to one

that is completely opposite. Instead of a men's and women's, it's a single use which he said is imprudent and unsafe; it does not have doors that lock which he says is unsafe as does every single restroom designer for the beach that I've talked to and every person I've talked to in emergency medicine says the same thing, I sent you something about that; I have great respect for the Chief but he even said he can't predict what happens. I'm telling you the beach is a magnet for mad behavior. Westport is not immune to that. In fact, I'm telling you, since we have so much money in this Town, actually it happens here. Just asked the kids at Staples High School. So I asked myself, how did this happen? We have John Lathrop, the expert who says 'Elevate it. It's preferred.' It's less expensive. You don't have to deal with FEMA. His design is safer, not this one. We've now found out this was based on non-existent resolutions, which Jim Marpe even admitted and, minutes that would not look like they were falsified. There is non-adherence to the appropriation request, which is the money. They said \$850,000 for both projects. Suddenly, it went to \$1.1 million with no resolution or authorization to do so. Why are there backdated approvals? There is a letter dated Dec. 15 saying we voted on Dec. 21 for something.

Dr. Heller:

Could you please speak to the resolution. The resolution that the RTM is dealing with...

Dr. Walshon:

This is speaking to whether or not the people in Town want to buy this location for this design at this cost of money. I don't have that much more. Why are we arguing whether this is recreational space or not. The Parks and Recreation has spent so much time trying to convince us it's residential zone. There are at least five or six documents testifying that this is residential including maps and budgeting just this year by the RTM saying this blacktop area is used for recreation. You've just heard that Staples High School students teach handicapped children to ride bicycles there. There is roller skating, the EMS does training. This is definitely recreational use. They are trying to say it's really not. What's going on? This should not be so contentious. The Director and Medical Advisors at the Westport/Weston Health District, I had a conversation with them.

Dr. Heller: Could we please get back to the resolution.

Dr. Walshon:

Velma, with all due respect, I don't have much more but I want to know why the Town wants to purchase something that even the Westport/Weston Health Director says is unsafe. The people in the community need to understand what they are buying and the RTM makes that decision. We have been told at every single meeting, whether it is P&Z or Board of Finance, this is the place to have those discussions. The Board of Finance basically said just talk about the money. You can talk about everything else at the RTM. So, we're trying to do it here. So when the Westport/Weston Health Director tells me himself that this is unsafe for the public and he brought up the issue of the opioid crisis, which wasn't even my issue, now he's stifled and not allowed to tell you that himself. Instead, he sends me a letter that says he can only talk about water and sewage. Don't you want to know what he really thinks? Don't you want to know what the Westport/Weston medical advisor really thinks? Why don't you call him up or pay him a

visit and unhandcuff him. So, I just want to know how does this prudent, efficient and reasonable \$235,000 bathroom mysteriously at no public meeting go to one that is \$800,000, unsafe, with a door that locks. Believe it or not, there will be an adverse effect. I'm telling you, one of our people passed out on the beach not too long ago. If that happened inside that locked restroom, she can't pull an alarm cord and who knows, 10 minutes, 20 minutes before someone discovers her? If you are having a stroke or a heart attack, that EMS time is well delayed and you'll have an adverse effect. That will happen because of the design of the restroom, not even talking about the people who are smoking K2 or shooting fentanyl. I don't know why we're arguing. Why is this so contentious if this is what people want? If Jim can do it for the Transit District, he can do it for this to find out what the people want point. I'm asking you to please vote no on this project because I found out that it is the only way to get this reconsidered. I wish you could have the right to say 'I'm voting no because we would like to cap it at \$300,000 or we would like to see this proposal.' You can't do that. The only way to do that is to vote no unfortunately. There are so many people involved at this. There are so many experts in Town, a lot of talented people. We can sit down together and figure this out. We're smart people. We've got smart people in this Town. It pains me to see this so contentious. I've been told this is highly unusual, Police Chief, members of the boards, all coming here today. Unusual. That should tell you that the Town has doubts about this. Please vote it down so you can get one that is safer, more prudent, less obtrusive, more equitable...

Dr. Heller: Your time is up. I don't want to have to call another recess.

Dr. Walshon: Two words: Less obstructive and let's use common sense.

Mr. Wieser read the resolution and it was seconded.

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Parks and Recreation, the sum of \$840,000 with bond and note authorization to the Municipal Improvement Fund Account to replace the current porta-johns with permanent restrooms containing (3) ADA compliant restrooms and a storage room near Compo's South Beach, is hereby appropriated.

Dr. Heller: It has been moved and seconded to approved the resolution just read

Members of the RTM

Jessica Bram, district 6:

I am a member of the Parks and Rec. Committee who reviewed this, every detail. I have also attended every meeting, the Board of Finance meeting, the Finance Committee meeting and I have also read every one of these emails because we were all flooded with emails. I commend those who have had the passion and dedication to speak on both sides. Thank you for writing. As far as what we're supposed to be voting on, I'll go by the Board of Finance guidelines: Is this a necessity? Is there a need for it? Is the cost reasonable? Is this a good use of our funds? Can we afford it? The main hesitation that I have and other members of the committee is can we afford it because Coleytown, fixing Coleytown and rebuilding Coleytown if necessary, that's number one. No one disputes that. I'd say nine out of 10 of the negative emails we received have the word *Coleytown*

in them. Tonight, it was very, very important that we heard from our Board of Finance Chairman who very meticulously went over the thought that went into the question of yes, we can afford it. We should afford it. I have also heard this referred to as a discretionary project. I take issue with that. This is not a discretionary project. This is something that we have to do and should do. I would like to read some of the letters but I won't. The one that touched me the most is a woman who said:

I am a lifelong Westport resident with three children, one of whom is in a wheelchair. So many places we go are not up to ADA standards and that is disheartening. Compo Beach has had its challenges for my daughter but these new updates have finally brought some hope that my daughter can enjoy the beach again. When the sidewalks went down, my daughter was finally able to go down by the canons.

She went on to say the family basically does not use south beach because it is not accessible.

There was one occasion where my daughter had a school event at the beach. I had to abandon the wheelchair, get her to the picnic table. This took so much time and energy, we were exhausted. When she had to go to the bathroom, it took so much time to get her back in her wheelchair, walk her to the pavilion and back, that when returned to the tables, everyone had left. It took so much time, the party had ended while she was gone.

This tears my heart out. People who are opposed are arguing about placement, beauty of the structure, the price, those for whom the bathroom would be a luxury and not a necessity. I'm thankful that the people who were doing the planning were so inclusive and thoughtful. I just hope the voices of the naysayers do not undo the great things that are about to happen. I want to address the cost because I am not an expert in construction costs but this is what I took away from all the very detailed questions that we had. First of all, I've heard people describing it as three toilets which is ridiculous. They are not three commodes freestanding in the wind. I've heard somebody say, when you look at how much it costs to build a house, this is so much more. Well, I'll tell you, if the hundreds of people came through my house in one day and all of them used the bathroom, it would not withstand it for one day. I am comfortable that the cost is justified. I don't think we should be skimping. The foundation should be very solid and a lot of cost is foundation which does not go into the structure. It has to be able to withstand a saltwater environment, hurricanes. When you look at the houses on the beach and what's happened to them, entire foundations have been flooded and possibly destroyed, they are ADA compliant which introduces an entirely new set of expenses. They have to be FEMA compliant and as I was saying before, there is a need for us to provide for the elderly and handicapped. As far as the cost, and I know there have been recommendations for cheaper ways of doing it, I appreciate that we look at that but I will say do it right the first time. I am envisioning if we skimp on quality that in five years down the road, we're going to find out that there are long lines, maybe there are no cleaning facilities so if one of the toilets gets stuck, it won't get repaired because there are no cleaning facilities onsite. There will be complaints about cleanliness. You know you can't wash your hands in porta-potties so taking your kids back to a picnic is an issue.

Dr. Heller:

Ms. Bram, can I interrupt you for a minute? I neglected to say that when we started the RTM discussion, that RTM members have 10 minutes. Each RTM member has 10 minutes the first time they speak and if they come back with a more concise statement. We try to keep it to 10 minutes because, as we said, if each of 36 RTM members spoke for 10 minutes on each item on the agenda, the meeting would go on for six hours. So, we are trying very hard not to do that but please understand that the RTM members do have a 10 minute time frame.

Ms. Bram:

If we were to stint on it, there would be complaints about cleanliness without storage for cleaning on site. If one is broken down, the facility becomes unusable. If we have to, five years down the road, come up with all these remediation expenses, our \$840,000 expense is going to be maybe \$1.2 million because we didn't do it right the first time. I have been hearing words such as Taj Mahal or gold plated, which I think is completely unfounded. If you look at our current bathrooms in the pavilion which were recently refurbished, they are not a luxury. I think that this is going to be at that level. A lot of this has to do with location. People are not happy with the location and I know we're not here to address that but I'd just like to point out when people talk about not being able to see the sunsets, you watch the sunset from the beach with the sunset behind you. When you are at east beach, you don't see that far to see the sunset (because we did the site visit.) I think the only ones who would be blocked from seeing the view and the vista from crouching in the parking lot and, yes, it would be in front of you in the parking lot. If it's true that we're talking about this being a crown jewel, then we have to complete that, being a crown jewel for everybody. It's inclusive. It does not discriminate against anybody as valuable members of our Town as we are. We are a compassionate Town. We do the right thing and I would urge everybody on the RTM to approve this project.

Ms. Calise:

I'd like to bring up a couple of points that have not even been addressed. At the site visit, you could clearly see the trucks were blocking the view that somebody would have walking a dog sunset time. It was noted then. As you got closer to where the trucks were parked, it got bigger and bigger. As far away as the east beach sidewalk, you could visually see these large trucks. The photos we saw in the presentation were misleading, taken from angles to make it look smaller. That's something you really should consider. Another really important point is Joey's has bathrooms. Most people don't know this; It has four ADA compliant bathrooms, two in the men's room and two in the women's room. This proposed location is closer to Joey's concession and the Ned Dimes Marina than somebody sitting at the very end of south beach near the trees and the boat launch that, coincidentally, is where most of the senior citizens sit because of easy access for them. They can get right out of their car with a wheelchair or a walker or whatever they need to relax. That location is about 1,000 feet. That's almost twice the distance to Joey's or the Ned Dimes Marina. Furthermore, the section of South Beach where this is proposed is a very active section; there are a lot of things going on there. People are wind surfing, walking, eating, drinking. It is the only place on south beach where you can have alcohol. It is flat out an inappropriate location because it is not accessible to everyone. It really isn't. I would like to propose an amendment to the resolution which addresses looking at

a different location at a reduced amount for the body. I think it is what the public wants. I think it's our duty to do this for the citizens of Westport. They come here and express that they have been to every meeting along the way. I'm not convinced that our officials, some appointed, some elected are not uncomfortable. I think they are uncomfortable with this. I have been in the RTM since 2011 with a brief break but I'm back and I'm telling you that I have never seen somebody from the Board of Finance, all the people who have come paraded in front of us tell us why we should vote for this. It is our responsibility to uphold the citizens of Westport for what they want. I am proposing a resolution to have a second option for the bathroom that the public can see at a reduced rate.

Dr. Heller: You need to word an amendment for me.

Ms. Calise:

That's my amendment: A resolution to include a plan b at a different location at a reduced cost so that we can make a decision.

Dr. Heller:

I would like to take a five minute recess to see whether that is in order. I'd like to speak to the Town Attorney about this. [Five minute break.]

Ms. Calise:

I'm being told I can't make an amendment to the resolution in that fashion because this is about money and the only way that I can make a change to that is to give a dollar amount and we don't have a dollar amount to go on. It doesn't really make sense to go forward try to do that. So, what I'm asking everybody is given the push back that we've seen in numerous meetings along the way and the fact of the cost which is exorbitant. There's a house on Westport Ave. that just sold. If you extrapolate the cost per square foot, the price was something like \$648/sq. ft. That house had an elevator. It had top of the line everything. It had heating and cooling system to accommodate a 2800 sq. ft. house. Westport owns the land at the beach. So you are talking about building three bathrooms with a storage room and shower and the cost is twice the cost, \$1,100/sq. ft. I'm not convinced that this process would take a lot of time to come up with another option because it was mentioned at the site visit that it could go through easily. If you think about it, the Ned Dimes Marina was built in 1938 and it's looking pretty good. I'm also not convinced that we need to build a solid structure just to have it stay there. We've been told it could take the process up to a year or so to have another option to look at where everybody could be happy. I think that's a good bit of assurance and insurance in the fact that we are going to be looking at a structure that will be there for all eternity. I think a year is a short time compared to all eternity. In the process, going through Planning and Zoning, there is a section, page 4 of the P&Z approval on record:

Requires a structure to not obstruct significant views which are important elements in maintaining the character of the Town or neighborhood and be in scale compatible with surrounding uses, buildings, streets and open spaces.

This location alone violates that tenet. We need to look at this at a basic level. We need to vote this down and afford the time to give it the time to that is going to affect our beach, the crown jewel of our Town, the reason people come here for generations and hundreds

of years to come. It's worth waiting a year so I am asking you to please think about that and do the right thing. We're not saying we don't want bathrooms. We're not saying we don't want ADA compliant bathrooms. We want to do the right thing for the Town for generations to come. We'll be happy that we did that. Please vote no to this so we can move forward together.

Ms. Parelli Gray:

Mindful of the time, I first concur with my colleague Jessica Bram. She said most of what I would have said so I don't need to repeat it but I do want to remind everybody that we are neighbors serving neighbors. We live in this community together. This issue has been contentious and I'm not sure why but I do feel comfortable with the fact that we have been looking at this for five years. We have been meeting 22 times in public for five years. For five years, there have been many people attending those meetings regularly. I received emails from those people who are in favor of this decision. I can't suggest strongly enough we should all be supporting this for a variety of reasons. ADA bathrooms aside, which is a reason we should be moving forward, this was part of a decision made during the charrette. This was a decision made where lots of committees and lots of boards were part of creating this plan. I have every bit of faith in both the Board of Finance Chair Brian Stern reassuring us that we have the finances. I have faith in the Parks and Rec. Department and in Jen Fava who has led this charge and has been inclusive on every level. I have faith the costs are most economic, most appropriate (that's not the word I'm looking for...) But I have confidence that the number we are being asked to affirm is the right number for so many reasons. As Steve had pointed out, a similar facility in Stamford minus the FEMA requirements would be about \$500,000. We want a facility that lasts beyond our generation. This is about infrastructure for residents and future residents of our Town. I implore you to vote in favor.

Karen Kramer, district 5:

I have been listening to all sides and I can understand every side I'm listening to. I'm going to yield my time to Charlie Haberstroh. He's a member of our community.

Dr. Heller: Do you have a question you want to ask him?

Ms. Kramer:

I have many questions but I want to turn my time over to Charlie. Velma, is that alright?

Dr. Heller:

I would say let's not do that. If there is a question or clarification you have, that would be perfectly fine.

Ms. Kramer:

I believe in all the committees we have. I guess I don't know why it would take so long to make any adjustments. I'm a little bit uncomfortable with that. I do want to get the handicap bathrooms up as soon as possible. I don't understand because I haven't been to all the meetings. I'm going to let it go and I wish I could have given my time to him. I hope we all come up with the right decision. I think we should go forward but I wish we

could tweak. Is there any way we could tweak this to make it more palatable for the rest of the Town?

Mr. Edwards:

We will try to tweak during construction anything we can through value engineering on a cost-wise basis. If the contractor can replace 'a' with 'b' and save some money, yes, but as far as location or anything major, no; not without going back to the boards. You have to go through the process with the appropriate bodies.

Ms. Kramer: And that would take a year? No way to get it by the summer?

Mr. Edwards:

Again, I'm not comfortable speaking to that. You've heard from all the boards and commissions that you have to go back through the process. It's not just something that you can do, from my experience in Town, you have to let the process weave it's way through.

Ms. Kramer: I'm tired so I'm going to let it go and hope we make the right decision.

Christine Meiers Schatz, district 2:

It's my birthday now. Happy birthday to me. Yay!

I wanted to take the opportunity to make a comment about debt service, not what I thought I'd be doing today. Just to say that what we heard from Chairman Stern about being able to take on, possibly, up to \$140 million of debt is only one piece of the puzzle. We have to pay it back. With a potential. \$70 million cost, that payback could be quite large. We also heard from Chairman Stern that we want to keep our mill rate flat and we heard from our First Selectman that we may need to postpone some expenditures from our capital lists. If we're going to do all these things, we are probably going to need to postpone more than just a few expenditures. I'm not sure how we're going to make all of this balance but I just wanted to make that comment about the debt service, one that's been lost a little bit. We can take out all this money. We do have to pay it back. It's going to have to come from somewhere. As a funding body, we have to be thinking about that when we approve these appropriations.

Mr. Braunstein:

I think I'd like to start where Christine focused and move from there. The discussion of finances and referencing that to the revenues the Town has generated over the last 10 years, in my mind, didn't exactly give me great comfort. I think there's, without question, and I don't have a crystal ball, but if you were to assess the last 10 versus the next 10, my guess is, the starting point for the next 10 is going to look a lot worse than the fiscal condition we've enjoyed over the previous 10. I think you need look no further than Hartford and the condition of the State of Connecticut and the demographic trends that have been unfolding, to at least have a moment to pause and think about whether the revenues we have are so sacrosanct and whether or not they will be there to some extent. Someone earlier referenced empty store fronts, housing prices, real estate values, there is a sort of insidious decline that's occurring that hasn't necessarily showed up yet in our

revenue base. I think, as a starting point, we should all be wary when we think about the forecasted condition. I was one of the people at the committee level that was very cautious in my consideration of this specific issue and whether or not we should, as a body, approve \$840,000. I come away this evening feeling that the arguments that are being made around cost, I don't know if it's willful or purposeful, but there is such an obfuscation of the issue. If we are going to build any bathroom at the beach, whether it is in position 'a' as proposed to us tonight, or position 'b' as some in the audience might suggest as a better alternative, we cannot escape the requirement to have a FEMA compliant structure. So, if you accept that, and I have yet to hear anyone give me any information that suggest otherwise, we've heard from the DEEP, we've heard from our Town's Planning and Zoning, we cannot build something new; it's different, by the way, if we had an existing structure that we were going to try and renovate, and that's how towns like Fairfield and Southport have much more modest structures; not because they build something new. It's because under the regulations of the State of Connecticut, they are permitted to make renovations to an existing structure. If we are building a brand new structure, we don't have that option. If we move it 35 yards to the west, we have to spend the same money. If that's the issue, it's a false issue. I would also suggest that the location is a red herring. If you look at where the suggested location 'b' is, it's further from the beach. It's set further back. And it's closer to the marina. It makes it more difficult for people who are trying to access the bathroom to get to it and the distance between site 'b' and Ned Dimes is smaller. So, I have a really hard time accepting that it's the wrong location. The other thing that I have a really difficult time with is all this discussion of aesthetics. I'm not an expert. We have an Architectural Review Board; we've got a Historical District Commission and we've an intent in the design to have it be in conformity with the other buildings. So, unless you're telling me you want to throw out all the buildings at Compo and start over, we have a consistent aesthetic. So, I take issue with that argument against this. The only thing that I personally feel structure-wise or design-wise that could potentially be improved upon is that I do have a hard time getting my mind around each of those individual bathrooms being 194 sq. ft. There are four compartments in the overall structure that aggregate to 776 sq. ft. That's 194 per. I am not an ADA compliance expert so I don't know what is actually required. I am absolutely certain that we should build an ADA compliant bathroom but I am not certain that 776 sq. ft., meaning 194 sq. ft. per bathroom is the right number. In an ideal world, would I love to have an expert come up and tell us this is the right number, yeah, I really would. Maybe that has happened in the Planning and Zoning or the Parks and Rec. meeting. The other thing I'd say, that may also help defray modestly the overall expense. Steve Edwards was very clear. This is not a linear relationship. You don't get a reduction square foot by square foot in the overall expense. As we should all now recognize, the bulk of the structure you're never going to see. It's below grade. It's supported by 30 pilings and pillars and whatever other requirements the State imposing on us or the Federal Government, rather, is imposing on us. You're not going to get a straight line savings but perhaps we can achieve some savings. That is a bit of a digression though because what we have here this evening is are we going to vote for the current proposal. We do not have an option. This is not this, this or this. It's what's been proposed, properly vetted through the process the Town has codified. It's extremely prescribed and the people that have quarterbacked this, whether elected or appointed, have been done what's been asked of them. This may open up

discussion on how we can improve the process but that's not what we're here tonight to vote upon. I'll say one thing in closing. There's a lot of passion here which is wonderful. There are differing opinions which is crucial to the democratic process. But there have been raised voices; there's been threats; there's been lawsuits. Maybe that's part of the process but this willful disregard for established fact is really what I find most upsetting about the confrontational element here. We cannot wish for a lower costing bathroom. There is no magic that I am aware of that allows us to build a FEMA compliant structure for appreciably less than what the experts our Town employs have come up with through a very tight bidding process. There is so much misinformed information in the emails that were sent around that completely ignored the fact that there are standards and we have to adhere to the standards if we are going to build a bathroom anywhere at the beach because, frankly, from shore line to Compo Road is all flood zone. So, any place you want to build you have to do this. That's all I have to say.

Ms. Batteau:

I have a lot of things to say about several different aspects of this but first to address Seth's remarks. ADA compliant bathrooms are five feet by five feet. That's what an ADA compliant stall is. It's actually 60" x 56" but that's close enough to five feet by five feet. So, one stall is 25 square feet. Looking around the room, I'm look at where 38 feet would be. The other dimension is 10 feet. We are looking at a building this size and we're going to put in that three 25 foot stalls and then maybe another five foot stall for a slop sink and all that. Maybe another five feet in that other direction for hand-washing sinks and kids stuff. What it comes down to is, as near as I can tell, we need a bathroom about half the size of what's being planned. The only thing I haven't heard is when the public had an input about the RFP was going to be for this dimension building. It seems to me, costs are not concepts; costs are attached to reality. So, if the reality is if the building could be probably half, literally it could be a third, half the size of what we're looking at, it would not be an exponential difference in the cost. But if we only needed, say, 15 or 16 pilings as opposed to 30 pilings, it seems to me that our costs would go straight down. It seems to me that we should have another look at this. We are the RTM. It's not our job to say 'Everybody else put so much work into it so let's just go ahead with it.' It's our job to represent our constituents. In doing so, we take as many facts as we can get and we filter them through the values of the community and what the community can afford and what the community wants to afford. Of course we want ADA compliant bathrooms and we want them sooner rather than later. I was really disgusted with some of the emails I received which said 'Who cares? Let them go the extra 150 feet.' No. That's not who we are. We need the ADA compliant bathrooms. I am somewhat less concerned about the relative location than some other people are, particularly, if we can decrease the size of this building. Because if we decrease the size of the building, we'll not only decrease the cost, we'll also decrease the impact it makes on the view and on the landscape, etc. Another question I have, just off the top of my head is, we're at the beach, solar anybody? That might impact some of the underground work also. It seems to me that we have different options here as everybody has been saying. We can approve this. We can disapprove it and send it back to the drawing board or perhaps we can decrease the sum we are approving and perhaps make it two-thirds what's been requested which will force

going back and changing the size of the building because I truly do not understand why we need that big a building to put that many bathrooms in.

Mr. Mandell:

Basically, we have four things to be looking at: Was there proper procedure? Do we want a bathroom? Is it in the proper location? And do we want to spend the money?

In terms of procedure, 22 hearings and nine approvals have occurred: ARB, P & Z, Board of Finance, it goes on and on. What does this do? One, it gives the public proper access during all of this time over the last two years to voice their concerns whether in favor or in opposition and they had plenty of opportunity to do it. What it also showed, that the commissions, whether elected or not-elected, all approved this to move forward so we are now in a good position to move forward. Do we want bathrooms on south beach? In the charrette, it was the number one thing that everybody wanted, bathrooms at the beach. It is the number one thing that I hear in my district which is number one, which is we would like to have bathrooms on south beach. We've decided to put ADA compliant pads off of this new walkway that would allow people to come that are disabled yet we're not going to create an ability for them to relieve themselves? It doesn't seem compatible. Yes. We're supposed to be having bathrooms at the beach. While some people don't want them there, most people do want it and that's what we've heard. Three: Is this the proper location? Yes, it's the proper location for many, many reasons. The first one is it's closest to the beach and access. This allows people to easily come off the new walkway and go over to it only by moving 20 or 30 or 40 feet rather than an alternate location. It is one foot lower in topography than other locations thus decreasing the visuals. It is being built on impervious surface which means we are not going to be disrupting anything environmentally and we are adding grass and rain gardens to make it that much better. It is being built in line with other infrastructure that is already on the beach. This is proper planning. We are not looking for another area, willy-nilly, where are we going to stick it? We have the skate park, then we have the pickle ball courts and now we have the bathrooms all in one straight line meaning it decreases any obstructions because those obstructions are already there from different points of view. I would like to commend the opposition or the people who are advocating an alternate place by bringing the trucks there. It was a great demonstration. But what it did for me is confirm that it will not be an intrusion or obstruction of any views. Why is this the case? If you are in the parking lot, of course you will see the building. As you pull further back as we did on the site walk as we went back to where people would be on east beach, when you are on that walkway, and you look in that direction, the height of the trucks and the sticks going 13 feet was below the tree line across the river where Saugatuck Avenue is and there would be a sunset. There are also trees to west of the building. If we wanted to put in more trees, we could which would then obscure the building from east beach even more. The trees that currently exist are taller than 13 feet so, essentially, those trees would be interrupting any views. I don't think they really do. I believe it's the proper location and I'm sorry there are people who feel it's not and it might obstruct their view from when they are playing a game, or not, but the overall aspect of having it in an easily accessible area on impervious surface is the way we should be moving forward and it is definitely proper planning. I commend the Commission and the Parks and Rec. Department for choosing the right location. Four:

Should we be spending this money? Absolutely. Is it too much money? It is a lot of money. But I have to trust the people that we've hired. One of them is Steve Edwards who I believe is one of the most frugal people that I've seen in the 13 years that I have been working with this community. If he doesn't have to spend a penny, he won't spend a penny. Feel his angst on this one. You can see it in his face. Yes, it is expensive but this is what it is going to cost. I don't want to repeat what Seth Braunstein said how wherever you put it, it's going to cost this much. To be FEMA compliant, that is the way we are going to have to deal with it. If we want to be a sustainable community, we are going to build something that is going to be here for 50 years. But we only have to pay for it for 20 so once we are done paying for it, 30 years of free building is what we get. The analysis that we saw that it will cost \$5/year per household to pay for this and then 30 years for free. How do we get to that number. We can increase our taxes by five dollars a house or as I've heard, we could have a \$5 increase in our park fee to cover it and then it's actually a user fee for the people using the beach and the bathrooms. It's about time that we continue to improve the jewel of our Town. This is something that has been discussed and vetted and wanted for many, many years and it's time we move forward for it. It's time to take care of those with disabilities. It's time to take care of families who have been asking for it. It's time to take care of the people who come out on Friday and Saturday night who are out there barbecuing and enjoying themselves so they don't have to walk all this way. In terms of safety, do we really want people at 9:30 at night walking all the way over to Joey's when they can just walk a few feet to a bathroom? I don't think so. I think we should have a bathroom right there. I implore you to let's get going; Lets spend a reasonable sum of money here to do what's good for our community. We should approve this.

Ms. Rea:

I could not disagree more with Mr. Mandell. He did not address, whatsoever, the size of the building. Nobody denies there is a desire to have a bathroom on the west side. I was in charge of the charrette. I was, at that time, in charge of one of the tables. Everyone who put up a sticker that they wanted a bathroom, I don't think there was a handicapped person who put a sticker up. We were not a group of handicapped people but everybody felt there was a need to put a bathroom there. When I put the little sticker up, it was like, I want a diamond necklace too. I didn't think it was going to cost me a million dollars. And I didn't think it was going to be so big. Look at those condos at 1177 Post Road West. A one bedroom apartment is the same size as what we're building for three bathrooms. To me, it's too big; it's too intrusive; it's too much money. I cannot believe we've got to listen and to believe the Chairman of the Board of Finance. I think he gave us a little dream walk through of what's happening. Just think about it. Wasn't it just last year that they cut \$200,000 out of the Board of Education budget? You never tell us we have enough money and give the money back. Something we say is not kosher when you see these people just show up, talk from one side and the other side of the mouth.

Dr. Heller: Just stick to the resolution.

Ms. Rea:

Yes. I'm talking about the price and I'm talking about the size like everybody else did. I really think the problem that we have here is the size. The size is too large. We can do it with half of the size. If the people put their heads together, they can do it right away. Jeff, didn't you say they did it for Longshore? It was your wife. There is a way we can do this fast. Plus, I am very concerned because the Chairman of Planning and Zoning said something about this being a special cam site application. Is that true? It should not be in front of us. I urge you to vote no. Oh, one more thing. You all got this [handout]. Back in 1997, my husband was Chairman of Parks and Rec. and there was a nice lady, Sandra Urist, she raised all the money for the skating park. She worked together with Michael. The ice skating rink came about at that time. They took a section of the parking lot and said it was going to be recreational use only. I put out the document. You can all read it. A bathroom doesn't belong in this location, just by definition. Yes, Long Shore is residential but that specific spot was made recreational.

Lou Mall, district 2:

I made my mind up when we were at the site visit. I looked to my left to the cannons and looked to my right to the palm tree and in front of me was south beach. On Friday and Saturday nights in the summertime, south beach is packed with people. Those would be the people that would be using these restrooms. It's not just them. It's all of us. We're going to use these restrooms. We made a commitment to those with special needs about two years ago on the RTM. We wanted to be ADA compliant. We wanted to make handicap accessible, make our Town more enjoyable for all people. That vote was unanimous. We also made a commitment to our seniors and we expanded the senior center. Our seniors use the beach as well. It's not just at the senior center that we do things for seniors. We're going to do it at the beach as well. That was a unanimous vote also. I would like to move as quickly as we can. I am voting yes for \$840,000 for a restroom at Compo.

Ellen Lautenberg, district 7:

I was not at the site visit, unfortunately. Based on things I have heard from constituents and people I have spoken to and people who have spoken tonight, I think there is a lot of validity on both sides. I don't think anybody objects to having ADA compliant bathrooms. Of course, I am in favor of that. However, the two things that concern me are the cost and the size. I can't speak to location since I was not there. I don't know, having not sat on those committees that reviewed this whether you could have two ADA compliant bathrooms and one regular to reduce the size. I don't know if those things were considered. I acknowledge that we know already some of the extraordinary costs that are going to be coming up for the Town. That really concerns me. I am in favor of bathrooms being on the beach. I am in favor of ADA bathrooms; however, I believe I am going to vote no on this proposal so that perhaps we can revisit some of these things with the appreciation that I know this has been in the works for years.

Jeff Wieser, district 4

This has been a really hard debate for all of us. We've gotten a lot of emails, a lot of input. We've spent a lot of hours in a lot of committee meetings. For me, it's been difficult because I have known, oftentimes when I get emails, I don't know a lot of the people,

sometimes constituents, sometimes Townspeople, I realize how few people I know in Town when I get these emails. This time I got a lot of emails from people I knew and respected and they were on both sides of the aisle. I feel like a politician saying there are good people on both sides of the aisle. It's really, really hard. It's also hard for me to understand what goes into planning a bathroom. I'm not a builder. I'm not a site expert for beaches. We have really good people who work for the Town and I think sometimes you've got to listen to the people who are working for the Town who have spent a lot of time working on this. I don't think my input over the next year is going to add anything to make this better. I'd love it to be less expensive. Just today, I read the minutes from the meeting we had two years ago about the parking lot at the train station. It was a pretty contentious meeting. There were people saying we should have two exits or one exit or it was not designed well. We said we've got to put our faith in the people who designed this. It was finished for about a minute and people were saying 'What a beautiful parking lot. People can move in and out.' I think sometimes we just have to close our eyes and say these guys know what they're doing so I'm going to vote for it. I was accused earlier (yesterday) of kind of going along. I might be guilty of that sometimes because I give our townspeople who do the job too much credit or the right credit so I'm going to vote for it.

Mr. Klinge:

I have personally been all over this thing for the last two weeks in my mind. I was telling someone this evening, at 11 o'clock I started thinking about a song by John Newton, *Amazing Grace*. There's a phrase in there "I was blind but now I see" and that is exactly how I felt at that time about that project. That is how I see it through the eyes of someone who has lived in Westport 53 years who is going to turn 80 in a couple of months. You can announce it when it's time...who spends with a number of friends every Thursday night down at south beach having a cookout. We lose about one or two people a year. So, it's an aging group. This is someone who is tired of going to the bathroom in a blue plastic porta-potty. It stinks. The women in our group won't go. They go down to the pavilion. I'm tired of that. These eyes are tired of that. I see it from the eyes of somebody looking at the location, when we visited the site down there. From south beach we have contests, what hour, minute, will the sunset, over and under.

Anyone who sits and watches the sunset in the parking lot should get a life. It's frankly not a good place to watch the sunset from. I don't have any concern with the location. It's not blocking my view or mostly anybody else either. I confess to having angst and pains at the size and the cost. I know we need the FEMA based stability. I personally would be cheap and make it a little bit smaller, possibly \$500,000 which is not \$840,000 but my eyes can see this thing more important than nickels and dimes. Then we get to the economics. My pocketbook says \$5.70/year; then I see it's the same price for a porta-potty \$57,000/year but then it costs more every year because you are paying to rent it, maybe. Our thing, as someone said, after 20 years, I own it. Like a house, the mortgage is paid off and I have a terrific bathroom or three. I look out there and I say this is going to be an amazing project, an amazing bathroom facility, we need it, seniors need it, parents with young kids need it, Westport needs it. We've earned it. Let's pay for it and get it behind us. It has absolutely nothing to do with Coley Middle School

Mr. Tait:

We've heard a lot about the size of the bathrooms. I went over to the Southport bathrooms with Mr. Mandell and there are two bathrooms. Together, they are a similar size that we are talking about here. The ones here and the ones in Southport are a similar size when you measure it out.

Mr. Izzo:

Good morning and all this other good stuff! I just want to congratulate Parks and Rec. You guys have done a great job at Compo Beach. You guys have delivered. Starting at 2.0 with the Compo Beach improvement plan, we have signage, we have walkways, we have bathrooms, we have parking for residents, we have security. You guys have delivered. You are 11 on a scale of one to 10. Thanks for that because we had a great beach experience, east beach, south beach. The reason I am going to vote for these tonight, I'll let you in on something...When I was 17 years old, I was diagnosed by Chron's Disease and we spent a lot of time down at the beach, my buddies and I, and I was basically one of those handicapped people at that time of my life. I literally couldn't hold food down, always had to run to the bathroom and stuff like that. I know there is another kid out there who is 17; it might be a 15 year old; someone in your family, an elderly person. Let me tell you something, the value of having a real bathroom, you can't make it up. Luckily I'm in remission and I'm fine but I look at that and it's a reality check. That is not good. I heard a gentleman earlier tonight say porta-potties, they are nice. I'm sitting here and thinking, dude, you don't know what a porta-potty is because even the ones they had at the Levitt, well, they are nice but that is not the way it should be. I'm speaking for everyone here. I know the cost is high. I was speaking to Chris Tait when this first came and I said, '\$840,000, it's not going to fly.' I think a lot of us felt the same way. My parents are in the construction business and I went over it with my father and he said this is what it is going to cost. You can build a cheap one but my colleague Seth Braunstein said it best, 'No matter what you do to delay it, the cost is still going to be there.' It's not changing. It's only going to get higher. The location, the important thing is that the bathroom is centrally located. I do believe that the due diligence was put into this. I can't say I'm mad at anyone coming in with a different opinion or wanting to move it but I do believe our bodies have done it right. It's been very transparent and I think we need to come together to vote yes for a lot of reasons. We want bathrooms. Now is the time to get this done so we can enjoy it and our people with disabilities and handicapped and anybody else, our seniors, can actually go out and enjoy the facility on a great beach that is improving with the new walkway as well. Thank you guys.

Mr. Arthurs:

My big issue here and I do see a lot of benefits for the handicap issues, we haven't even talked about gender issues about having bathrooms that are gender neutral, that's very important, too. I am extremely concerned about Coleytown. I understand that this is not a big number and I will vote for this tonight. I heard what Brian said. I understand that he knows numbers and has command but we are going to start having to make some tough decisions here. I am concerned about the mill rate the next year from now. I am concerned about the capital expenditures. We just can't go from zero to \$70 million without knowing things. I think at some point we just have to stop until we figure this out. I know rationally this is a very small amount of money from a capital perspective. And I do see benefits so

I am going to vote for it but we really have to think hard about the Coleytown issues until we understand both the next couple of years of budgets and the capital expenditures. We really have to start making hard decisions.

Kristin Schneeman, district 9:

I think most of the things I had to say were said more eloquently by other people. Thank you Seth and Jimmy and others but I just wanted to add one sentiment. I received an email which I don't think went to everybody. Coming from the perspective of the disability community who talked about the lip service that gets paid far too casually to the importance of this plan to the disability community.

The disability community has been contributing and providing guidance to this plan. This plan is located and planned for people with disabilities...

(Although I would say parenthetically, everybody else too. We all get to use it. All those people who go to Lobster Fest. They get to use it too. Jack and all of his friends, they get to use it too.)

Everyone likes to say they support a handicap bathroom just not one that is located there or looks like this or costs that much but where do we respect the opinions of the disability community? Where do we prioritize their inputs. The answer, unfortunately, has been never, until now. Generations of Westport residents and taxpayers with disabilities have come and sadly gone without seeing a beach sunset, participated in a beach barbecue or basked in the idyllic beauty which is south Compo Beach.

I just wanted to share that. My favorite email that I think we all received, just to put a smile on your face at one in the morning said:

We often talk about Compo being the crown jewel of Westport. Our crown jewel has porta-potties sitting on it. Let's make it right.

Dr. Heller: We're going second round.

Ms. Calise:

There appears to be some confusion about the elevation at the beach. I'd like to clarify that. I have been dealing with elevation for 25 years. First of all, where the bathrooms have been proposed, that is elevation 10. To be FEMA compliant, you need to be elevation 12. The location that everybody has been speaking about and petitioned which is 35 yards away from this proposed location is elevation 12. You're wrong. I saw the map. I'm sorry. So the solution is to raise it two feet to be FEMA compliant. It's actually 13, but it is 14. Lathrop came and proposed a design to raise it by two feet. You could do it by a stone foundation. You could do it in other means with a concrete ramp to a scaled-down version; it could be a modular version. He proposed this in 2016. So, everybody is confused about what the elevation is. I see people shaking their heads. I've seen the maps. I have spoken to DEEP. I've spoken to builders. There's a resolution somewhere in the Planning and Zoning regulations that allows you to do something like that. In fact, home owners around Town are doing it. Another thing is that Parks and Rec. held a meeting on Nov. 17, 2017 or thereabouts, in this auditorium about this specific design that was supposed to be brought to the public. On Dec. 8, there was a memo sent out by the Parks and Rec. Department advocating for this specific design saying it was their

preferred design. In the meeting, it was the first time anybody saw it. Nobody saw the design. There were four people at that meeting that requested the Commission to hold off, give public notice for the design that was being committed. Four separate people asked for that. I was one of them. It was flat-out denied. That's another issue so our process has really kind of failed us. This location is not servicing south beach. It is closer to east beach than it is to south beach. That is the third point. Don't forget about the handicapped and the elderly people who are sitting down by the trees where the boat ramp is. That's 1,000 feet approximately to this current location. We can move it more centrally to accommodate everybody on the beach. Lastly, even Jim Marpe said we're going to have to put some projects on hold. The soccer turf, the turf issue, the Fire Department needs a new fire truck, not to mention Coleytown. Amy Kaplan could not be here tonight and she asked me to say...

Dr. Heller: You need to speak for yourself.

Ms. Calise:

She wanted me to say that she would be voting no because of price, location and the Coleytown mold issue. Back to what I was saying, there are projects that are going to be put on hold. The last thing I'm going to tell you is that we're looking at \$840,000. In 20 years, the amount of money that we're going to have spent on this project is \$1,140,000. For a three stall bathroom that is 776 sq. ft. at south beach. It can be moved to another location for less money, not have to be raised as much, modular design. There are a lot of things that could be adjusted to save the costs on this where I think Westport would be happier. I think you need to consider that when you are voting on this.

Peter Gold:

It's after one o'clock. This is getting to be one of the longest RTM meetings I've ever attended and I was at the meetings on the Y. Everything that needs to be stated has been said. I'm going to call the question.

Dr. Heller: This is a 2/3 vote. You do not need a second.

The vote to call the question fails 14- 17.

Andrew Colabella, district 4:

I am speaking as a former Town employee who worked for nine years in three departments ranging from life guarding and guest services and Parks and Recreation maintenance services. Having worked in these facilities, they are all at ground level and the doors lock from the inside. A lot of people have posed that it would be a security issue. I don't see that being a security issue. When people bring up the idea of drugs being done in bathrooms, I'll tell you right now, most kids don't do drugs in bathrooms. Talking in regards to the cost of the building, it was high. It did scare me when we have Coleytown Middle School right now. The cost, the location, I went down there. I've been going down to the beach almost every day for my entire life. When I go to watch the sunset, I go to where the palm tree is. I've never heard of anyone watching the sunset from a parking lot. That's just incredibly weird. When you are looking at this facility and looking at the

location and there is a foot difference, when people say you could put it in the dirt parking lot, the dirt parking lot is reserved for 100 spaces for daily pass holders. If you were to put that building in the dirt lot, you would have to pave around that specific area, put in more crosswalks, put in an entrance, put in an exit for that parking. Where this building is going to go now, you have a parking lot that surrounds it on either side of the skate park. You have an entrance and an exit. After reviewing all the emails both for and against it and I appreciate all the emails, I am going to be voting in favor of this and would appreciate if everyone else did because as long as I have been working at that beach starting in 2004 and 2005, I was so annoyed that I had to drive all the way around from the palm tree past the piece of property where a bathroom could have been to go to the marina or to the other bathrooms depending whether they were closed or not. It drove me nuts. Now people on south beach could go to the bathroom and not have to go where they may or may not be struck by a car or walk in traffic. You will have cross walks and you could go right there. I think it will improve our beach and I will vote in favor.

Mr. Izzo:

Just to let you know, the Board of Education hired two new administrators today. That's a lot of money – more than the bathrooms. Just to let you know.

Ms. Batteau:

Knowing that the size of this building is a real sore spot for a lot of these people and I looked at ADA regulations and spoke with a lot of people who have built ADA compliant structures for Hole in the Wall Gang in this State and around the world, is there any chance that if we voted for this you guys could consider tinkering with it. Is there a reason that this has to be this big?

Mr. Edwards:

As I indicated before, we've got an approved design that went through all of the appropriate boards. I don't have the ability or the power to change the footprint or change the size. As was indicated, the size is approximately the same size as Southport and we had Southport thrown at us earlier. Southport is a 12 x 12 bathroom. This is about 12 x 12. It is 127 sq. ft. Southport was 144 sq. ft. It is appropriate. Maybe you can squeeze an ADA compliant in a five foot square. I wouldn't want to be the one in a wheelchair with a care giver to facilitate service in a 5 x 5 square.

Ms. Batteau:

I was talking about 10 x 10 actually. I said 5 x 5 x 3 and then double that and then double that.

Mr. Edwards:

This bathroom is 125 sq. ft. or so. Again, the design of the bathroom has an entryway with a little bench there. It has a chase in the middle for the service of the pipes. There is a spare room for storage. We're simplifying it by saying three porta-potties. This is three compliant bathrooms. That's what has gone through the system. That's what has been approved. We will certainly look during construction to find cost savings. We are not

looking to spend any more money than we have to. I can't go back and modify the footprint on it at this point in time.

Ms. Batteau:

That's unfortunate. Just because somebody passed it doesn't mean we have to stick to it in my opinion. However, I've thought about this. We spend a lot of money usually on the Board of Education. Every year, they have \$1 million roughly that goes into their pass over, no, pass through/carryover account. We spend a lot of money on a lot of things and this is an underserved community. We don't tend to vote on things for our seniors and certainly for the handicapped so, much as I know this is an overdesign, about to be overbuilt facility, having had experience with it myself, I will vote for this.

By roll call vote, the appropriation passes 26 – 8. In favor: Mandell, Tait, Keenan, Mall, Meiers Schatz, Izzo, Colabella, Gray, Wieser, Gold, Klein, Kramer, Bram, Braunstein, Durkin, Talmadge, Briggs, Karpf, Klinge, Arthurs, Batteau, Schine, Carey, Schneeman, Soloff, Heller. Opposed: Cady, Purcell, Calise, Friedman, Gertzoff, Kraut, Lautenberg, Rea.

Dr. Heller:

Thank you all for your forbearance. You are without a doubt among the most dedicated people in the world. Thank you to all the people who came and stayed with us all night and that includes all of our electorate. Go home.

The meeting adjourned at 1:33 a.m.

Respectfully submitted,

Patricia H. Strauss

Town Clerk

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

by Jacquelyn Fuchs

ATTENDANCE: November 13, 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			
	Amy Kaplan		X	X	
4	Andrew J. Colabella	X			
	Kristan Hamlin		X	X	
	Lisa Parrelli Gray	X			
	Jeff Wieser	X			
5	Peter Gold	X			
	Nicole Klein	X			
	Karen Kramer	X			
	Greg Kraut	X			
6	Jessica Bram	X		X	Arr. 9:08
	Seth Braunstein	X			
	Chas Durkin	X			
	Cathy Talmadge	X			
7	Brandi Briggs	X		X	Arr. 9:00
	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. 8:12
	Velma Heller	X			
	Kristin Schneeman	X			
	Lauren Soloff	X			
Total		34	2		

Roll Call Vote: #4 Beach Bathrooms \$840,000

DIST.	NAME	ABSENT	YEA	NAY	ABSTAIN
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		
	Amy Kaplan	X			
4	Andrew J. Colabella		X		
	Kristan Hamlin	X			
	Lisa Parrelli Gray		X		
	Jeff Wieser		X		
5	Peter Gold		X		
	Nicole Klein		X		
	Karen Kramer		X		
	Greg Kraut			X	
6	Jessica Bram		X		
	Seth Braunstein		X		
	Chas Durkin		X		
	Cathy Talmadge		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		
	Velma Heller		X		
	Kristin Schneeman		X		
	Lauren Soloff		X		
Total			26	8	

Appendix I

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Parks and Recreation, the sum of \$840,000 with bond and note authorization to the Municipal Improvement Fund Account to replace the current portajohns with permanent restrooms containing (3) ADA compliant restrooms and a storage room near 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 Eight Hundred Forty Thousand and 00/100 Dollars (\$840,000) to pay costs associated with replacing the current portable restrooms near Compo's south beach with a permanent restroom building containing three (3) ADA compliant restrooms and a storage room, which costs include construction and construction oversight, utilities, and related administrative, financing, contingency and other soft costs (the "Project").

Section 1. As recommended by the Board of Finance and for the purpose of financing Eight Hundred Forty Thousand and 00/100 Dollars (\$840,000) of the foregoing appropriation, the Town shall borrow a sum not to exceed Eight Hundred Forty Thousand and 00/100 Dollars (\$840,000) and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project.

Section 2. The First 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.

Section 3. The Bonds may be designated "Public Improvement Bonds of the Town of Westport," series of the year of their issuance and may be issued in one or more series, and may be consolidated as part of the same issue with other bonds of the Town; shall be in serial form maturing in not more than twenty (20) annual installments of principal, the first installment to mature not later than three (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.

Section 4. The Committee is further authorized to make temporary borrowings as permitted by the General Statutes and to issue a temporary note or notes of the Town in anticipation of the receipt of proceeds from the sale of the bonds to be issued pursuant to this resolution. Such notes shall be issued and renewed at such times and with such maturities, requirements and limitations as provided by statute. Notes evidencing such borrowings shall be signed by the First 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.

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

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

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

Section 8. The Town of Westport, or other proper authority of the Town, is authorized to take all necessary action to apply 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.

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