

MINUTES OF THE REGULAR MONTHLY MEETING OF THE TOWN OF FAIRFIELD
October 23, 2023
Meeting

The regular Monthly Meeting of the Town of Fairfield was held on Monday, October 23, 2023, at the Education Center, 501 Kings Highway East, Fairfield, CT and via Webex.

The meeting was called to order at 8:00 P.M. by Moderator Mark McDermott.

PRESENT: 38 ABSENT: 2 VACANCY: 0

PRESENT: Bateson, Longo, Ruggiero, Gerber, McCormack, Perham, Steele, Durrell, Galdenzi, Lambert, Pistilli, Karson, McCabe, Spolyar, Zezima, Barahona, Garskof, Siebert, Wolk, Berecz, Gale, Graceffa, Havey, Kuhn, McDermott, Vergara, Wackerman, Ference, Meyers, Mirabile, Brown, Georgiadis, Horton, Scinto, Astarita, Britton, Sparacino, Tallman

ABSENT: Furey, Choniski

ITEM NO. 1 ON CALL: PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE

Moderator Mark McDermott led the Body in the Pledge of Allegiance and Moment of Silence.

ITEM NO. 2 ON CALL: APPROVAL OF MINUTES OF SEPTEMBER 18, 2023

The Moderator moved this item as distributed with the Call, duly seconded.

VOTE: The minutes of the September 18, 2023 meeting were approved with 37 in favor and 1 abstention (Garskof).

ITEM NO. 3 ON CALL: Update from the Energy Committee.

See attached report.

ITEM NO. 4 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF FINANCE: “WHEREAS, ON JUNE 27, 2022, THE RTM APPROVED \$300,000 FOR THE DESIGN OF THE FAIRFIELD BEACH PUMP STATION INCLUDING THE FORCE MAIN; AND WHEREAS, ON OCTOBER 24, 2022, THE RTM APPROVED \$300,000 FOR THE DESIGN OF THE CENTER STREET PUMP STATION INCLUDING THE FORCE MAIN; AND WHEREAS, ON OCTOBER 24, 2022, THE RTM APPROVED \$300,000 FOR THE DESIGN OF THE SOUTH PINE CREEK PUMP STATION INCLUDING THE FORCE MAIN; AND WHEREAS, THE WPCA HAS DETERMINED THAT THE DESIGN OF THE THREE PUMP STATIONS IS MORE EFFICIENTLY CONDUCTED AS A SINGLE PROJECT; AND WHEREAS, IN ORDER TO BE ELIGIBLE FOR GRANT FUNDING, THE STATE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION (DEEP) REQUIRES ADDITIONAL INVESTIGATION OF CONDITIONS RELATING TO THE PUMP STATIONS, AS WELL

AS THE HIRING OF A QUALIFIED DESIGN CONSULTANT UNDER DEEP'S QUALITY BASED SELECTION (QBS) PROGRAM; AND WHEREAS, THE ESTIMATED ADDITIONAL COST TO BE IN COMPLIANCE WITH THE QBS PROGRAM AND TO BE ELIGIBLE FOR GRANT FUNDING IS \$336,000; NOW, THEREFORE, BE IT RESOLVED, THAT, IN ACCORDANCE WITH THE RECOMMENDATION OF THE WPCA, THE PREVIOUS THREE AUTHORIZATIONS OF \$300,000 EACH IN FUNDING FOR THE DESIGN OF FAIRFIELD BEACH, CENTER STREET, AND SOUTH PINE CREEK PUMP STATIONS AND FORCE MAINS ARE COMBINED, AND THAT \$336,000 IS ADDED TO THE AUTHORIZATION TO CREATE A SINGLE APPROPRIATION OF WPCA FUND BALANCE IN THE AMOUNT OF \$1,236,000 (PHASE I) TO DESIGN THE PUMP STATIONS AND COMPLY WITH DEEP'S QBS PROGRAM."

Marcy Spolyar, District 4 moved waiving of the item, duly seconded and carried unanimously.

VOTE: The resolution was approved by unanimous voice vote.

ITEM NO. 5 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF FINANCE: "RESOLVED, THAT IN ACCORDANCE WITH A RECOMMENDATION FROM THE WPCA, FUNDING OF UP TO \$235,000 FROM THE WPCA FUND BALANCE FOR QUALITY BASED SELECTION (QBS) OF A DESIGN CONSULTANT FOR TOLL HOUSE, MILL RIVER, EASTFIELD, AND WILLOW STREET PUMP STATIONS AND FORCE MAINS INVESTIGATION (PHASE II) BE, AND HEREBY IS, APPROVED."

Joe Siebert, District 5 moved this item as distributes with the Call, duly seconded.

VOTE: The resolution was approved by unanimous voice vote.

ITEM NO. 6 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF FINANCE: "RESOLVED, THAT THE BOND RESOLUTION ENTITLED, 'A RESOLUTION APPROPRIATING \$6,286,480 FOR THE COST OF ROOF REPLACEMENT PROJECTS AT HOLLAND HILL ELEMENTARY SCHOOL AND NORTH STRATFIELD ELEMENTARY SCHOOL AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION,' BE, AND HEREBY IS, APPROVED."

Jay Wolk, District 5 moved this item as distributes with the Call, duly seconded.

VOTE: The resolution was approved by unanimous voice vote.

ITEM NO. 7 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF

SELECTMEN: “RESOLVED, THAT THE TOWN OF FAIRFIELD AUTHORIZES THE BOARD OF EDUCATION OF THE TOWN OF FAIRFIELD TO APPLY TO THE COMMISSIONER OF ADMINISTRATIVE SERVICES AND TO ACCEPT OR REJECT A GRANT FOR THE HOLLAND HILL PARTIAL ROOF REPLACEMENT PROJECT AT HOLLAND HILL ELEMENTARY SCHOOL; AND FURTHER RESOLVED THAT THE HOLLAND HILL ELEMENTARY SCHOOL ROOF BUILDING COMMITTEE IS HEREBY ESTABLISHED AS THE BUILDING COMMITTEE WITH REGARD TO THE HOLLAND HILL PARTIAL ROOF REPLACEMENT PROJECT AT HOLLAND HILL ELEMENTARY SCHOOL; AND FURTHER RESOLVED THAT THE TOWN OF FAIRFIELD HEREBY AUTHORIZES AT LEAST THE PREPARATION OF SCHEMATIC DRAWINGS AND OUTLINE SPECIFICATIONS FOR THE HOLLAND HILL PARTIAL ROOF REPLACEMENT PROJECT AT HOLLAND HILL ELEMENTARY SCHOOL.”

Josh Garskof, District 5 moved this item as distributes with the Call, duly seconded.

VOTE: The resolution was approved by unanimous voice vote.

ITEM NO. 8 ON CALL

TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF SELECTMEN: “RESOLVED, THAT THE TOWN OF FAIRFIELD AUTHORIZES THE BOARD OF EDUCATION OF THE TOWN OF FAIRFIELD TO APPLY TO THE COMMISSIONER OF ADMINISTRATIVE SERVICES AND TO ACCEPT OR REJECT A GRANT FOR THE NORTH STRATFIELD ROOF REPLACEMENT PROJECT AT NORTH STRATFIELD ELEMENTARY SCHOOL; AND FURTHER RESOLVED THAT THE NORTH STRATFIELD ELEMENTARY SCHOOL ROOF BUILDING COMMITTEE IS HEREBY ESTABLISHED AS THE BUILDING COMMITTEE WITH REGARD TO THE NORTH STRATFIELD ROOF REPLACEMENT PROJECT AT NORTH STRATFIELD ELEMENTARY SCHOOL; AND FURTHER RESOLVED THAT THE TOWN OF FAIRFIELD HEREBY AUTHORIZES AT LEAST THE PREPARATION OF SCHEMATIC DRAWINGS AND OUTLINE SPECIFICATIONS FOR THE NORTH STRATFIELD ROOF REPLACEMENT PROJECT AT NORTH STRATFIELD ELEMENTARY SCHOOL.”

Cindy Perham, District 2 moved this item as distributed with the Call, duly seconded.

VOTE: The resolution was approved by unanimous voice vote.

ITEM NO. 9 ON CALL:

TO HEAR, CONSIDER AND ACT UPON A SAFE AND LIVABLE STREETS ORDINANCE, SPONSORED BY BILL GERBER, DISTRICT 2; CYNTHIA PERHAM DISTRICT 2; JEFF A. GALDENZI, DISTRICT 3; TOM LAMBERT, DISTRICT 3; SHARON PISTILLI, DISTRICT 3; LAURA KARSON, DISTRICT 4; MICHELLE LAPINE MCCABE, DISTRICT 4; ELIZABETH A ZEZIMA, DISTRICT 4;

MARCY SPOLYAR, DISTRICT 4; JENNIFER BARAHONA, DISTRICT 5; JOE SIEBERT, DISTRICT 5; JAY WOLK, DISTRICT 5; STEVE BEREZCZ, DISTRICT 6; ANDREW GRACEFFA, DISTRICT 6; LISA HAVEY, DISTRICT 6; JOHN K. KUHN, DISTRICT 7; MARK MCDERMOTT, DISTRICT 7; JILL VERGARA, DISTRICT 7; KAREN WACKERMAN, DISTRICT 7; CHRISTINE BROWN, DISTRICT 9; DRU GEORGIADIS, DISTRICT 9; AND MARGARET HORTON, DISTRICT 9.

Marcy Spolyar moved this item as distributed with the Call, duly seconded.

MOTION: Bill Gerber, District 2 moved to amend the proposed amendments in the following sections (see attached “red-line” amendments), duly seconded:

ConnDOT to CTDOT throughout; §I, III, IV, V & Appendix 1.

Karen McCormack, District 2 asked if the Town Attorney had completed his analysis. Town Attorney Jim Baldwin said he appreciated the changes made by Mr. Gerber that were received this afternoon. He said they had a healthy discussion last week and would welcome that again; however, he would like to have more time for review with Mr. Gerber and the other sponsors. The manual must be done in 12 months’ time; there is no timeline. He feels there will be a large impact particularly on DPW. Mr. Gerber said nothing would preclude the town engineer from hiring a consultant as there are many ROW or complete streets manuals available. There is administrative room in the ordinance; don’t want to micromanage.

Nick Mirabile, District 8 asked what the major changes were in the amendments and how they improved the ordinance. Mr. Gerber said in general it addressed some confusion and redundancies.

VOTE: The motion to amend the proposed Safe & Livable Streets Ordinance as noted on the attached copy, marked “Clerk’s Copy,” was approved with 25 in favor, 5 opposed and 8 abstentions.

In favor: Gerber, Perham, Galdenzi, Lambert, Pistilli, Karson, McCabe, Spolyar, Zezima, Barahona, Garskof, Siebert, Wolk, Berezcz, Graceffa, Havey, Kuhn, McDermott, Vergara, Wackerman, Meyers, Brown, Georgiadis, Horton, Scinto

Opposed: Bateson, Longo, McCormack, Ference, Tallman

Abstentions: Ruggiero, Steele, Durrell, Gale, Mirabile, Astarita, Britton, Sparacino

Karen McCormack, District 2 asked if the Police Department had been contacted by Mr. Gerber prior to drafting the ordinance. Capt. Irizarry said it was discussed after it was drafted in a meeting with the police chief. Capt. Irizarry said there is a process in place for traffic improvement and the concern to the department was adding another layer of bureaucracy and is unsure that the amendments approved will alleviate the concerns of the department.

Ms. McCormack asked if DPW had been contacted by Mr. Gerber prior to the drafting of the ordinance. John Marsilio, interim DPW Director said he was not. He continued that there are three tracks new sidewalks, rehabilitation of sidewalks and contiguous sidewalks. A 5-year \$10 million town-wide program has been developed for sidewalks that will be complimentary to the paving program. He felt it would be more appropriate to have a complete streets plan and budget in the capital budget rather than the annual budget. This would juggle line up of approved streets and be more subjective than objective. He explained

that they already consult with utilities but with the addition of sidewalks and bike lanes, utilities and fire may need to relocate poles and hydrants.

Ken Astarita, District 10 was disappointed the Body did not have input from Mr. Marsilio earlier. He is disappointed in how this has been handled particularly that individuals who did not wish to be named were involved and that the draft had intentionally not been shared with the town attorney. He compared the process with the recently amended noise ordinance where the sponsor worked with other departments to rework it and he went from opposing to supporting the amendments. The costs are unknown yet we are obligating the town to them when we have \$150 million in school and WPCA projects. He urged the sponsors to withdraw the ordinance and allow more time to rework it to a place where the Body can all support it.

Mr. Gerber said ordinances have previously been passed in this way. He had been told not to present to the Republican caucus until he had a draft. He was more than willing to bring it back to L&A and took the Town Attorney's comments into advice.

Ed Bateson, District 1 said the outstanding concerns of the Police, DPW and the Town Attorney cause him concern. He thinks we can get this to where it should be after taking that into account.

MOTION: Mr Bateson moved to postpone the item to the next regular meeting, duly seconded.

The motion to postpone the item failed with 15 in favor and 23 opposed.

In favor: Bateson, Longo, Ruggiero, McCormack, Steele, Durrell, Gale, Ference, Meyers, Mirabile, Scinto, Astarita, Britton, Sparacino, Tallman

Opposed: Gerber, Perham, Galdenzi, Lambert, Pistilli, Karson, McCabe, Spolyar, Zezima, Barahona, Garskof, Siebert, Wolk, Berez, Graceffa, Havey, Kuhn, McDermott, Vergara, Wackerman, Brown, Georgiadis, Horton

Speaking in support were Jeff Randolph, Bill Pollack, Sarah Roy, Sara Mason, Tom Corsilio, Katie Flynn, Amy Barrett, Todd Sample, Tim Goff. Speaking in favor of further changes was Jackson Shostack.

Jeff Steele, District 2 spoke of the importance of public input and both caucuses working together. Three stakeholder departments are unsure how this will be implemented as well as the costs. These are substantive amendments that should be postponed.

Tom Lambert, District 3 said if there is a question as to implementation there is supporting documentation. They've heard the call to make Fairfield a better place to live.

Town Attorney Baldwin said the Board of Finance should be added to the Appendix as a relevant Town body much like the Bike & Pedestrian Committee was added in an amendment tonight.

MOTION: Bill Gerber moved to add the Board of Finance to Appendix 1, Relevant Complete Streets Town Bodies, duly seconded and carried with 36 in favor and 2 abstentions (Gale & Astarita).

Hannah Gale, District 6 said according to their timeline Norwalk is still having public workshops giving more time for vetting. They are working under a policy right now. Mr. Gerber said this has been a component of the POCD.

Jill Vergara, District 7 said this is not a new idea but a codification of a policy that was approved by many boards in 2018. It was nationally recognized, but it was not implemented which is why this is needed. The work does not need to be revisited.

Nick Mirabile, District 8 said his issue is that the ordinance has not been fully vetted and the budget impact is unknown. It impacts taxes and there is no transparency.

Melissa Longo, District 1 said we owe it to the people's families who lost their lives to vet this. It should be implemented properly. The amendments were received only a few hours prior to the meeting.

Town Attorney Baldwin asked for clarification between Section III F All new private development projects, which propose improvements along, adjacent to, or with the Right of Way, shall comply with the Right of Way Manual and Complete Streets Policy and Section IV Exceptions. There seems to be a gap that needs clarification especially for Town Plan & Zoning applications. Mr. Gerber said the Town would have to go to the Police Commission for an exception. The exception comes later in the process or is it possible as a developer would submit for an exception through the Town to the police commission. Mr. Gerber said they would have the same rights as the Town.

Mr. Bateson said this exception is exactly why this should be postponed.

VOTE: Motion to approve the Safe & Livable Streets Ordinance passed with 24 in favor 10 opposed and 4 abstentions.

In favor: Gerber, Perham, Galdenzi, Lambert, Pistilli, Karson, McCabe, Spolyar, Zezima, Barahona, Garskof, Siebert, Wolk, Berecz, Graceffa, Havey, Kuhn, McDermott, Vergara, Wackerman, Brown, Georgiadis, Horton, Scinto

Opposed: Bateson, Longo, Ruggiero, McCormack, Steele, Gale, Ference, Mirabile, Astarita, Tallman

Abstentions: Durrell, Meyers, Britton, Sparacino

New Business:

Moderator McDermott thanked Betsy Browne for being his left arm, thanked the caucus leaders for their assistance and thanked everyone who is not running for re-election to the RTM for their service to the town.

Respectfully submitted,

Elizabeth P. Browne, MMC, MCTC
Town Clerk

- SAFE AND LIVABLE STREETS ORDINANCE

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9/2026/2023

WHEREAS, many Stakeholders in Fairfield, including those who live, attend school, work, shop in, vacation in, and visit, increasingly face traffic and traffic-related safety and quality of life issues; and

WHEREAS, a rise in conflicts within the Right-of-Way among and between Users, including motor vehicles and Vulnerable Road Users such as pedestrians and cyclists, has led to an increase in crashes, injuries, fatalities, complaints, and near-misses nationally and in Fairfield; and

WHEREAS, there is increasing demand by Users and would-be Users for safe, shared access to the public Right-of-Way; and

WHEREAS, the term “Complete Streets” is defined by the US Department of Transportation (“USDOT”) as streets designed and operated to enable safe use and support mobility for all users, including people of all ages and abilities, regardless of whether they are travelling as drivers, pedestrians, bicyclists, or public transportation riders; and

WHEREAS, policies and strategies described and applied within Complete Streets rubric represent a shift in traditional road design and construction philosophy, requiring all road construction and Improvement Projects to begin by evaluating how the Right-of-Way can serve all who use it, including Vulnerable Road Users, those with physical disabilities, as opposed to reactively retrofitting automobile-centric Rights-of-Way for safer use by other categories of Users; and

WHEREAS, Complete Streets can provide increased pedestrian use, greater enjoyment and propensity for people of all ages and abilities to exercise and engage with their community, and a clean and attractive framework for robust, sustainable economic development; and

WHEREAS, the State of Connecticut and its Department of Transportation (“~~ConnDOT~~CTDOT”) have adopted Complete Streets laws and policies, and several municipalities have adopted Complete Streets ordinances, and have made commitments to the objectives and strategies of “Vision Zero”; and

WHEREAS, the Town of Fairfield has a Bicycle and Pedestrian Committee, and has developed a Bicycle and Pedestrian Master Plan Endorsed by the Board of Selectmen on June 19, 2013 and Complete Streets Policy endorsed by the Board of Selectmen on September 26, 2018, that have served as optional, inconsistently-applied guides for relevant Town bodies and departments responsible for the public Right-of-Way; and

WHEREAS, the adoption of this ordinance shall require application of Fairfield's Complete Streets Policy, as amended from time to time, with a formal exception approval process, improving the scope and pace of Fairfield's transformation into a safer, more walking, biking, and driving-friendly community, and may increase Fairfield's eligibility for government grants available for projects; and

NOW, THEREFORE, BE IT RESOLVED that the Representative Town Meeting now hereby approves and adopts the following Safe and Livable Streets Ordinance:

I. Definitions.

- A. "Complete Street" means a Right-of-Way that is planned, designed, constructed, operated, and maintained in such a way as to enable safe, comfortable, and convenient access by Users. A few examples of features of Complete Streets include: sidewalks; frequent and safe crosswalks; median islands; accessible pedestrian signals; curb extensions; Americans with Disabilities Act (ADA) accessible curb ramps; adequate street drainage facilities; narrower, speed-reducing travel lanes; rumble strips; bike lanes; bicycle detection at intersections; bicycle parking facilities; street trees; street lighting; street furniture; comfortable and accessible public transportation stops; and roundabouts..
- B. ~~"Complete Streets Commission" means the Bicycle and Pedestrian Committee, or its successor Town body, whether elected or appointed, responsible for aspects of Complete Streets, as described in this Ordinance.~~ "Complete Streets Plan" means the long-term capital plan for the Town as it pertains to Complete Streets, developed in accordance with the Right-of-Way Manual and consistent with the Complete Streets Policy.
- C. "Complete Streets Policy" means the policy for Complete Streets, as ~~adopted~~ endorsed by the Town of Fairfield, ~~to be amended from time to time~~, prepared in accordance with the guidelines established by The National Complete Streets Coalition (NCSC) ensuring that streets are safe for people of all ages and abilities, balancing the needs of different transportation modes, and supporting local land uses, economies, cultures, and natural environments.
- D. "Improvement Project" means new construction, reconstruction, resurfacing, rehabilitation, repair, or maintenance of the existing transportation network located within the Right-of-Way or that may affect it, whether such project is funded wholly, partly, or not at all by the Town. An Improvement Project does not include ordinary repair designed to keep transportation network facilities in safe working condition, such as mowing, cleaning, sweeping, spot repair, pothole filling, or signage repair and replacement.

E. “Local Traffic Authority” (LTA) means Fairfield’s Local Traffic Authority, which is responsible for approving aspects of Complete Streets, as described in this Ordinance.

F. “Ordinance” means this “Safe and Livable Streets Ordinance.”

F.G. “Phase” refers to the planning, design, construction, operation, or maintenance Phase of Complete Streets implementation.

G.H. “Relevant Complete Streets Town Bodies” means departments, boards, commissions, and committees as listed in Appendix 1, as amended from time to time, that are expected to participate, to varying degrees, in one or more Complete Streets Phase.

H.I. “Right-of-Way” means an area, public or private, dedicated for use by pedestrians and vehicles, such as streets, highways, bridges, bike paths and lanes, and walkways.

I.J. “Right-of-Way Manual” means the practical, working manual regarding processes, design and materials specifications, choices, preferences, and selection to be applied by the Town of Fairfield and its Relevant Complete Streets Town Bodies for the implementation of Complete Streets, to meet the standards and objectives of the Complete Streets Policy and this Ordinance.

J.K. “Stakeholders” means those who (or care about those who) live, visit, attend school, work, shop, and vacation in Fairfield.

K.L. “Town” means the Town of Fairfield.

L.M. “User” means all people who use or benefit from the Right-of-Way, including but not limited to, pedestrians, bicyclists, public transportation riders, motor vehicle drivers and passengers, emergency vehicle operators, and commercial vehicle operators and includes people of all ages and abilities, including children, senior citizens, and individuals with disabilities.

M.N. “Vision Zero” describes a belief that even one life lost in a traffic crash is unacceptable and traffic deaths are preventable, and a commitment to using all available tools to eliminate conditions and behaviors that lead to serious injuries and deaths.

N.O. “Vulnerable Road Users”, are pedestrians, cyclists, and people who use wheelchairs, who accounted for approximately 20% of the 42,915 people who were killed in motor vehicle crashes in 2021.

II. Purpose, goals. This Ordinance is meant to achieve the following:

- A. Contribute to the safety, health, fitness, and quality of life of Stakeholders by providing safe, convenient, and efficient connections for Users between homes, schools, work, shopping and dining, recreation, places of worship, and other community destinations.
- B. Improve the Town's existing transportation network by facilitating a variety of transportation modes and by creating a connected, comprehensive network for Users.
- C. Increase Fairfield's economic vibrance and make it more sustainable in a way that attracts and retains businesses and residents, including retirees and young adults.
- D. Design the Town's Rights-of-Way to contextually complement and enhance the surrounding land use and neighborhoods. Recognize that Fairfield is made up of multiple commercial cores surrounded by historically significant neighborhoods and ensure that these neighborhoods remain vibrant and livable through context-appropriate design of Rights-of-Way.
- E. Employ development best practices and sustainable design as it relates to streetscapes so that they are considered integral components of the infrastructure of the Town.
- F. Reduce traffic congestion through improved and expanded transportation options for Users.
- G. Reduce the frequency and severity of vehicular, bicycle and pedestrian-related crashes, deaths, near-misses, property damage and complaints by designing and managing Rights-of-Way to encourage travel at appropriate volumes and safe speeds.
- H. Require that the First Selectman appoint a Complete Streets Coordinator with the requisite qualifications and authority, described in Section III.
- I. Require that the Town's policies and objectives for Complete Streets comply with this Ordinance and are incorporated and updated as necessary in the Complete Streets Policy, described in Section III, and adhered to by Relevant Complete Streets Town Bodies.
- J. Require that the framework and details for implementation and maintenance in compliance with this Ordinance and Complete Streets Policy are incorporated and updated as necessary by the Town in a Right-of-Way Manual, described in Section III, and adhered to by Relevant Complete Streets Town Bodies.

- K. Require that the Town develop and annually update a detailed Complete Streets Plan and provide capital funding in the annual budget for the implementation of the Complete Streets Plan, as described in Section III, in compliance with the Complete Streets Policy and Right-of-Way Manual, as an essential component of the Town's annual budget.
- L. Align the objectives, expectations, and procedures for and among Relevant Complete Streets Town Bodies and Stakeholders regarding Complete Streets, their implementation, operation, and maintenance.
- M. Ensure transparent, fair procedures for communicating to, and hearing and incorporating feedback from, Stakeholders regarding Complete Streets.

III. Implementation.

- A. A full-time equivalent coordinator (herein referred to as the "Complete Streets Coordinator") responsible for understanding, focusing on, and facilitating the implementation of Complete Streets in Fairfield, including monitoring of and reporting on the Town's compliance with this Ordinance, shall be designated by the Board of Selectmen.
 - a. The Complete Streets Coordinator shall have in-depth knowledge and experience relating to Complete Streets concepts, design, and implementation, as well as the needs of Users, with up-to-date understanding of current design standards and practices, with the minimum qualifications of a Planner II/ Associate/ Junior Planner, or equivalent experience, such as civil or professional engineering, and pursuing the professional qualifications as designated by the American Planning Association.
 - b. The Complete Streets Coordinator shall have experience identifying and pursuing relevant potential public and private funding sources to assist in the funding of Complete Streets, including but not limited to grants.
 - c. The Complete Streets Coordinator shall be of appropriate position and authority to coordinate Relevant Complete Streets Town Bodies as well as represent the Town with local, regional, state, and federal authorities, cooperatives and organizations, and Stakeholders for timely analysis, planning, fulfillment, operations, and maintenance of Complete Streets.
 - d. The Complete Streets Coordinator shall have the appropriate position and authority in the Town administration to monitor and report on project-related planning and design, bidding, expenditures, and progress against the Complete Streets Plan and budgets, and to ensure that plans and processes are followed in accordance with the Right-of-Way Manual.

- e. The Complete Streets Coordinator shall be responsible for ensuring compliance with, and ongoing consistency among, the Complete Streets Policy, annual Complete Streets Plan, and Right-of-Way Manual.
 - f. The Complete Streets Coordinator shall provide a ~~monthly~~ quarterly, public written update to the Relevant Complete Streets Town Bodies and shall provide updates to the LTA -at each meeting.
 - g. The Complete Streets Coordinator shall remain informed and contribute to the Vision Zero Council of Connecticut policy initiatives, remain informed of the USDOT's Complete Streets Policies, The National Complete Streets Coalition's Policy Framework, and any other relevant professional initiatives.
- B. A Right-of-Way Manual shall be developed and periodically updated (as needed but at a minimum every two years) ~~by~~ the under the coordination of the Complete Streets Coordinator, working closely with the Town Engineer and Director of the Department of Public Works (DPW), or their department designees, with significant input from other Relevant Complete Streets Town Bodies as applicable, and prepared in accordance with the Complete Streets Policy, Vision Zero Council of Connecticut and other relevant guidelines.
- a. The Right-of-Way Manual shall include, but not be limited to, acceptable and minimum design and materials standards, facilities, amenities, and operating standards to be consistently applied in the development of Complete Streets, based on accepted best practices and available data.
 - b. The Right-of-Way Manual shall include a mission statement, policy objectives, and defined ~~performance~~-metrics used to prioritize planned projects ~~required~~ to implement the Complete Streets Policy.
 - c. The Right-of-Way Manual shall include thorough descriptions of processes to direct Relevant Complete Streets Town Bodies and decision makers, and to ensure shared understanding of roles, responsibilities, and authorizations, including among Stakeholders, for each Phase, and for seeking and granting exceptions.
 - d. Relevant Complete Streets Town Bodies shall review the Right-of-Way Manual and subsequent updates and notify the Complete Streets Coordinator of any issues or inconsistencies found.
 - e. The Right-of-Way Manual draft shall be completed and posted on the Town website within twelve (12) months of the passage of this Ordinance, with 30 days required for submission of Stakeholder comments, and an additional 30 days for incorporation if applicable, before finalization.
 - f. The Right-of-Way Manual shall be adhered to by all Relevant Complete Streets Town Bodies during any Phase.

~~The Right of Way Manual shall identify and prioritize implementation of the Complete Streets program by type of improvement and locations within Town based on an agreed upon criteria. This includes, but is not limited to, locations within Town that may have experienced underinvestment or are underserved.~~

- a. The Complete Streets Plan shall include a twelve (12) month fiscal year plan to be incorporated in the annual Town capital plan and budget. ~~The Complete Streets Plan must be consistent with the Complete Streets Policy and Right-of-Way Manual.~~
- b. In conjunction with, and as an essential element of, the Complete Streets Plan, the Town shall maintain an updated, comprehensive map and condition of existing and proposed Complete Streets infrastructure and make it available to the public.

~~When updating or revising the Complete Streets Plan, the Town shall review current design standards and standard operating procedures to ensure that the best and latest design standards available are reflected.~~

G.E. The Town shall apply the Right-of-Way Manual to all Improvement Projects within the Town, except as may be excluded under Section IV of this Ordinance.

H.F. All new private development projects, which propose improvements along, adjacent to, or within the Right-of-Way (“Private Projects”), shall comply with the Right-of-Way Manual and Complete Streets Policy. Approval of any other necessary permits is contingent upon meeting the requirements of the Right-of-Way Manual and Complete Streets Policy. Private Projects shall be reviewed by the LTA for consistency with the Right-of-Way Manual and Complete Streets Policy as part of the existing approval process.

+G. DPW shall be responsible for obtaining all required approvals and coordinate with third parties, including CTDOT, property owners, utility companies, developers, and other agencies, commissions, and departments as necessary to ensure that the design, necessary approvals, adjacent property owner consent, construction, maintenance, and repairs of the public Right-of-Way are carried out in accordance with the specified design, all applicable state and local ordinances, and the Right-of Way Manual, provided there is no statute, settlement agreement, or judicial decision to the contrary. DPW shall also be responsible for obtaining all approvals and coordinating with third parties to minimize conflicts in plans and schedules with the Complete Streets Plan and manage and coordinate appropriate adjustments to either the Complete Streets Plan or schedule of work by third parties.

Commented [JTB1]: What “required approvals” exactly? from all “relevant boards and commissions”? Is approval from adjacent property owners required? If so, this would likely lead to cause for litigation and/or protracted process that can be used as an additional weapon by neighbors objecting to a new development or project

Should be applicable state statutes – but what ordinance would be included?

Is an “appropriate adjustment” the same thing as an exception? Shouldn’t such exceptions be the responsibility of therequesting 3rd party to obtain and not the DPW in most instances involving private developments?

Commented [BG2R1]: First- I realized all references to ConnDot should be changed to CTDot.

Commented [BG3R1]: A core function of DPW, no? The added responsibility here is to follow the Town's Right-of-Way manual.

J.H. In recognition of the unique nature of the built environment and the diverse needs of Users, Stakeholder input shall be reasonably considered, but the needs of the community shall be prioritized to achieve the objectives of the Complete Street Policy. This includes providing safety for and balancing the needs of all Users, addressing neighborhood needs, ensuring a strong sense of place, and designing individual streets in a manner that is sensitive to the residential and business area context.

K.I. The Town shall encourage relevant professional development for the Complete Streets Coordinator, selected staff in the Engineering Department, and DPW regarding Complete Streets best practices.

L.J. The Town shall actively promote public information and education and solicit feedback about Complete Streets from Stakeholders. Feedback sought should include, from time to time, scientifically designed and statistically valid surveys by qualified professionals of well-defined target groups.

M.K. The Town and Complete Streets Coordinator shall coordinate Complete Streets planning and construction with relevant regional, state, and federal groups and authorities, including the Connecticut Metropolitan Council of Governments (MetroCOG), the Greater Bridgeport Transit Authority (GBTA), adjacent municipalities, CTDOT, the -Zero Vision Council of Connecticut, and the USDOT Safe Streets programs and grants to facilitate effective application of resources.

IV. Exceptions.

- A. The Town recognizes that, under certain circumstances, it may not be feasible or practical to implement one or more elements of the ~~Complete Streets Policy, Right-of-Way Manual~~. In such a case, a petition (“Petition”) documenting the reason for an exception (“Exception”) shall be made by ~~the Town (a-p”Petitioner”)-or petitioning body to~~ and submitted through the Complete Streets Coordinator ~~and to the LTA~~, with separate copy sent to the Relevant Complete Streets Town Bodies for informational purposes.
- B. Any Petition for Exception shall be posted to the Town’s website and shall be subject to a thirty (30) day public comment period. At the end of this period, comments received shall be compiled and included in the final documentation of Petition for Exception transmitted by the Complete Streets Coordinator to the LTA.
- C. The LTA shall act on the Petition for Exception within sixty (60) days of receipt thereof. If the LTA fails to act on the request within that time, the Petition for Exception shall be deemed denied without prejudice.
- D. Exceptions may include, but are not limited to, the following:

Commented [JTB4]: This is likely illegal according to the Administrative Procedures Act (APA). At this stage of Town Attorney review, an appeal procedure likely needs to be put into place with reference to procedures set forth with respect to appealing their decision or non-decision denial (if that is even legal, which is TBD)

Denied without prejudice begs the question as to when a final determination is made that is then appealable. It also goes against the notion that the exception is truly denied, at least with respect to finality

The potential delay in projects and protracted litigation that may follow is operationally and legally concerning.

Commented [BG5R4]: The APA relates to State Agencies, no? This step requiring a transparent and timely process for exceptions is important.

Commented [BG6R4]: Note that Smart Growth America Scorecard, element #4 is to **prevent discretionary exceptions in the future, helping to ensure equitable implementation. Quote in scorecard:**

“The only way exceptions do not turn into a big black hole is by bringing a lot of sunlight to it. So exceptions are used when necessary—not just to bypass the policy. But if you don’t make it clear what you’re trying to do and involve the public in the decision then the exception can be a process by which the intent of your policy is completely undermined.”
– Beth Osborne, Vice President of Transportation at Smart Growth America.

~~D.a. "Clear Accountable Exceptions" outlined in the Complete Streets Policy:~~

~~a. Improvement Projects on public Rights-of-Way where one or more categories of Users are prohibited, such as interstate freeways or pedestrian malls.~~

E. Owners of private streets and ways shall also be encouraged to adhere to the Right-of-Way Manual and Complete Streets Policy.

V. Reporting.

A. Annually, the Complete Streets Coordinator, the Chairperson of the LTA, the Director of Public Works, and Town Engineer shall ~~jointly~~ present to ~~a joint meeting of~~ the BOS, BOF and RTM at which they will report on, at a minimum, the following:

- a. Implementation of the Complete Streets Plan including, but not limited to, the performance measures listed in Appendix A of the Complete Streets Policy, ~~as updated from time to time~~.
- b. Annually enter and monitor Fairfield's position in Smart Growth America's ranking of National Complete Streets scores on the 100-point scale using the standardized set of ten (10) elements.
- c. ~~Evaluation~~ As appropriate and practical, evaluation of the effectiveness of individual completed projects, including volume of Users, new Users, cost, implementation time, scope compliance, and satisfaction levels.
- d. Evaluation and statistics regarding conflicts within the Right-of-Way in Fairfield, including crashes, injuries, deaths, complaints, and property damage.
- e. Any Town-wide or Town area-specific survey results, if applicable (and only if conducted according to best statistical practices to achieve a high degree of confidence in results).
- f. Total dollar amounts invested in Complete Streets implementation and improvements by the Town, broken out by type.
- g. New developments in regional, national, and international Complete Streets design, engineering, and other best practices.
- h. Descriptions of potential amendments to this Ordinance, the Complete Streets Policy, Plan, and Right-of-Way Manual under consideration for any reason.

VI. Effective Date

This Ordinance shall take effect upon adoption and all sections contingent upon completion of the Right-of-Way Manual shall take effect upon its completion.

APPENDIX 1: Relevant Complete Streets Town Bodies

To be amended from time to time:

- ~~Complete Streets Commission~~ Local Traffic Authority (LTA), currently the “Bicycle and Pedestrian Committee”
- Bicycle and Pedestrian Committee
- Engineering
- Department of Public Works (DPW)
- Community and Economic Development
- Town Plan and Zoning (TPZ)
- Conservation
- Finance and Budgeting
- Parks and Recreation
- Health
- Police
- Fire
- Emergency Management
- Education
- Senior Activities
- Human Services
- Housing Authority

Suggested reading, to be updated from time to time:

ENERGY COMMITTEE UPDATE

this is a quick update - more to come in the month's ahead

First off, I want to acknowledge and thank my other committee co-members:

Peter Briton, Vice Chair - who like me is a WH native which I think created a similar perspective as me through which to view this committee and issues

Michelle McCabe, Secretary - she has done a great job on keeping us focused and not staying too far from tasks

Bill Gerber - he was instrumental in pushing me to develop the ideas I had for this committee and helped make it come to reality

And Jeff Steele

When this committee was approved we were charged with reporting back to the body with an update.

We have had two meetings thus far. The first meeting was with Peter Milliman, who played a leading role in pursuing CCA, and Mark Sassi of Bridge Energy. This meeting focused on bigger picture topics. People may recall my interest in Community Energy Aggregation. [explain]. Peter and Mark have been helpful in educating me on the topic as well as others. Peter and West Hartford's energy manager, Catherine Diviney (among others) were the ones who noted how unique this committee as part of a legislative body was. I thought they would be great for a kick-off.

3 things came from that meeting

CCA - appears to be coming back looking for enabling legislature

Networked geothermal - Framingham Ma. with Eversource. We might want to be known as a forward thinking town who wants to embrace programs like this.

Microgrids

We also learned about how West Hartford had a part-time energy manager, who had helped the town reduce its municipal energy expenses over 20%.

Our next meeting was with Mary Hogue and Bob Wall from Sustainable Fairfield, During the meeting while we were exploring ways to compliment each other. SF was asked about the need for a committee such as ours. In talking with Sustainable Fairfield, we all felt there is a clear role for the RTM and its ability to craft ordinances to be a partner in the work of SF.

We discussed how the town purchases its energy through a consultant that results in substantial savings, energy monitoring that SF helps the town with (including school by school analysis that shows some of Fairfield's schools are basically flunking efficiency at 18 out of a 100 score), the resumption of solar on town buildings, and other topics. All realizing many ways we can work together to complement each other.

These two initial meetings showed the committee members that there is a lot of opportunity to save taxpayer money through many initiatives both direct and indirect through things as big as CCA or as simple as general education about things like home energy audits.

Our next steps would involve things like an inventory of existing town energy programs and initiatives, further benchmarking with other towns like West Hartford, discussions with people like Bryan Garcia at the CT GreenBank, exploring an energy manager position like West Hartford and deeper

coordination with people like SF. The committee is convinced lots of opportunities exist after only two meetings and believes others will be uncovered as we continue our collaborative work.