

**BOARD OF SELECTMEN MEETING FINAL MINUTES**  
**Monday, April 18, 2022**  
**4:00 pm**  
**Via Webex**

A recording of this meeting can be found here: [Board of Selectmen 4/18/2022 Regular Meeting - YouTube](#).

MEMBERS PRESENT: First Selectwoman Brenda L. Kupchick, Selectman Thomas Flynn, Selectwoman Nancy Lefkowitz

OTHERS PRESENT: Director of Communications, Aquarian Water Co, George Logan, Purchasing Director Gerald Foley, Parks & Recreation Director Anthony Calabrese, Deputy Fire Chief Kyran Dunn, FairTV Manager Gerry Speno, CFO Jared Schmitt, CAO Tom Bremer, Community & Economic Development Director Mark Barnhart, Jeremy Lynch of Bird Rides, Town Attorney James Baldwin, Planning Director Jim Wendt, Robert Haydu, members of the public

1) CALL TO ORDER

First Selectwoman Kupchick called the meeting to order at 4:00 pm.

2) PLEDGE OF ALLEGIANCE

First Selectwoman Kupchick led the Pledge of Allegiance.

3) MINUTES

To consider and act upon the minutes of January 31, 2022, February 7, 2022, February 23, 2022, February 24, 2022, February 28, 2022, March 15, 2022, March 21, 2022, April 7, 2022

Selectman Flynn made a motion to approve all minutes in Item 3. Selectwoman Lefkowitz seconded the motion.

The motion carried unanimously.

4) AQUARION WATER COMPANY

To hear the Aquarion Water Company's 2022 Water Conservation Plan Update Aquarian's Director of Communications, George Logan shared his presentation which can also be found in the online backup documents for the meeting. Mr. Logan said due to the current conditions of the local water supply, Aquarian is requiring the following:

Twice weekly sprinkler irrigation only

- Sprinklers only; handheld hoses and drip irrigation are exempt.
- High efficiency systems with a weather-based controller for properties greater than two acres. There will be enforcement by Aquarian patrols and violators will be sent correspondence. The Town will be notified when people are using more water. For other programs and activities pertaining to water conservation in Fairfield, please go to the presentation online.

First Selectwoman Kupchick said she knows this will be a shock to residents, but Fairfield cares deeply about water conservation. She asked if golf courses and playing fields are exempt.

Mr. Logan said Aquarian will need to be notified of the fields and golf courses using their variance forms. Mr. Logan said most playing fields have weather-based irrigation systems. Selectwoman Lefkowitz asked about variances for people growing foods and using sprinklers. Mr. Logan said they can apply for a variance as well. Selectman Flynn asked why Aquarian has decided to cut back when the area is not in a drought situation. Mr. Logan said flash droughts are occurring and in order to take precautions, we need to conserve and save more resources.

5) PURCHASING AUTHORITY

To hear, consider and authorize the Purchasing Authority to enter into the proposed contract with Fireworks by Grucci, Inc. to provide all labor, materials, equipment and all else necessary for provide an independence day fireworks celebration event, as detailed in bid #2020-48, for the pricing detailed in Fireworks by Grucci, Inc bid submission. For a total cost not to exceed \$54,862.00. Expense Account No #01007050-53200 [Operating Budget, Fees and Professional Services].

Selectman Flynn made a motion to approve Item 5. Selectwoman Lefkowitz seconded the motion.

Parks and Recreation Director Anthony Calabrese told the Board that Grucci has been doing the Town Independence Day Fireworks for the last few years. Town Attorney James Baldwin said he has vetted and approved the contract.

The motion carried unanimously.

6) FAIRTV COMMISSION

To hear, consider and act upon the following resolution as recommended by the FairTV Commission:

RESOLVED, that Brenda L. Kupchick, First Selectwoman of the Town of Fairfield, is empowered to execute, authorize and approve on behalf of the Town of Fairfield a Professional Services Contractor Agreement between the TOWN OF FAIRFIELD, Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT ("Town") and GERARD J. SPENO, with an office at 23 Plum Street, Fairfield, CT 06824 ("Contractor") for professional technical services supporting the Town's Government and Education television stations known as FairTV Broadcast System ("FairTV") for a period of one (1) year commencing June 30, 2022 and terminating July 1, 2023.

Selectwoman Lefkowitz made a motion to waive reading of Item 6. Selectman Flynn seconded the motion. The motion carried unanimously.

Selectwoman Lefkowitz made a motion to approve Item 6. Selectman Flynn seconded the motion.

First Selectwoman Kupchick stated that this is a standard contract with FairTV and it is already approved in the budget for the same amount.

The motion carried unanimously.

7) COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

To hear, consider and authorize the First Selectwoman to enter into a pilot operating agreement between the Town of Fairfield and Bird Rides, Inc. to operate a stand-up electric scooter sharing system within the Town of Fairfield.

Selectwoman Lefkowitz made a motion to approve Item 7. Selectman Flynn seconded the motion.

Community and Economic Development Director Mark Barnhart explained that this is a pilot program. He said it came together six months ago. Mr. Barnhart was joined by Jeremy Lynch from Bird Rides who said the pilot program operating agreement for 12 months provides a local Fleet Manager and 75 scooters to start in Fairfield. Mr. Lynch said Bird Rides will provide insurance and has had favorable reviews. Mr. Barnhart said he has spoken to the Police Department as well as the Bike and Pedestrian Committee. He said the Fleet Manager will make sure the fleet is maintained and kept neat. Selectwoman Lefkowitz said she has a healthy optimism and skepticism regarding this and feels that until we try this we won't know if it will work. Selectman Flynn asked if there could be legal issues. He said he understands that the Town is indemnified with the scooter company, but he asked what could happen if someone were to claim there was a faulty sidewalk. Town Attorney Baldwin said he took a hard look at the indemnification terms and the pilot program terms. He said he is comfortable with the terms and said the Town's exposure is the same as any other business. There was no public comment.

The motion carried unanimously.

8) PLANNING DIRECTOR

To hear, consider and approve a recommendation from the Town Plan and Zoning Commission to opt out of the State-mandated parking regulations and default language for accessory apartments, Pursuant to Public Act 21-29.

Selectman Flynn made a motion to approve item 8. Selectwoman Lefkowitz seconded the motion.

Planning Director Jim Wendt said CT Public Act 21 - 29 was approved last year which was a Zoning Enablement Act. He said there is certain language to be adopted. He said the TPZ held hearings in January and passed by 2/3 vote to opt out on February 8<sup>th</sup> of 2022. There was no public comment.

The motion carried unanimously

9) FIRE CHIEF (*requires BOF and RTM approval*)

To hear, consider and adopt a bond resolution entitled, "A resolution appropriating \$125,000 for the costs to replace the portable radio equipment for the Fairfield Fire Department and authorizing the issuance of bonds to finance such appropriation".

Selectman Flynn made a motion to approve Item 9. Selectwoman Lefkowitz seconded the motion.

Fire Chief Denis McCarthy said this item was originally in the budget, but the Board of Finance took it out. He said this item was presented at the last Board of Selectman meeting. He said there was a grant approved for \$3.5 million. Chief McCarthy said the overall project had been anticipated and therefore the fire department has not requested a change in payments.

He said the portable radios will allow the Fire Department to communicate with other towns as needed, but it cannot do that now. There was no public comment.

The motion carried unanimously

10) TOWN ATTORNEY (*requires RTM approval*)

To hear, consider, and authorize the Town of Fairfield to enter into the proposed amended agreement with the Fairfield Historical Society (Fairfield Museum) for the management of Fairfield's Historic Structures effective May 1, 2022 through April 30, 2023.

Selectman Flynn made a motion to approve Item 10. Selectwoman Lefkowitz seconded the motion.

Town Attorney Baldwin said the Museum was managing Burr Mansion. He said there were several meetings between the Town and Museum whose Director, Mike Jehle, said it might be in the best interest for the Town to take over maintaining Burr Mansion. Parks and Recreation Director Anthony Calabrese said management will now be under his department which will oversee the property. Town Attorney Baldwin said it's the same agreement that the Town had with the Historical Society years ago, but just for the Burr Mansion management. He said the Town paid a \$36,000 management fee to the Historical Society. Selectwoman Lefkowitz asked if the Parks and Recreation department would be overburdened by this addition. Mr. Calabrese said he would not have added it to his department if it was going to be an additional burden. He said he would like to see how things move forward since Penfield will be closing and his department will be able to schedule events at the Burr Mansion. Selectman Flynn said there is some historical upkeep and that Buildings Manager James Ryan knows what can and cannot be done historically. The Burr Gardens Committee and Mr. Jehle will be on hand if needed and everyone will work together. Selectman Flynn would like to review this in a year. There was no public comment.

The motion carried unanimously

11) TOWN ATTORNEY

To hear, consider and authorize the First Selectwoman to enter into the proposed three (3) year lease with Robert A. Haydu (Greenfield Farms) to lease ten (10) acres of the Owned Premises at 3701 Congress Street, Fairfield, for \$1 per year plus the assessed property taxes.

Selectwoman Lefkowitz made a motion to approve Item 11. Selectman Flynn seconded the motion.

Town Attorney Baldwin said an agreement has been in place with the Town and Mr. Haydu for 20 years. He said the total purchase for the Town was over 20 acres and it is the only working farm in Fairfield. He said there is great appeal to continue to use the property as a farm. Town Attorney Baldwin said Mr. Haydu lives adjacent to the property and maintains the farm, but the agreement never went before the Board of Selectmen so he is bringing it before the Board and the Town today. Selectwoman Lefkowitz said she would like to explore how to use the farm as community land. She asked to delay the vote until the community has a chance to talk about this and learn more. First Selectwoman Kupchick said some residents want to turn this into a community farm and the Parks and Recreation Director Anthony Calabrese would like to put a community farm at the Senior Center. First Selectwoman Kupchick said she is not inclined to change the use of the property at this time. She said Mr. Haydu has done great things for Fairfield. She suggested having this discussion again in another three years to see if the Town would like to change the use.

Selectman Flynn said the farm currently provides services to the community and there are irrigation issues dictating what can be grown there now. He said he doesn't see it beneficial to be a community farm. First Selectwoman Kupchick opened the item up for public comment.

(Full statements can be heard by accessing the meeting recording at the top of the first page of the minutes.)

- April Clyne – 104 Hillside Road  
She said she is a 23-year resident and a member of the Greenfield Hill Improvement Society. She said she supports Mr. Haydu staying with the property for three more years.
- Sharon Pistilli – RTM, D3 - 107 Lota Drive  
See written statement attached at the end of the minutes.
- Erin Belles – 3781 Congress Street  
She said she agrees with April Cline. She said Mr. Haydu maintains the farm and the history of the farm is part of the reason why her family moved to the area. She said crops cannot be grown with the irrigation and deer issues. She asked to keep the farm the way it is.
- David Allon – 126 Lalley Boulevard  
He said community gardens are non-partisan. He said people can stagger use of a community farm during the week and thinks there are more questions than answers on this.
- Melissa Longo – RTM, D1 – 3791 Congress Street  
She said she has lived on Congress Street for four years and is a lifelong Fairfield resident. She said Mr. Haydu is always out working and having charitable events at the farm which is a huge part of what makes Greenfield Hill special. She suggested revisiting this in three years to see what is happening.
- Misty Byer – 4720 Congress Street  
She said the farm is a jewel in Greenfield Hill and Mr. Haydu is doing an incredible job. She said this is an important conversation to have. She said the property should be preserved when Mr. Haydu can no longer maintain it.
- Amy Sperrazza – 322 Brambly Hedge Circle  
She said she moved to Greenfield Hill two years ago because of the historical aspect and special nature that is unique. She said Mr. Haydu does such a great job and his lease should continued another for another three years.

Selectwoman Lefkowitz said the farm has been such an important part of the community and as a resident of Greenfield Hill, she said she appreciates everything Mr. Haydu has done. Selectwoman Lefkowitz said no one is questioning Mr. Haydu's work, but that the administration needs to focus on modernizing. She said just because something has been done for a long time doesn't mean it can't change. Selectman Flynn said he supports working with Mr. Haydu over the next three years and learning more about the property. Mr. Haydu was also on the call and said he appreciates everything that everyone has said. He said he just turned 81 years old and is very happy working on the farm. He said there's a seven-acre field on Congress Street which is where he grows the street corn for the corn maze and the two other acres next to that are under production for sweet corn. First Selectwoman Kupchick said other sites can be considered for community gardening. She said a broader discussion is good for the Town in general. She said she is not inclined to change the agreement with Mr. Haydu at this time. She said she is engaged in having the discussion with residents, but said some things don't need to be modernized.

The motion carried 2-0-1 (Selectwoman Lefkowitz abstained)

- 12) To consider and act upon tax refunds as recommended by the Tax Collector in the amount of \$40,370.33

Selectwoman Lefkowitz made a motion to approve Item 12. Selectman Flynn seconded the motion. The motion carried unanimously.

- 13) To hear, consider and act upon any other business which shall properly come before this meeting

First Selectwoman Kupchick said she was pleased to share that Fairfield received a \$3.5 million federal grant to replace the Town's emergency radio network. She sincerely thanked Senator Blumenthal for his help in securing these federal dollars. She recognized Police Captain Pete Koval for taking the lead in writing the grant application.

First Selectwoman Kupchick said the RTM will vote on the budget on Monday, May 2<sup>nd</sup> and the Board of Finance will set the Mill Rate on Thursday, May 5<sup>th</sup>. She said that per the Town Charter, the RTM has the authority to decrease the budget, but not increase it unless an appeal to a cut is submitted. She said department heads are appealing three BOF cuts at a special RTM meeting on May 2<sup>nd</sup>, prior to the RTM's budget vote. She said the RTM can vote with a 2/3 majority to restore the funding. She said she included an overview of the changes the BOF made to the budget in her last newsletter.

First Selectwoman Kupchick invited all residents and their families to attend the 37<sup>th</sup> Annual Holocaust Commemoration hosted by the Town of Fairfield's Holocaust Committee on Wednesday, April 27, 2022, at 7:30 pm at First Church Congregational, 148 Old Post Road. She said April 27, 2022 will be proclaimed as a special Day of Remembrance in memory of the victims of the Holocaust and in tribute to those who help us never to forget. She said this Day of Remembrance includes a keynote speaker who will share his experience during World War II as a hidden child, and of the righteous gentiles who saved his life and that of his brother. She said Fairfield Warde High School Senior Samantha Renzulli will also speak. First Selectwoman Kupchick noted that as victims who survived the Holocaust continue to age, it is more important than ever to hear their stories and share them with the next generations. She asked residents, young and old, of all faiths and backgrounds, to join us for this evening of commemoration and learning.

First Selectwoman Kupchick said all residents are encouraged to participate in the annual Shop & Stroll Into Spring event on Thursday, April 28<sup>th</sup>. She said participating shops in downtown Fairfield will open at their regular times with extended hours through 9 pm. She said she hopes residents will participate and support our local stores.

Selectwoman Lefkowitz who unfortunately had COVID, reminded everyone that if they felt sick to please stay home and get tested.

- 14) Adjourn

Selectwoman Lefkowitz made a motion to adjourn the meeting at 6:28 pm. First Selectwoman Kupchick seconded the motion which carried unanimously.

Respectfully submitted,

Pru O'Brien  
Recording Secretary

Item 4 Public Comment Via Email:

-----Original Message-----

From: suzannemiska (null) <suzannemiska@aol.com>

Sent: Friday, April 15, 2022 10:00 AM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Aquarion agenda item

Dear Members of the Board of Selectman,

I want to start by saying while I greatly appreciate the agenda backup, 169 pages all at once is a lot to review.

I have reviewed the Aquarion presentation and I'm disappointed that the water company has chosen such an aggressive approach with the involvement of our Town government to be the police in this process. They will shut your water off to your home? How do they know if it's irrigation or household use? College kids come home and love multiple showers? Where are the requests to meter the irrigation water from the house water? What is missing from the presentation is why all of a sudden there is a need to limit the water to such a level? What has Aquarion missed in creating a process that allows for a more normal not threatening response to watering? Do they have systems offline? Additionally if this is our future then my question to the Town is why are we allowing the overbuild of our Town if Aquarion can't handle the watering of our lawns for three times a week? This seems excessive and threatening and another department that our Town will need to create to control water shut off's. There had to be a better way to proceed.

Thank you for your time,  
Suzanne Miska

Item 7 Public Comment Via Email:

-----Original Message-----

From: suzannemiska (null) <suzannemiska@aol.com>

Sent: Friday, April 15, 2022 9:50 AM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Bird scooters Agenda Item

Dear Members of the Board of Selectman:

I respectfully ask that decline the proposal to enter into an agreement with bird scooters. This company has placed their scooters in major cities and the scooters are left anywhere and everywhere. Additionally they become a danger to those walking as they typically fail to stop as a vehicle/bicycle should. My son is a college student in Boston and this company dropped off the scooters and after use they are dropped all over campus, the city sidewalks, etc.

Unless the Board can tighten the parking section that mandates that scooters are picked up and delivered back to a designated space specifically created for these electronic scooters then please pass on this proposal. People can't place their garbage in trash cans or pick up after their dogs, I can't begin to tell you what a disaster this program will be with scooters left anywhere and

everywhere unless there is a dedicated return and pickup spot like this type of program with bicycles has.

Fairfield does not need the mess that this program guarantees.

Thank you for your time,

Suzanne Miska

Item 11 Public Comment Via Email:

**From:** Sharon Pistilli <[sbpistilli@gmail.com](mailto:sbpistilli@gmail.com)>

**Sent:** Monday, April 18, 2022 2:33 PM

**To:** Board of Selectmen <[BOS@fairfieldct.org](mailto:BOS@fairfieldct.org)>

**Cc:** Vergara, Jill <[jillvergara@gmail.com](mailto:jillvergara@gmail.com)>

**Subject:** Greenfield Farms - Lease Agreement

Dear Fairfield Board of Selectmen,

Below please find our comments regarding today's agenda item related to the Greenfield Farms lease.

Thank you,

Jill Vergara-RTM D7 and Sharon Pistilli-RTM D3

The Lease Agreement under review today by the Board of Selectmen (“BOS”) concerns one of Fairfield’s greatest, and perhaps least known, assets – the 1998 purchase of 20.73 acres of land located in Greenfield Hill located at 3701 Congress Street – and the appurtenant streams (including Great Brook), wetlands, woodlands, stone walls, shrub borders, one (1) large barn and tractor shed. This is Greenfield Farm. Included are 3 parcels of land amounting to 7.0 acres of flat tillable fields ideally suited for the cultivation of crops... in keeping with the historic rural farming character of Fairfield.

The Fairfield Farm lease has been approved on a pro forma basis for the past 10 or more years without a meaningful performance review by the Board of Selectmen. In that decade, thriving town farms have been launched by Wilton (Ambler Farm), Westport (Wakeman Farm) and Weston (Lachat Farm). All of these town farms have thrived during the past two and half years in which we’ve endured the pandemic providing worthwhile resources (both food produce and activities) to their communities.

Today we ask the Board of Selectmen to undertake a meaningful review of the tenant’s performance as well as its own management of the land to ensure that the obligations required under this agreement are being met by both parties so that this invaluable resource is cared for properly so that it can thrive for many generations to come.

The Tenant’s Primary Obligation: The lease expresses a desire that use of this open space property be “protected” and “wise”. The tenant’s primary obligation is to use the land exclusively for market gardening of field crops...” specifically corn, tomatoes, pumpkins, flowers. The tenant is required to sell the produce grown on the Premises “to the general public” at the farm’s location on Congress Street.



Tenant's additional obligations include:

- Assisting the community in clearing/building trails and other community projects as requested;
- In its bi-annual report the tenant will describe all activities on the leased premises and make recommendations for improvement;
- Maintaining various insurance policies including comprehensive general liability, worker's compensation, automobile, etc. naming the Town of Fairfield as the named insured and provide certificates to the town;
- Planting a cover crop of winter rye (to be lightly tilled into the soil between September 15 and November 1st each year);

Similarly, the town has conservation obligations required in the management and preservation of the natural resources located at Fairfield Farm including:

- Ensuring the tenant maintains the soil maintains a PH of 6.0 to 7.0 on the cultivated fields and plants a winter rye cover crop each Fall to stop soil erosion;
- Clearing the Great Brook and other streams on the property from over growth;
- Inspecting the premises are being used safely for all wildlife by avoiding certain pesticide formulations;
- Ensuring the Barn/tractor shed is structurally sound and properly maintained by Tenant;
- Ensuring the road entrance to the Farm and the parking area near cultivated field no. 1 are properly maintained for access to the lease premises;
- Ensuring any walking trails marked by the town are outside the lease premises in buffer areas.
- Ensuring the tenant complies with all federal, state and local laws, rules, ordinances, etc in the operation and use of the premises, and annually, provides complete and accurate certificates of insurance coverage.

We ask the Board of Selectmen to delay any vote to approve this lease until it can determine that the Tenant has previously fulfilled its obligations, or, if it determines that the Tenant has NOT met its obligations that the BOS will appoint a person to work with the Tenant (and the town) to ensure that both parties fully meet their obligations for the duration of the proposed lease term, AND, that any future renewals will be carefully scrutinized prior to approval.

Thank you,

Jill Vergara  
RTM District 7

Sharon Pistilli  
RTM District 3