

BOARD OF SELECTMEN REGULAR MEETING
Monday, May 1, 2023, 4:00 pm
Via Webex & In-Person in the
First Floor Conference Room, Independence Hall
725 Old Post Road, Fairfield, CT 06824

A recording of this meeting can be found here: [BOS Regular Meeting 5/1/2023.](#)

FINAL MINUTES

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

OTHERS PRESENT: David Becker, Rodney Van Deusen, Jason Li, Executive Director of Operations-FPS Angelus Papageorge, Assistant Director of DPW John Cottell, Purchasing Director Adam Tulin, Engineering Manager Bill Hurley, CFO Jared Schmitt, CAO Tom Bremer, Engineer Elias Ghazal, Town Attorney Jim Baldwin, Attorney John Stafstrom

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 March 6, 2023, April 17, 2023

Selectman Flynn made a motion to move Item 3 to the next meeting. Selectwoman Lefkowitz seconded the motion which carried unanimously.

4) AC BUILDING COMMITTEE CHARGE

To hear, consider and approve a charge for the AC Building Committee.

Selectman Flynn made a motion to approve Item 4. Selectwoman Lefkowitz seconded the motion.

Executive Director of Operations for Fairfield's Public Schools' Angelus Papageorge said this Committee will oversee the air conditioning projects for the public schools supported by federal funding. He said this Charge was written for Phase 1 of the project. He said the Committee has been comprised of a small group of residents who are also available during the day to meet to keep this a quick moving project. Mr. Papageorge said the schools in this phase are Osborn Hill, North Stratfield and Fairfield Woods Middle School. He said BOE Vice-Chair Nick Aysseh will be the BOE Liaison.

Selectman Flynn made a motion to amend the charge to state the following after the last word in the first paragraph, "for Phase I of the school air conditioning projects to include North Stratfield Elementary School, Osborn Hill Elementary School and Fairfield Woods Middle School." Selectwoman Lefkowitz seconded the amendment which carried unanimously.

The original motion as amended carried unanimously.

5) **AC BUILDING COMMITTEE APPOINTMENTS (*requires RTM approval*)**

To hear, consider and act upon the following appointments to the AC Building Committee:

- i. David M. Becker (R) 164 Taintor Drive, term May 2023 - Completion
- ii. Jason Li (R) 245 Sunnyridge Avenue, term May 2023 - Completion
- iii. Rodney J. Van Deusen, Jr. (D) 157 Longdean Road, term May 2023 – Completion

Selectman Flynn made a motion to approve Item 5,i-iii. Selectwoman Lefkowitz seconded the motion.

The Selectpersons thanked the volunteers for their participation, willingness to work during the day and always being willing to serve the Town.

The motion carried unanimously.

6) **PURCHASING AUTHORITY**

To hear, consider and authorize the Purchasing Authority to enter into the proposed service agreement with Southport Contracting, Inc. to provide all labor, materials, equipment, and all else necessary to perform Boiler Replacement at Burr Elementary School as detailed in Bid #2023- 122 in an amount not to exceed \$590,000.00 with additional authority to execute change orders to said contract in an amount not to exceed \$59,000.00 for a combined grand total amount not to exceed \$649,000.00. Account #22809010-57000-023B1 – Boiler Burner Replacement Burr

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

Purchasing Director Adam Tulin gave the background of the process of this bid which is a Capital request that is moving forward. Town Attorney James Baldwin said he approved the contract.

The motion carried unanimously.

7) **PURCHASING AUTHORITY**

To hear, consider and authorize the Purchasing Authority to enter into the proposed service agreement with BL Companies Connecticut, Inc. to provide all labor, materials, equipment, and all else necessary to perform Architectural and Engineering Design Services for Phase 1 HVAC Upgrades at Osborn Hill Elementary School, North Stratfield Elementary School and Fairfield Woods Middle School, as detailed in RFQ #2023- 83 in an amount not to exceed \$898,420.00 with additional authority to execute change orders to said contract in an amount not to exceed \$89,842.00 for a combined grand total amount not to exceed \$988,262.00. Account #26009010-57000-FY226 – Phase 1 – AC at Schools

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

There was a discussion about the language in the Item referring to additional authority to execute change orders and contingency.

Selectman Flynn made a motion to amend the language to say, “in an amount not to exceed \$853,578.00 with additional authority to execute change orders not to exceed \$45,000 to said contract”. Selectwoman Lefkowitz seconded the amendment which carried unanimously.

Selectman Flynn made a motion to amend his above amendment to say, “in an amount not to exceed \$898,420.00 with additional authority to execute change orders not to exceed \$45,000 to said contract for a combined grand total amount not to exceed \$943,420.00” Selectwoman Lefkowitz seconded the amendment which carried unanimously.

The original motion as amended carried unanimously.

8) **PURCHASING AUTHORITY**

To hear, consider and authorize the Purchasing Authority to enter into the proposed form of agreement with JLY Enterprises, LLC., to provide all labor, materials, equipment, and all else necessary to perform Elevator Replacement at Fairfield Ludlowe High School, as detailed in Bid #2023- 102 in an amount not to exceed \$298,800.00 with additional authority to execute change orders to said contract in an amount not to exceed \$29,880.00 for a combined grand total amount not to exceed \$328,680.00. Account #22809010-57000-023B2 – Elevator Modernization FLHS and FPS Account #11-2530-395-100 – Major Maintenance Projects – FLHS.

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

Mr. Papageorge went through the budget for this project which he said will include the add/alternate Pin Replacement. He said this part of the project will be paid for through a FPS account for Plowing and Paving as there was money in that account due to a lack of need for plowing this past winter.

The motion carried unanimously.

9) **PURCHASING AUTHORITY**

To hear, consider and authorize the Purchasing Authority to enter into the proposed service agreement with Champion Maintenance & Construction to provide all labor, materials, equipment, and all else necessary to perform Seasonal Custodial Services at Town of Fairfield rest stations as detailed in Bid #2023-132 in an amount not to exceed \$75,387.00 for the 2023 season plus additional services at \$0.30 per square foot and \$33.00 per hour as needed during the season. Account #01005030-54010 – Public Works Contracted Property Services.

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

Assistant DPW Director John Cottell said this project went out to bid and there was a thorough review of bid submissions. He said this is seasonal only as the bathrooms and comfort stations are closed during the winter months. There was a discussion about the wording in the Item regarding the additional services.

Purchasing Director Adam Tulin stated that the “not to exceed \$75,387.00” printed in the resolution was incorrect and should be changed to “not to exceed \$59,883.00”.

Selectman Flynn made a motion to amend Item 9 to say, “not to exceed \$59,883.00”. Selectwoman Lefkowitz seconded the amendment which carried unanimously.

The original motion as amended carried unanimously.

10) ENGINEER MANAGER (*requires Board of Finance and RTM approval*)

To hear, consider and act upon the following resolution as recommended by the Engineering Manager:

WHEREAS, the Town of Fairfield approves the acceptance of an \$1,940,600 Local Transportation Capital Improvement Program (LOTICIP) grant to fund project costs associated with the Kings Highway Pedestrian Improvements Phase 3 Project of which one hundred percent of said project costs are paid by the State prior to construction, based on portion of contract bid by said grant and appropriated \$1,940,600 for said project costs; and

NOW, THEREFORE BE IT RESOLVED, that Brenda L. Kupchick, First Selectwoman, be and hereby is, authorized to accept and sign any agreements between the Town of Fairfield and the federal government or the State of Connecticut related to additional Local Transportation Capital Improvement Program (LOTICIP) grant funding associated with the Kings Highway Pedestrian Improvements Project.

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

Engineering Manager, Bill Hurley went through all locations and discussed the history of this project. He said this project has previously been before the boards.

The motion carried unanimously.

11) ENGINEER MANAGER (*requires Board of Finance and RTM approval*)

To hear, consider and adopt a bond resolution entitled, “A resolution appropriating \$7,150,000 for the costs associated with the inspection and construction phase of the Turney Creek/Riverside Drive Tide Gates, Authorizing the use of WPCA Fund Balance to reimburse \$400,000 of such appropriation and authorizing the issuance of bonds in an amount not to exceed \$6,750,000 to fund the balance of such appropriation.”

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

Mr. Hurley presented this item. He said the tide gates have been a problem for a while. He said there are pictures of sinkholes in the backup documents. He said Engineering has combined three jobs into this one item to save the Town money. Mr. Hurley said this is being done with Conservation and WPCA. He said the project has been delayed as the Town is waiting to learn about grant funding, but this project needs to be done now. He said all State and local permits have been secured.

There was a discussion about the WPCA fund balance. Mr. Hurley stated this project has been

years in the making and needs to be performed. He said the backup documents were incorrect as they did not reflect the correct cost amounts.

First Selectwoman Kupchick made a motion to amend the backup documents for this Item to reflect the correct amount that is on the agenda. Selectwoman Lefkowitz seconded the amendment which carried unanimously.

The original motion, as amended, carried unanimously.

12) **ENGINEER MANAGER/ WPCA SUPERINTENDENT (*requires Board of Finance and RTM approval*)**

To hear, consider and adopt a bond resolution entitled, “A resolution appropriating \$11,000,000 for the costs associated with the inspection and construction phase of the East Trunk Replacement Project, authorizing a grant to reimburse \$3,000,000 of such appropriation and authorizing the issuance of bonds in an amount not to exceed \$8,000,000 to fund the balance of such appropriation.”

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

Engineering Manager Bill Hurley said this Item has been before the boards many times. He said this is for the line that carries two thirds of the Town sewer flow to the treatment plant. He said the project will take approximately 14-18 months. Mr. Hurley said there is a breakdown of the cost estimate in the back-up documents. CFO Jared Schmitt said there will need to be an amendment made in the resolution as the grant for \$3,000,000 has already been authorized.

Selectman Flynn made an amendment to strike “authorizing a grant to reimburse \$3,000,000 of such appropriation”. Selectwoman Lefkowitz seconded the amendment which carried unanimously.

First Selectwoman Kupchick made an amendment to strike “to fund the balance of “and replace it with “to fund a portion”. Selectman Flynn seconded the amendment which carried unanimously.

The amended Resolution now reads:

To hear, consider and adopt a bond resolution entitled, “A resolution appropriating \$11,000,000 for the costs associated with the inspection and construction phase of the East Trunk Replacement Project, and authorizing the issuance of bonds in an amount not to exceed \$8,000,000 to fund a portion of such appropriation.”

Selectwoman Lefkowitz made a motion that the approval of Item 12 is contingent upon the approval of the WPCA which meets tomorrow night for a Special meeting. Selectman Flynn seconded the motion which carried unanimously.

The main motion as amended carried unanimously.

Selectwoman Lefkowitz made a motion to waive the reading of Item 13. Selectman Flynn seconded the motion which carried unanimously.

13) ENGINEER MANAGER / WPCA SUPERINTENDENT (*requires Board of Finance and RTM approval*)

To hear, consider and adopt the following supplemental resolution as recommended by the Board of Selectmen:

WHEREAS, the Town of Fairfield (the “Town”) has adopted at the request of the Water Pollution Control Authority (“WPCA”) a Resolution entitled “A resolution appropriating \$11,000,000 for the costs associated with the inspection and construction phase of the East Trunk Replacement Project, authorizing a grant to reimburse \$3,000,000 of such appropriation and authorizing the issuance of bonds in an amount not to exceed \$8,000,000 to fund the balance of such appropriation.” (the “Resolution”); and

WHEREAS, the Resolution appropriates \$11,000,000 (the “Appropriation”) for costs associated with the inspection and construction phases of the East Trunk Replacement Project (the “Project”); and

WHEREAS, the Appropriation shall be funded by sources including: 1) \$3,000,000 in grant funds from the State of Connecticut Department of Economic Development’s Communities Challenge Grant (the “Grant”); and 2) \$8,000,000 in bonds issued by the Town (the “Bonds”); and

WHEREAS, the Resolution authorizes the Appropriation, the negotiation and acceptance of the terms of the Grant and authorizes the Bonds in an amount not to exceed \$11,000,000; and

WHEREAS, while the Town is liable for the debt service on the Bonds, for internal accounting purposes, it is appropriate that all costs of the Project including debt service on the Bonds be allocated to, and reimbursed to the Town by, the WPCA; and

WHEREAS, the WPCA has agreed to pay for the costs of the Project and the debt service on the Bonds authorized by the Resolution; and

NOW, THEREFORE, IT IS HEREBY: RESOLVED,

- 1) That the debt service on the Bonds as such debt service becomes due shall be paid by the WPCA from its own funds and the obligation of the WPCA shall be set forth in a memorandum of understanding (the “MOU”) with the Town satisfactory to the First Selectwoman; and
- 2) That the First Selectwoman is hereby authorized to execute the MOU on behalf of the Town.

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

Selectman Flynn made a motion to amend the 4th WHEREAS clause to read, “Bonds in an amount not to exceed \$8,000,000” to reflect the amendment made in Item 12 regarding the \$3,000,000 grant. Selectwoman Lefkowitz seconded the amendment which carried unanimously.

The main motion as amended carried unanimously.

14) PENFIELD PAVILION PROJECT

- a) To hear an update on the Penfield Pavilion Project

b) Approval of Contracts for the Penfield Pavilion Project

Selectwoman Lefkowitz made a motion to approve Items i-iv within Item 14 separately. Selectman Flynn seconded the motion which carried unanimously.

i. PURCHASING AUTHORITY

To hear and consider authorizing the Purchasing Authority to enter into the proposed Construction Manager contract with Bismarck Construction for pre-construction services related to Alterations at Penfield Pavilion, per RFP# 2023-37 in an amount not to exceed \$74,019. Funding for this contract is available in Account is 26201010-58806 (Penfield Pavilion General Construction)

Selectman Flynn made a motion to approve Item 14-i. Selectwoman Lefkowitz seconded the motion.

Town Attorney James Baldwin said he reviewed the contracts and is satisfied with them. Selectwoman Lefkowitz asked about insurance and said she will approve the contracts contingent on insurance and being able to proceed without it. There was a discussion about pre-construction. CAO Tom Bremer said everything went through the RFQ process. Selectwoman Lefkowitz also expressed that she would like the Flood and Erosion Control Board to be involved in the process. Mr. Bremer agreed.

Public Comment: Rod Van Deusen, 157 Longdean Road, asked if there will be a CM or CMR. Mr. Bremer said there will be a CMR.

The motion carried unanimously.

ii. PURCHASING AUTHORITY

To hear and consider authorizing the Purchasing Authority to enter into the proposed contract with Joseph Sepot Architects for architectural services related to Alterations at Penfield Pavilion, per RFP# 2023-47 in an amount not to exceed \$245,200. Funding for this contract is available in Account is 26201010-58806 (Penfield Pavilion General Construction)

Selectman Flynn made a motion to approve Item 14-ii. Selectwoman Lefkowitz seconded the motion which carried unanimously.

iii. PURCHASING AUTHORITY

To hear and consider authorizing the Purchasing Authority to enter into the proposed contract with RACE Coastal Engineering for Coastal Engineering and Flood Impact Analysis related to Alterations at Penfield Pavilion, per RFP #2023-28 in an amount not to exceed \$32,303. Funding for this contract is available in Account is 26201010-58806 (Penfield Pavilion General Construction)

Selectwoman Lefkowitz made a motion to approve Item 14-iii. Selectman Flynn seconded the motion which carried unanimously.

iv. PURCHASING AUTHORITY

To hear and consider authorizing the Purchasing Authority to enter into the proposed contract with Weston & Sampson for remediation consulting services, per RFP#2023-80 in an amount not to exceed \$227,000. Funding for this contract is available in 26201010-57026 (Penfield Pavilion Environmental-Remediation)

Selectwoman Lefkowitz made a motion to approve Item 14-iv. Selectman Flynn seconded the motion which carried unanimously.

There was no additional public comment.

15) TAX COLLECTOR

To consider and act upon tax refunds as recommended by the Tax Collector in the amount of \$19,487.14

Selectman Flynn made a motion to approve Item 15. Selectwoman Lefkowitz seconded the motion which carried unanimously.

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

First Selectwoman Kupchick went through her announcements below:

- Tonight, the RTM will meet cast the final vote on the town budget. This Thursday, the Board of Finance will vote to set the final Mill Rate and this budget season will come to a close.
- Just a reminder that the Town is accepting applications for the Town and State Senior and Disabled Homeowners Tax Relief Program up through May 15th. Anyone with questions, can contact our Tax Assessor's office @ 256-3110 or at assessor@fairfieldct.org.
- My newsletter on Friday included many upcoming events including the Holocaust Commemoration on May 3rd, the free mattress recycling collection event on May 6th, a free on field movie night at Dougiello field. As always, residents can find the bi-monthly town update posted on the Town's homepage www.fairfieldct.org.

17) Adjourn

Selectwoman Lefkowitz made a motion to adjourn. Selectman Flynn seconded the motion which carried unanimously.

The meeting adjourned at 5:50 pm.

Respectfully submitted,

Pru O'Brien
Recording Secretary