

BOARD OF SELECTMEN MEETING
Wednesday, January 3, 2024, 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 1/3/2024 4:00 pm](#).

FINAL MINUTES

MEMBERS PRESENT: First Selectman William A. Gerber, Selectman Christine Vitale, Selectwoman Brenda L. Kupchick

OTHERS PRESENT: Assistant DPW Director John Cottell, Town Attorney Phil Pires, Bob Ellwanger, Steve Grathwohl, Art Gravanis, James Bohan, Adam Goodman, Tara Hawley, Brian Vahey, Jacqueline N. Paige, Sarah Mason, Susanne Teitell, George Clark, Pertrinea R. Cash, Ronald Blumenfeld, Carol Landman, Human and Social Services Director Julie DeMarco, Mary Hogue, RACE President Devin Santa, Town Engineering Department's Project Manager Eli Ghazal, Chief of Staff Christine Brown, Communications Director Lisa Clair, FairTV, members of the public

1) CALL TO ORDER / ROLL CALL

First Selectman Bill Gerber called the meeting to order at 4:00 pm and the roll was called.

2) PLEDGE OF ALLEGIANCE

Mary Hogue led the Pledge of Allegiance.

Selectwoman Kupchick made a motion to hear Item 9 before Item 3. Selectman Vitale seconded the motion which carried unanimously.

The Item discussion and vote can be found in Item 9.

3) MINUTES

To consider and act upon the minutes of December 11, 2023, December 14, 2023 and December 18, 2023

Selectwoman Kupchick made a motion to approve the minutes separately as she was absent from two of the meetings and would need to abstain from voting. Selectman Vitale seconded the motion which carried unanimously.

Minutes of 12/11/23 – carries 2-0-1 (Kupchick abstained)

Minutes of 12/14/23 – carries 2-0-1 (Kupchick abstained)

Minutes of 12/18/23 – carries unanimously

4) RESIGNATION

Ethics Commission

Gilbert C. Donovan (D) 162 Green Acre Lane, term 07/23-07/25

(Resigned on December 20, 2023)

*This Item is for informational purposes only.

5) REAPPOINTMENTS

To hear, consider and act upon the following reappointments:

a. Affordable Housing Committee

- i. Robert J. Ellwanger, Jr. (U) 85 Sasapequan Road, term 11/23-11/27

Selectman Vitale made a motion to approve the reappointment of Robert Ellwanger to the Affordable Housing Committee. Selectwoman Kupchick seconded the motion which carried unanimously.

- ii. Stephen Grathwohl (U) 132 Adley Road, term 11/23-11/27

Selectman Vitale made a motion to approve the reappointment of Stephen Grathwohl to the Affordable Housing Committee. Selectwoman Kupchick seconded the motion which carried unanimously.

b. Historic District Commission – *requires RTM approval*

- i. James P. Bohan (R) 51 Station Street, term 11/23-11/28 (*Alternate*)
ii. Arthur N. Gravanis (U) 2829 Bronson Road, term 11/23-11/28 (*Full Member*)

Selectwoman Kupchick made a motion to approve the reappointments of both James Bohan and Arthur Gravanis to the Historic District Commission. Selectman Vitale seconded the motion which carried unanimously.

c. Land Acquisition Commission

- i. Adam Y. Goodman (D) 87 Sasco Hill Road, term 11/23-11/27
ii. Tara R. Hawley (R) 159 North Cedar Road, term 11/23-11/27
iii. Kasandra F. Marshal (D) 112 Judd Street, term 11/23-11/27

Selectman Vitale made a motion to approve the reappointments of Adam Goodman, Tara Hawley and Kasandra Marshal to the Land Acquisition Commission. Selectman Vitale seconded the motion which carried unanimously.

First Selectman Gerber gave all reappointed members the opportunity to speak.

6) APPOINTMENTS

To hear, consider and act upon the following appointments:

a. Affordable Housing Committee

- i. Jacqueline N. Paige (D) 683 Fairfield Beach Road, term 11/23-11/27
ii. Brian P. Vahey (R) 1625 Melville Avenue, term 11/23-11/27

Selectwoman Kupchick made a motion to approve the appointment of Jacqueline Paige to the Affordable Housing Committee. Selectman Vitale seconded the motion which carried unanimously.

b. Bicycle and Pedestrian Committee

- Sarah M. Mason (D) 15 Phyfe Road, term 11/22-11/26
(to fill a vacancy for Mary M. Tomey-Streeto (D) who resigned)

Selectman Vitale made a motion to approve the appointment of Sarah Mason to the Bicycle and Pedestrian Committee. Selectwoman Kupchick seconded the motion which carried unanimously.

c. FairTV Commission – *requires unanimous BOS approval and RTM approval*

- Susanne Teitell (R) 43 Hunter Lane, term 07/23-07/26
(to fill a vacancy for Anne Marie Lagnese (R) who resigned)

Selectman Vitale made a motion to approve the appointment of Susanne Teitell to the FairTV Commission. Selectwoman Kupchick seconded the motion which carried unanimously.

- d. Historic District Commission Full Member – ***requires RTM approval***
George E. Clark, Jr. (R) 174 Old South Road, term 11/21-11/26
(Moving from Alternate to Full Member to replace Christopher Shea (R) who was elected to RTM)

Selectwoman Kupchick made a motion to approve the appointment of George Clark to the Historic District Commission. Selectman Vitale seconded the motion which carried unanimously.

- e. Human Services Commission
Pertrinea R. Cash (U) 130 Fairchild Avenue # 203, term 11/23-11/27

Selectwoman Kupchick made a motion to approve the appointment of Pertrinea Cash to the Human Services Commission. Selectman Vitale seconded the motion which carried unanimously.

- f. Solid Waste and Recycling Commission - ***requires RTM approval***
Ronald Blumenfeld (D) 1185 Stillson Road, term 11/22-11/26
(to fill a vacancy for Kirstin M. Etela (D) who resigned)

Selectwoman Kupchick made a motion to approve the appointment of Ronald Blumenfeld to the Solid Waste and Recycling Commission. Selectman Vitale seconded the motion which carried unanimously.

First Selectman Gerber gave all of the above the opportunity to speak.

7) **FIRST SELECTMAN REAPPOINTMENT (*for information only*)**

Housing Authority

Carol D. Landsman (D) 41 Old Coach Road, No Term Limits
This item is for informational purposes only.

8) **BIGELOW CENTER MOU - HUMAN AND SOCIAL SERVICES DIRECTOR JULIE DEMARCO**

To hear, consider, and act upon a Memorandum of Understanding Between the Town of Fairfield and RW Solutions, Inc. concerning meals and services for the Bigelow Senior Center for FY2023-2024, as recommended by the Director of Human Services.

Selectman Vitale made a motion to approve Item 8. Selectwoman Kupchick seconded the motion.

Human Services Director Julie DeMarco said this is an MOU between the Town and RW Solutions. Meals are currently served three days a week. Ms. DeMarco said a survey was sent to seniors asking if the service is meeting their needs. She said the members seem to be satisfied with the meal service three days a week and if that would change, she would have no problem increasing the meal service.

The motion carried unanimously.

9) **LEGAL AGREEMENT - ASSISTANT PUBLIC WORKS DIRECTOR JOHN COTTELL**

To hear, consider, and act upon a Standard Fast Track and Study Process Generator Interconnection Agreement between The United Illuminating Company, Electronic Distribution Company, and the Town of Fairfield, as recommended by Assistant Public Works Director Cottell.

This Item was moved to the beginning of the meeting as the Assistant DPW Director had a previous commitment that conflicted with the BOS meeting.

Selectwoman Kupchick made a motion to approve Item 9. Selectman Vitale seconded the motion.

Assistant DPW Director John Cottell said this is for an interconnection agreement for a solar field that is located in Woodbridge, CT and the solar field is in the Town's name.

The motion carried unanimously.

10) DELEGATION OF AUTHORITY - TOWN ATTORNEY PHILIP PIRES

To hear, consider, and act upon the following resolution as recommended by the Town Attorney:

RESOLVED, that pursuant to Section 5.2C(1) of the Town Charter, the Board of Selectmen hereby delegates contract-making authority to each Department Head, as well as the First Selectman, for contracts that are for a duration of less than one month and involve the expenditure by or income to the Town of less than \$10,000. This delegation of authority does not eliminate review by other persons or bodies where required by the Town Charter, by ordinance, or by the General Statutes.

Selectman Vitale made a motion to approve Item 10. Selectwoman Kupchick seconded the motion.

Town Attorney Phil Pires said this is a delegation of authority for contract approval. He said this is for Town contracts only and not BOE. There was a discussion about the various contracts the Town enters into and who should have the approving authority of these contracts.

Selectman Vitale made a motion to have a five-minute recess in order to review the Town Charter with regard to contract approval. Selectwoman Kupchick seconded the motion which carried unanimously. The meeting recessed at 4:56 pm.

The meeting resumed at 5:01 pm.

The BOS realized the Charter section number referenced in the resolution was incorrect.

Selectwoman Kupchick made a motion to postpone Item 10 to the next BOS meeting. Selectman Vitale seconded the motion which carried unanimously.

11) LEGAL FEES - TOWN ATTORNEY PHILIP PIRES

To hear, consider, and act upon a request from The Sasco Creek Neighbors Environmental Trust Inc. for the payment of legal fees to Berchem Moses, P.C. for legal services that benefitted the Town of Fairfield in connection with Connecticut Siting Council Docket 516. The recommended payment for the consideration of the Board of Selectmen is \$37,711.11, which would be paid from the Legal Services budget.

Selectman Vitale made a motion to approve Item 11. Selectwoman Kupchick seconded the motion.

There was a discussion about the precedent this sets and the Town's legal budget and how this will affect it. Attorney Pires explained that this situation did benefit the Town and it was requested that the Town pay for a portion of the legal fees accumulated by The Sasco Creek Neighbors Environmental Trust.

Public Comment: Meghan McCloat -Redding Road – said she worried about the precedent this sets and that the public deserves an explanation if another group of the Town would like to be reimbursed for similar situations. First Selectman Gerber clarified that it is not the Sasco Creek Neighbors Environmental Trust being reimbursed, but the legal counsel of Berchem Moses, PC.

The motion carried unanimously.

12) PENFIELD PAVILION UPDATE – RACE COASTAL ENGINEERING AND ENGINEERING PROJECT MANAGER ELI GHAZAL

To Hear an Update on Penfield Pavilion from RACE Coastal Engineering and to provide a general update on project

First Selectman Gerber discussed the background and history of this project. He said construction is still scheduled to begin in January. RACE representatives referenced a 10 – 25 year storm for this study which they said are more frequent than a 100-year storm. The Flood & Erosion Control Board (FECB) believes a 100-year storm is relevant. RACE said the study was completed at the end of December, but the results have not been posted. There was a discussion about re-engineering the beach back up to 11 feet with FEMA's approval. RACE President, Devin Santa, presented the results and predictions of what would happen should the coast of Fairfield experience a severe storm. The presentation is included in the backup online. There was also a discussion about relocating sand to bring the elevation backup to 11 feet. Town Engineering Project Manager Eli Ghazal also spoke about this project. The total project will take 10-12 months.

Public Comment:

Steve Banko, Flintlock Road, Southport – Why did FEMA want the elevation at Penfield lowered from 11 feet – 8 feet?

FEMA looks at the natural grade and that is how they want it to stay.

Becky Bunnell, FECB Chair, Fairfield Beach Road – She was thankful for the study and it will be complete. She said DEEP has a regulation that a resident can build a dune 28 days before a storm as a protective measure. Ms. Bunnell asked if there are any options to revise the 8 foot FEMA requirement.

Ian Bass, Lalley Boulevard – He said he has lived directly across the street from Penfield and has been in the area longer than any employee of the Town. He said he had served on the Penfield Building Committee. Mr. Bass said he is concerned that if the Town does build the beach back up to 11 feet and FEMA comes back with another NOV, it will affect everyone in the area and the Town will be in this situation again. Mr. Bass continued discussing the size and style of the Pavilion. He wanted to go on record that the voting public of the Town wanted a smaller building for the Pavilion and not the building as it is now. He then spoke about the revenue associated with the Pavilion.

Alyssa Israel, Rowland Road – She said she agrees with Mr. Bass and feels this project is too expensive. She said she has read many papers from FEMA regarding this project. She suggested taking down the “event hall” and leaving the east and west wings of the Pavilion.

Dick Dmochowski, Colonial Road – He said Mr. Bass was the minority voice in Penfield Building Committee meetings. Mr. Dmochowski said he would like to request the presentation from RACE be included in the online backup for the public.

Mr. Gerber discussed the initial grade beams and also gave additional comments.

13) **PENFIELD PAVILION (*requires BOF and RTM approval*)**

To hear, consider, and act upon a resolution entitled, “A resolution appropriating an additional \$1,380,000 for costs related to construction, remediation, and addressing the Notices of Violation at Penfield Pavilion.” See full resolution contained in the backup materials.

Selectwoman Kupchick made a motion to approve the item. Selectman Vitale seconded the motion.

Selectwoman Kupchick made an amendment to revise the resolution appropriating costs related to Penfield Pavilion in Item 13. Selectman Vitale seconded the amendment which carried unanimously.

DRAFT REVISED RESOLUTION:

A RESOLUTION APPROPRIATING AN ADDITIONAL \$1,429,950 FOR COSTS RELATED TO CONSTRUCTION, REMEDIATION, AND ADDRESSING THE NOTICES OF VIOLATION AT PENFIELD PAVILION

WHEREAS, the Town has received Notices of Violation from federal and state agencies regarding Penfield Pavilion that must be addressed; and

WHEREAS, the total costs for the remediation and construction at Penfield Pavilion, as well as, the cost to address the Notices of Violation, have increased to \$13,029,950 (the “Total Costs”); and

WHEREAS, the Town previously allocated and approved \$1,000,000 in American Rescue Plan Act funding to be applied towards the Total Costs; and

WHEREAS, the Town also previously allocated and approved \$10,600,000 from its Capital Non-Recurring Account (the “Account”) to finance the Total Costs; and

WHEREAS, the Town is holding additional funds (the “Funds”) in the Account and desires to appropriate an additional \$1,429,950 of the Funds to finance the balance of the Total Costs; and

NOW, THEREFORE, BE IT RESOLVED:

The Town hereby appropriates the sum of \$1,429,950 from the Capital Non-Recurring Account for the remediation, construction, and costs to address the Notices of Violation at Penfield Pavilion.

There was a discussion about the costs for Penfield and if they are still within the overall estimate. Mr. Ghazal confirmed that the costs are still below what was budgeted.

Selectwoman Kupchick spoke about Penfield and decisions that were made while she was First Selectwoman. The discussion among the BOS members continued.

Public Comment:

Laura Devlin - Brett Road – She thanked First Selectman Gerber for keeping this Item on the agenda and sharing the information with the public. Ms. Devlin had other comments as well which can be heard by accessing the meeting recording.

The main motion, as amended, carried unanimously.

14) REFUNDS - TAX COLLECTOR

To consider and act upon tax refunds as recommended by the Tax Collector in the amount of \$6,968.81.

Selectman Vitale made a motion to approve Item 14. Selectwoman Kupchick seconded the motion which carried unanimously.

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

First Selectman Gerber announced he hired Lisa Clair as a part-time Communications Director. Ms. Clair said she is a 28-year town resident and raised her children in Fairfield. She said she will be responsible for external and internal communications in the First Selectman's Office. Selectwoman Kupchick requested a copy of the Communication Director's job description be sent to the BOS members.

16) Adjourn

Selectman Vitale made a motion to adjourn. Selectwoman Kupchick seconded the motion which carried unanimously.

The meeting adjourned at 6:40 pm.

Respectfully submitted,

Pru O'Brien
Recording Secretary