

BOARD OF SELECTMEN MEETING
Wednesday, January 31, 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 1/31/2024](#).

FINAL MINUTES

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

OTHERS PRESENT: Interim CFO David Becker, Deputy Police Chief Eddie Weihe, Shane Pendley, Ryan Price, Ahmed Ebrahim, Thomas Lambert, Douglas Jones, Maura Garych, Nicholas Leeper, Mary Hogue, Bob Wall, Patrice Gillespie, Community and Economic Development Director Mark Barnhart, Assistant HR Director Peter Ritchey, Purchasing Director Adam Tulin, Town Librarian Scott Jarzombek, Executive Director of Operations for Fairfield Public Schools Angelus Papageorge, Colliers Project Manager Mark Schweitzer, Director of Construction and Energy Services FPS Sal Morabito, DPW Interim Director John Marsilio, WPCF Superintendent John Bodie, Town Engineer Eli Ghazal, Engineering Manager Bill Hurley, Town Controller Caitlin Bosse, former Selectman Nancy Lefkowitz, Steve Bogan, Gina Ludlow, Ryan Odinak, Doug Bunnell, HR Director Cathleen Simpson, Attorney Ryan McKone, Town Attorney Phil Pires, FairTV, members of the public

This was a very long and detailed meeting. The recording will have complete discussions of the Items on today's agenda and any public comments.

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

Deputy Police Chief Eddie Weihe led the Pledge of Allegiance.

Selectman Vitale made a motion to amend the agenda to remove Item 22a – the Executive Session to approve a mediator for the Registrar's Office. Selectwoman Kupchick seconded the motion.

There was a brief discussion discussion about why the Item had to be removed and then the motion carried 2-0-1 (Kupchick abstained).

3) MINUTES

To consider and act upon the minutes of January 3, 2024, January 17, 2024, January 24, 2024

Selectman Vitale made a motion to approve Item 3. Selectwoman Kupchick seconded the motion.

Selectman Vitale also requested the minutes be approved separately as she had some amendments for the January 17 minutes.

January 3, 2024: No changes

January 17, 2024: Selectman Vitale made an amendment to strike the sentence in section 4 that begins with "The discussion continued" and replace it with the following:

Public Comment: James Baldwin: Mr. Baldwin, the former Town Attorney, shared that he didn't think it would hurt for this policy to pass, but also agreed with Selectwoman Kupchick that section 12.8 is similar.

Selectwoman Kupchick seconded the amendment which carried unanimously.

Selectman Vitale made an amendment to add a sentence in section 5, after the sentence that ends with "\$5,000 a month" and before "Selectman Kupchick would like" to include, "Mr. Gerber indicated it would not be coming from legal and indicated that the administration would find it in other areas." First Selectman Gerber informed the BOS that the contract would no longer be in place as Gaffney, Bennett and Associates decided not to participate. Selectman Vitale withdrew her motion. First Selectman Gerber said when another lobbyist is found, the cost will be taken out of the legal fund.

January 24, 2024: First Selectman Gerber explained some miscommunication regarding an item from the January 24th meeting and the approval of a contract with Total Communications. IT Director Dave Kelley noted that the lack of caller ID capability at the FCRD does not apply to the 911 lines. It only applies to the routine call lines coming from Westport. While Deputy Weihe would still appeal that it is imperative for all lines in a 911 call center to have caller ID capability, he wanted to immediately make the BOS aware of the misunderstanding of the issue.

The motion to approve the minutes of 1/3/24 as written, 1/17/24 as amended and 1/24/24 as amended carried unanimously.

4) RESIGNATIONS (*for information only*)

a. Board of Finance

Sheila H. Marmion (D) Fairfield Woods Road, term 11/21-11/27
(Resigned on January 11, 2024)

b. Employees Retirement Board

John B. Mahoney (U) 520 Fulling Mill Lane North, term 11/22-11/27 (Resigned
January 3, 2024)

The Selectpersons thanked Ms. Marmion and Mr. Mahoney for their service to the Town.

5) APPOINTMENTS

To hear, consider and act upon the following appointments:

a. Board of Finance

Shane D. Pendley (D) 343 Sturges Road, term 11/21-11/27
(to fill a vacancy for Sheila H. Marmion (D) who resigned)

Selectwoman Kupchick made a motion to appoint Shane Pendley to the BOF. Selectman Vitale seconded the motion which carried unanimously.

b. Fairfield Commission on disAbilities

Ryan M. Price (U) 201 Quaker Lane, term 01/22-01/25

(to fill a vacancy for Alder H. Crocker (R) who resigned)

Selectwoman Kupchick made a motion to appoint Ryan Price to the Fairfield Commission on disAbilities. Selectman Vitale seconded the motion which carried unanimously.

c. Fair Rent Commission (*requires RTM approval*)

Selectwoman Kupchick made a motion to approve the appointments to the Fair Rent Commission. Selectman Vitale seconded the motion which carried unanimously.

There was a long and detailed discussion regarding the procedure of appointing the people on this Commission. Selectwoman Kupchick thought it would be in the best interest of the Town if these appointments for the Fair Rent Commission were all made at the same time since the FRC would not be able to meet prior to appointing the entire commission. There were members of the public who commented on this Item for and against the vote at this meeting. Both First Selectman Gerber and Selectman Vitale did not agree with those who suggested moving the vote to the next meeting and filling all the seats at the same time.

Public Comment:

Meghan McCloat – 2815 Redding Road
Sharon Pistilli – 107 Lota Drive
Karen McCormack – 305 Winnepoge Road
Laura Devlin – 85 Brett Lane
Pam Iacono – 68 Phyfe Road

Full comments and any discussion that followed can be heard on the recording linked above.

The votes are as follows:

i. Ahmed Ebrahim (U) 18 Old Stratfield Road, term 01/24-01/26

Motion carried 2-0-1 (Kupchick abstained).

ii. Thomas Lambert (D) 729 Burroughs Road, term 01/24-01/27

Motion carried 2-0-1 (Kupchick abstained).

iii. Douglas A. Jones (D) 1304 Fairfield Woods Road, term 01/24-01/27

Motion carried 2-0-1 (Kupchick abstained).

d. Historic District Commission Alternate (*requires RTM approval*)

Maura Garych (D) 156 Pequot Avenue, term 11/21-11/26

(to fill a vacancy for George E. Clark (R) who was moved to full member)

Selectman Vitale made a motion to appoint Maura Garych to the Historic District Commission as an alternate. Selectwoman Kupchick seconded the motion which carried unanimously.

All appointees were offered time to speak about their experience and why they wanted to be on their appointed boards and commissions.

6) FIRST SELECTMAN APPOINTMENT (*for information only*)

Employees Retirement Board (*requires RTM approval*) Nicholas D. Leeper (D) 75 Sherman Court, term 11/22-11/27

(to fill a vacancy left by John Mahoney (U) who resigned)

This item is for information only. There was no vote or public comment.

First Selectman Gerber made a motion to move Items 12 & 13 before Item 7. Selectman Vitale seconded the motion which carried unanimously.

The notes from those items are written at their place in this agenda.

7) SUSTAINABLE FAIRFIELD TASK FORCE

To hear, consider, and act on a Memorandum of Understanding between the Town of Fairfield and SmartPower to manage and run the PowerSmart Fairfield campaign as further described in the MOU.

Selectman Vitale made a motion to approve Item 7. Selectwoman Kupchick seconded the motion.

SmartPower's Bob Wall and Patrice Gillespie spoke about the MOU with the Town. There is a grant from the US Department of Energy to study the adoption of solar structures with battery storage. SmartPower is working with other towns and are asking for the Town of Fairfield to enter into the MOU.

The motion carried unanimously.

8) COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

To hear, consider, and act on authorizing the Town of Fairfield's Director of Community & Economic Development to enter into an agreement with Grow America to provide a benefit cost analysis for a proposed tax abatement program as authorized under Connecticut General Statutes Sec. 8-215 to facilitate the creation of additional below market rate units for a total fee not to exceed \$9800.00, with funding to be provided through Budget Account #010-01350-53200.

First Selectman Gerber said his son works for Grow America and therefore decided to go with another company, BFJ Planning, from whom Community and Economic Development Director Mark Barnhart also received a quote for a cost analysis.

Selectwoman Kupchick made a motion to amend Item 8 to enter into an agreement with BFJ Planning to provide a benefit cost analysis for a proposed tax abatement program for a total fee not to exceed \$15,000. Selectman Vitale seconded the amendment which carried unanimously.

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

Mr. Barnhart said passing this Item will authorize his office to work with BJJ Planning to purchase mere properties to increase lower income housing for Fairfield.

The main motion, as amended, carried unanimously.

9) HUMAN RESOURCES DIRECTOR

To hear, consider, and act on an Agreement for Third Party Claim Administration Services between the Town of Fairfield and PMA Management Corp. of New England, Inc.

Selectwoman Kupchick made a motion to approve Item 9. Selectman Vitale seconded the motion. Assistant HR Director Peter Ritchey said PMA has assisted personnel to make a safe and healthy environment. This will help reduce workplace injuries or town related injuries.

The motion carried unanimously.

10) POLICE CHIEF AND PURCHASING AUTHORITY

To hear, consider and act on a Services Agreement between PowerDMS/PowerFTO, Inc. and the Town of Fairfield Police Department for services and subscriptions for the periods of February 14, 2024 through February 13, 2025. This approval includes the authorization to enter into renewals on similar terms and conditions.

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

Deputy Chief Eddie Weihe gave the background for this Item.

The motion carried unanimously.

Selectman Vitale made a motion to waive the reading of Item 11. Selectwoman Kupchick seconded the motion which carried unanimously.

11) TOWN LIBRARIAN

- a. To hear, consider, and act on two agreements between the Fairfield Public Library and SirsiDynix for services to enhance the Integrated Library Systems software for managing loaned material and reporting. This approval includes the authorization to enter into renewals on similar terms and conditions.
- b. To hear, consider, and act on three agreements between the Fairfield Public Library and Stirling Brandworks for consulting services, website redesign, hosting, and support. This approval includes the authorization to enter into renewals on similar terms and conditions.
- c. To hear, consider, and act on a license agreement between the Fairfield Public Library and Rosen Digital for a teen health and wellness database for young adults. This approval includes the authorization to enter into renewals on similar terms and conditions.
- d. To hear, consider, and act on a license agreement between the Fairfield Public Library and MorningStar for the MorningStar financial database. This approval includes the authorization to enter into renewals on similar terms and conditions.
- e. To hear, consider, and act upon a software license agreement between the Fairfield Public Library and SMS for web-based visit counting hardware in the library's art gallery. This approval includes the authorization to enter into renewals on similar terms and conditions.
- f. To hear, consider, and act on a software license agreement between the Fairfield Public Library and SenSource for web-based visitor monitoring. This approval includes the authorization to enter into renewals on similar terms and conditions.
- g. To hear, consider, and act on a software license agreement between the Fairfield Public Library and Glowforge related to Glowforge equipment used in the library's maker space. This approval includes the authorization to enter into renewals on similar terms and conditions.
- h. To hear, consider, and act on a software license agreement between the Fairfield Public Library and TeamSoftware Solutions for security software for public computer kiosks. This approval includes the authorization to enter into renewals on similar terms and conditions.

Selectman Vitale made a motion to approve Item 11. Selectwoman Kupchick seconded the motion. Town Librarian Scott Jarzombek said these are software licenses for library programs. All costs are appropriated for the budgeted year and some will be underwritten by trustees or Friends of the Library.

The motion carried unanimously.

12) HVAC INDOOR AIR QUALITY BUILDING COMMITTEE

To hear, consider, and act upon revisions to the HVAC Indoor Air Quality Building Committee Charge

Selectman Vitale made a motion to approve Item 12. Selectwoman Kupchick seconded the motion.

Executive Director of Operations for FPS Angelus Papageorge said schools were added to the charge. The seed money was approved to comply with the state for reimbursements. With the addition of the schools in this charge, the building committee can work with the seed money and go out to bid for all the schools.

The motion carried unanimously.

13) PURCHASING AUTHORITY

To hear, consider, and act on authorizing the Purchasing Authority to enter into the proposed contract with Van Zelm Engineers, to provide all services necessary for Commissioning Services related to Phase 1 of the HVAC Upgrades at Various Fairfield Public School Locations as detailed in RFP#2024-35 and the Van Zelm Engineering fee proposal dated December 22, 2023 for an estimated fee of \$241,558.00. Funding for this contract is available in account 26009010-57000FY226 –Phase 1 AC at Schools.

Selectman Vitale made a motion to approve Item 12. Selectwoman Kupchick seconded the motion.

Chairman of the HVAC Indoor Air Quality Building Committee David Becker discussed the contract with Van Zelm and said that once the contract is approved the work will start right away. Mr. Becker discussed the process for hiring Van Zelm. There was also a discussion about the project and budget for the project.

The motion carried unanimously.

14) PURCHASING AUTHORITY

To hear, consider, and act on authorizing the Purchasing Authority to enter into the proposed contract with Wright-Pierce, to provide all engineering services necessary for bid package development for cleaning and repairs of the secondary digester at the Water Pollution Control Facility as detailed in the Wright-Pierce proposal dated December 8, 2023 for an amount not to exceed \$33,500.00. Funding for this contract is available in account 13013010-53200 Fees and Professional Services.

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

Purchasing Director Adam Tulin said the contract satisfies procurement policies and Wright-Pierce is on the On-Call list. Bid documents are being put together so the work can be done before the weather breaks and before summer. This way there will be a lower risk for odor. The sludge will be transferred to a temporary tank which will be sealed. Deodorizing will take place as well. There was a discussion about the WPCA and the structure of the WPCF.

The motion carried unanimously.

15) PURCHASING AUTHORITY

To hear, consider, and act on authorizing the Purchasing Authority to enter into the proposed contract amendment labeled “Exhibit A - GMP Submission” with Bismark Construction to provide labor,

equipment, material, and all other necessary services needed to complete the Penfield Pavilion Project. Exhibit A is an addition to the original A133 contract previously approved by the Board of Selectman.

Selectwoman Kupchick made a motion to approve Item 15. Selectman Vitale seconded the motion.

Engineer Eli Ghazal said this GMP will complete project for what is on the drawings as shown. If there is anything unseen, there will be additional cost.

The motion carried unanimously.

16) ENGINEERING MANAGER (*requires Board of Finance and RTM approval*)

To hear, consider and act upon a reallocation of the American Rescue Plan Act (ARPA) Funds per Exhibit A attached in the backup.

Selectman Vitale made a motion to approve Item 16. Selectwoman Kupchick seconded the motion.

First Selectman Gerber said he doesn't want to risk losing ARPA funds. Interim CFO David Becker stated the Rooster River allocation will have to be in conjunction with bonding and will be coming back to the boards. Interim DPW Director John Marsilio also participated in this conversation.

First Selectman Gerber made an amendment to exclude the reallocation of Rooster River Item #5. Selectwoman Kupchick seconded the amendment which carried unanimously.

Public Comment: Laura Devlin – 85 Brett Lane

The main motion, as amended, carried unanimously.

Selectwoman Kupchick made a motion to waive the reading of Item 17. Selectman Vitale seconded the motion which carried unanimously.

17) ENGINEERING MANAGER (*requires Board of Finance and RTM approval*)

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

WHEREAS, on August 21, 2023 the Town of Fairfield BOS resolved that the Town of Fairfield may enter into and deliver to the State of Connecticut Department of Energy and Environmental Protection any documents deemed necessary or appropriate for a grant of \$2,500,000 for the Rooster River Flood Mitigation Project, and be it FURTHER RESOLVED, that Brenda L. Kupchick as First Selectwoman of the Town of Fairfield is authorized and directed to execute and deliver any and all documents on behalf of the Town of Fairfield and do and perform all acts and things deemed to be necessary or appropriate to carry out terms of such documents; and WHEREAS, on August 1, 2023 the Town of Fairfield received the State of Connecticut Department of Energy and Environmental Protection Draft Agreement/Grant/Contract approving the Urban Act Grant program application in the amount of \$2,500,000 for the Rooster River Flood Mitigation Project; and

WHEREAS, the acceptance of a \$2,500,000 Urban Act Grant to receive, fund and expend project costs associated with the Rooster River Flood Mitigation Project of which one hundred percent of said project costs are paid (reimbursed) by the State grant and appropriated \$2,500,000 for said project costs; and

NOW, THEREFORE BE IT RESOLVED, that William A. Gerber, First Selectman, be and hereby is, authorized to accept and sign any agreements between the Town of Fairfield and the State of Connecticut related to and any additional Urban Act Grant funding associated with the Rooster River Flood Mitigation Project.

Selectwoman Kupchick made a motion to approve Item 17. Selectman Vitale seconded the motion.

Engineering Manager Bill Hurley said this Item is to secure Rooster River mitigation funding for \$2.5 million. This was presented to the BOS in early Fall 2023 and was approved. This is specifically to accept the fund and its uses.

The motion carried unanimously.

18) RACIAL EQUITY AND JUSTICE TASK FORCE

To hear, consider, and accept into the public record the Racial Equity and Justice Task Force Blueprint for the Town of Fairfield

Selectman Vitale made a motion to approve Item 17. First Selectman Gerber seconded the motion. Mr. Gerber acknowledged the members of the REJTF and thanked them for their good work. The motion carried unanimously.

19) BOARD OF SELECTMAN

To hear, consider, and act upon a resolution declaring racism as a public health crisis: WHEREAS, a goal for Fairfield is to achieve health equity, eliminate disparities, and improve health for all people; and WHEREAS, racial health inequities are not due to genetic or biological differences between races, but due to entrenched racism in American society; and

WHEREAS, a growing body of literature shows that social determinants of health - the conditions in which an individual lives, learns, works, and plays - are key drivers of health inequities; and WHEREAS, disparities among social determinants of health negatively impact minorities due to barriers in housing, employment, health, economic, educational, and other opportunities; and

WHEREAS these disparities contribute to poor physical and mental health of racial and ethnic minorities; and

WHEREAS, in order to be effective in instituting change, we must start within our local communities by addressing racism, a root cause, that contributes to disparities among social determinants of health and health inequity.

NOW, THEREFORE, BE IT RESOLVED, the Board of Selectmen of the Town of Fairfield affirms that racism is a public health crisis that results in physical and mental health disparities. Based upon this affirmation, Fairfield will actively participate in dismantling racism by implementing evidence-based policies and programming that address racial health inequities; declaring racism and its public health manifestations to be a public health crisis; engaging actively with historically marginalized communities in problem identification and policy creation; and building and strengthening partnerships with other organizations that are confronting racism and encouraging other local, state, regional, and national entities to recognize racism as a public health crisis.

Selectwoman Kupchick made a motion to approve item 19. Selectman Vitale seconded the motion.

There was a long and at times emotional discussion about the Task Force and plans going forward.

Please access the full discussion and Public comment here: [BOS Regular Meeting 1/31/2024](#).

Public Comment: Nancy Lefkowitz – 3115 Redding Road

Steven Bogan – 1838 Black Rock Turnpike

Ryan Odinak – 96 Inwood Road

Pertrinea Cash – 130 Fairchild Avenue

Meghan McCloat – 2815 Redding Road

Sharon Pistilli – 107 Lota Drive

The motion carried unanimously.

20) REFUNDS - TAX COLLECTOR

To consider and act upon tax refunds as recommended by the Tax Collector in the amount of \$30,951.29

Selectwoman Kupchick made a motion to approve Item 20. Selectman Vitale seconded the motion which carried unanimously.

21) To hear, consider and act upon any other business which shall properly come before this meeting
There was no new business.

22) TOWN ATTORNEY

- a. Executive Session with Town Attorney Philip Pires and Human Resource Director Cathleen Simpson to discuss a personnel matter related to the Office of the Registrars of Voters; possible action after executive session to approve an agreement with Brendan C. Holt, J.D..

This item was removed by motion and vote at the beginning of this meeting.

- b. Executive Session concerning pending claim/litigation: Harris v. Town of Fairfield, with Town Attorney Philip Pires and Attorney Ryan McKone; possible action to approve settlement after Executive Session.

Selectwoman Kupchick made a motion to go into Executive Session at 8:24 pm and invite Attorneys Pires and McKone. Selectman Vitale seconded the motion which carried unanimously.

Selectwoman Kupchick made a motion to come out of Executive Session at 8:47 pm. Selectman Vitale seconded the motion which carried unanimously.

Selectwoman Kupchick made a motion to approve the Attorneys' recommendation. Selectman Vitale seconded the motion which carried unanimously.

23) Adjourn

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

The meeting adjourned at 8:52 pm.

Respectfully submitted,

Pru O'Brien

Recording Secretary