

**BOARD OF SELECTMEN MEETING**  
**Wednesday, March 13, 2024, 4:00 pm**  
**Via Zoom & 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 3/13/2024](#).  
The backup documents can be found here: [BOS Regular Meeting Backup Packet 3/13/2024](#).

FINAL MINUTES

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

OTHERS PRESENT: Buildings Manager James Ryan, Town Attorney Phil Pires, Lisa Callahan, Kevin Coyne, Gerald McEnery, Laura Devlin, Meghan McCloat, Robert Gorman, Purchasing Director Adam Tulin, Parks & Recreation Director Anthony Calabrese, Community & Economic Development Director Mark Barnhart, Conservation Director Tim Bishop, IT Director Dave Kelley, 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

Buildings Manager James Ryan led the Pledge of Allegiance.

3) FIRST SELECTMAN

To hear updates from the First Selectman. There weren't any updates due to the long agenda.

4) RESIGNATION

HVAC Indoor Air Quality Building Committee

David M. Becker (R) 164 Taintor Drive, term May 2023-Completion  
(resigned on March 8, 2024)

Mr. Becker resigned from this committee because he was appointed as Interim CFO.

5) APPOINTMENTS

To hear, consider and act upon the following appointments:

a. Ethics Commission (*requires RTM approval*)

i. Lisa W. Callahan (D) 290 Beach Road, term 07/23-07/25

(to fill a vacancy created by Gilbert C. Donovan (D) by who resigned)

Selectwoman Kupchick made a motion to approve the appointment of Lisa Callahan. Selectman Vitale seconded the motion which carried unanimously. Ms. Callahan spoke about her appointment.

First Selectman Gerber made a motion to move 5aiii to 5aii. Selectman Vitale seconded the motion which carried 2-1-0 (Kupchick opposed).

Selectwoman Kupchick questioned voting on a candidate who would not start a term until July 2024 and that she would not support the nomination. There was a lengthy discussion about the process.

First Selectman Gerber made a motion to approve the appointment of Gerard McEnery. Selectman Vitale seconded the motion.

Mr. McEnery spoke about why he wants to serve and discussed his background.

Public Comment: Bob Gorman said he's known Mr. McEnery for over forty years and said he doesn't know a more ethical person.

The motion failed, 2-1-0. (Kupchick opposed).

- ii. Kevin S. Coyne (R) 401 Davis Road, term 07/23-07/25  
(to fill a vacancy created by Donald Kleber (U) by who passed away)

First Selectman Gerber made a motion to table 5a ii & 5a iii until a later date. There was no second to the motion.

First Selectman Gerber made a motion to approve the appointment of Kevin Coyne to the Ethics Commission. Selectman Vitale seconded the motion.

Mr. Coyne discussed his background, why he's well suited for this position and stated that Mr. McEnery is an excellent attorney.

First Selectman Gerber asked Town Attorney Pires what would happen if he abstained from the vote and Attorney Pires said the vote would not pass because it has to have unanimous Board of Selectmen approval.

The motion failed 2-0-1 (First Selectman Gerber abstained).

- iii. Gerard McEnery (D) 24 Larkspur Road, term 07/24-07/26 (***\*Term effective 07/01/24***); (to fill a seat held by Nancy S. Billington (R) whose term will expire 06/30/24).

b. Fair Rent Commission Full Members (***requires RTM approval***)

- i. Eileen G. Francis (U) 665 Commerce Drive, term 11/23-11/24
- ii. Karl A. Uzcatogui (D) 122 Tunxis Hill Cutoff, term 11/23-11/25

Selectman Vitale made a motion to approve the appointments of Eileen Francis and Karal Uzcatogui to the Fair Rent Commission. Selectwoman Kupchick seconded the motion which carried unanimously.

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

- i. James R. Caissy (U) 1903 Burr Street, term 11/23-11/26
- ii. Maureen Greenberg (U) 22 Barlow Place, term 11/23-11/26

Selectman Vitale made a motion to approve the appointments of James Caissy and Maureen Greenberg as alternates. Selectwoman Kupchick seconded the motion which carried unanimously.

d. Golf Commission

Selectwoman Kupchick asked to separate the items for individual votes.

- i. Robert T. Gorman ( D) 225 Sturges Road, term 04/24-04/27

Selectman Vitale made a motion to approve the appointment of Robert Gorman to the Golf Commission. Selectwoman Kupchick seconded the motion.

Mr. Gorman spoke about why he wants to serve. Selectwoman Kupchick read an email sent to the BOS from the former chairman of the Golf Commission who was in opposition to Mr. Gorman's nomination. First Selectman Gerber and Selectman Vitale said they separately listened to a recording of a past Golf Commission meeting that was not held in person and noted that it was not Mr. Gorman who was acting out of line; it was another person. The BOS responded and discussed the email.

The motion carried 2-0-1 (Kupchick abstained).

Public Comment: Gerard McEnery – comments can be heard by accessing the meeting recording.

ii. Sara F. LaTerza (D) 62 Franklin Lane, term 04/24-04/29

Selectman Vitale made a motion to approve the appointment of Sara La Terza to the Golf Commission. Selectwoman Kupchick seconded the motion which carried unanimously.

iii. Lori A. Mongelluzzo (D) 255 Algonquin Road, term 04/24-04/29

Selectman Vitale made a motion to approve the appointment of Lori Mongelluzzo to the Golf Commission. Selectwoman Kupchick seconded the motion which carried unanimously.

Public Comment: Karen McCormack – comments can be heard by accessing the meeting recording.

e. HVAC Indoor Air Quality Building Committee (*requires RTM approval*)

Joseph A. Valle (U) 77 Reynolds Drive, term May 2023-Completion  
(to replace David M. Becker (R) who resigned)

Selectman Vitale made a motion to approve the appointment of Joseph Valle to the HVAC Indoor Quality Building Committee. Selectwoman Kupchick seconded the motion which carried unanimously.

f. Water Pollution Control Authority

Robert L. Stephan (D) 46 Charles Street, term 11/23-11/27  
(to fill a seat vacated Mark D. Elletson (U) by whose term expired)

Selectman Vitale made a motion to approve the appointment of Robert Stephan to the Water Pollution Control Authority. Selectwoman Kupchick seconded the motion which carried unanimously.

6) **DIRECTOR OF HUMAN AND SOCIAL SERVICES** (*requires BOF and RTM approval*)

To hear, consider and act upon the following resolution as recommended by the Director of Human and Social Services:

“RESOLVED, that, as part of the Bigelow Center for Senior Activities’ Five-Year Bus Replacement Plan, funds be, and hereby are, expended in the amount of \$136,990.00 to purchase a handicapped-accessible, 12-seat bus with a wheelchair lift to improve mobility for seniors and individuals with disabilities, 80% of said purchase, or \$109,592.00, to be funded by a Traditional 5310 Capital Senior Bus Grant under Section 5310 of the Federal Transit Act’s Enhanced Mobility of Seniors and Individuals with Disabilities Program as administered by the State of Connecticut. The federal subsidy of \$109,592 will be matched using senior center donation funds of \$27,398.00; and

FURTHER RESOLVED, that, First Selectman William A. Gerber, is authorized to make, execute and approve on behalf of the Town of Fairfield, any and all contracts or amendments thereof to secure said grant.”

Selectwoman Kupchick made a motion to approve Item 6. Selectman Vitale seconded the motion.

Human and Social Services Director Julie DeMarco said this grant comes up every two years. She said this new bus will have 12 seats and it will replace two buses. Ms. DeMarco said the grant used to cover 100% of the cost, but now only covers 80%. She said the buses are used to take people to appointments in other towns and also for some day trips and other activities. There was a discussion about the Bigelow Center transportation.

The motion carried unanimously.

7) CONSERVATION COMMISSION

a. To hear, consider and act upon a request recommended by the Conservation Commission to withdraw \$19,000 from the H. Smith Richardson Conservation Fund Trust for the purposes of seeding the meadow at Hoydens Hill. (*requires BOF and RTM approval*)

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

Conservation Director Tim Bishop said this was passed by the Conservation Commission at their 2/21/24 meeting for \$19,780 to seed Hoydens Hill Meadow project in conjunction with the Tucker Fund. Invasive Mugwort was removed and now they would like to make it a pollinator meadow.

Selectman Vitale made a motion to amend the amount requested to \$19,780. Selectwoman Kupchick seconded the amendment which carried unanimously.

The main motion as amended carried unanimously.

b. To hear, consider, and act on authorizing First Selectman William A. Gerber to enter into an easement agreement with the State of Connecticut concerning 965 Kings Highway West, as recommended by the Conservation Commission.

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

Conservation Director Tim Bishop said the Conservation Commission approved this item. He said CT DOT is replacing a bridge and will need to use some Town property to complete the project.

The motion carried 2-0-0 (Selectwoman Kupchick was away from the room at the time of the vote).

8) PURCHASING AUTHORITY

To hear, consider, and act on authorizing the Purchasing Authority to enter into the proposed contract with McKenney Mechanical Contractors, Inc, to provide all materials, labor and equipment necessary to perform the Priority One HVAC improvements at Town of Fairfield facilities as detailed in Bid #2023-140 and the Town Award Recommendation Resolution dated January 23, 2024, for a total fee of \$1,137,198.00, with additional authority to enter into change orders in an amount not to exceed 10% of the original contract value. Funding for this contract is available in account 26009010-57000-FY221 Town Facility Upgrade.

Purchasing Director Adam Tulin wanted to note that he had made an error on the bid number. The bid number in the Item is listed as 2023-140, but it should be 2024-40. The backup reflects the correct Bid.

Selectman Vitale made an amendment to change the Item to reflect the correct Bid number 2024-40. First Selectman Gerber seconded the amendment which carried unanimously.

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

Buildings Manager James Ryan said this is based on a Town-wide Capital Needs Assessment performed by Silver Petrucelli in 2021. Codes and compliance issues were prioritized. This is the first year of an approximate 10-year plan.

The main motion, as amended, carried unanimously.

Public Comment – Laura Devlin –RTC Chair – Ms. Devlin’s comments can be heard by accessing the meeting recording linked at the top of this document.

9) TOWN ATTORNEY

To hear, consider, and act on authorizing First Selectman William A. Gerber to enter into the proposed Equipment Transfer Agreement between the Town of Fairfield and Sprint Spectrum Realty Company, LLC, as successor in interest to Sprint Spectrum LP, concerning equipment located at 2963 Bronson Road

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

Mr. Ryan explained that Sprint was taken over by T-Mobile and no longer needed the location. Originally the company offered the Town \$50,000 to vacate the location, but the Town requested contents belonging to it be removed. It was agreed that the contents would be removed with the exception of a vault located underground. The Town was given \$25,000.

The motion carried unanimously.

10) PURCHASING AUTHORITY

To hear, consider, and act on authorizing a Consulting Agreement between Beacon Retiree Benefits Group, LLC and the Town of Fairfield Human Resources Department, to provide services related to the Town’s Medicare retiree population. This approval includes the authorization to enter into renewals on similar terms and conditions.

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

Human Resources Director Cathleen Simpson presented this on behalf of Benefits Manager Megan Brant. She said renewal for Beacon resulted from an RFP. It is regarding retirement benefits. The HR Department is satisfied with the company.

The motion carried unanimously.

11) PURCHASING AUTHORITY

To hear, consider, and act on authorizing a Service Agreement between KnowBe4 and the Town of Fairfield Information Technology Department, for services and subscriptions for the

period of April 1, 2024 through March 31, 2025. This approval includes the authorization to enter into renewals on similar terms and conditions.

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

IT Director Dave Kelley said this is an online training system for staff who use Town email to prevent cyber issues.

Public Comment: Kevin Coyne – Mr. Coyne’s comments can be heard by accessing the meeting recording linked at the top of this document.

The motion carried unanimously.

12) PURCHASING AUTHORITY

To hear, consider, and act on authorizing a Service Agreement between Placer Labs, Inc, d/b/a Placer.ai and the Town of Fairfield Parks and Recreation Department, to provide access to the Placer Venue Analytics Platform’s reports and data related to Town park visits. This approval includes the authorization to enter into renewals on similar terms and conditions.

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

Parks and Recreation Director Anthony Calabrese said this is AI software that will allow the Parks Department to GeoFence park properties to see how many people use the parks. This is currently being used at Jennings Beach. Parks and Recreation would like to partner with Conservation and Community and Economic Development. Once it is approved, it should take one to two days to be activated. It is an annual contract which is in this year’s budget.

The motion carried unanimously.

13) PURCHASING AUTHORITY

To hear consider and act on authorizing the Purchasing Authority to enter into the proposed agreement with the Department of Aging and Disability Services – Bureau of Education and Services for the Blind, for services related to the operation of the Fuel Dock and Refreshment Concession at South Benson Marina, for the period of April 1, 2024 through November 17, 2024. This approval includes the authorization to enter into renewals on similar terms and conditions.

Selectwoman Kupchick made a motion to approve Item 13. Selectman Vitale seconded the motion.

Mr. Calabrese said this is for the concession and fuel dock at the South Benson Marina. By state statute, State Services for the Blind has first right of refusal. They offered a \$2,000 payment and the former vendor had paid \$3,500. Mr. Calabrese noted that is isn’t a large difference, but will try to negotiate a higher amount. Purchasing Director Adam Tulin doesn’t want to wait longer for approval so the opening will not be delayed. There was a discussion about the statute and the amount of payment for the season.

The motion carried unanimously.

14) PURCHASING AUTHORITY

To hear, consider, and act on authorizing the Purchasing Authority to enter into the proposed contract with Terry Contracting and Materials, Inc, to provide all materials, labor and equipment necessary to perform the Perry's Green Bulkhead Repairs as detailed in Bid#2024-41 and the Terry Contracting Bid Submission dated November 16, 2023, for a total fee of \$1,347,410.00, inclusive of the base bid and add alternate #1, with additional authority to enter into change orders in an amount not to exceed 10% of the original contract value. Funding for this contract is available in account 14501010-59996-81023 ARPA Perry's Green Bulkhead.

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

Purchasing Director Adam Tulin gave an overview of the process and background of the bid. There was additional funding needed and it has been approved. The full project is being funded with \$1.5 million in ARPA funds.

The motion carried unanimously.

15) COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

To hear, consider and reauthorize the 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 at no cost to the Town of Fairfield for an additional one year starting April 21, 2024.

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

Community and Economic Development Director Mark Barnhart said Bird needs to know this month if the contract will not be renewed. Selectman Vitale said she has received numerous complaints and she had concerns due to the company filing for bankruptcy although was still operating in the US. There was a discussion about the complaints, safety other and other issues that have been reported to the Town.

Public Comment: Meghan McCloat – Ms. McCloat's comments can be heard by accessing the meeting recording linked at the top of this document.

The motion failed 0-2-1 (Kupchick abstained).

16) REFUNDS - TAX COLLECTOR

To consider and act upon tax refunds as recommended by the Tax Collector in the amount of \$36,635.55.

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

17) TOWN ATTORNEY

To hear, consider, and act on authorizing the Town Attorney to enter into an agreement on behalf of the Town of Fairfield with Rose Kallor LLP for the provision of legal services.

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

The Town has been using this law firm for years. HR authorizes services. The rates are consistent with historical rates.

The motion carried unanimously.

18) TOWN ATTORNEY

- a. Executive session with Town Attorney Philip Pires and Attorney Rick Aiken to discuss a potential settlement in Timothy Ward v. Town of Fairfield; possible action to approve settlement after Executive Session.
- b. Executive session with Town Attorney Philip Pires and Ross Murray to discuss potential settlements in June Mackenzie v. Town of Fairfield and Aquarion Water Company of Connecticut v. Town of Fairfield; possible action to approve settlement(s) after Executive Session.

First Selectman Gerber made a motion to go into Executive Session at 6:47 pm. Selectman Vitale seconded the motion which carried unanimously.

First Selectman Gerber made a motion to come out of Executive Session at 6:58 pm. Selectman Vitale seconded the motion which carried unanimously.

First Selectman Gerber made a motion to approve the settlements for Items 18a & 18b as discussed. Selectman Vitale seconded the motion which carried unanimously.

19) Adjourn

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

The meeting adjourned at 7:00 pm.

Respectfully submitted,

Pru O'Brien  
Recording Secretary