

**MINUTES OF THE REGULAR MONTHLY MEETING OF THE TOWN OF FAIRFIELD  
FEBRUARY 24, 2014**

The Regular Monthly Meeting of the Town of Fairfield was held on Monday, February 24, 2014 at the Education Center on Kings Highway East.

The meeting was called to order at 8:15 P.M. by Moderator Mary McCullough

PRESENT: 46                      ABSENT: 4                      VACANCY: 0

PRESENT: Donovan, Herley, Meyer, Sundman, Ambrose, Burshtein, Schindler, Bateson, Devlin, Ference, Mackenzie, McCullough, Dean, DeMartino, Gerber, Palmer, Waldron, Domeika, Garskof, O'Brien, Smey, Way, Gottlieb, Marks, Marmion, Wolk, Zezima, Hochberg, Hoffkins, Newman, Pires, Schwartz, Braun, Durrell, Li, McCarthy, Melaragno, Iacono, Jacob, McArdle, Pontrelli, Tymniak, Farnen, Neuberger, Perugini, Ryan

ABSENT: Lipp, Steele, Varian, Cafferelli

**ITEM 1 ON CALL: PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE**

Moderator McCullough welcomed the Body and asked for a moment of silence.

**ITEM 2 ON CALL: APPROVAL OF MINUTES OF THE JANUARY 27, 2014 MEETING**

Michael Herley, District 1 moved to amend his comments on pg 4 par. 1 as follows: the follow-up memo provided by Ann Leffert can be a model for the BOE and Town to utilize going forward when they need to respond to specific RTM questions that are asked at the sub-committee level," duly seconded.

Pamela Iacono, District 9 moved to amend pg 1 under lease report after "forward" as follows: "and was told that due to the large volume, those leases could be obtained by individual request from the Town Clerk or Internal Auditor. She asked that going forward a cover letter be provided explaining what the short-term lease report is and why it is provided to the RTM. Iacono also asked that going forward, where applicable, that sq. footage be provided as part of the report," duly seconded.

The minutes were unanimously approved as amended.

Ed Bateson, District 3 moved to take item #9 at this time, duly seconded and carried unanimously.

**ITEM 9 ON CALL: APPOINTMENT OF HARRY B. FRENCH TO HARBOR MANAGEMENT COMMISSION**

The Moderator moved this item, duly seconded and carried unanimously.

Mr. French was present. Mary McCullough, Dist. 3 asked Mr. French if he'd ever served on a Town board or commission. Mr. French indicated he had not, but Harbormaster Pat Carroll had asked him if he would be interested in serving as there are issues with the channel and returning it to its original width and depth.

**VOTE:** The appointment of Harry B French to the Harbor Management Commission was approved by unanimous voice vote.

**ITEM 3 ON CALL:** TO HEAR A BLIGHT REPORT

Tom Conley, Town Building Official and Blight Officer stated there are 10 properties on the blight list. He indicated that they want a fresh start and want to know what the homeowners are planning to do with the subject properties. We will be changing the way we do business, being more compassionate toward the residential property owners.

First Selectman Tetreau commented that Mr. Conley, Fire Marshall Kessler, Health Director Cleary want to improve the process to enforce the ordinance without additional costs to the Town by each being a blight officer.

Ed Bateson, Dist. 3 asked if the ordinance says that the blight officer is the building official and if it would be necessary to change the ordinance.

First Selectman Tetreau said the Town Attorney indicated that there is nothing in the ordinance or CGS limiting it to one blight officer.

**ITEM 4 ON CALL:** TO HEAR A REPORT FROM THE NOT FOR PROFIT COMMITTEE

**MOTION:** Julie Gottlieb, District 6 moved to postpone this item to the March 24<sup>th</sup> meeting, duly seconded.

**VOTE:** The motion to postpone was approved by unanimous voice vote.

**ITEM 5 ON CALL:** TO HEAR A REPORT FROM THE JOINT RETIREMENT INVESTMENT BD

Brian Vahey from the Employees Retirement Board discussed the report that was included with the Call. He explained that the two pension boards are the fiduciaries for the pension assets and approve the pensions for retiring employees. Two amendments were made to the investment policy this year so the updated investment policy will be forwarded to the RTM.

Michael Herley, Dist. 1 asked how the fixed income portfolio is approached.

Mr. Vahey explained that we don't jump in and out of fixed income. We are not far away from the Barclay's Aggregate.

Joe Palmer, Dist. 4 asked if he knew how many participants were in each fund, but Mr. Vahey said he did not.

**ITEM 6 ON CALL:** TO HEAR AN UPDATE FROM THE PENFIELD BUILDING COMMITTEE

See attached comments from Jim Bradley, PBC Chair.

Kathy Braun, Dist. 8 asked if the Committee is addressing flooding issues in the neighborhood.

Mr. Bradley said they will look at that as to where the building is sited. The Committee's goal is the building and bringing it back to Fairfield. We will have a presentation by the DPW and Flood & Erosion Control Board. The building, the site and the site features are all part of the issue.

John Donovan, District 1 asked if there was a timeframe for when options and costs will be available. Mr. Bradley said a timeline is difficult, it would be optimistic to think the building will be up and

running by summer. There are many issues including insurance negotiations, FEMA, etc., but they will have a public forum when we get there.

Bill Perugini, Dist. 10 asked how closely they would be working with Flood & Erosion Control Board.

Mr. Bradley said their representatives would be invited to their meeting along with Conservation.

Julie Gottlieb, Dist. 6 asked if there was a website.

Mr. Bradley said their secretary, Bill Sapone, is working with the Town on their page as the Town is updating the overall website. Meeting agendas and minutes are posted for the public record.

Brian Farnen, Dist. 10 asked if one option will be to rent space to a potential restaurant.

Mr. Bradley said it certainly could be an opportunity for it, but they don't know how the facility will function overall yet. Mr. Farnen felt that should be incorporated in the planning stages if that's the way they want to go.

Ellen Jacob, Dist. 9 asked when public input at a public hearing would be heard – before various repair options were considered by the committee or after.

Mr. Bradley indicated that the Committee is not in a position to have half a dozen options; since decisions will be driven by money, risk and FEMA regulations the options will be limited. He would like the committee to discuss when public input would be taken, but they are not far enough along in the process.

Bruce Ryan, Dist. 10 said there is some confusion about how we will be reimbursed for damages; if we elevate the building vs. rebuilding it at the same height, etc.

Mr. Bradley said the Committee would receive a presentation on FEMA and the cost threshold.

**ITEM 7 ON CALL:** TO HEAR A REPORT FROM FAIRTV COMMITTEE

Jim Kennelly spoke on behalf of the operational committee, noting that Item 3 (see attached) was critical for consideration. The committee is looking for sponsors of their proposal to become a permanent commission.

Sheila Marmion, Dist. 6 asked if their proposal is in response to funding concerns.

Mr. Kennelly replied that FairTV receives \$50,000 from the Town of Fairfield grant and CAC2 grant. Ms. Marmion asked if a public official wanted to fund their own programming how would it be handled. Mr. Kennelly said their concern is the appropriateness of official's who have the means vs. those who don't. Ms. Marmion asked if they could go on Soundview. Mr. Kennelly said anyone can get a show on public access channel 88.

Heather Dean, Dist. 4 asked if there is a timeframe in mind for bringing an ordinance forward to L&A.

Mr. Kennelly said once they have sponsors they would expect to go to L&A.

Ms. Dean noted Item #2 regarding appointment and terms of employment and how we are going to pay this bill. Being conscious of the budget, we have to address this very cautiously and carefully.

Mr. Kennelly said currently Mr. Speno and the interns work on a 1099 basis. It will need to be discussed

as it is unclear whether or not it will be a Town employee or not.

Kathy Braun, Dist. 8 suggested “secondary” meetings include other Town board and commission meetings.

Rep. Kim Fawcett and former FairTV committee member Pam Jones expressed their opposition to Item #3 in the report.

**ITEM 8 ON CALL: TO HEAR AN UPDATE FROM THE RTM REDISTRICTING COMMITTEE**

Ed Bateson and Hal Schwartz reported that Representatives Iacono, Marks, Pires and Tymniak have been appointed to the Redistricting Committee. The SLMC has established guidelines for the Committee going forward. After planning out the calendar and consulting with SOTS and the Town Attorney they have concluded that the ordinance cannot be accomplished for the 2014 election. They are now aiming for the 2015 election.

The Town Attorney has ruled that any and all amendments must be referred back to the Redistricting Committee for their consideration so a meeting of the Redistricting Committee will be convened at the same night and time that the ordinance comes forward, although Mr. Bateson disagrees with the ruling.

**ITEM 10 ON CALL:** TO CONSIDER AND ACT UPON A RESOLUTION APPROPRIATING A SUM NOT TO EXCEED \$2,130,000 FOR THE COSTS OF CERTAIN NONRECURRING CAPITAL PROJECTS AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION

Michael Herley, Dist. 1 asked if CFO Bob Mayer could address funding from the operating budget vs. bonding.

First Selectman Tetreau said over the last 10 years some of these items were bonded while other years they were funded in the operating budget which is allowable under our guidelines. The average age of the DPW fleet is 19 years and 70% of the fleet is past its useful age. It’s been an ongoing issue that did not just pop up recently. This is a bridge for DPW.

Mr. Herley said he is struggling with bonding this in its entirety. He asked if the amount can be reduced by 10% and the balance funded from the DPW operating budget. Mr. Tetreau indicated that the RTM cannot add money to the budget.

Pamela Iacono moved this item for discussion purposes, duly seconded by Hal Schwartz and carried.

Pamela Iacono, Dist. 9 said she doesn’t know how this can be turned down because of the fleet’s age, but we need a long-term plan from DPW just as we have from the BOE. She will support this as a “one off” to allow DPW to catch up.

CFO Bob Mayer said it’s the Town’s intention to have a replacement plan for equipment. DPW Director Joe Michelangelo said there are 27 frontline trucks as well as 3-5 subcontractors snowplowing during a major storm.

John Donovan, Dist. 1 asked if adding this to our debt service is a risk to the Town pushing toward the 10% threshold. Mr. Mayer explained that currently it’s 8.53% and the percentage will go down. Comparatively, our debt service ratio vs. overall budget is lower than other municipalities. Mr. Tetreau added that we will have a sidewalk maintenance program and equipment/vehicle plans from DPW and

Fire as well as the long-term facilities plan from the BOE which will all tie into the waterfall.

Ed Bateson, Dist. 3 asked if the vehicle plan was available yet to which Mr. Tetreau replied no. Mr. Bateson questioned what will happen next year since bonding this is acceptable under the BOF's guidelines. Mr. Tetreau indicated that if needs warrant catching up again then that will be brought forward. This is a bridge to the plan, but we don't have the replenishment plan yet.

Mr. Bateson asked if there are any heavy-duty vehicles in the proposed budget Mr. Tetreau replied nothing over \$100,000. Mr. Bateson felt the plan should already have been presented to this Body.

Kathy Braun, Dist. 8 asked when the plan would be available to which Mr. Tetreau indicated in the next few months.

Peter Ambrose, Dist. 2 commended Mr. Michelangelo for his efforts and indicated he would support the resolution as we need viable vehicles on the road.

**VOTE:** The motion to approve the bond resolution appropriating \$2,130,000 for the costs of certain nonrecurring capital projects was approved by unanimous voice vote.

**ITEM 11 ON CALL:** TO CONSIDER AND ACT UPON A RESOLUTION  
APPROPRIATING A SUM NOT TO EXCEED 1,478,766 FOR THE  
COSTS OF CERTAIN NONRECURRING CAPITAL PROJECTS  
AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE  
SUCH APPROPRIATION

Peter Ambrose, Dist 2 expressed his concern about the structural integrity of Old Town Hall after participating in the tour. There is additional mechanical and electrical work which he wants to ensure will all comply together.

**MOTION:** Peter Ambrose moved to add the following to the end of the resolution: "contingent upon the Department of Public Works obtaining an additional engineering evaluation to insure that the execution of the project at Old Town Hall will comply with and accommodate any further expansion contemplated", duly seconded.

Joe Palmer, Dist. 4 stated shoring up the building is a necessity but hoped we would not be throwing good money after bad, and asked if there is a plan for Old Town Hall.. Mr. Tetreau replied no, but indicated that Old Town Hall is an historic structure in the Historic District. This project is to keep the building safe for the public and employees.

Pamela Iacono, Dist. 9 said she supported the amendment but did not want to take a band aid approach and have to re-do it.

Hal Schwartz, Dist. 7 asked how much the independent engineer would take away from the \$300,000 request.

Joe Michelangelo said there are contingency funds in the estimate, but they can take it from the operating budget. They will ask whether this will tie our hands in the future and get a report.

**VOTE:** The motion to amend the resolution was approved by unanimous voice vote.

**MOTION:** Pamela Iacono moved to reduce Item #3 Streetscape to \$0, duly seconded.

Ms. Iacono did not feel a beautification project should be bonded it should be in the operating budget and not added to our future debt.

Mr. Tetreau explained that \$80,000-\$100,000 is spent on sidewalks in the downtown area. This is not a beautification project but a safety issue and will pay for itself in legal fees by reducing the number of “slip and falls”.

Ms. Iacono felt if that was the case it should be in the operating budget as a \$100,000 request and determine how much to spend on sidewalks.

Josh Garskof, Dist. 5 asked if there was a mechanism to put this in the budget if it is reduced tonight.

Mr. Tetreau indicated it would have to go through the BOS or BOF. Mr. Tetreau said there has not been a sidewalk maintenance plan for the last 20 years. Mr. Michelangelo said the sidewalks downtown are wider and have bricks and tree grates. 40% of the funds in the sidewalk budget are for that area.

Heather Dean, Dist. 4 explained that although she did not like bonding the sidewalks she was concerned about their future condition after the snow is removed this season. She would not support this reduction.

**VOTE:** The amendment to reduce Item #3 Fairfield Center Streetscape to \$0 failed with 20 in favor and 26 opposed.

In Favor: Donovan, Meyer, Sundman, Bateson, Ference, Mackenzie, Palmer, Domeika, Way, Durrell, Li, Melaragno, Iacono, Jacob, Pontrelli, Tymniak, Farnen, Neuberger, Perugini, Ryan

Opposed: Herley, Ambrose, Burshtein, Schindler, Devlin, McCullough, Dean, DeMartino, Gerber, Waldron, Garskof, O'Brien, Smey, Gottlieb, Marks, Marmion, Wolk, Zezima, Hochberg, Hoffkins, Newman, Pires, Schwartz, Braun, McCarthy, McArdle

Hal Schwartz, Dist. 7 questioned the roof warranty expiration. Supt. of Schools David Title noted the warranty does not expire until 2017.

**MOTION:** At 10:50, Josh Garskof, District 5 moved to suspend Rule 36 in order to convene past 11:00 and take up new business after 11:30, duly seconded and carried unanimously.

**VOTE:** The motion to approve the bond resolution appropriating \$1,478,766 for the costs of certain nonrecurring capital projects was approved by unanimous voice vote. (Messrs. Domeika and Farnen were not present to vote).

### **ADJOURNMENT**

There being no further business and upon made, duly seconded and carried unanimously, the meeting adjourned at 10:55P.M.

Respectfully submitted,

Elizabeth P. Browne  
Town Clerk

Recorded by: Kyle Fournier

Good evening my name is Jim Bradley, chairman of the Penfield Building Committee.

Thank you for this opportunity to provide the RTM with an initial update briefing– hopefully the first of several progress reports.

The Board of Selectmen have appointed and the RTM has confirmed an excellent, dedicated and representative Committee – definitely up to the challenge.

We understand our charge. We are meeting twice a month and we are determined to overcome and resolve the challenges that are impacting this important building repair project.

The Penfield Building Committee is more than a typical project oversight committee. The complex issues we face must be resolved prior final design and engineering regarding any type of repair program. Overseeing construction will likely end up being the easy part.

I thought it might be helpful if I repeated my remarks at the beginning of our first Committee meeting last month:

- While we report to the Board of Selectman we are aware of our obligations to the public, the RTM and the Board of Finance.
- Our work, deliberations and final recommendations will be the product of an open, transparent and well communicated process.
- While striving to stick to our charge we will endeavor to seek out and listen to key constituencies and respect differing opinions.
- Our meetings and deliberations will be inclusive, informal and open, structured and well managed.
- Our goal is an outcome that is best for our Town, our fellow citizens and Fairfield taxpayers.

We have met five times to date including our organizational and indoctrination meeting with the First Selectman and representative department heads on **December 12<sup>th</sup>**. That meeting included election of officers and confirmation of our meeting schedule for 2014.

On **December 20<sup>th</sup>** the Committee met at Penfield and heard a presentation from Joe Michelangelo of DPW followed by a tour of the building and foundations below.

On **January 9<sup>th</sup>**, at our first regularly scheduled Committee meeting, we covered several organizational issues including, meeting duration, public comment period, distribution of communications, and the creation of a Committee web site.

In addition we were presented with an initial draft of a process flow chart. [Describe chart – a linear process]

The Committee also received a briefing on the status of the insurance claim negotiations.

During our first meeting in January the Committee raised concerns regarding the fact that the existing facility fire detection devices and automatic monitoring were disabled and that the building was not as secure as it could be regarding unauthorized access.

On **January 23<sup>rd</sup>** our meeting was devoted to a presentation from Roberge Associates Coastal Engineers. The presentation included the impact of coastal storms, local coastline and site specific issues related to Sandy as well as FEMA design standards and building floor elevation requirements and how coastal structures can be protected.

During this meeting we also heard from Joe Michelangelo regarding available project historical data as well as a commitment of support from his department.

Joe Michelangelo also reported on a plan of action regarding activating fire and intrusion alarms and installation of a more permanent and secure perimeter construction fence.

Our regularly scheduled **February 13<sup>th</sup>** meeting was cancelled due to weather. In order to maintain continuity and momentum a Special Meeting was called and held **February 20<sup>th</sup>**.

Last Thursday the Committee heard a presentation by JM Albaine the structural engineering firm that investigated the storm damage and provided recommendations after both Irene and Sandy. The presentation included an overview of damage, typical foundation design related to soil bearing capacities, FEMA design requirements as well as the extent of building and foundation repairs. There was an initial discussion regarding repair options including raising and moving the existing building directly north into the parking area.

Our next Committee meeting is scheduled for Thursday this week, **February 27<sup>th</sup>**. The agenda will include a presentation by DPW and Engineering regarding site and building storm damage, local flooding and drainage issues, Pavilion building and site impact on flooding as well as the installation of and protection offered by the timber bulkhead. The Committee is also expecting to receive geotechnical information regarding the soil conditions below the existing building foundations.

I suspect that next month the Committee will continue to discuss storm related flooding including any impact or role played by the pavilion building, site features and topography. We look forward to inviting and hearing from Flood and Erosion and Conservation.

I realize that everyone is anxious for answers. Understanding, balancing the complicated interrelationships between and among various issues and factors impacting the project and repair options is, and will continue to be, a challenge. As a committee we need to understand more about the project history, site conditions, quality of foundation elements and soil bearing capacity below, storm damage and future storm protection, cost and risk, FEMA flood zone elevation and design requirements, FEMA reconstruction cost thresholds as well as building and foundation reparability all as we work diligently toward one or more repair options.

Thank you.



## The FairTV Commission

### **Legal Standing:**

- The FairTV Commission shall become part of the Town code via an ordinance of the Representative Town Meeting. Said commission would be listed as a commission under a new, Article X, Section 1.A: “**(16) FairTV Commission**” as part of any future Charter Revision.
- The FairTV Commission shall be the sanctioned entity to represent the Town of Fairfield in any and all grant processes to fund the FairTV Broadcast System.
- The FairTV Commission shall have five members nominated by unanimous vote of the Board of Selectmen.
- The FairTV Commission nominees shall be confirmed by a majority vote of the Representative Town Meeting.

### **Members Term of Service:**

All Commission members shall serve a term of four years commencing July 1, 2014. (Similar to Golf and Ethics Commission, i.e., term start is different than others.)

### **Meetings:**

The FairTV Commission shall meet and conduct business in accordance with the Town Charter of Fairfield under, Article X, Section 1. B, 1-4. (See addendum)

### **Duties:**

The powers and duties of the FairTV Commission shall be enumerated as follows:

- 1) Provide oversight for the FairTV Broadcast System, herein defined as: FairTV Education, FairTV Government and FairTV On Demand. Such oversight shall include the promotion of quality town-specific education and government access programming for the Town of Fairfield by:
  - a) Ensuring efficient, cost-effective broadcast operations;
  - b) Requiring delivery of broadcast content that is comprised *primarily* of coverage of the lead executive, legislative, educational, financial and land use elected entities within the town of Fairfield and *secondarily* non-partisan, town and public schools related events and programs produced by the FTV Broadcast system;
  - c) Ensuring public support for town specific access in Fairfield and in the region by working with local groups and regional entities committed to quality delivery of those services;
  - d) Commending all materials deemed appropriate for the Public Access Channel rather than Education or Government Access Channel to the appropriate service provider.
  - e) Developing as thorough an understanding, as their backgrounds allow, of the workings of FairTV System operations. This includes a review of the system operations manual and an inspection of system equipment at the start of the member's term.
- 2) Appoint and set terms of employment and compensation for the FairTV Broadcast System Manager and all video producers and interns in a manner consistent with requirements of fairness expressed in the Town Charter of Fairfield in Article XI, Section 4.
- 3) Approve the monthly primary and secondary broadcast content schedule. “Primary Schedule” herein defined as: gavel-to-gavel meetings of the following governmental bodies of the town of Fairfield: The Representative Town Meeting, Board of Education, Board of Selectmen, Board of Finance and Town Plan & Zoning Commission.

Secondary Schedule herein defined as: town government or public schools affiliated events (e.g.: graduations, ceremonies, parades, school sports) and channel-appropriate, non-partisan informational programming originated by the FairTV Broadcast System only (e.g.: “How a government entity works” sessions, interview programming limited to channel subject area, coverage of debates, lectures and other town-sponsored cultural programming).

The primary schedule must be completely funded, assigned and scheduled before of any budgeting for, or coverage of, secondary programming is executed. No elected official may produce, host, or appear as a

“guest” in secondary schedule programming.

- 4) Approve any specially required programming via either special meeting or by proxy vote in the case of an emergency, such as a natural disaster. This would include release of broadcast bulletins employing the FairTV Emergency Bulletin system.
- 5) Annually prepare grant requests to fund station operations with assistance of the FairTV Broadcast System Manager. And provide all after-award reporting with the assistance of the FairTV System Manager
- 6) Set an annual budget for broadcast operations with advice of the FairTV Broadcast System Manager and the Management Information Systems Department Director.
- 7) Approve any minor operational expenditure requested or incurred by the FairTV Broadcast System Manager, video producers or interns on a monthly basis in a manner consistent with the Manager's contractually enumerated duties.
- 8) Encourage volunteer support of system operations, including but not exclusive to the creation of individual civic/recreational organization-based and school-based “FairTV Committees” meant to develop greater coverage of such town entities by FairTV to help broaden its coverage within the scope of its mandate to provide town-specific education and government access programming to the people of Fairfield.
- 9) Update the policies and procedures of the FairTV Broadcast system as time and circumstance dictate to ensure efficient broadcast operations and quality service delivery of town specific education and government access programming.

**Standards of Conduct:**

Members of the FairTV Commission shall be subject to the Standards of Conduct as described in Article XI, Sections 1-4 of the Town Charter of Fairfield. And subject to the penalties and disciplinary actions for violations as set forth in Section 5.