

MINUTES OF THE MEETING OF THE TOWN OF FAIRFIELD
April 27, 2015

A meeting of the Town of Fairfield was held on Monday, April 27, 2015 at 8 PM at the Education Center, 501 Kings Highway East, Fairfield.

The meeting was called to order at 8:05 PM by Moderator Pamela Iacono.

PRESENT: 43 ABSENT: 7 VACANCY: 0

PRESENT: Donovan, Herley, Lipp, Meyer, Sundman, Ambrose, Burstein, Jones, Ference, Mackenzie, Dean, DeMartino, Gerber, Palmer, Waldron, Garskof, O'Brien, Smey, Way, Gottlieb, Marks, Siebert, Wolk, Zezima, Hochberg, Hoffkins, Newman, Pires, Schwartz, Braun, Durrell, Li, McCarthy, Melaragno, Iacono, Jacob, McArde, Pontrelli, Tymniak, Cafferelli, Farnen, Neuberger, Ryan

ABSENT: Steele, Varian, Bateson, Cargill, McCullough, Semmel, Perugini

Peter Ambrose District 2 announced that Nathaniel Schindler has resigned and John Jones has been elected to replace him.

ITEM NO. 1 ON CALL: PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Moderator Iacono asked the Body to keep the family of William Sapone, who recently passed away in their thoughts and noted his numerous contributions to the town.

ITEM NO. 2 ON CALL: APPROVAL OF MINUTES OF THE SPECIAL MEETING OF MARCH 19, 2015 AND OF THE REGULAR MEETINGS OF MARCH 23, APRIL 6, APRIL 7 AND APRIL 8 2015

Upon motion made and duly seconded the minutes were approved by unanimous voice vote.

ITEM NO. 3 ON CALL: REVIEW OF BOND COUNSEL OPINION ON THE APPROVAL PROCESS FOR BONDS IN THE TOWN OF FAIRFIELD

Bond Counsel John F. Stafstrom of Pullman Comley LLC reviewed the attorney's opinion which was distributed with the Call. Bonding procedures are not outlined in the Town Charter as they are in other municipalities. Provisions for the BOF are in the CT General Statutes. The BOS administers, funds, and bonds a project. No singular Body has the authority to approve a bonding project. The BOF has the authority to reduce an authorization, but it cannot change the materiality of a project. The RTM can reject a project or reduce an authorization; it cannot increase an appropriation or initiate one. However, under Sec. 12.6 of the Charter the RTM can consider an appeal of the action of the BOF and a referendum is possible.

Kathy Braun, District 8 questioned the confusion surrounding an earlier opinion regarding the role of the BOF.

First Selectman Mike Tetreau explained there were two different issues that lead to the confusion. The RTM is the only Body that needs to approve a bond refunding authorization. It does not require BOS or BOF approval.

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Attorney Stafstrom explained there is a specific CGS that trumps the Charter that only the legislative body needs to approve a bond refunding. Adding to a school bond authorization is beyond the legislative body's authority.

Michael Herley, District 1 questioned whether CGS 10-289 grants the RTM the authority to issue a school bond without other Board approvals.

Attorney Stafstrom said the statute does not trump the Town's normal project process. School projects start with the administration, BOS and BOF. This reiterates that final approval is with the legislative body; the refunding statute is very clear. It is all about checks and balances.

Peter Ambrose, District 2 asked if the RTM had the authority to allocate the funds within a school bond for example a roof and a library. Atty. Stafstrom explained when approving bonds for capital projects there is a list of items that can be approved or rejected. A school project is either presented in pieces or as an integrated project. It is a fact-specific situation.

Joe Palmer, District 4 questioned when CGS 10-289 comes into play and what a building committee's responsibility is if a project is funded by the BOF at an amount and the RTM reduces it.

Attorney Stafstrom explained that the building committee wanted x in funding but were given y. Can the project they were charged with building be built? It is a collaborative effort.

ITEM NO. 4 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING APPOINTMENTS TO THE PENFIELD BUILDING COMMITTEE, AS RECOMMENDED BY THE BOARD OF SELECTMEN: STEPHEN PITANIELLO (U), 147 TRILLIUM ROAD (TO FILL THE VACANCY CREATED BY THE RESIGNATION OF WILLIAM SAPONE), DAVID M. ZIEFF (D), 1265 FAIRFIELD BEACH ROAD (TO FILL THE VACANCY CREATED BY THE RESIGNATION OF KENNETH JONES)

Jennifer Hochberg, District 7 moved this item as distributed with the Call, duly seconded. Neither candidate was present.

Gaylord Meyer, District 1 noted in the Public Health & Safety Committee meeting they reiterated the importance of keeping the Body informed as to the progress of the PBC as well as keeping the project within budget. First Selectman Tetreau noted that Rep. Perugini is the RTM liaison to the PBC.

VOTE: The appointments of Stephen Pitaniello and David Zieff were approved with 42 in favor and 1 abstention (Jacob).

ITEM NO. 5 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF SELECTMEN: "RESOLVED THAT THE TOWN OF FAIRFIELD (1) ESTABLISH THE DWIGHT SCHOOL ROOF BUILDING COMMITTEE; (2) AUTHORIZE THE PREPARATION OF SCHEMATIC DRAWINGS AND OUTLINE SPECIFICATIONS FOR THIS PROJECT; AND (3) AUTHORIZE THE BOARD OF EDUCATION TO FILE AN APPLICATION FOR A SCHOOL BUILDING GRANT."

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Kathryn Burshtein, District 2 moved this item as distributed with the Call, duly seconded.

VOTE: The resolution to establish the Dwight School Roof Building Committee, authorize schematic drawings and outline specifications and authorize the BOE to file a school building grant application was approved by unanimous voice vote.

ITEM NO. 6 ON CALL: THE MODERATOR HAS REFERRED AN ALTERNATE SIDE OF THE STREET PARKING RESTRICTION ORDINANCE SPONSORED BY PETER AMBROSE, DISTRICT 2; HANK FERENC, DISTRICT 3; RUTH SMEY, DISTRICT 5; LIZ ZEZIMA, DISTRICT 6; HAL SCHWARTZ, DISTRICT 7, AND CAROL PONTRELLI, DISTRICT 9 TO THE LEGISLATION AND ADMINISTRATION COMMITTEE UNDER RULE 32 OF THE RTM RULES TO REGULATE.

WITHDRAWAL OF REFERRAL: Peter Ambrose reported that this item has been withdrawn by the sponsors.

NEW BUSINESS

The Moderator announced that there were two liaison positions available for the Osborn Hill and Fairfield Ludlowe Building Committees.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:40 PM.

Respectfully submitted,

Elizabeth P. Browne, CMC, MCTC
Town Clerk

Recorded by: Frances M. Daly