

**MINUTES OF THE REGULAR MONTHLY MEETING OF THE TOWN OF FAIRFIELD
MAY 18, 2015**

The Regular Monthly Meeting of the Town of Fairfield was held on Monday, May 18, 2015, at the Education Center, Kings Highway, Fairfield, Connecticut.

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

PRESENT: 38 ABSENT: 12 VACANCY: 0

PRESENT: Donovan, Herley, Meyer, Sundman, Burshtein, Steele, Bateson, Ference, Mackenzie, McCullough, Dean, DeMartino, Gerber, Palmer, Waldron, Garskof, Way, Gottlieb, Marks, Siebert, Wolk, Zezima, Hochberg, Hoffkins, Newman, Pires, Schwartz, Durrell, McCarthy, Melaragno, Iacono, McArdle, Pontrelli, Tymniak, Cafferelli, Farnen, Neuberger, Ryan

ABSENT: Lipp, Ambrose, Jones, Varian, Cargill, O'Brien, Semmel, Smey, Braun, Li, Jacob, Perugini

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

Gianna Michelangelo, daughter of DPW Director Joe Michelangelo, led the Body in the Pledge of Allegiance.

ITEM NO. 2 ON CALL: APPROVAL OF MINUTES

Upon motion made, duly seconded and carried unanimously, the minutes of the meeting held April 27, 2015 were approved as distributed.

ITEM NO. 3 ON CALL: APPOINTMENTS OF ALEXIS P. HARRISON; ROBERT M. JIMESON; TRACY G. MINSKY; AND JAMES F. QUINN TO THE FAIRTV COMMISSION

Jennifer Hochberg, District 7, moved this item as distributed with the Call, duly seconded by Bruce Ryan, District 10. Ms. Harrison, Mr. Jameson, Ms. Minsky and Mr. Quinn were present.

VOTE: The resolution to appoint Alexis Harrison, Robert Jameson, Tracy Minsky and James Quinn to the FairTV Commission was approved by unanimous voice vote.

ITEM NO. 4 ON CALL: ACCEPTANCE OF CDBG DISASTER RECOVER GRANT IN A SUM NOT TO EXCEED \$560,000 FOR PINE CREEK CULVERT UPGRADE

Michael Herley, District 1, moved this item as distributed with the Call, duly seconded by Heather Dean, District 4.

VOTE: The resolution to accept CDBG grant funds in the amount of \$560,000 for the Pine Creek culvert upgrade was approved by unanimous voice vote.

ITEM NO. 5 ON CALL: ACCEPTANCE OF CDBG DISASTER RECOVER GRANT IN A SUM NOT TO EXCEED \$500,000 FOR REPAIR OF PENFIELD PAVILION

RTM MINUTES

May 18, 2015

Michael Herley, District 1, moved this item as distributed with the Call, duly seconded by Heather Dean, District 4.

VOTE: The resolution to accept CDBG grant funds in the amount of \$500,000 for the repair of Penfield Pavilion was approved by unanimous voice vote.

ITEM NO. 6 ON CALL: ACCEPTANCE OF CDBG DISASTER RECOVER GRANT IN A SUM NOT TO EXCEED \$225,000 FOR SHORELINE RESILIENCY IMPROVEMENTS AT PENFIELD BEACH

Michael Herley, District 1, moved this item as distributed with the Call, duly seconded by Joe Siebert, District 6.

VOTE: The resolution to accept CDBG grant funds in the amount of \$225,000 for shoreline resiliency improvements was approved by unanimous voice vote.

ITEM NO. 7 ON CALL: ACCEPTANCE OF CDBG DISASTER RECOVER GRANT IN A SUM NOT TO EXCEED \$74,500 FOR WPCF SANITARY SEWER OUTFALL REPAIR

Michael Herley, District 1, moved this item as distributed with the Call, duly seconded by Josh Garskof, District 6.

VOTE: The resolution to accept CDBG grant funds in the amount of \$74,500 for WPCF sanitary sewer outfall repair was approved by unanimous voice vote.

ITEM NO. 8 ON CALL: DESIGNATION OF POLLING LOCATIONS FOR VOTING DISTRICTS 1, 2, 6 AND 7
(District 1: Dwight Elementary School/Burr Elementary School
District 2: St. Pius School/North Stratfield Elementary School
District 6: McKinley Elementary School/Holy Family Parish Hall
District 7: Holland Hill Elementary School/Fairfield University)

Hal Schwartz, District 7, moved this item as distributed with the Call, duly seconded by Ed Bateson, District 3.

MOTION: Ed Bateson moved to divide this item and to take each district out of order, duly seconded and carried unanimously.

MOTION: Mr. Bateson moved to amend the resolution by deleting, “/Burr Elementary School,” from District 1, duly seconded and carried unanimously.

MOTION: Mr. Bateson moved to amend the resolution by deleting, “/Fairfield University (Dolan Business School),” from District 7, duly seconded and carried unanimously.

Mr. Bateson discussed the lack of a suitable polling place in District 6. He said he intended to make a motion to delete Holy Family and to leave McKinley as the District 6 polling location.

Town Attorney Stanton Lesser read an e-mail from a Secretary of the State attorney, and summed it up by saying that once the RTM causes the action to make the decision, instead of the Registrars of Voters, that

RTM MINUTES

May 18, 2015

the RTM must follow the same guidelines as the registrars. A letter must be sent to the Town Clerk stating that due to the absence of a suitable polling location within the district, a location adjacent to the district must be chosen.

MOTION: Mr. Bateson moved to direct the Moderator to notify the Town Clerk that, after examination of potential polling places within and without certain voting districts in Town, it is the opinion of the Body that no existing convenient or suitable polling places exist within the lines of District 6, duly seconded and carried unanimously.

MOTION: Mr. Bateson moved to amend the resolution by deleting, “/Holy Family Parish Hall,” from District 6, duly seconded and carried unanimously.

MOTION: Mr. Bateson moved to direct the Moderator to notify the Town Clerk that, after examination of potential polling places within and without certain voting districts in Town, it is the opinion of the Body that no existing convenient or suitable polling places exist within the lines of District 2, duly seconded.

Hal Schwartz, District 7, said that there is a suitable place within the district, which is North Stratfield School. It is adequate and convenient, and if it is voted down it would be in violation of the state statutes.

Mr. Bateson said that convenient and suitable is an objective term. Voting at the same place each time breeds participation and familiarity. North Stratfield may be a suitable location, but it is not convenient.

Bill Gerber, District 4, said that when Republican Registrar Roger Autuori came to committee meetings, he was asked how he came to choose St. Pius School and he said he asked the RTC leadership which location they preferred. The decision to use St. Pius as a polling location is politically motivated. Both locations are convenient, but one is a town building, and it is located within the district.

Heather Dean, District 4, said that the motion states there is no appropriate, convenient place within the district, and she asked if that is a proper amendment.

Atty. Lesser said that in order to use an out-of-district polling location, there must be a lack of a suitable, convenient polling place.

Ms. Dean said that it would not be proper to support this amendment.

Atty. Lesser said that using a town-owned facility is better, but the decision is up to the Body.

Mr. Bateson said that North Stratfield is suitable, as it is handicapped-accessible, but a more suitable location is located outside of the district. Since the Registrars of Voters cannot decide, the RTM makes the decision. The buildings are similarly suitable, but St. Pius is in a more convenient location.

Joseph Palmer, District 4, wished to clarify comments attributed to Mr. Autuori, as he believed he was misunderstood. He said he sought guidance from the people who are involved in elections, and that there was nothing nefarious about gathering the information.

Julie Gottlieb, District 6, said regardless of the Registrar’s remarks, it is distasteful that we have to be placed in the position of selecting polling places. Many polling places in Town are inconvenient to reach. If a good location is in the district, a location that has been used as a polling place previously, that is the one that should be selected.

RTM MINUTES

May 18, 2015

Jay Wolk, District 6, said that it is more convenient for the majority of voters to go to North Stratfield. Also, it is better to use a town facility for a number of reasons, not the least of which is liability.

Hal Schwartz, District 7, questioned whether we are out of compliance with State statutes if North Stratfield is voted down.

Tom McCarthy, District 8, said that the question of convenience is subjective. The St. Pius location is minimally disruptive for the fewest number of voters.

Mr. Bateson said it would not be out of compliance with statutes because a more suitable location is outside of the district. The process is to first give consideration to locations within the district.

Atty. Lesser said that the analysis is missing the mark. It is not whether St. Pius is more convenient or more suitable but whether there is something suitable in the district.

Bryan Cafferelli, District 10, said that the decision is under the purview of the RTM, not the Town Attorney's opinion. The terms "convenient" and "suitable" are subjective.

Jeff Steele, District 2, said he is an elector from "old" district 2 and the "new" district 2. This is a judgment call. The bulk of the electorate is closer to St. Pius. Brookside Drive is a thoroughfare, as opposed to North Stratfield which is located within a small neighborhood. It is least obstructive to leave the polling location where it is at St. Pius.

Cindy Waldron, District 4, asked the Democratic Registrar to address the mileage, because St. Pius looks like it is a mile further.

Democratic Registrar Matthew Waggner said that his calculations indicate that the average distance of voters in district 2 is 1.06 miles from North Stratfield and 1.45 miles from St. Pius, with the furthest distance being 3.31 miles from St. Pius.

Ms. Waldron said in view of Mr. Waggner's figures, North Stratfield is a more convenient location.

Ms. Dean said that we should be using municipal buildings rather than privately-owned buildings.

MOTION: Brian Cafferelli, District 10, moved to hear public comment, duly seconded and carried with 23 in favor, 15 opposed.

Kevin Flynn, Sachem Road, spoke in favor of using North Stratfield School.

Democratic Registrar Matt Waggner said that people should vote within the voting district.

Bill Gerber, District 4, said that he did not mean to insinuate that there was anything nefarious about Mr. Autuori's comments in committee regarding his asking Republican leadership about which voting district they prefer, just that he was being transparent, and that it is a political decision.

MOTION: Brian Farnen, District 10, moved the question, duly seconded and carried with 26 in favor, 12 opposed.

VOTE: The motion to direct the Moderator to inform the Town Clerk that, after examination of potential polling places within and without certain voting districts in Town, it is the opinion of the Body that no

RTM MINUTES

May 18, 2015

existing convenient or suitable polling places exist within the lines of District 2 was approved with 22 in favor, 14 opposed and 2 abstentions.

IN FAVOR: Donovan, Herley, Meyer, Sundman, Burshtein, Steele, Bateson, Ference, Mackenzie, McCullough, DeMartino, Palmer, McCarthy, Melaragno, Iacono, McArdle, Pontrelli, Tymniak, Cafferelli, Farnen, Neuberger, Ryan

OPPOSED: Dean, Gerber, Waldron, Garskof, Gottlieb, Marks, Siebert, Wolk, Zezima, Hochberg, Hoffkins, Newman, Pires, Schwartz

ABSTAINED: Way, Durrell

MOTION: Mr. Bateson moved to amend the resolution by deleting, “/North Stratfield Elementary School,” from District 2, duly seconded.

Julie Gottlieb, District 6, asked what the cost is for using St. Pius as a polling location.

Republican Registrar Autuori said that over the past 15 years, there has been a reciprocity agreement between the Town and the church, with no money changing hands.

Ms. Gottlieb asked if there is data available stating how infrequently we have not been able to use St. Pius as a polling place.

Mr. Autuori said that there has been one time we could not use the school, when a referendum was held and we did not make the appointment in time for them to accommodate us.

Michael Herley, District 1, spoke in favor of using St. Pius.

Joe Palmer, District 4, referred to Mr. Gerber’s calling the decision political. He pointed out that the DTC Chairman votes on every item before the RTM and that is not considered a conflict of interest. He does not believe there is anything nefarious about that, either.

MOTION: Heather Dean, District 4, moved to amend the motion by changing St. Pius School to Osborn Hill School, duly seconded.

Mr. Bateson questioned whether such an amendment is allowable, since it was not listed on the agenda as an option.

Town Attorney Lesser said that a polling location outside of the district should be located as near as possible to the boundaries of the subject district.

Mr. Bateson spoke against the motion.

Mr. Herley pointed out that St. Pius is closer to the district than Osborn Hill is.

Ms. Dean said that the gate has been opened as far as suitability and convenience.

MOTION: Mr. Farnen moved to hear public comment, duly seconded and carried with 26 in favor, 12 opposed.

RTM MINUTES

May 18, 2015

Republican Registrar Roger Autuori said that the Board of Education informed him that Osborn Hill will be under construction over the summers so that no primaries or special elections could be held there.

MOTION: Joe DeMartino, District 4, moved the question, duly seconded and failed with 23 in favor, 14 opposed and 1 abstention (2/3 vote required).

IN FAVOR: Donovan, Herley, Meyer, Sundman, Burshtein, Steele, Bateson, Ference, Mackenzie, McCullough, DeMartino, Palmer, Way, McCarthy, Melaragno, Iacono, McArdle, Pontrelli, Tymniak, Cafferelli, Farnen, Neuberger, Ryan

OPPOSED: Dean, Gerber, Waldron, Garskof, Gottlieb, Marks, Siebert, Wolk, Zezima, Hochberg, Hoffkins, Newman, Pires, Schwartz

ABSTAINED: Durrell

Ms. Gottlieb asked if there will be construction ongoing at Osborn Hill School.

Board of Education Chairman Phil Dwyer said that there will be construction at Osborn Hill over the next three summers.

VOTE: The motion to amend the motion by changing St. Pius to Osborn Hill failed with 7 in favor, 29 opposed and 2 abstentions.

IN FAVOR: Dean, Gerber, Waldron, Wolk, Hochberg, Hoffkins, Pires

OPPOSED: Donovan, Herley, Meyer, Sundman, Burshtein, Steele, Bateson, Ference, Mackenzie, McCullough, DeMartino, Palmer, Garskof, Gottlieb, Marks, Siebert, Zezima, Newman, Durrell, McCarthy, Melaragno, Iacono, McArdle, Pontrelli, Tymniak, Cafferelli, Farnen, Neuberger, Ryan

ABSTAINED: Way, Schwartz

MOTION: Mr. DeMartino moved the question, duly seconded and failed with 24 in favor, 14 opposed (2/3 vote required).

IN FAVOR: Donovan, Herley, Meyer, Sundman, Burshtein, Steele, Bateson, Ference, Mackenzie, McCullough, DeMartino, Palmer, Way, Durrell, McCarthy, Melaragno, Iacono, McArdle, Pontrelli, Tymniak, Cafferelli, Farnen, Neuberger, Ryan

OPPOSED: Dean, Gerber, Waldron, Garskof, Gottlieb, Marks, Siebert, Wolk, Zezima, Hochberg, Hoffkins, Newman, Pires, Schwartz

Allen Marks, District 6, spoke against the motion. He said the arguments in support of going outside the district did not make sense. This has been a long, painful process and the vote is political.

Joe Siebert, District 6, said we should be consistent and bipartisan.

VOTE: The motion to amend the resolution by deleting, “/North Stratfield Elementary School,” from District 2 was approved with 23 in favor, 13 opposed and 2 abstentions.

RTM MINUTES

May 18, 2015

IN FAVOR: Donovan, Herley, Meyer, Sundman, Burshtein, Steele, Bateson, Ference, Mackenzie, McCullough, DeMartino, Palmer, Durrell, McCarthy, Melaragno, Iacono, McArdle, Pontrelli, Tymniak, Cafferelli, Farnen, Neuberger, Ryan

OPPOSED: Dean, Gerber, Waldron, Garskof, Gottlieb, Marks, Wolk, Zezima, Hochberg, Hoffkins, Newman, Pires, Schwartz

ABSTAINED: Way, Siebert

VOTE: The resolution to designate certain polling places, as amended, was approved with 25 in favor, 11 opposed and 1 abstention (Mr. DeMartino was not present to vote).

IN FAVOR: Donovan, Herley, Meyer, Sundman, Burshtein, Steele, Bateson, Ference, Mackenzie, McCullough, Palmer, Waldron, Way, Marks, Durrell, McCarthy, Melaragno, Iacono, McArdle, Pontrelli, Tymniak, Cafferelli, Farnen, Neuberger, Ryan

OPPOSED: Dean, Gerber, Garskof, Gottlieb, Wolk, Zezima, Hochberg, Hoffkins, Newman, Pires, Schwartz

ABSTAINED: Siebert

OTHER BUSINESS

Jeff Steele, District 2, announced that an anti-casino rally would be held Sunday, May 24 at 4:00 P.M. at Greenfield Hill Congregational Church.

ADJOURNMENT

There being no further business and upon motion made, duly seconded and carried unanimously, the meeting was adjourned at 9:50 P.M.

Respectfully submitted,

Elizabeth P. Browne
Town Clerk

Recorded by: Ann Roche