

**MINUTES OF THE MEETING OF THE TOWN OF FAIRFIELD
September 28, 2015**

A meeting of the Town of Fairfield was held on Monday, September 28th, 2015 at 8 PM at the Education Center, 501 Kings Highway East, Fairfield.

The meeting was called to order at 8:06 PM by Moderator Pamela Iacono.

PRESENT: 37 ABSENT: 13 VACANCY: 0

PRESENT: Donovan, Herley, Lipp, Meyer, Ambrose, Burshtein, Steele, Varian, Bateson, Ference, Mackenzie, Dean, Gerber, Palmer, Waldron, Garskof, O'Brien, Smey, Gottlieb, Zezima, Hochberg, Hoffkins, Pires, Braun, Durrell, McCarthy, Melaragno, Iacono, Jacob, McArdle, Pontrelli, Tymniak, Cafferelli, Farnen, Neuberger, Perugini, Ryan

ABSENT: Sundman, Jones, Cargill, McCullough, DeMartino, Semmel, Way, Marks, Siebert, Wolk, Newman, Schwartz, Li

ITEM NO. 1 ON CALL: PLEDGE OF ALLEGIANCE

Moderator Iacono invited Julie DeMarco and Terry Giegengack of the Fairfield Senior Center to lead the Pledge of Allegiance. She asked all to observe a moment of silence in remembrance of Representative Mary McCullough's loss of her husband, and Representative Jay Wolk's loss of his mother and brother and to remember the recent passing of Isabel Broadhurst and Carolee Reiss, both of whom had been very committed to the Town.

ITEM NO. 2 ON CALL: RECOGNITION OF SENIOR CENTER MONTH

Terry Giegengack Director of the Fairfield Senior Center, thanked the Moderator for the invitation to address the RTM. She advised that the Senior Center is in the process of applying for national recognition and hopes that the members of the RTM will join with the Senior Center staff in making this application.

ITEM NO. 3 ON CALL: APPROVAL OF THE MINUTES OF THE REGULAR MONTHLY MEETING OF JULY 27, 2015.

The Minutes were approved by unanimous voice vote.

ITEM NO. 4 ON CALL: TO HEAR A REPORT FROM THE JOINT RETIREMENT INVESTMENT BOARD.

This report was heard in committee. There were no follow up questions for Mr. Vahey. Moderator Iacono thanked him for attending.

ITEM NO. 5 ON CALL: TO HEAR AN UPDATE FROM THE FAIRFIELD LUDLOWE HIGH SCHOOL BUILDING COMMITTEE CHAIRMAN OR HIS DESIGNEE REGARDING THE STATUS OF THE FAIRFIELD LUDLOWE HIGH SCHOOL BUILDING PROJECT.

This report was heard in committee.

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ITEM NO. 6 ON CALL: APPOINTMENT OF GREGORY H. PIDLUSKI (U) TO THE FAIRFIELD LUDLOWE HIGH SCHOOL BUILDING COMMITTEE (TO FILL THE VACANCY CREATED BY THE RESIGNATION OF TERRI LEOPOLD).

Julie Gottlieb District 6 moved this item as distributed with the Call, duly seconded.

VOTE: The appointment of Gregory Pidluski was approved by unanimous voice vote. Mr. Pidluski was present.

ITEM NO. 7 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION RECOMMENDED BY THE BOARD OF SELECTMEN: “RESOLVED, THAT A SYSTEM SITE LEASE FOR THE PURPOSE OF ERECTING A PHOTOVOLTAIC ELECTRIC GENERATION SYSTEM ON THE GROUND BEHIND THE RECREATION/TENNIS CENTER AT 15 OLD DAM ROAD FOR THE SOLE BENEFIT OF THE RECREATION/TENNIS CENTER, THE TERMS OF THE AGREEMENT BEING TWENTY YEARS BE, AND HEREBY IS, APPROVED.”

Joshua Garskof, District 5 moved this item as distributed with the call, duly seconded.

Jeffrey Melaragno District 8, stated that while he agrees with the use of photovoltaic electric generation, he was concerned that the length of the lease being twenty years was too long a commitment in a field where this is new technology. He stated that he was unsure what the best length of such a lease should be but is concerned that this form of electric generation could be supplanted by new or better form of generation before this lease ends.

VOTE: The system site lease was approved with 36 in favor and 1 abstention (Farnen)

ITEM NO. 8 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION RECOMMENDED BY THE BOARD OF SELECTMEN: “RESOLVED THAT A SYSTEM SITE LEASE AGREEMENT BETWEEN THE TOWN OF FAIRFIELD AND CEFIA HOLDINGS, LLC FOR THE PURPOSE OF ERECTING A PHOTOVOLTAIC ELECTRIC GENERATION SYSTEM ON THE ROOF OF TIMOTHY DWIGHT ELEMENTARY SCHOOL AT 1600 REDDING ROAD FOR THE SOLE BENEFIT OF TIMOTHY DWIGHT ELEMENTARY SCHOOL, THE TERM OF THE AGREEMENT BEING TWENTY YEARS, BE, AND HEREBY IS APPROVED.”

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

Ed Bateson District 3, noted that the wording in the lease agreement was between the Town and Cefia holdings, while the property under discussion is under the jurisdiction of the Board of Education. Mr. Bateson asked if the First Selectman was aware of this issue being raised in committee with the Town Attorney. First Selectman Tetreau stated that he was not aware of this question being raised until tonight, but he had spoken to the Town Attorney and the subject had not been raised.

Brian Farnen District 10 advised that he would be abstaining from a vote on this matter, but that it was his opinion as General Counsel for Cefia that this agreement should be between Cefia and the Town.

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Mr. Tetreau said in his opinion that this tower would be a modification to the existing building or an improvement part of the infrastructure and so the RTM would be able to vote on the contract.

Mr. Farnen suggested it would be wise to move ahead with the vote rather than postpone it until the October meeting. He suggested that the lease language be amended to reflect that the lease agreement was between the Town and Cefia, not the Board of Education.

Moderator Iacono asked Mr. Tetreau if that would be acceptable to which Mr. Tetreau agreed.

MOTION: Ed Bateson moved that the lease agreement language be amended to reflect that the agreement is between the Town of Fairfield and Cefia Holdings LLC, duly seconded.

VOTE: The motion to amend the lease agreement language was approved with 36 in favor and 1 abstention (Farnen).

VOTE: The Lease agreement between the Town of Fairfield and Cefia Holdings, LLC was approved with 35 in favor and 2 abstentions (Farnen, Cafferelli)

ITEM NO. 9 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF FINANCE: "WHEREAS IT IS IN THE BEST INTEREST OF THE TOWN OF FAIRFIELD TO COMPLETE A WASTEWATER FACILITIES PLANNING STUDY INCLUDING AN OVERALL COMPREHENSIVE EVALUATION OF THE WATER POLLUTION CONTROL FACILITIES, COLLECTION SYSTEM AND PUMP STATIONS; AND WHEREAS, THE COST OF PREPARING SUCH A STUDY IS \$748,205, WHERE \$740,944 IS ELIGIBLE FOR 55% REIMBURSEMENT (\$407,519) THROUGH A FEDERAL EPA CLEAN WATER FUND PLANNING GRANT AND THE REMAINING BALANCE OF \$340,686 IS TO BE SPLIT EQUALLY (\$170,343) BETWEEN THE WATER POLLUTION CONTROL AUTHORITY AND THE TOWN OF FAIRFIELD; NOW THEREFORE BE IT RESOLVED THAT MICHAEL C. TETREAU, FIRST SELECTMAN OF THE TOWN OF FAIRFIELD IS DULY AUTHORIZED TO ENTER INTO AND SIGN CONTRACTS ON BEHALF OF THE TOWN OF FAIRFIELD WITH THE STATE OF CONNECTICUT'S DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION FOR THE PURPOSE OF OBTAINING A FEDERAL EPA CLEAN WATER FUND PLANNING GRANT; AND FURTHER RESOLVED, THAT FIRST SELECTMAN IS AUTHORIZED TO PROVIDE SUCH ADDITIONAL INFORMATION AND EXECUTE SUCH OTHER DOCUMENTS AS MAY BE REQUIRED BY THE STATE OR FEDERAL GOVERNMENT IN CONNECTION WITH SAID CONTRACTS AND TO EXECUTE ANY AMENDMENTS, RESCISSIONS, AND REVISIONS THERETO SECURE SAID GRANT; AND FURTHER RESOLVED, THAT A BOND RESOLUTION APPROPRIATING \$748,205 FOR COSTS ASSOCIATED WITH A WASTEWATER FACILITIES PLANNING STUDY INCLUDING A COMPREHENSIVE EVALUATION OF THE TOWN'S WATER POLLUTION CONTROL FACILITY, COLLECTION SYSTEM AND PUMP STATIONS AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION', BE, AND HEREBY IS APPROVED; AND FURTHER RESOLVED THAT THE AGREEMENT BETWEEN THE TOWN OF FAIRFIELD AND THE WRIGHT-PIERCE FOR COMPREHENSIVE EVALUATION OF WATER POLLUTION CONTROL FACILITY AND COLLECTION SYSTEM INFRASTRUCTURE BE, AND HEREBY IS APPROVED."

Liz Zezima District 6 moved this item as distributed with the Call, duly seconded.

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Pete Ambrose District 2 asked why the whole cost of this study was not bonded. He noted that there would be reimbursement of 55% of the cost for the study from Federal funds, but since the WPCA has \$5 million in reserves why isn't the WPCA picking up the entire cost.

Joe Michelangelo, Director of Public Works stated that historically the Town side has picked up the bulk of the capital work and the WPCA has picked up the operating costs. In previous years the BOF, BOS and the WPCA had wrestled with the decision of how to finance long term projects. A decision was made to share the costs 50/50 between the Town and the WPCA. In the long term a policy will have to be adopted by the Town bodies.

Mr. Tetreau stated that should the WPCA become self-funded they would still need help from the Town with the bonding process. The Town has studied the history of funding the WPCA and looked at the Town Charter and State Statutes, but with no clear cut answer. In his opinion the WPCF expansion of would be a benefit to the whole Town by allowing for more development and being able to grow the Grand List. The current system is at 90% of capacity and has been for more than 5 years. Mr. Tetreau indicated that the self-sustaining/self-funding could be part of a charter revision. Bond Counsel stated that he felt it was important for the Town to get an opinion from the WPCA about how they want to handle this as he would feel uncomfortable if the recommendations of the WPCA were not followed.

Mr. Michelangelo stated that in the next 20 years there are 12 WPCA projects that are in the \$35-40 million range.

Mr. Ambrose stated that he feels many town residents feel that the end result of such improvements should be paid for by the end user. He noted that many in Southport and Greenfield Hill do not benefit from town sewers.

Mr. Tetreau replied that there are certain users who will not pay even if all taxpayers were taxed for this project. Two such users are Fairfield University and the State of Connecticut for the 2 rest stops on I-95.

BOF member David Becker questioned the amount of money in the WPCA reserve to which Mr. Michelangelo replied that the WPCA has spent 25% of its operating budget without receiving any revenue. He stated that while \$5 million is on the high side the actual amount in the fund constantly fluctuates. Mr. Becker noted that then it could be considered that this fund is self-sustaining.

Doug Jones, Fairfield Woods Road noted that the RTM bonded the fire suppression lines that were extended through part of Greenfield Hill.

VOTE: The resolution to share the cost of funding a water pollution control study between the WPCA and the Town of Fairfield passed with 36 in favor and 1 abstention (Ambrose).

ITEM NO. 9 ON CALL: TO HEAR AND CONSIDER FOR THE FIRST TIME AMENDMENTS TO CHAPTER 99 OF THE TOWN CODE, TRANSIENT MERCHANTS, SPONSORED BY MICHAEL HERLEY, DISTRICT 1, JOE PALMER, DISTRICT 4, AND PAMELA IACONO, DISTRICT 9.

Sponsor Michael Herley and Josh Garskof advised the Body that they will propose an amendment as a result of discussions in committee meetings. They want the language that deals with non-profits tightened up and input from the Town Attorney.

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Heather Dean District 4 questioned the fees and stated that she hoped senior citizens would be extended the same discount that is contemplated to be granted to military veterans to which the Moderator said an amendment could be made on the floor.

Rep. Ambrose asked what the proposed amendment addresses.

Rep. Garskof replied that he had suggested that non-profit groups be required to apply for a license but be able to have the fee waived.

Kathy Braun District 8 noted that she felt it should be made clear that this is not a red line version of what is already in the Town Code, and that she wants the RTM to be clear about what is being approved.

Moderator Iacono noted that she had discussed this proposed amendment with Deputy Chief Lyddy who assured her that the proposal that is adopted by the RTM will go on the website.

Laurene O'Brien District 5 recommended that non-profits be scrutinized as stringently as any other entity as not all of them are reputable. Mr. Herley noted that it was because of this concern that the committee is being very careful about the language in the proposed amendment and are working on it with the town attorney and police chief. Mr. Garskof stated that he wants all non-profits to be required to prove who they are.

Moderator Iacono noted that this amendment exempts children who are in Boy or Girl Scouts, etc.

This item will be voted upon at the October meeting.

ITEM NO. 11 ON CALL: TO HEAR AND CONSIDER FOR THE FIRST TIME AMENDMENTS TO CHAPTER 37 OF THE TOWN CODE, RETIREMENT SYSTEM, SPONSORED BY MICHAEL HERLEY, DISTRICT 1, PAMELA IACONO, DISTRICT 9, AND RAY NEUBERGER, DISTRICT 10.

Moderator Iacono noted that Attorney Cohen addressed the concern regarding the powers that reside with the RTM not the BOS.

This item will be voted upon at the October meeting.

OTHER BUSINESS:

Moderator Iacono invited First Selectman Tetreau to address the communications plan between the Registrars of Voters regarding the changes in voting districts and polling places. Mr. Tetreau stated that voting is a very important right. He noted that the Town is trying to work with the Registrars to implement a plan to advise Town residents about the new polling places which both can approve. There has been no funding set aside for this notification. Mr. Tetreau has included both Party Chairs on all e-mails so that there is a bipartisan effort to advise the public about the new polling places.

Both Registrars and the League of Women Voters have been invited to a BOS meeting to discuss this issue. Mr. Tetreau noted that the Republican Town Committee and Town websites have information about where voters are supposed to go to vote. He asked all candidates for political office, including RTM candidates to share this information with their constituents. Mr. Tetreau asked that if all could share the phone numbers for the Registrars of Voters with the public that would be very helpful in disseminating correct information to the voting public.

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Rep. Bateson District 3 advised the public via the FairTV broadcast that their polling place may have changed and to check either of the websites.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:55 PM.

Respectfully submitted,

Elizabeth P. Browne, CMC, MCTC
Town Clerk

Recorded by: Frances M. Daly