

REPRESENTATIVE TOWN MEETING

June 27, 2016

RETIREMENT BENEFIT SHALL BE RESUMED EFFECTIVE ON THE FIRST OF THE MONTH FOLLOWING TERMINATION OF SUCH EMPLOYMENT. A PENSIONER MAY CONTINUE TO RECEIVE HIS RETIREMENT BENEFITS WHILE EMPLOYED BY THE TOWN ON A PART-TIME OR TEMPORARY BASIS IN A POSITION OTHER THAN THE POSITION THE PENSIONER HELD AS A FULL-TIME EMPLOYEE UP TO 988 HOURS IN ANY CALENDAR YEAR. NO ADDITIONAL BENEFITS SHALL BE ACCRUED BY THE PENSIONER FOR SUCH PERIODS OF EMPLOYMENT. IF A PENSIONER CONTINUES TO BE EMPLOYED BY THE TOWN AFTER 988 HOURS OF EMPLOYMENT IN A CALENDAR YEAR, HE WILL NOT BE ENTITLED TO HIS RETIREMENT BENEFITS BEGINNING IN THE FIRST MONTH AFTER THE 988 HOURS IS COMPLETED.

Heather Dean, District 3 moved this item as distributed with the call, duly seconded.

Brian Farnen, District 9 asked as a point of order if he could propose an amendment.

CFO Bob Mayer said it would have to go back to the Retirement Board for their consideration.

MOTION: Mr. Farnen inserted the following language, “or comparable work duties” after “full-time employee”, duly seconded.

He stated that the intent of this insertion was to allow for new blood to be employed by the Town and to prevent possible cronyism.

Mr. Mayer advised the Body that in his opinion the Pension Board should not have a problem with this additional language, but also noted that there is a degree of control in that the unions could also object.

Mr. Farnen explained his intention is not to disparage any department but rather to help the Town hire new employees, as he feels it is good to have new blood and new ideas in the workforce.

First Selectman Michael Tetreau noted that all positions in the Town, whether full or part time, are line items in the budget. He stated that if a full time position is vacated, it is filled with a full time employee.

Mr. Farnen questioned Mr. Tetreau if the Towns’ policy allowed someone who retires from a full time position to accept employment in a part time position.

Mr. Tetreau stated that may happen when someone in a department like DPW or the Police Department wants to become a special police officer.

Michael Herley, District 10 raised a point of order to note that once an item was on the floor, all RTM members have the right to speak before an *ex-officio* member.

Mr. Farnen stated that it was his belief that the Body should either reject his motion tonight or postpone the vote until next month so that the pension board could consider the amendment.

Mary McCullough, District 1 asked for clarification and to be reassured that this proposal was not being put forward in order to bring back a pensioner to a position that does not already exist.

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Mr. Tetreau stated that it was his understanding that there were no plans to bring back a pensioner, and furthermore, in his experience the only pensioners who have returned to work for the Town have been special police officers or part time bus drivers for the senior center.

The Moderator asked if Mr. Mayer could address the perception that had been raised by a comment that there were two pensioners who were being asked to return to train new employees.

Bob Mayer, CFO, stated that the former HR director had brought forward this issue for the Police & Fire Retirement Board only resulting in an inequity between the two pension plans. He said it is a good managerial decision in certain cases to bring back someone with specialized knowledge to a temporary position in order to provide better customer service and training.

Michael Herley, District 10 felt the amendment was reasonable in that it was trying to set boundaries.

Josh Garskof, District 5 asked if this change would prevent the Town from doing any of the three things that were enumerated by the CFO to which Mr. Mayer replied that it would not constrain the Town.

Philip Pires, District 4 asked if Mr. Farnen could restate his proposed motion.

Mr. Farnen stated that his proposal is to reject this motion and get a Sense of the Body resolution to see if it should add language to clarify "similar" to "comparable or similar work duty".

The Moderator asked Mr. Farnen to clarify if he was saying that his motion is to reject the motion with qualifications.

Julie Gottlieb, District 4 asked if there are any time constraints if the Body rejected this item and would such rejection affect anyone's employment.

Mr. Mayer replied that this will affect one person who is retiring this week who would not be able to return as a special officer on July 1.

Kenneth Lee, District 9 stated that he thought at first the motion might be excluding some employees while including others; he asked Mr. Farnen if the Body voted for his proposed amendment would it prevent someone from being able to train new personnel.

Mr. Farnen replied that while his proposal would exclude some retirees, a well-run department should be able to continue functioning when an employee retires, and that no position should be maintained where only one individual has the skill set to fill that position. Mr. Lee noted that the Town should hire based on merit.

Liz Zezima, District 4 stated that she could vote either way. She asked the First Selectman if there is a residency requirement to be employed by the Town. Mr. Tetreau replied that there is no residency requirement other than for the two chiefs and the elected officials. Ms. Zezima then stated she did not want to reject the motion.

Jay Wolk, District 5 asked Mr. Farnen if his proposed amendment would apply to BOE employees. Mr. Farnen replied that this amendment would only affect Town employees. Bob Mayer, CFO noted that some Board of Education employees would be affected because they are in the Town pension plan.

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Mr. Wolk stated that he understood the Retirement Boards' proposal was made because the Police Chief's secretary was hoping to retire and become a special. Mr. Farnen replied that his amendment to the proposal would not affect that position.

Karen Wackerman, District 7, stated that the amendment was micromanaging the HR function and unnecessary. She asked Mr. Mayer if the language in the amendment was the same as in the Police and Fire and Board of Education retirement systems.

Mr. Mayer stated that he would retract an earlier statement in which he said no one would be affected by rejecting this amendment. He further stated that he has been the chief financial officer of some multi-billion dollar companies and that in his view it is good managerial practice to call back experienced employees out of retirement when needed. He noted that in his opinion training is not the same as performing the job duties of a position.

Ms. Wackerman stated she would not support the amendment.

Mr. Herley stated that in response to Mr. Mayer's comment that he believes there is a difference between the private and the public sector. He supports the proposal because he does not want an air of cronyism or favoritism.

Heather Dean, District 3 noted that this issue had been talked about in committee at length. There are best practices from the private sector and there are interim positions that would make sense for the original resolution.

Philip Pires, District 4 stated that he felt the Body should vote for the motion on the agenda.

WITHDRAWAL: Mr. Farnen withdrew his motion.

Philip Dwyer, BOE Chair noted that this would affect 400 noncertified staff.

VOTE: The Resolution that the RTM does not reject the change to Section 3.9 of the Rules and Regulations of the Town of Fairfield Employee's Retirement System was approved with 23 in favor and 8 opposed (McCullough, Varian, Orriss, Gottlieb, Way, Farnen, Fattibene, Herley.) (M. Ambrose was absent for this vote).

ITEM NO. 6 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING APPOINTMENT TO THE HOLLAND HILL SCHOOL BUILDING COMMITTEE AS RECOMMENDED BY THE BOARD OF SELECTMEN: WILLIAM R. MANDERVILLE (R), 82 WOODCREST ROAD.

Heather Dean, District 3 moved this item as distributed with the Call, duly seconded.

VOTE: The appointment of William R. Manderville was approved by unanimous voice vote.

ITEM NO. 7 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING APPOINTMENT TO THE SOLID WASTE & RECYCLING COMMISSION AS RECOMMENDED BY THE BOARD OF SELECTMEN: JOSEPH R. PAGNOZZI (R) 1496 FAIRFIELD WOODS ROAD, TERM 11/15-11/19 (TO FILL A VACANCY FOR WILLIAM SHOAF WHOSE TERM EXPIRED).

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Heather Dean, District 3 moved this item as distributed with the Call, duly seconded.

VOTE: The appointment of Joseph R. Pagnozzi was approved by unanimous voice vote.

ITEM NO. 8 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF SELECTMEN: "RESOLVED THAT THE APPLICATIONS RECEIVED UNDER THE NEIGHBORHOOD ASSISTANCE ACT (NAA) PROGRAM ARE HEREBY APPROVED, AND THAT THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT IS HEREBY DESIGNATED AS THE MUNICIPAL LIAISON OF THIS PROGRAM."

Mary McCullough, District 1 moved this item as distributed with the Call, duly seconded.

VOTE: The NAA resolution was approved by unanimous voice vote.

ITEM NO. 9 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF SELECTMEN: "RESOLVED, THAT THE PROGRAM YEAR 42 (OCTOBER 1, 2016 - SEPTEMBER 30, 2016) COMMUNITY DEVELOPMENT BLOCK GRANT (CBDG) IS HEREBY APPROVED IN THE AMOUNT OF \$480,500, WHICH INCLUDES ENTITLEMENT GRANT FUNDS OF \$468,093 AND PROGRAM INCOME OF \$12,407, AND FURTHER RESOLVED, THAT MICHAEL C. TETREAU, FIRST SELECTMEN OF THE TOWN OF FAIRFIELD, BE AND HEREBY IS, AUTHORIZED TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS THAT FACILITATE THE TOWN'S PARTICIPATION IN SAID CBDG PROGRAM."

Mary McCullough, District 1 moved this item as distributed with the Call, duly seconded.

VOTE: The CBDG grant in the amount of \$480,500 was approved by unanimous voice vote.

ITEM NO. 10 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF FINANCE: "RESOLVED THAT THE BOND ISSUE ENTITLED, 'A RESOLUTION ADOPTED BY THE REPRESENTATIVE TOWN MEETING ON JUNE 24, 2013 ENTITLED, 'A RESOLUTION APPROPRIATING \$11,630,000 FOR THE COSTS ASSOCIATED WITH THE EXPANSION AND RENOVATION OF FAIRFIELD LUDLOWE HIGH SCHOOL AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION TO INCREASE THE AMOUNT OF THE APPROPRIATION AND BOND AUTHORIZATION BY \$3,907,674,' BE AND HEREBY IS, APPROVED."

Jill Vergara, District 7 moved this item as distributed with the Call, duly seconded.

Mary McCullough, District 1 thanked the Moderator for advising the Body of the volumes of information that go back a number of years regarding this project. In researching this information, Ms. McCullough stated that she found there were warning signs which elected officials including RTM members missed.

Peter Tallman, District 8 stated that the Town is stuck with a \$4 million bill. He stated that a few weeks before construction started on Penfield we found that we were 12 inches short. He noted that the building

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committees which are charged with overseeing these projects are all volunteers and amateurs. Mr. Tallman stated that we need someone who is able to check that a building project is on course and on budget. He noted that there were warning flags about this project that were ignored and that according to the Board of Finance the cafeteria project which was delivered was not what had been promised. Mr. Tallman stated that there are a lot of smart people in town with building and construction experience that we need to figure out how to get them on these boards.

Ed Bateson, District 1 stated that in his opinion this building committee had made decisions that the RTM should have been advised of. He felt that critical information was not disseminated far enough. He stated he would support this item with reservations.

Kenneth Lee, District 9 stated that Mr. Tallman's remarks resonated with him as he got involved when the Town needed to renovate Sherman School. He further stated that the only number which is important in an estimate is the amount someone bids to do the job. He agreed that the Town needs to have more expertise on building committees, and he hopes that it will be better in the future.

Heather Dean, District 3 noted that she has been on this Body since 2003 and she has seen countless building projects. She asked the First Selectman what plan the Town had to prevent this from reoccurring.

Mr. Tetreau stated that the Board of Education had spent extra money on this project to have a better concept. There were actually 3 independent building projects which had been assigned to the same building committee each with a different deadline. Mr. Tetreau then stated that the Town has learned from this experience, and that while the project has been ongoing there have been 4 reviews before the Board of Selectmen. The "better estimate concept" did not work as it was hoped that it would. The building Committee had to go back and get a specification change for the estimate for the roof. Similarly, the estimate for the replacement of the windows was off because the EPA needed to be consulted.

Mr. Tetreau said that the construction phase for the classrooms and cafeteria didn't work for several reasons. There were "dueling" architects. He stated that in future the Town will hire a project manager, an architect, a construction manager or an owner's representative for projects. He noted that volunteers who serve on Building Committees have tough jobs, especially since they go on for 2 to 3 years. He said it would be optimal to get volunteers who have a background in construction or building. Mr. Tetreau also said that this project should have been run as three different projects rather than one.

Mr. Tetreau advised that while the Town has learned that there are things to avoid doing in the future to try and contain cost overruns; none of those things will guarantee that unforeseen problems such as the existence of PCBs might occur.

Michael Herley, District 10 stated that he will "begrudgingly" support the new expenditure on the replacement windows. However, he did not agree with the committee changing the scope of the project without coming back for approval.

Bill Gerber, District 2 stated that because his wife is on the Board of Education he has heard about many of these problems with building projects. There are flaws in the process. He said that he is surprised by the level of surprise expressed by many about this project's cost overrun. He quoted the estimates and final costs of other school building projects. He is frustrated by the finger pointing and noted that people need to work together and fix the process. He is hopeful that Mr. Tetreau's ideas will work to help future projects, including recruiting people who have more experience with building so that these volunteer committees have a more professional background.

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Peter Ambrose, District 2 stated that the air of general acceptance of cost overruns is upsetting to him. He said that perhaps what should have been done is to break down the budget and assign a portion to each of the three projects. He trusts that the first selectman will right this and will move forward, but a \$4 million cost overrun is not fair to the taxpayers.

Brian Farnen, District 9 stated that cost overruns like this will make it harder to approve building projects in the future, but asked the Body not to micromanage. He stated that the Body should look at the root cause of this and learn from it.

Mr. Gerber stated in response that the term “cost overrun” isn’t necessarily an applicable term because in the past we have had overruns in earlier projects due to inadequate estimates, including the original estimates for both Riverfield and Fairfield Woods schools. He said that as part of the process we need to efficiently come up with a good plan.

VOTE: The item passed by voice vote with 30 in favor and one opposed (Harrison) and one abstention (McCullough).

ADJOURNMENT

There being no further business, the meeting adjourned at 9:30 PM.

Respectfully submitted,

Elizabeth P. Browne, CMC, MCTC
Town Clerk

Recorded by: Frances Daly