

MINUTES OF THE MEETING OF THE TOWN OF FAIRFIELD
June 24, 2019

A meeting of the Town of Fairfield was held on Monday, June 24, 2019 at 8 PM at the Education Center, Kings Highway East, Fairfield, CT.

The meeting was called to order at 8:00 PM by Moderator Phil Pires.

PRESENT: 35 ABSENT: 4 VACANCY: 1

PRESENT: Chessare, Fogel, Lefkowitz, O'Shea, Gerber, Lopez, Newman, Perham, Dean, Durrell, Jacobs, Kelly, Pires, Rotelli, Garskof, Siebert, Smey, Wolk, Berecz, Gale, Bove, McDermott, Vergara, Wackerman, Berchem, Iacono, Messina, Tallman, Farnen, Georgiadis, Horton, Petise, Sundman.

ABSENT: Spolyar, Ambrose, Herron, Cargill

VACANCY: Fogel

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

Moderator Pires led the Pledge of Allegiance. A moment of silence was held in honor of Sam Cargill's wife, Jennifer who recently passed away unexpectedly.

ITEM NO. 2 ON CALL: APPROVAL OF MINUTES OF MAY 6, 2019 & MAY 28, 2019

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

VOTE: The May 6 and 28 minutes were approved by unanimous voice vote.

**Items on the Call were taken out of order in deference to those present.

ITEM NO. 3 ON CALL: REAPPOINTMENT OF KATHRYN L. BRAUN (R) TO FAIRTV COMMISSION TERM JULY 2019-2022

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

VOTE: The reappointment of Kathryn Braun to the FairTV Commission was approved by unanimous voice vote.

ITEM NO. 4 ON CALL: APPOINTMENT OF ROBERT BELLITTO JR (D) TO ETHICS COMMISSION TERM JULY 2019-2021

Nancy Lefkowitz, District 1 moved this item as distributed with the Call, duly seconded. Mr. Bellitto was present.

VOTE: The appointment of Robert Bellitto Jr. to the Ethics Commission was approved by unanimous voice vote.

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ITEM NO. 5 ON CALL: APPOINTMENT OF DABNEY H BOWEN (IT) TO SOLID WASTE & RECYCLING COMMISSION, TERM NOV. 2018-2022

Pamela Iacono, District 8 moved this item as distributed with the Call, duly seconded.

VOTE: The appointment of Dabney Bowen to the Solid Waste & Recycling Commission was approved by unanimous voice vote.

ITEM NO. 6 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF SELECTMEN*:“RESOLVED, THAT THE TOWN OF FAIRFIELD, BY ITS FIRST SELECTMAN, IS AUTHORIZED TO ENTER INTO A TEN-YEAR LEASE AGREEMENT TO RENT PREMISES LOCATED AT 418 MEADOW STREET, FAIRFIELD, FOR THE BOARD OF EDUCATION’S MAINTENANCE FACILITY AND OPERATIONS, TO BE PAID FROM THE BOARD OF EDUCATION BUDGET (SEE LEASE ATTACHED).” **IT IS ANTICIPATED THAT THIS ITEM WILL BE APPROVED AT THE JUNE 19, 2019 BOS MEETING.*

Karen Wackerman, District 7 moved this item as distributed with the Call, duly seconded.

AMENDMENT: Jill Vergara moved the following amendment duly seconded, adding “subject to Board of Selectmen approval.”

VOTE: The amendment adding “subject to Board of Selectmen approval” was approved with 34 in favor and 1 opposed (O’Shea).

Pamela Iacono, District 8 requested a synopsis of the recent Board of Selectmen meeting from Mr. Tetreau. First Selectman Tetreau explained the space has been leased by the BOE for 15-20 years. Julian Enterprises is the current owner with whom the Town of Fairfield has a legal action. The BOE asked for a longer lease as the space has been improved; however, the rent is twice as much beginning July 1st. Ms. Iacono indicated she will abstain on this item as she felt more could be done with regard to this issue and especially since the Board of Selectmen has not taken any action.

Sharon Pistilli, District 3 asked how much the rent would be if it were a month-to-month lease. Attorney Lesser said the lease continues under the same terms and conditions but the landlord could double the rent. Mr. Tetreau said the lease was negotiated at the direction of the BOE and they had not had any issues.

VOTE: The 10-year lease agreement to rent the premises at 418 Meadow St subject to Board of Selectmen approval was approved with 25 in favor, 0 opposed and 10 abstentions (Chessare, Lefkowitz, O’Shea, Rotelli, Iacono, Messina, Tallman, Herron, Herley, Petise).

ITEM NO. 7 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF SELECTMEN: “RESOLVED, THAT IN ACCORDANCE WITH A RECOMMENDATION FROM THE DIRECTOR OF PUBLIC WORKS, IN CONSIDERATION OF \$6,625, THE TOWN GRANT TO THE STATE OF CONNECTICUT A PERPETUAL EASEMENT OVER PROPERTY OWNED BY THE TOWN AT THE CORNER OF POST ROAD AT NORTH BENSON ROAD (SAID EASEMENT BEING SHOWN AND DESIGNATED ON MAP ENTITLED, ‘COMPILATION PLAN TOWN OF FAIRFIELD MAP SHOWING EASEMENT ACQUIRED FROM TOWN OF FAIRFIELD BY STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION U.S. ROUTE 1 (BOSTON POST ROAD) AT ROUTE 135 (NORTH BENSON ROAD) & SOUTH BENSON ROAD, SCALE 1”=20’ DATED NOVEMBER 2018 MADE BY MARK D. ROLFE, P.E’); AND FURTHER RESOLVED, THAT THE

FIRST SELECTMAN BE, AND HEREBY IS, AUTHORIZED TO EXECUTE ON BEHALF OF THE TOWN SUCH DOCUMENTS AS MAY BE NECESSARY TO EFFECTUATE THIS RESOLUTION.”

Karen Wackerman, District 7 moved this item as distributed with the Call, duly seconded.

VOTE: The resolution to grant a perpetual easement to the State of Connecticut 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 IN ACCORDANCE WITH A RECOMMENDATION FROM THE TOWN PLAN AND ZONING COMMISSION, THE TOWN ACCEPT FROM 1100 HARBOR ROAD, LLC THE DONATION OF A PORTION OF REAL PROPERTY KNOWN AS 1101 HARBOR ROAD, SOUTHPORT, CONNECTICUT, OWNED BY THE SAID 1100 HARBOR ROAD, LLC, SHOWN AS ‘PARCEL TO BE DEEDED TO THE TOWN OF FAIRFIELD’ ON THAT CERTAIN MAP ENTITLED ‘DATA ACCUMULATION PLAN SHOWING PARCEL TO BE DEEDED TO THE TOWN OF FAIRFIELD PREPARED FOR 1100 HARBOR ROAD, LLC #1101 HARBOR ROAD, SOUTHPORT, CONNECTICUT SCALE 1”=10’ DATED MARCH 19, 2019 PREPARED BY THE HUNTINGTON COMPANY, LLC’; AND FURTHER RESOLVED, THAT THE TOWN RELINQUISH AN EASEMENT GRANTED TO THE TOWN BY ROBERT G. LEE AND JEAN D. LEE, AS MORE PARTICULARLY DESCRIBED IN A CERTAIN AGREEMENT BETWEEN THE TOWN OF FAIRFIELD AND ROBERT G. LEE AND JEAN D. LEE, DATED JANUARY 6, 1995 AND RECORDED IN VOLUME 1452, AT PAGE 221 OF THE LAND RECORDS OF THE TOWN OF FAIRFIELD; HOWEVER SAID RELINQUISHMENT SHALL NOT RELIEVE THE GRANTORS OF SAID EASEMENT OF ANY OF THE OTHER OBLIGATIONS OR RESTRICTIONS SET FORTH IN SAID AGREEMENT; AND FURTHER RESOLVED, THAT THE FIRST SELECTMAN BE, AND HEREBY IS, AUTHORIZED TO EXECUTE ON BEHALF OF THE TOWN SUCH DOCUMENTS AS MAY BE NECESSARY TO EFFECTUATE THIS RESOLUTION. SAID ACCEPTANCE IS SUBJECT TO THE CONDITIONS STATED IN ITEMS 1A-D, ITEM 3 AND ITEM 4 OF THE MAY 21, 2019, SASQUANAUG ASSOCIATION LETTER TO THE BOARD OF SELECTMEN AND AGREED TO BY THE APPLICANT.”

Karen Wackerman, District 7 moved this item as distributed with the Call, duly seconded.

AMENDMENT: Karen Wackerman moved the following, duly seconded: “Further Resolved, the Harbor Management Commission shall have jurisdiction over this property”.

VOTE: Motion to amend the resolution was approved by unanimous voice vote.

VOTE: The resolution as amended regarding a portion of real property known as 1101 Harbor Road 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 LEASE BETWEEN THE TOWN OF FAIRFIELD AND FAIRFIELD COMMUNITY THEATER, LLC, FOR APPROXIMATELY 560 SQUARE FEET OF TOWN-OWNED PROPERTY ABUTTING 1418 POST ROAD BE, AND HEREBY IS, APPROVED.”

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

Kerry Berchem recused herself, left the room and was not present for the remainder of the meeting.

Hannah Gale, District 6 noted that the Bridgeport Arts Center never materialized because there was no partnership between the City and the not-for-profit. She is proud to support the enterprise this item and the next two address.

VOTE: The lease between the Town of Fairfield and Fairfield Community Theater LLC 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 SELECTMEN: “RESOLVED, THAT THE LICENSE AND ACCESS AGREEMENT BETWEEN THE TOWN OF FAIRFIELD AND FAIRFIELD COMMUNITY THEATER, LLC, FOR TOWN-OWNED PROPERTY ADJACENT TO 1410 POST ROAD BE, AND HEREBY IS, APPROVED.”

Jay Wolk, District 5 moved this item as distributed with the Call, duly seconded.

VOTE: The license and access agreement was approved by unanimous voice vote.

ITEM NO. 11 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF SELECTMEN: “RESOLVED, THAT IN ACCORDANCE WITH A REQUEST FROM FAIRFIELD COMMUNITY THEATER, LLC, THE TOWN OF FAIRFIELD ENTER INTO AN AGREEMENT PURSUANT TO CONNECTICUT GENERAL STATUTES 12-65B TO FIX THE ASSESSMENT OF THE PROPERTY AT 1410 POST ROAD FOR A PERIOD OF TEN YEARS; AND FURTHER RESOLVED, THAT THE SEVEN PAGE TAX ABATEMENT AGREEMENT BETWEEN FAIRFIELD COMMUNITY THEATER, LLC AND THE TOWN OF FAIRFIELD BE INCLUDED IN THIS RESOLUTION.”

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

Brian Farnen recused himself, left the room and was not present for the remainder of the meeting.

Michael Herley, District 10 asked if Town Plan & Zoning approval was necessary for the project to which Attorney Lesser replied they will need sign offs when they get a building permit, but it is not a change in use so TPZ approval would not be required. Mark Barnhart explained no approvals from TPZ are required for interior work, but additional signage or amenities would need TPZ approval. Mr. Tetreau indicated the Commission does not discuss an application prior to its coming before them. Attorney Lesser noted that TPZ staff would do the sign off for the building permit as no hearing is necessary.

Alex Durrell, District 3 thanked Kleban Properties for their contributions to the town especially in the downtown area. He noted that although there are many people in town who feel marginalized by the tax abatement proposal, this project promises an even better “town & gown” relationship. When this project succeeds Fairfield succeeds as well.

Al Kleban, Kleban Properties Chair said he is emotionally involved in this decision having seen this property vacant for over 10 years. It is the intent of Kleban Properties to make the town of Fairfield the beneficiary of this project.

Pamela Iacono, District 8 admitted that change is hard, but the marquee will be preserved. It is not easy to give up the tax dollars but this is the type of public/private partnership needed for this site. She urged unanimous support.

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Nancy Lefkowitz, District 1 asked about the current tenants' concerns. Mark Barnhart indicated there are some tenants who will be impacted and Kleban will make every accommodation to find suitable space under similar terms and conditions; if they don't then he will work with them to find suitable space.

VOTE: An Agreement between Fairfield Community Theater, LLC and the Town of Fairfield to fix the assessment of the property at 1410 Post Road for a period of ten years and the seven page Tax Abatement Agreement between same was approved by unanimous voice vote.

ITEM NO. 12 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 THE TOWN OF FAIRFIELD FOR THIS PROGRAM."

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

VOTE: The Neighborhood Assistance Act program was approved by unanimous voice vote.

ITEM NO 13. ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF SELECTMEN: "RESOLVED, THAT THE PROGRAM YEAR 44 (OCTOBER 1, 2018 - SEPTEMBER 30, 2019) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) IS HEREBY APPROVED IN THE AMOUNT OF \$538,200, WHICH INCLUDES ENTITLEMENT GRANT FUNDS OF \$508,143 AND PROGRAM INCOME OF \$30,057, AND FURTHER RESOLVED, THAT MICHAEL C. TETREAU, FIRST SELECTMAN 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 CDBG PROGRAM."

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

VOTE: The CDBG PY44 grant was approved by unanimous voice vote.

ITEM NO. 14 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF SELECTMEN:"RESOLVED, THAT IN ACCORDANCE WITH A RECOMMENDATION BY THE POLICE CHIEF AND THE FIRE CHIEF, A LEASE BETWEEN THE TOWN OF FAIRFIELD, TOWN OF WESTPORT AND SACRED HEART UNIVERSITY FOR PREMISES TO BE USED AS JOINT 911 EMERGENCY COMMUNICATIONS CENTER BE, AND HEREBY IS, APPROVED, AND FURTHER RESOLVED, THAT THE LEASE BETWEEN TOWN OF FAIRFIELD AND TOWN OF WESTPORT AS TENANTS AND SACRED HEARD UNIVERSITY AS LANDLORD, COVERING PREMISES CONSISTING OF APPROXIMATELY 2,352 SQUARE FEET OF FIRST FLOOR OF THE EAST BUILDING OF SACRED HEART UNIVERSITY'S PROPERTY LOCATED AT 3135 EASTON TURNPIKE, FAIRFIELD, CONNECTICUT, UPON THE TERMS AND CONDITIONS AND FOR THE USES AND PURPOSES CONTAINED IN SAID LEASE BE, AND HEREBY IS, APPROVED; AND FURTHER RESOLVED, THAT THE FIRST SELECTMAN BE, AND HEREBY IS, AUTHORIZED TO EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO EFFECTUATE THIS RESOLUTION."

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Karen Wackerman, District 7 moved this item as distributed with the Call, duly seconded.

VOTE: The lease between the Towns of Fairfield and Westport and Sacred Heart University for a joint 911 emergency communications center was approved by unanimous voice vote. (Ms. Kelly was not present to vote.)

ITEM NO. 15 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF FINANCE: “RESOLVED, THAT THE BOND RESOLUTION ENTITLED, ‘A RESOLUTION APPROPRIATING \$2,897,276.45 FOR THE COSTS ASSOCIATED WITH ESTABLISHMENT AND OPERATION OF A FAIRFIELD- WESTPORT MULTI-TOWN EMERGENCY COMMUNICATIONS CENTER WITH THE TOWN OF WESTPORT AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION,’ AS RECOMMENDED BY THE FIRE CHIEF AND THE POLICE CHIEF, BE, AND HEREBY IS, APPROVED.”

Erin Lopez, District 2 moved this item as distributed with the Call, duly seconded.

VOTE: The bond resolution appropriating \$2,897,276.45 for the multi-town ECC was approved by unanimous voice vote.

ITEM NO. 16 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF FINANCE: “RESOLVED, THAT THE BOND RESOLUTION ENTITLED, ‘A RESOLUTION APPROPRIATING \$22,000,600 FOR THE COSTS ASSOCIATED WITH THE RENOVATION AND EXPANSION OF MILL HILL ELEMENTARY SCHOOL AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION,’ BE, AND HEREBY IS, APPROVED, AND FURTHER RESOLVED, THAT THE FIRST SELECTMAN BE, AND HEREBY IS, AUTHORIZED TO EXECUTE ON BEHALF OF THE TOWN SUCH DOCUMENTS AS MAY BE NECESSARY TO EFFECTUATE THIS RESOLUTION.”

Michael Herley, District 10 moved this item as distributed with the Call, duly seconded.

Bill Gerber, District 2 gave a brief history of the 2015 capital planning meeting wherein the BOF told the BOE to increase the capacities of Mill Hill and Holland Hill to 504 as well as the consultant’s hired to address the racial imbalance recommendation. He noted that the town cannot wait for Mill Hill.

Sharon Pistilli, District 3 said she would reluctantly support this because students deserve to go to a school not in a portable.

Karen Wackerman, District 7 expressed her disappointment that this proposal is not for a 504 capacity school.

Jill Vergara, District 7 stated there should be flexibility in school space and all five portables should be replaced not just two. The BOE revised their ed spec so as not to jeopardize state reimbursement.

Dru Georgiadis, District 9 noted that during the budget meetings the Body expressed the importance of maintaining our assets. She felt Mill Hill is an asset for which 504 capacity is the most fiscally responsible decision.

Michael Herley, District 10 thanked the Majority and Deputy Majority leaders for supporting this proposal.

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VOTE: The \$22,000,600 bonding resolution for Mill Hill School was approved by unanimous voice vote.

ITEM NO. 17 ON CALL: TO HEAR AND CONSIDER FOR THE FIRST TIME AMENDMENTS TO CHAPTER 26 OF THE CODE OF THE TOWN OF FAIRFIELD (HISTORIC DISTRICTS), SPONSORED BY PHIL PIRES, DIST. 4; JILL VERGARA, DIST. 7; AND KAREN WACKERMAN, DIST 7.

Moderator Pires said this item will be voted on at the next meeting.

SUPPL. ITEM NO. 1: ASSESSOR'S REPORT ON SENIOR & DISABLED TAX RELIEF

Jill Vergara, District 7 requested that more assessment ranges be parsed out as less participants are in the program than when it began in 1982 and requested that the average participant benefits be included. The Moderator requested Ms. Vergara send her requests to the Assessor and he will distribute a revised report to the Body.

NEW BUSINESS:

Karen Wackerman congratulated Town Clerk Betsy Browne on behalf of the entire Body on her recent marriage to Dick Miller.

Pamela Iacono noted that traditionally the Body stands in recess for July & August.

Heather Dean announced she would not seek re-election in the fall and that tonight would be her last meeting. She thanked the members of the Body and noted that she has learned a lot during her tenure.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:10 PM.

Respectfully submitted,

Elizabeth P. Browne, MMC, MCTC
Town Clerk