

**MINUTES OF THE MEETING OF THE TOWN OF FAIRFIELD  
September 19, 2022**

[RTM 9-19-2022 Regular Meeting - YouTube](#)

A meeting of the Town of Fairfield was held on Monday, September 19, 2022 at 8 PM at 501 Kings Hwy East, Fairfield and via Webex.

The meeting was called to order at 8 PM by Moderator Mark McDermott.

PRESENT: 37                      ABSENT: 3                      VACANCY: 0

PRESENT: Bateson, Longo, Gerber, McCormack, Perham, Durrell, Galdenzi, Lambert, Pistilli, Karson, McCabe, Spolyar, Zezima, Siebert, Wolk, Berecz, Gale, Graceffa, Havey, Kuhn, McDermott, Vergara, Ference, Meyers, Brown, Horton, Scinto, Astarita, Britton, Petise, S. Tallman

ABSENT: Furey, Iacono, Messina

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

Moderator McDermott led the Body in the Pledge of Allegiance.

Liz Zezima announced the appointment of Michelle McCabe to fill the vacancy created by Alice Kelly's resignation in District 4.

**ITEM NO. 2 ON CALL:            APPROVAL OF THE JUNE 27, 2022 MINUTES**

Cindy Perham, District 2 moved this item as distributed with the Call, duly seconded.

**VOTE:** The minutes of the June 27, 2022 meeting were approved with 36 in favor and 1 abstention (McCabe).

**ITEM NO. 3 ON CALL:    TO HEAR A REPORT ON APPROVED CAPITAL PROJECTS.**

Moderator McDermott announced this item would not be heard this evening.

**ITEM NO. 4 ON CALL:            REAPPOINTMENT OF NANCY S. BILLINGTON (R) TO THE ETHICS COMMISSION TERM JULY 2022-2024**

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

**Motion:** Marcy Spolyar moved to postpone this item to the October 24, 2022 regular meeting in order to consider nominees for both vacancies on the Commission, duly seconded.

Jill Vergara, District 7 said approval of this appointment with an existing vacancy would violate the minority representation clause in the Charter. Ed Bateson, District 1 asked for clarification.

Town Attorney Jim Baldwin said the appointment itself would not be a violation, but if there were an existing vacancy while the Commission is considering an item it may cause a violation.

**VOTE:** Motion to postpone the item to the October 24, 2022 regular meeting was approved with 35 in favor and 2 opposed (Ference, Meyers).

**ITEM NO. 5 ON CALL:            TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF SELECTMEN AND THE TOWN PLAN & ZONING COMMISSION, AND IN ACCORDANCE WITH A RECOMMENDATION FROM THE CONSERVATION AND ENGINEERING DIRECTORS:**

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“WHEREAS, THE TOWN OF FAIRFIELD WISHES TO EXERCISE ITS OPTION TO PURCHASE APPROXIMATELY 1.79 ACRES OF REAL PROPERTY COMMONLY KNOWN AS 150 VILLA AVENUE, FAIRFIELD, CONNECTICUT, FOR THE SUM OF \$400,000, AS MORE PARTICULARLY SET FORTH IN THE REAL ESTATE SALES AGREEMENT BETWEEN BENEDICT AND VANESSA SINNOTT (SELLER) AND THE TOWN OF FAIRFIELD (BUYER) FOR PASSIVE AND/OR OPEN SPACE AND TO SERVE AS A DETENTION AREA WITH ENVIRONMENTAL, WATER QUALITY AND CULVERT ACCESS BENEFITS TO THE TOWN AND NEIGHBORHOOD; AND

WHEREAS, FUNDS FOR THE PURCHASE OF SAID PROPERTY MAY BE TAKEN FROM ACCT # 14501010- 59996-81007 - ARPA ROOSTER RIVER DETENTION AREA, AS APPROVED BY THE CONSERVATION COMMISSION AND THE TOWN ADMINISTRATION; AND

WHEREAS, SAID REAL ESTATE SALES AGREEMENT ALSO STIPULATES THE SELLER WILL DONATE TO THE BUYER THE THREE ADJACENT LOTS COMPRISING OF APPROXIMATELY 1.92 ACRES OF REAL PROPERTY COMMONLY KNOWN AS 150 VILLA AVENUE, FAIRFIELD, CONNECTICUT, OWNED BY SAID SELLER, AS MORE PARTICULARLY DESCRIBED IN THE LETTER AGREEMENT BETWEEN SAID PARTIES AND AS SHOWN IN THE ‘PROPOSED 3-LOT SUBDIVISION’ PREPARED BY FULLER ENGINEERING & LAND SURVEYING.

NOW, THEREFORE BE IT RESOLVED, THAT FIRST SELECTWOMAN BRENDA KUPCHICK, BE, AND HEREBY IS, AUTHORIZED TO ENTER INTO AND SIGN CONTRACTS AND EXPEND SUCH MONIES ON BEHALF OF THE TOWN OF FAIRFIELD FOR THE PURPOSE OF PURCHASING AND RECEIVING DONATION OF SAID REAL PROPERTIES IN ACCORDANCE WITH THE ABOVE AGREEMENTS BETWEEN BENEDICT AND VANESSA SINNOTT AND THE TOWN OF FAIRFIELD; AND

BE IT FURTHER RESOLVED, THAT SAID PURCHASED AND DONATED REAL PROPERTIES, TOGETHER COMMONLY KNOWN AS 150 VILLA AVENUE, ARE HEREBY DESIGNATED FOR PASSIVE AND/OR RECREATIONAL USE AND TO SERVE AS A DETENTION REA WITH ENVIRONMENTAL, WATER QUALITY AND CULVERT ACCESS BENEFITS TO THE TOWN AND NEIGHBORHOOD; AND

BE IT FURTHER RESOLVED, THAT, SUBJECT TO RTM APPROVAL, THE FIRST SELECTWOMAN IS AUTHORIZED TO PURSUE AN AGREEMENT WITH THE ASPETUCK LAND TRUST TO COLLABORATE ON THE FUTURE DEVELOPMENT AND MAINTENANCE OF SUCH REAL PROPERTY DEDICATED TO PASSIVE RECREATIONAL PURPOSES.”

Marcy Spolyar, District 4 moved to waive the reading of the item, duly seconded and carried unanimously.

Joe Seibert, District 5 moved the item as distributed with the Call, duly seconded.

Josh Garskof, District 5 urged support as there has been severe flooding from the Rooster River resulting in property damage and even a death years ago. He asked about the detention sites that were identified in the area.

Engineering Manager Bill Hurley explained there were 7 potential sites of which 2 were eliminated – Brooklawn Country Club and Woodfield Village as they were on private property and the cost was prohibitive according to Milone & McBroom.

Tom Lambert, District 3 questioned the title insurance status. Attorney Peter Ambrose, representing the Town in the transaction, said a title insurance policy will be issued and there are no issues with the intent to enhance the property for flood protection from the Rooster River.

Jill Vergara, District 7 questioned the BOF waiver that is in the real property management ordinance. Town

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Attorney Baldwin questioned what the BOF would be waiving. He asked former members of the BOF and RTM; there is a purchasing policy requiring bids but this is a unique transaction so it is not applicable in this instance, however, the question remains what would be waived. Ms. Vergara said there was a discrepancy about the appraisal and feels the BOF should participate in this. She would be happy to go through the process to eliminate the waiver requirement in the ordinance.

Amendment: Ms. Vergara moved to amend the resolution as follows: Par. 5, insert “conservation and” before passive; delete “and/or” area (typo). Par. 6, delete “future development and” substitute “restricted” for “dedicated” add “conservation and” before “passive”, duly seconded.

Attorney Baldwin explained his concern about removing future development because there are discussions with Aspetuck Land Trust that include the possible creation of a natural playground.

Dru Georgiadis, District 9 noted we want it to be conservation land to limit the absorption of water. Atty. Baldwin said the use of the word development is for conservation and passive recreation not development in the “830g” sense of development.

David Brandt, Executive Director of Aspetuck Land Trust said the property has a very small upland suitable for a gathering spot or natural playground. Other areas really need to be cleaned up, removal of the chain link fence, dead trees and invasive species and native plants would be planted to make it all more user friendly.

Withdrawal: Ms. Vergara withdrew her original motion.

Amendment: Ms. Vergara moved to amend the resolution as follows: Par. 5, insert “conservation and” before passive; delete “and/or” area (typo). Par. 6, substitute “restricted” for “dedicated” add “conservation and” before “passive”, duly seconded.

**VOTE:** The amendment passed by unanimous voice vote.

Mr. Garskof asked about the upland used to hold water. Mr. Hurley said it could be used for both retention ponds and as a gathering spot.

Speaking in favor of the acquisition were Amy Barnouw, Doug Brown, Carolyn Trabuco and Tom Barnouw.

Speaking in favor of postponing the item was Kathleen Griffin.

Jeff Steele, District 2 said this is an important acquisition that will address an issue that will help many residents.

Karen McCormack, District 2 commended the administration for pursuing this to help people who have been plagued by flooding. Ms. Georgiadis thanked the federal and local administration for helping all neighborhoods with flooding issues.

**VOTE:** The resolution to purchase the real property commonly known as 150 Villa Avenue as amended 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:  
“WHEREAS, THE BOARD OF SELECTPERSONS APPROVED THE FINAL REPORT OF THE CHARTER REVISION COMMISSION ON AUGUST 11, 2022;  
AND  
WHEREAS, THE BOARD OF SELECTPERSONS, IN ACCORDANCE WITH C.G.S. §7-191(E) AND (F) HEREBY ADOPTS THE FOLLOWING QUESTION TO BE PLACED ON THE BALLOT FOR A REFERENDUM TO BE HELD ON THE GENERAL ELECTION OF NOVEMBER 8, 2022:

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'SHALL THE TOWN OF FAIRFIELD CHARTER BE REORGANIZED TO: (A) MAKE IT EASIER TO USE AND UNDERSTAND; (B) MODERNIZE LANGUAGE AND REFERENCES THROUGHOUT; (C) UPDATE AND EXPAND DEFINITIONS; AND (D) MAKE SUBSTANTIVE CHANGES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: (1) UNIFORM STANDARDS OF CONDUCT, CIVILITY AND OPERATIONS; (2) STREAMLINED BUDGET AND CONTRACT APPROVAL PROCEDURES; (3) ALLOW FOR GREATER COMPETITION IN BOARD OF EDUCATION ELECTIONS; (4) MODIFY BOARD OF SELECTPERSON VACANCY PROCESS; (5) CODIFY THE CURRENT FORTY-MEMBER RTM WITH TEN DISTRICTS; (6) APPOINTMENT OF CONSTABLES; (7) CODIFY THE POSITIONS OF TOWN ADMINISTRATOR AND CHIEF OF STAFF; (8) MODIFY RESIDENCY AND QUALIFICATION STANDARDS FOR CERTAIN DEPARTMENT HEADS; (9) UPDATE THE BOARD OF LIBRARY TRUSTEES RESPONSIBILITIES; AND (10) AMEND THE PROCESS FOR UPDATING THE TOWN SEAL,' AND

WHEREAS, THE GENERAL STATUTES PROVIDE FOR AN EXPLANATORY TEXT TO EXPLAIN TO THE VOTERS OF THE TOWN THE CONTENTS OF THE PROPOSED REVISED CHARTER; AND WHEREAS, THE REPRESENTATIVE TOWN MEETING BELIEVES THAT THE VOTERS DESERVE THE OPPORTUNITY TO REVIEW THE CONTENTS OF THE PROPOSED REVISED CHARTER WITH THE BENEFIT OF EXPLANATORY TEXT;

NOW, THEREFORE, BE IT RESOLVED: THAT PURSUANT TO C.G.S. §9-369B(A) THE REPRESENTATIVE TOWN MEETING AUTHORIZES THE TOWN CLERK, WITH THE ASSISTANCE OF CHARTER COUNSEL, TO PREPARE AN EXPLANATORY TEXT SPECIFYING THE INTENT AND PURPOSE OF THE PROPOSED CHARTER REVISIONS THAT ARE THE SUBJECT OF THE BALLOT QUESTION THAT WILL BE VOTED UPON ON NOVEMBER 8, 2022.

Marcy Spolyar, District 4 moved to waive the reading of the item, duly seconded and carried unanimously.

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

Ms. Vergara said this Body authorizes the Town Clerk to prepare explanatory text. There were procedural mistakes in the process; the RTM could not fulfill its duties such as the preparation of summaries that could have better educated people. These are municipal issues that should have been on a municipal ballot instead of a state ballot.

Bill Gerber, District 2 said the explanatory text would be very important; it is rare to see so many items packed into 1 question. He appreciates that the Town Clerk will work diligently on this.

Town Attorney Baldwin clarified that the RTM authorizes the preparation of the text; it does not create it. Ms. Vergara reiterated that the text be neutral. Atty. Baldwin said it is the prerogative of the Town Clerk to seek attorney input.

Amendment: Ms. Vergara moved to amend the motion as follows: Par. 2, strike "hereby adopts" substitute "adopted". Par. 4 strike "an" substitute "concise". Last Par, strike "with the assistance of Charter Counsel" add "neutral and concise" before "explanatory", duly seconded.

Ms. McCormack asked if striking "Charter Counsel" precludes the Town Attorney. Atty. Baldwin said it does not as the Town Clerk can consult with the Town Attorney and he can ask other counsel.

Ms. Spolyar asked if it has to be legal counsel or can anyone be consulted to which Atty. Baldwin explained this is the most comprehensive proposed revision since the 1970s. The Town Clerk can use any resources available. Ms. Spolyar asked if RTM member can bring forward to the Town Clerk information from their

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constituents to which Atty Baldwin replied the Town Clerk would seek guidance.

**VOTE:** The proposed amendment passed with 35 in favor and 2 opposed (FERENCE & ASTARITA).

Speaking in support of explanatory text were Laurene O'Brien, Ellen Jacob, Kathy Braun and Alyssa Israel.

Karen Wackerman, District 7 explained the RTM cannot change the ballot question that was approved by the BOS nor can it delay the process.

Ms. McCormack said the charter revision process has taken a full year and the public has been invited to participate all along the way.

Sharon Pistilli, District 3 asked if there was a redline copy on the website to which Atty. Baldwin said the redline, a clean proposed copy and the current Charter available on the website.

Ms. Vergara said while other towns took three years to complete their charter review, the BOS never voted on the timeline.

Ms. Wackerman moved to call the question.

**VOTE:** The resolution authorizing the Town Clerk to prepare explanatory text as amended specifying the intent and purpose of the proposed charter revision was approved by unanimous voice vote.

**ITEM NO. 7 ON CALL:** TO HEAR AND CONSIDER FOR THE FIRST TIME AN ORDINANCE CREATING AN ARTS COMMISSION, SPONSORED BY JEFF STEELE, DISTRICT 2; SHARON PISTILLI, DISTRICT 3; MARCY SPOLYAR, DISTRICT 4; HANNAH GALE, DISTRICT 6; JILL VERGARA, DISTRICT 7 AND KAREN WACKERMAN, DISTRICT 7.

This item was presented in Committee. Mr. Steele said forming an arts commission is an important first step towards an eventual arts district.

**ITEM NO. 8 ON CALL:** TO HEAR AND CONSIDER FOR THE FIRST TIME AN ORDINANCE PROHIBITING THE USE OF ARTIFICIAL TURF CONTAINING RUBBER INFILL, SPONSORED BY CINDY PERHAM, DISTRICT 2; JEFF GALDENZI, DISTRICT 3; SHARON PISTILLI, DISTRICT 3; LAURA KARSON, DISTRICT 4; WILL DIAZ, DISTRICT 5; HANNAH GALE, DISTRICT 6; ANDREW GRACEFFA, DISTRICT 6; MARK MCDERMOTT, DISTRICT 7; JILL VERGARA, DISTRICT 7; CHRISTINE BROWN, DISTRICT 9; AND DRU GEORGIADIS, DISTRICT 9.

This item was presented in Committee.

**ITEM NO. 9 ON CALL:** TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF SELECTMEN\* AND THE BOARD OF FINANCE:\*\*: "RESOLVED, THAT IN ACCORDANCE WITH A RECOMMENDATION FROM THE WATER POLLUTION CONTROL AUTHORITY (WPCA), AN APPROPRIATION OF \$625,000 BE MADE FROM THE WPCA FUND BALANCE FOR THE CLEANING OF THE PRIMARY DIGESTER." \*SUBJECT TO ANTICIPATED APPROVAL BY THE BOARD OF SELECTMEN AT A SPECIAL MEETING TO BE HELD SEPTEMBER 14, 2022 \*\*SUBJECT TO ANTICIPATED APPROVAL BY THE BOARD OF FINANCE AT A SPECIAL MEETING TO BE HELD SEPTEMBER 20, 2022 SEPTEMBER 14, 2022

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Joe Seibert, District 5 moved this item with the Call, duly seconded.

Moderator McDermott noted the BOS approved the item on September 14<sup>th</sup>.

John Bodie said on April 24<sup>th</sup> there was a clogged line with built up pressure that caused 10 of the 12 brackets on the digester to break. The digester needs to be repaired and back online as soon as possible. In response to Ms. Gale, District 6, Mr. Bodie said it was not a result of the line testing as it happened prior to the recent tests, but debris builds up and it needs to be cleaned out every 10 years.

**VOTE:** The resolution to appropriate \$625,000 from the WPCA fund balance for the digester cleaning was approved by unanimous voice vote.

### **New Business:**

The Moderator shared an invitation to the Sukkot Lunch at Congregation Beth El on October 13<sup>th</sup>.

The meeting adjourned at 10:03 PM.

Respectfully submitted,

Elizabeth P. Browne, MMC, MCTC  
Town Clerk