



Town of Fairfield

Office of the First Selectwoman

Brenda L. Kupchick
First Selectwoman
203-256-3030

725 Old Post Road
Fairfield, CT 06824
bkupchick@fairfieldct.org

March 28, 2023

Ms. Melissa A. Surette, LP.D, MSEM, CEM
Floodplain Management and Insurance Branch Chief | Mitigation Division | Region I
FEMA Region 1, 6th Floor
99 High Street
Boston, MA 02110
Melissa.Surette@fema.dhs.gov

Request for Reconsideration

Re: National Flood Insurance Program, Community Rating System

Dear Ms. Surette:

In response to your letter of February 27, 2023 regarding the National Flood Insurance Program I am herewith submitting a letter of reconsideration to your office. It is my belief that the Town of Fairfield has made substantial progress towards compliance before, and subsequent to, the receipt of your letter regarding the Penfield Pavilion. This letter details the most recent efforts as set forth below.

As you are aware, your office participated in a public meeting on February 23, 2023 in Fairfield and answered a number of questions raised by interested homeowners and other stakeholders. This town hall meeting was necessary in order for other town boards to vote on funding our proposed solution to the non-compliance issue of the Penfield Pavilion and avoid the CRS retrograde. This engineered plan, showing full compliance with 44 CFR Section 60.3(e)4 and 44 CFR Section 60.3(e)5 was previously transmitted to your office. (See Exhibit A)

Although it was no small accomplishment with the very limited time frame provided by the March 31, 2023 deadline, I am pleased to report that all three legislative bodies have voted to fully fund this project. Please see enclosed the actual minutes and votes of each of the three bodies. (See Exhibit B) The Board of Selectmen approved 2-1 on March 6, 2023, the Board of Finance approved 7-2 on March 13, 2023, and the RTM voted to approve 22-7-2 (abstentions) on March 23, 2023.

As you know, we have been diligently working with outside engineers and architects to solve the technical issues involved and have shared the results of this work with your office.

Accordingly, now that funding has been approved, we will immediately go into preparing final design documents which will enable us to immediately prepare bid documents for both the related construction as well as for all the interrelated remediation efforts. We are attaching hereto (as Exhibit C) a construction schedule detailing the next steps from now through ultimate completion of the project.

As of this writing, it is believed that construction will begin no later than September 5, 2023. This time frame, although aggressive, will enable the Town to fully develop the overall project design and complete the construction bidding process in a timely, yet effective manner. We expect to finish construction in approximately 12 months.

The Town of Fairfield takes great pride in its Class 8 community designation and has steadfastly adhered to all floodplain management exemplary practices. Although there are thousands of structures within the floodplain, Penfield Pavilion is the only known structure which has been found to be non-compliant.

The Town has accepted the final determination of the intra-agency appeals on Penfield and is now requesting that the initiation of the process of retrograding be suspended to allow Fairfield to complete its efforts to bring Penfield Pavilion into full compliance. We specifically request that your office not recommend to the Federal Insurance Administrator that Fairfield be retrograded.

A letter from Senator Blumenthal, Senator Murphy, and Congressman Himes's office in support of this request is forthcoming. If this request is insufficient in any respect please let my office know immediately and we will do all we can to remedy that insufficiency.

I would appreciate receiving notice as soon as possible as to your determination. I am hopeful that in light of the aforementioned progress you will favorably act on this request.

Sincerely,



Brenda L. Kupchick
First Selectwoman

cc: Dean Savramis, FEMA Region 1 Mitigation Division Director
Diane Ifkovic, DEEP Land & Water Resources Division
Attorney Michael Miller, Wiggin and Dana
Tom Bremer, CAO, Town of Fairfield
Jim Wendt, Planning Director, Town of Fairfield

Enclosures

EXHIBIT A

Enclosures:**Drawing A1 – Proposed Area of Grading**

This drawing shows the area to be regraded to elevation 8'-0". It is important to note the east and west perimeters will be tapered to existing grades.

Drawing A2 – Proposed Area of Work

This drawing highlights the different areas of the Penfield pavilion including the main building, the locker room building and the outside decks.

Drawing A3 – Conceptual Study Renderings

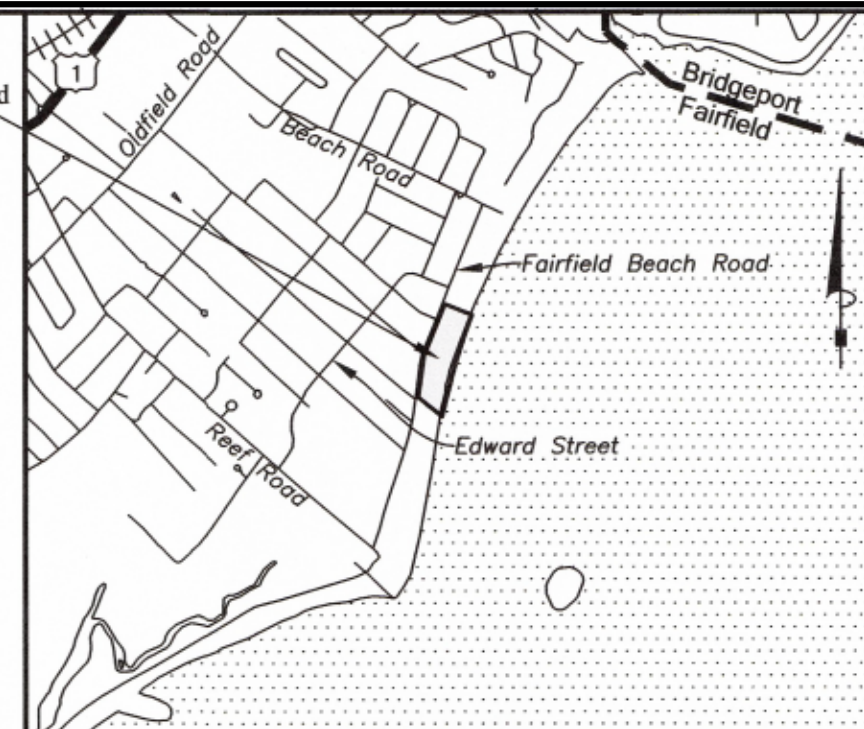
Renderings shows the evolution of the foundation throughout this project. The final condition shows all new grade beams and soil at elevation 8'-0".

Site Sampling Plan & Remediation Areas

This drawing shows the areas where samples were taken and where remediation is proposed.



323 Fairfield Beach Road
Fairfield, Connecticut



Location Map

Scale: 1"=2000'



AREA TO BE REGRADED
TO ELEV. 8'

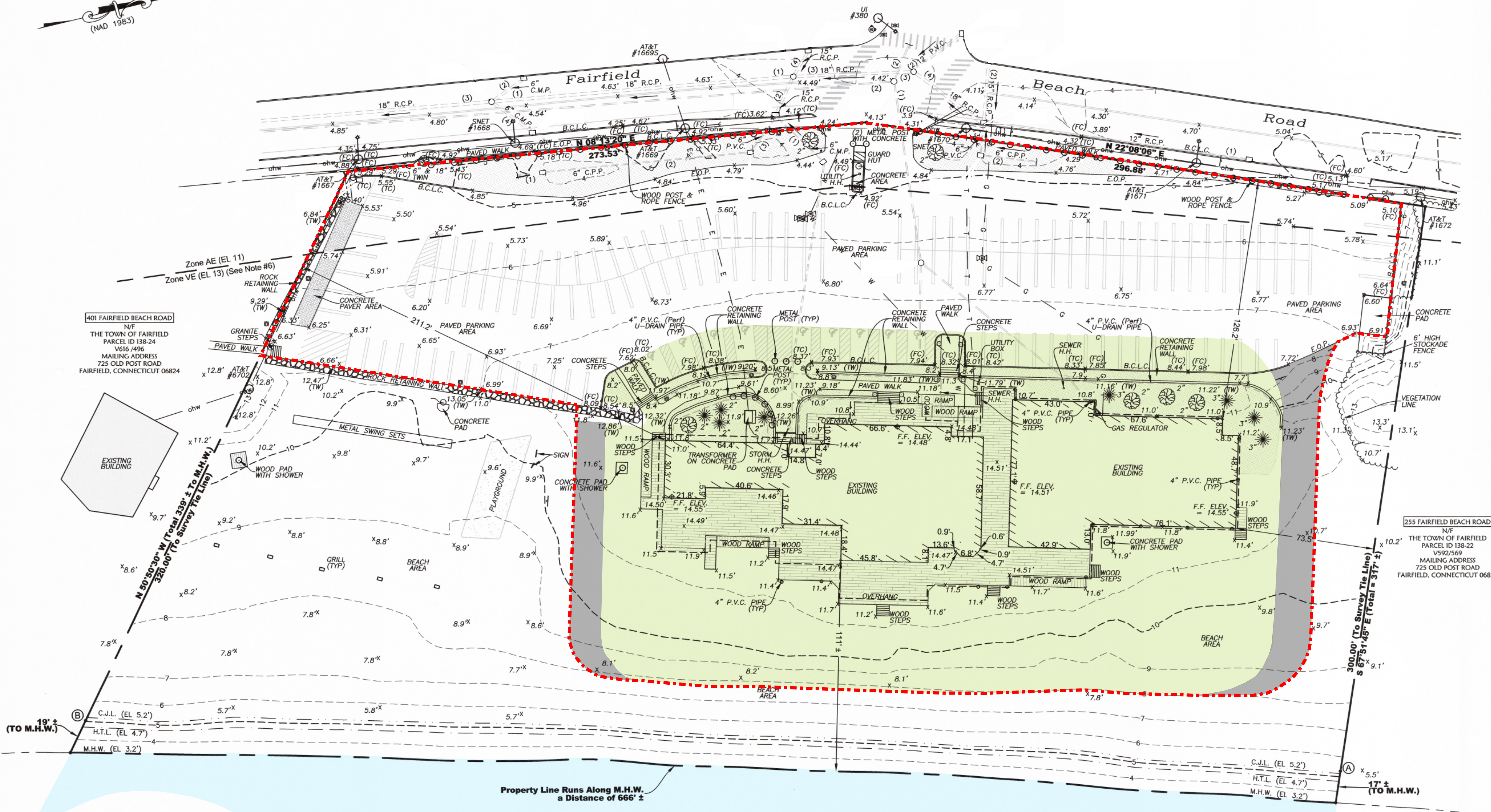


TAPER AREA TO EXISTING
GRADE

CONTRACT LIMIT LINE

GENERAL NOTES

- 1- ALL ELEVATIONS SHOWN AND REFERENCED ON THIS DRAWING ARE NAVD 88.
- 2- ALL WORK IS TO COMPLY WITH THE REQUIREMENTS OF 44 C.F.R. 60.3 AS WELL AS THE FLOODPLAIN MANAGEMENT ORDINANCE FOR THE TOWN OF FAIRFIELD, CT.



Subject Parcel Information

OWNER: THE TOWN OF FAIRFIELD
PARCEL ADDRESS: 323 FAIRFIELD BEACH ROAD FAIRFIELD, CONNECTICUT 06824
MAILING ADDRESS: 725 OLD POST ROAD FAIRFIELD, CONNECTICUT 06824
PARCEL ID: MAP 138 LOT 23
DEED: VOLUME 616 PAGE 496
AREA: 199,693.35 SQ. FT. ± OR 4.58 ACRES ±
FLOOD ZONE: ZONES AE (EL 11) & VE (EL 13) PER FIRM MAP COMMUNITY PANEL #09001C04386 DATED JULY 8, 2013
DATUM = NAVD 88

Scale: 1"=30'

JOSEPH SEPTO
ARCHITECTS

225 Montowese Street
Branford, CT 06405
T: 203.483.5229
josephseptoarchitects.com

PROFESSIONAL SEAL

ALTERATIONS TO:
PENFIELD PAVILION

323 FAIRFIELD BEACH ROAD
FAIRFIELD, CONNECTICUT 06824

PROPOSED
AREA OF
GRADING

SCALE:
DRAWN BY:

DATE:

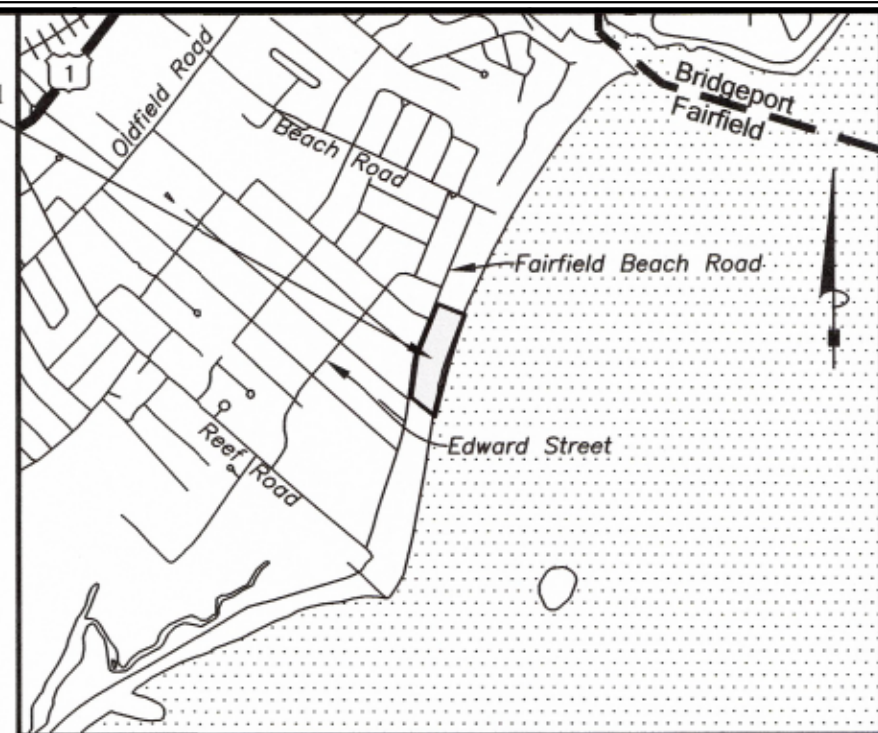
11/11/2022	REVIEW
01/10/2023	REVISION
03/21/2023	REVISION

A-1

PROJECT NO.: 2127.1



323 Fairfield Beach Road
Fairfield, Connecticut



Location Map

Scale: 1"=2000'



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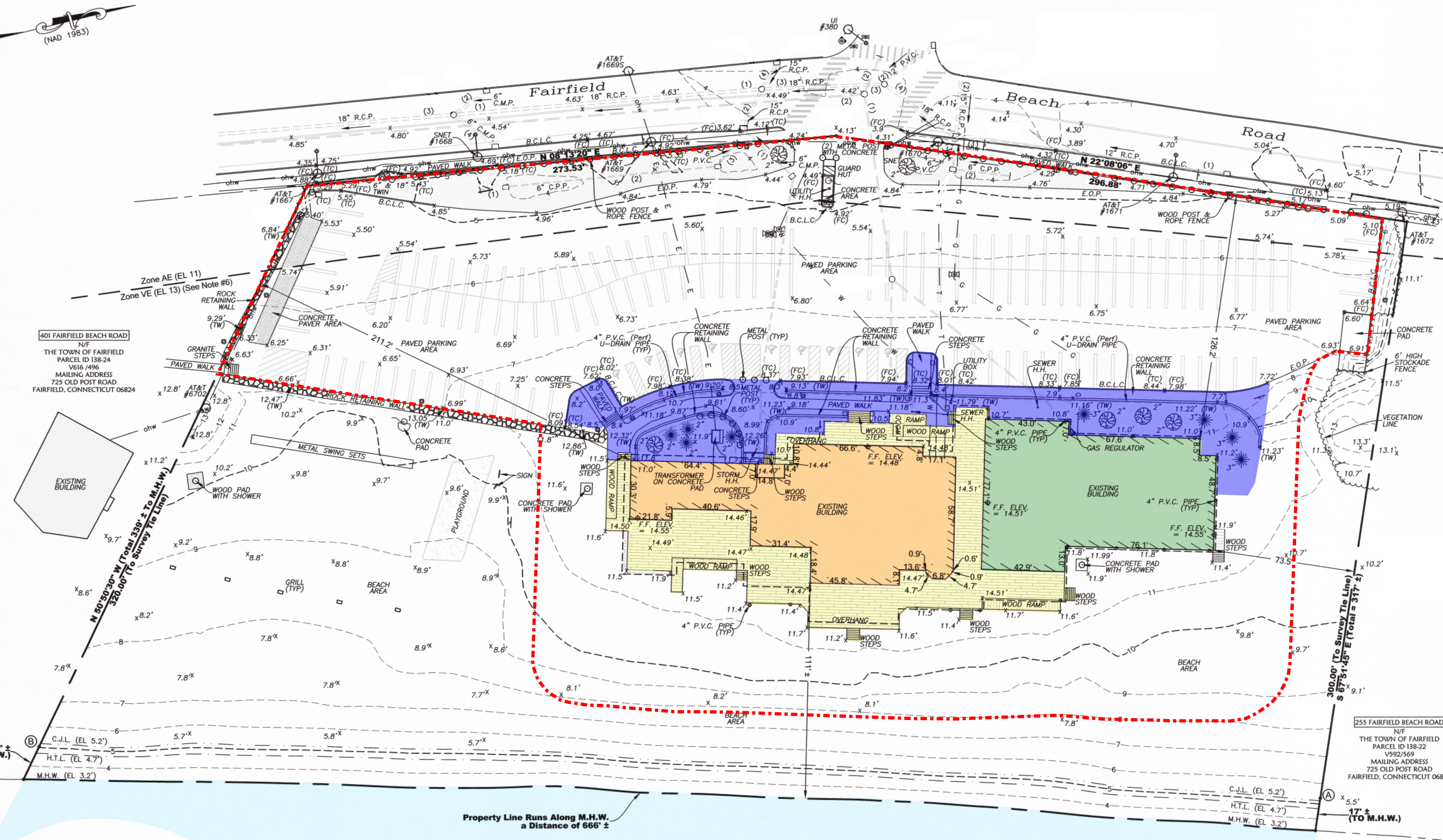
323 FAIRFIELD BEACH ROAD
FAIRFIELD, CONNECTICUT 06824

PROPOSED
AREA OF
WORK

SCALE:
DRAWN BY:

DATE:	11/11/2022	REVIEW
REVISIONS		
	01/10/2023	REVISION
	03/21/2023	REVISION

PROJECT NO.: 2127.1

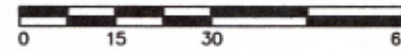


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DATUM = NAVD 88

Long Island Sound

Scale: 1"=30'



MAIN BUILDING

- BUILDING TO REMAIN
- REMOVE EXISTING GRADE BEAMS
- INSTALL NEW GRADE BEAMS BELOW ELEV. 8'-0"
- REGRADE TO ELEV. 8'-0"
- FOUNDATION: PILES AND GRADE BEAMS

LOCKER ROOM BUILDING

- BUILDING TO REMAIN
- REGRADE TO ELEV. 8'-0"
- INSTALL SUPPLEMENTAL PILES AS REQUIRED
- FOUNDATION: PILES ONLY

BOARDWALK, RAMPS & STAIRS

- REMOVE AND REBUILD BOARDWALK, RAMPS AND STAIRS FOR ACCESS FROM ELEV. 8'-0"

RETAINING WALLS & PLANTING BEDS

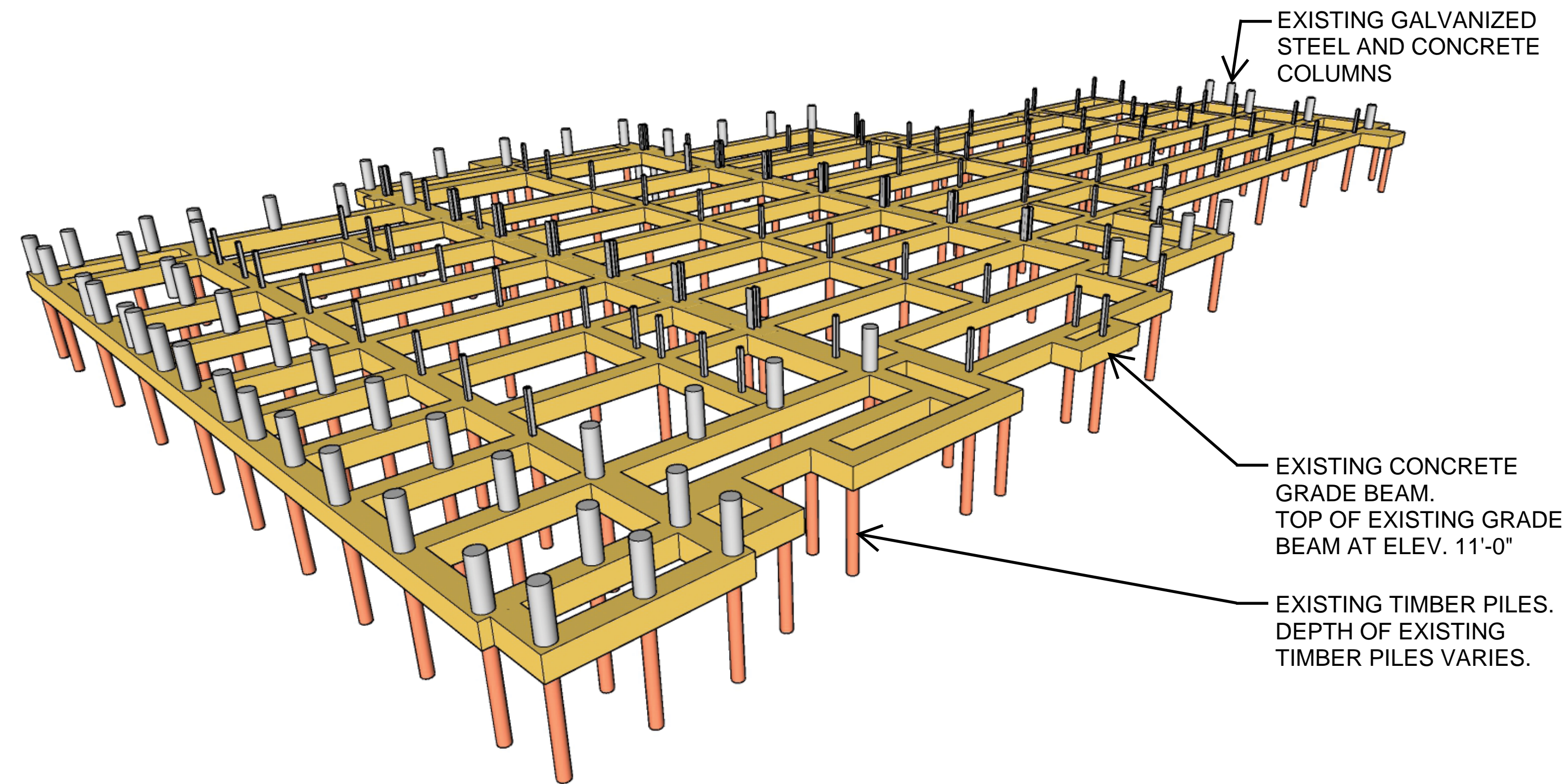
- COMPLETELY REMOVE ALL RETAINING WALLS, CURBING, PLANTING BEDS AND ASSOCIATED CONCRETE FOOTINGS AND ANY OTHER NON-STRUCTURAL RAISED OBSTRUCTIONS.

CONTRACT LIMIT LINE

GENERAL NOTES

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A-2

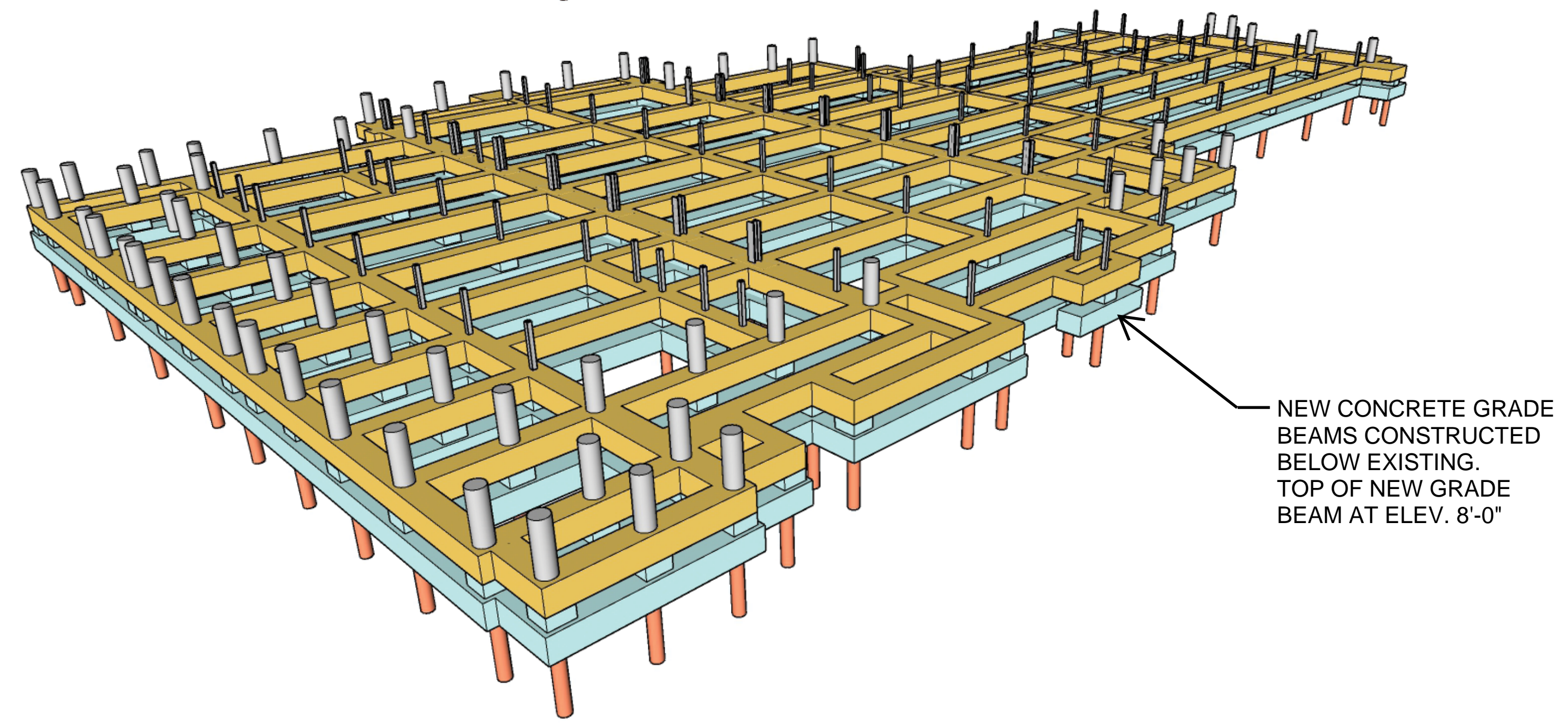


EXISTING CONDITIONS

- WOOD FRAMED SUPERSTRUCTURE SUPPORTED ON GALVANIZED STEEL BEAMS AND COLUMNS.
- FOUNDATIONS CONSIST OF REINFORCED CAST IN PLACE CONCRETE GRADE BEAMS, SUPPORTED ON TIMBER PILES.
- EXISTING GRADE ELEV. AT APPROX. 11'-0"

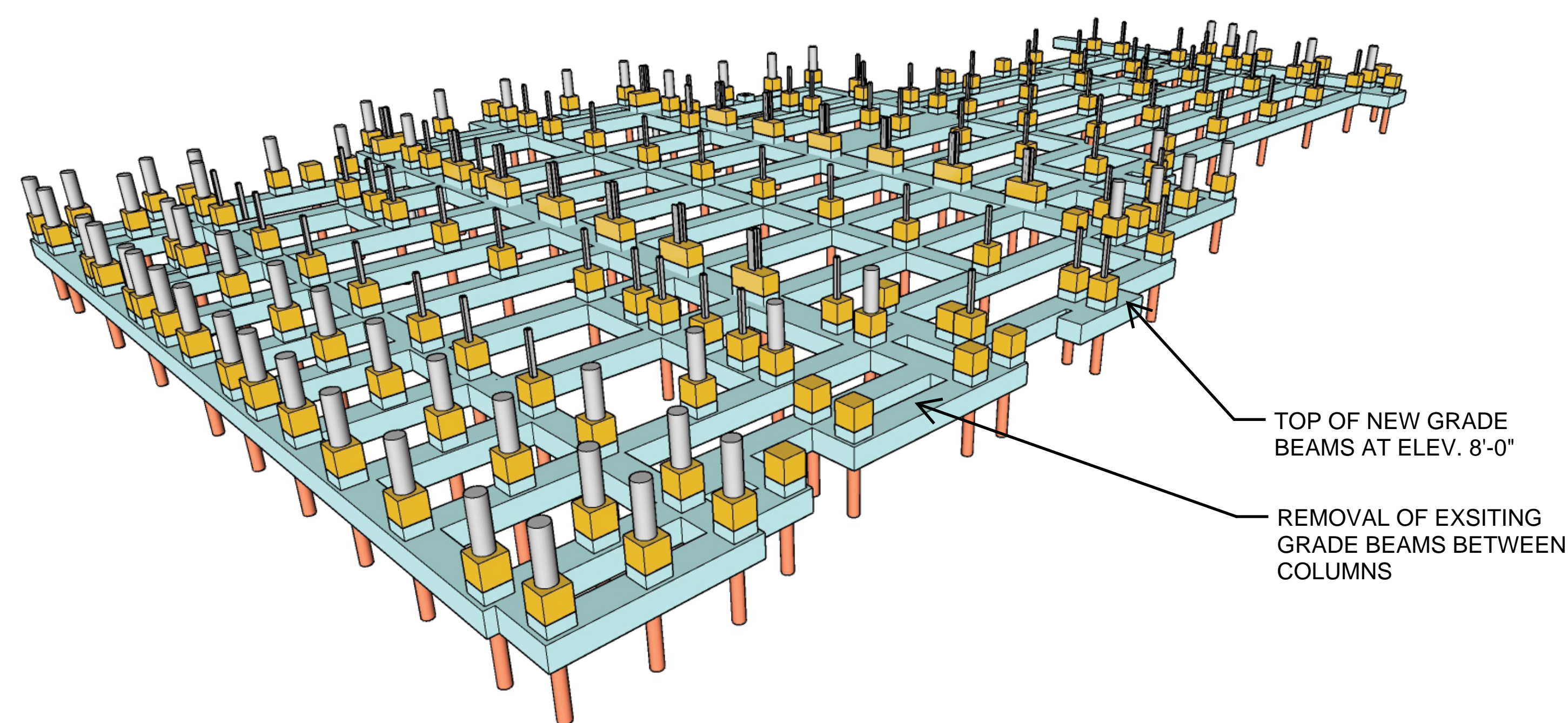
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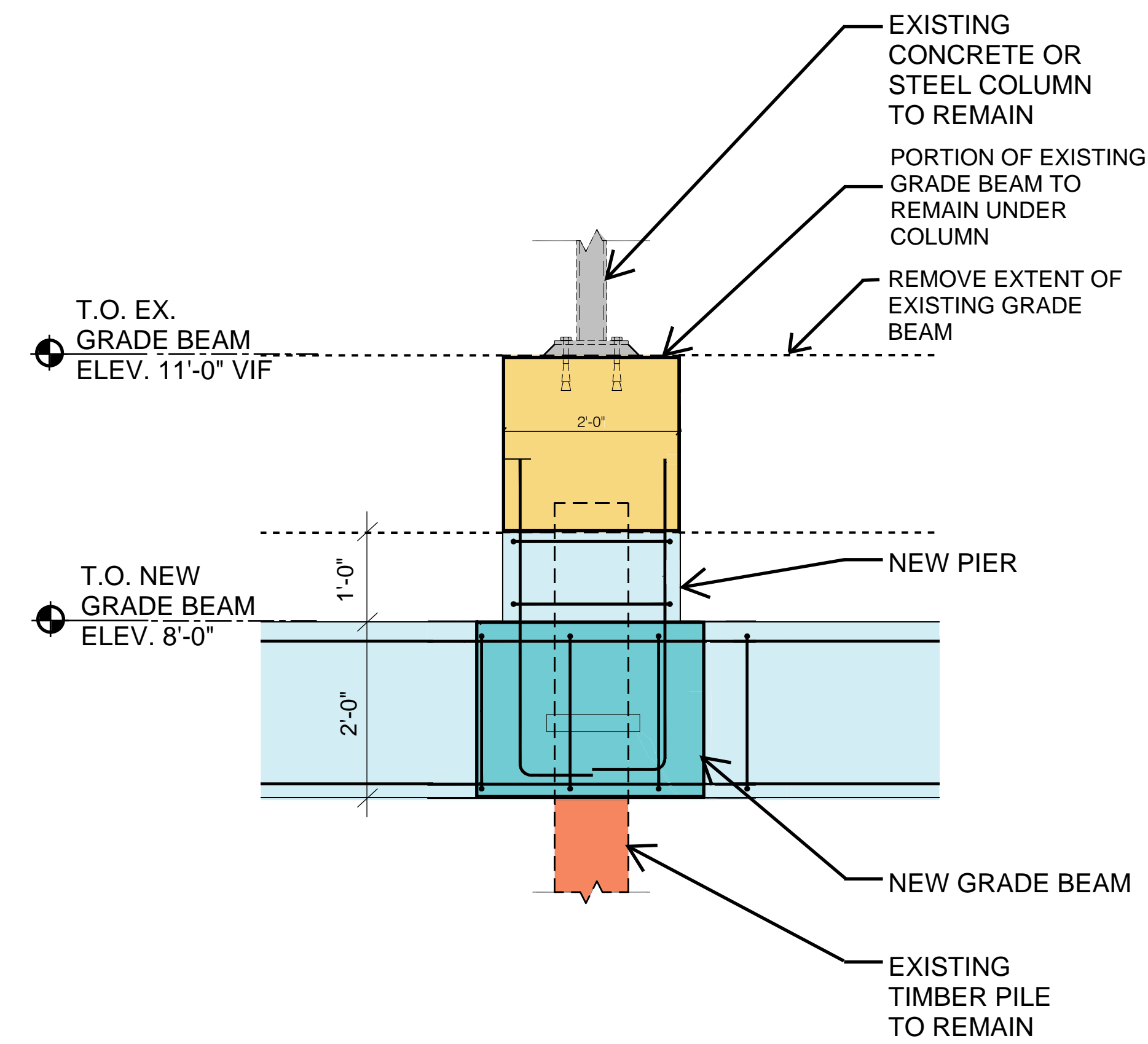
PHASED CONSTRUCTION

- EXISTING SOILS REMOVED
- NEW CONCRETE GRADE BEAMS CONSTRUCTED BELOW EXISTING
- TOP OF NEW GRADE BEAMS AT ELEV. 8'-0"



FINAL CONDITION

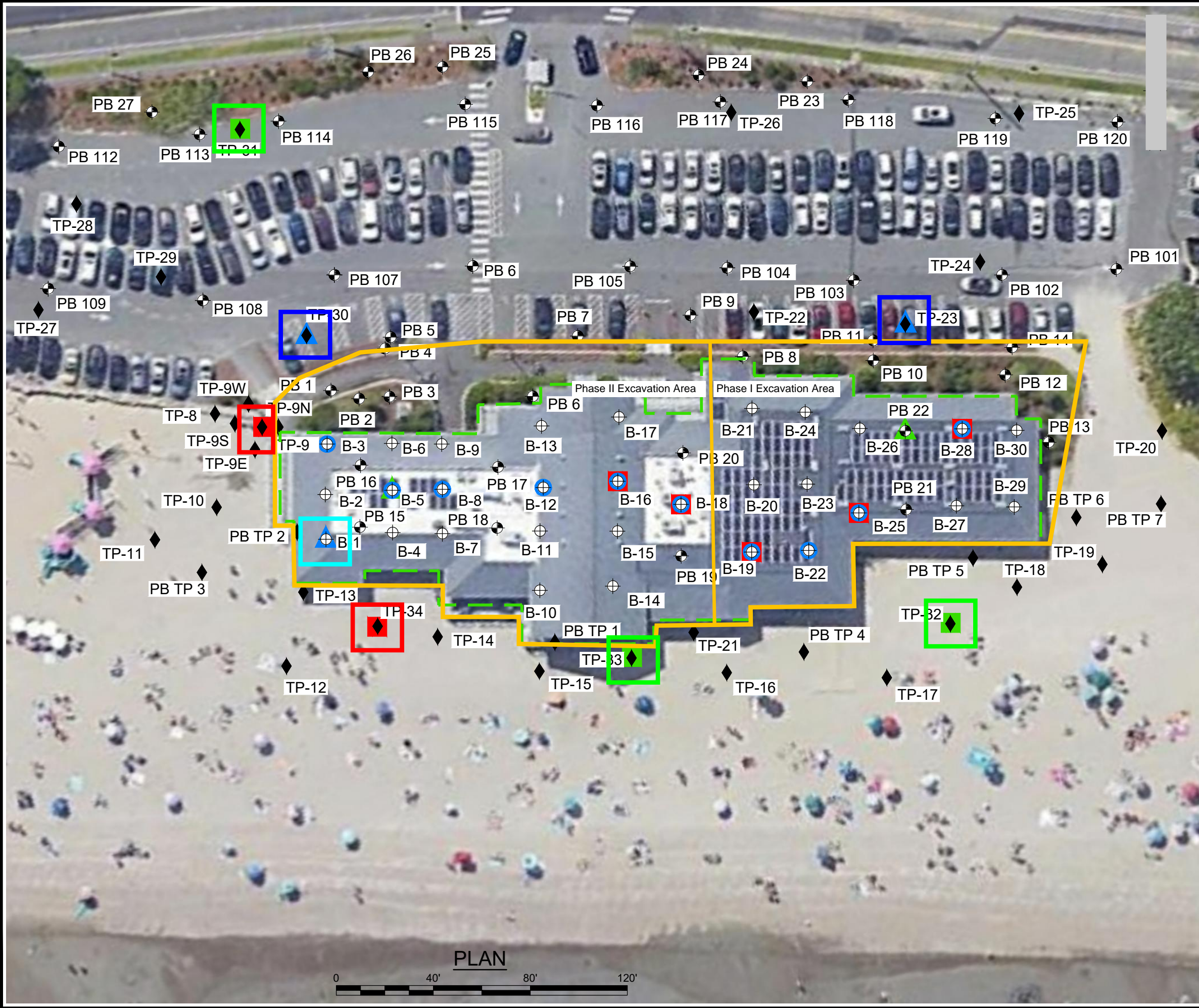
- REMOVAL OF EXISTING GRADE BEAMS
- GRADE BACKFILLED TO ELEV. 8'-0"



SECTION DETAIL

- NEW CONCRETE GRADE BEAMS AND COLUMNS
- EXISTING CONCRETE GRADE BEAMS
- EXISTING TIMBER PILES
- EXISTING GALVANIZED STEEL AND CONCRETE COLUMNS

DATE:	11/11/2022	REVIEW
REVISIONS		
	01/10/2023	REVISION
	03/21/2023	REVISION



LEGEND

- B-26 BORING LOCATION (WSE)
- PB 13 BORING LOCATION (T&B)
- TP-20 TEST PIT LOCATION (T&B)
- PCBs: >1 mg/kg
- PAHs: ONE OR MORE COMPOUNDS DETECTED ABOVE APPLICABLE CRITERIA (RES DEC)
- ARSENIC: >10mg/kg
- ETPH: >500 mg/kg
- ASBESTOS: >1%
- PROPOSED ASBESTOS REMEDIATION LOCATION (PHASE I)
- PROPOSED PCB REMEDIATION LOCATION (PHASE I)
- PROPOSED PCB REMEDIATION LOCATION (PHASE II)
- PROPOSED PAH REMEDIATION LOCATION (PHASE I)
- PROPOSED SOLID WASTE REMEDIATION LOCATION (PHASES I AND II)

NOTE:

- AERIAL IMAGERY OBTAINED FROM GOOGLE EARTH ON 4/28/2022.
- ELEVATION INFORMATION OBTAINED FROM PLAN TITLED "SITE PLAN, PENFIELD PAVILION" BY DESTEFANO & CHAMBERLAIN, DATED 6/12/2015.

FIGURE 2

PENFIELD PAVILION
FAIRFIELD, CONNECTICUT

SITE SAMPLING PLAN AND
REMEDIATION AREAS

DATE: APRIL 2022



I:\wsc03\local\WSE\Projects\CT\Fairfield\Penfield Pavilion\Figure\RAP Figures\Fairfield_RAP_Figures.dwg

EXHIBIT B

Enclosures:

Board of Selectmen Draft Minutes 03-06-23

Board of Finance Draft Minutes 03-13-23

RTM Draft Minutes – 03-23-23

BOARD OF SELECTMEN REGULAR MEETING
Monday, March 6, 2023
4:00 pm
Via Webex & In-Person at
BOE Conference Room 295 A/B
501 King Hwy E. (across from Goodwill)
Fairfield, CT 06825

A recording of this meeting can be found here: [BOS Penfield Funding Meeting 3.6.23.](#)

DRAFT MINUTES

MEMBERS PRESENT: First Selectwoman Brenda L. Kupchick, Selectman Thomas Flynn, Selectwoman Nancy E. Lefkowitz

OTHERS PRESENT: CEO Tom Bremer, Planning Director James Wendt, Project Engineer Elias Ghazal, Attorney John Stafstrom, Town Attorney James Baldwin, CFO Jared Schmitt, Interim DPW Director John Marsilio, Parks and Recreation Director Anthony Calabrese, FairTV, members of the public

1) **CALL TO ORDER**

First Selectwoman Kupchick called the meeting to order at 4:00 pm.

2) **PLEDGE OF ALLEGIANCE**

First Selectman Kupchick led the Pledge of Allegiance.

First Selectwoman Kupchick then said, "It is with deep sadness the Town of Fairfield, CT shares the passing of retired Assistant Fire Chief Chris Tracy. Chris was the driving force behind the Fairfield Regional Fire School. Chris will always be remembered as a consummate gentleman and passionate about proper training for the department. Please keep Chris' family and the Fairfield Fire Department in your thoughts and prayers during this very sad time. Godspeed Chris."

First Selectwoman Kupchick asked for a moment of silence.

3) **FIRST SELECTWOMAN/CAO/ENGINEERING DEPARTMENT** *(requires Board of Finance and RTM approval)*

To hear, consider and adopt a bond resolution entitled, "A resolution appropriating \$3,000,000 FOR THE PENFIELD PAVILION FOUNDATION AND CONSTRUCTION PROJECT AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION."
See Full Resolution in Backup

First Selectwoman Kupchick introduced the panel of Town personnel involved in the Penfield Pavilion project. She also introduced Attorney John Stafstrom as Bond Counsel regarding bonds that have been put aside to help pay for Fill Pile issues. First Selectwoman Kupchick went through a Powerpoint presentation that addressed questions as to the why and how the Town is in this situation and the why and how the Town will pay for it and what options are on the table. She said there are two scenarios at this point:

Option 1 – Maintain Building and remediate and fix foundations - FEMA Notice of Violation (NOV) - which comes to a total estimated cost of \$11.5 million.

Option 2 – Demolition the building and remediate and rebuild basic necessities which comes to a total estimated cost of \$8.5 million.

First Selectwoman Kupchick said FEMA will look at the Penfield building as two separate sections - the locker rooms and the main building. She said the main building needs to be fixed, but the locker rooms do not.

First Selectwoman Kupchick discussed the process that brought the Administration where it is now. She said there has been constant contact with FEMA for two years to try and downgrade the NOV without success and now a decision has to be made by March 31, 2023 so FEMA can see action is being taken to fix the situation. She said if the Town does not meet the deadline of March 31st and does nothing, FEMA can take other action that would negatively impact the Town. First Selectwoman Kupchick said almost 1800 residents are eligible for the 10% discount on their Flood Insurance and there is a strong possibility that FEMA will take away the eligibility of Town residents using the flood insurance discount now and then the Town would have to reapply for eligibility that could take years.

Selectman Flynn made a motion to adopt the resolution appropriating \$3 million for the Penfield Pavilion project. Selectwoman Lefkowitz seconded the motion.

Selectman Flynn made a motion to amend the original resolution to the new resolution that has been presented. Selectwoman Lefkowitz seconded the amendment. (See Full Resolution Below).

Selectwoman Lefkowitz said has many concerns regarding the resolution. First Selectwoman Kupchick said the Judge in the Fill Pile case said this is the worst case in the Town of Fairfield and the most complicated case in the State. Selectwoman Lefkowitz referred to the March 31st deadline and said she is not denying that it is a horrible situation, but feels the Administration should not rush into a decision.

There was discussion with Planning Director James Wendt, Project Engineer Eli Ghazal and the others on the panel regarding the NOV and the March 31st deadline. The comments were passionate for both options and regarding finances. The panel explained that they used local contractors to provide feedback on all costs in proposals. CEO Tom Bremer expressed his concern that there might be more fill under the building to be removed than is thought now. Selectwoman Lefkowitz reiterated her original suggestion to let the March 31st deadline pass and have the Town go into retrograde to buy time to make a decision. The others on the Town panel did not think that decision would be in the best interest of the Town as there were many residents who participate in the discount program who don't live near the beach and wouldn't want the Penfield situation to have an effect on their flood insurance. It was also mentioned that if FEMA moved the Town to suspension of the program it could have a catastrophic effect on the marketplace.

The First Selectwoman opened the meeting to public comment:

- Katie Lawrence – 6 Carlton Street
- Elizabeth Zezima – RTM – District 4 - 160 Fairfield Woods Road #22
- Ken Camarro – 345 Carroll Road
- Warren Lapa – 200 Lalley Boulevard
- Jim Bowen – 44 Fox Street
- Jill Vergara – RTM – District 7 - 271 Old Post Road
- Dick Dmochowski – Flood & Erosion Control Board member, 241 Colonial Drive
- Rick Grauer – 268 Rowland Road
- Karen McCormack – RTM – District 2 - 305 Winnepogue Drive
- Meghan McCloat – 2815 Redding Road
- Becky Bunnell – Flood & Erosion Control Board Chair - 2005 Fairfield Beach Road
- John Kuhn – RTM – District 7 - 125 Mayweed Road
- Ed Humiston – 25 Fox Street
- Alex Durrell – RTM – District 3 - 64 Woodcrest Road

Public comment closed at 6:56 pm. The public comments can be heard in their entirety by accessing the link here: [BOS Penfield Funding Meeting 3.6.23.](#)

There was a short break and the meeting resumed at 7:01 pm.

After comments and more of the same discussion from the BOS members the vote was taken.

The amended resolution:

A RESOLUTION APPROPRIATING \$10,500,000 FOR COSTS RELATED TO CONSTRUCTION, REMEDIATION, AND ADDRESSING THE NOTICE OF VIOLATION AT PENFIELD PAVILION

WHEREAS, contaminated fill from the (Julian) fill pile was illegally deposited beneath Penfield Pavilion during construction;

WHEREAS, by state and federal law, the Town of Fairfield, Connecticut (the “Town”) is required to remove the fill in accordance with DEEP & EPA standards under a Consent Order;

WHEREAS, FEMA has determined the Town installed horizontal grade beams at a height that is in violation of federal floodplain management regulations;

WHEREAS, under federal law, the Town is required to bring Penfield Pavilion into compliance with FEMA regulations;

WHEREAS, the Town has received Notices of Violation from federal and state agencies that must be addressed.

WHEREAS, if the Town does not take corrective action by the end of March regarding the Notice of Violation, the Town faces a myriad of negative consequences that will impact residents and the Town;

WHEREAS, Penfield Pavilion is an asset to the community enjoyed by residents year round

and cleaning the contaminated fill and lowering the grade beams is necessary to comply with all state and federal laws;

WHEREAS, the total costs for the remediation and construction at Penfield Pavilion, as well as, the cost to address the Notices of Violation is \$11,500,000 (the “Total Costs”); and

WHEREAS, the Town previously allocated and approved \$1,000,000 in American Rescue Plan Act funding to be applied towards the Total Costs; and

WHEREAS, the Town is holding funds (the “Funds”) in its Capital Non-Recurring Fill Pile Remediation Account (the “Account”) and desires to appropriate \$10,500,000 of the Funds to finance the balance of the Total Costs; and

NOW, THEREFORE, BE IT RESOLVED:

As recommended by the Board of Finance and the Board of Selectmen, the Town hereby appropriates the following sums from the Capital Non-Recurring Fill Pile Remediation Account for the following purposes:

\$4,000,000 related to remediation at Penfield Pavilion
\$3,500,000 related to construction at Penfield Pavilion
\$3,000,000 related to work to address the Notices of Violation

The motion to amend the original resolution carried unanimously.

The main motion, as amended, carried 2-1-0 (Lefkowitz opposed).

4. Adjourn

Selectwoman Lefkowitz made a motion to adjourn. Selectman Flynn seconded the motion which carried unanimously.

The meeting adjourned at 7:37 pm.

Respectfully submitted,

Pru O’Brien
Recording Secretary

**Board of Finance Special Meeting
Monday, March 13, 2023, 7:00 pm
Via Webex & In Person at BOE Room 295 A/B
501 Kings Highway East, Fairfield, CT**

A recording of this meeting can be found here: [BOF Special Penfield Pavilion Funding Vote 3.13.23.](#)

DRAFT MINUTES

MEMBERS PRESENT: Chairwoman Lori Charlton, Vice-Chair John Mitola, Secretary Sheila Marmion, Christopher DeWitt, Mary LeClerc, Kevin Starke, Jack Testani, James Walsh

OTHERS PRESENT: First Selectwoman Brenda Kupchick, CFO Jared Schmitt, CAO Tom Bremer, Engineering Project Manager Elias Ghazal, Town Plan and Zoning Department Planning Director Jim Wendt, Parks & Recreation Director Anthony Calabrese, Town Attorney James Baldwin, Attorney John Stafstrom, Interim DPW Director John Marsilio, Bismark Construction President Greg Raucci, Flood & Erosion Control Board Chairwoman Becky Bunnell, Flood & Erosion Control Board Secretary Dick Dmochowski, BOE member Christine Vitale, Jill Vergara - RTM District 7, FairTV, members of the public.

1) Call to Order

Chairwoman Lori Charlton called the meeting to order at 7:00 pm.

2) Pledge of Allegiance

Chairwoman Charlton led the Pledge of Allegiance.

3) To hear, consider and act upon a resolution as recommended by the Board of Selectmen entitled, “A resolution appropriating \$10,500,000 for costs related to construction, remediation and addressing the Notice of Violation at Penfield Pavilion.” See Attached Full Resolution. Requires RTM approval.

First Selectwoman Kupchick went through her presentation of the history of the Penfield Pavilion building, how the Town got to the current situation and how to fix the issues.

Option 1: Maintain Building: Remediate & Fix Foundations

- Remove “Julian fill” contaminated material underneath the building to be in compliance with DEEP/EPA (\$5 million); and
- Demo and reinstall skirting, decks, ramps, support roof decks, temporary support of the building, dewatering and permanent structure support (\$3.5 million); and
- Correct the FEMA Notice of Violation (NOV) by relocating the grade beams to the required 8ft elevation. (\$3 million); and
- Total estimated cost \$11.5 million.

Option 2: Demo Building: Remediate & Rebuild Basic Necessities

- Demolish building and foundations to be in compliance with the FEMA NOV (excluding locker rooms which are not in violation) (\$2 million); and
- Remove “Julian fill” to be in compliance with DEEP/EPA (\$4 million); and
- Rebuild basic necessities to current FEMA regulations including lifeguard shack, concession, bathrooms, covered deck (\$2.5 million); and
- Total estimated cost \$8.5 million.

The Town has approximately \$15 million in surpluses set aside which could be used toward both remediation options related to the remediation and repair costs. There is also \$1 million in ARPA funds that has been allocated for fill pile related costs. Bonding for construction is also an option. There is also \$100,000 set aside for resiliency studies in the area.

The meeting opened up to discussion with the Board members. Highlighted discussions are included in these minutes, but the full discussion can be accessed here: [BOF Special Penfield Pavilion Funding Vote 3.13.23.](#)

Flood & Erosion Control Board (FECB) Chairwoman Becky Bunnell was invited to the meeting to speak about the possible effects on the beach area by lowering the grade surrounding the building. She said it was her understanding that the grade underneath the building would be lowered to 8ft and the area around the building would stay between 8-9ft. Town Plan and Zoning Department Planning Director Jim Wendt confirmed the grades. Ms. Bunnell said that the FECB approved putting construction and design money into the 2024 Capital Budget to focus on resiliency. When asked about whether the Town should wait until results of resiliency studies and costs related to flooding come back to fix the building, Ms. Bunnell replied that the FEMA NOV should be addressed first and then the studies should be done before the project has been completed.

Engineering Project Manager Eli Ghazal and Bismark Construction President Greg Raucci went through the expenses for the two options. They said DEEP and EPA are the two regulatory bodies involved. They said there will be representatives from both groups on site during the remediation removal as the removal is required by both. They said if the money is approved in the next few weeks, bids will go out in July and they hope to start the project in the fall. Once the project starts, and option 1 is approved, it should take 7-9 months.

There was a discussion about the amount of bonding still owed from the last two Penfield Pavilion constructions (\$12 million through 2037) and how this will still need to be paid even if there isn't a building in place. There was also a discussion about the National Flood Insurance Program (NFIP) 50/50 rule that prohibits improvements to a structure exceeding 50% of its market value unless the entire structure is brought into full compliance with current flood regulations.

There is \$15.9 million available. If the \$11.5 million is approved as is and the project cost goes over that amount, the Town will need to go back to board for approval of additional funds.

Vice-Chair John Mitola made a motion to amend the current resolution to add to the 8th WHEREAS:

“Whereas the costs to fund the hiring of a coastal engineering firm to study and update the previous resiliency study pertaining to Penfield is \$100,000 and together with the remediation and construction cost aggregate \$11,600,000; and

Last paragraph “and \$100,000 to fund the hiring of a coastal engineering firm to study and update the previous resiliency study pertaining to Penfield.”

Craig Curley seconded the amendment which carried unanimously.

Chairwoman Charlton opened the meeting up for public comment:

- Dick Dmochowski - Flood & Erosion Control Board Secretary, 241 Colonial Drive – He said the Flood & Erosion Control Board (FECB) sent two documents to the BOF. He said he agrees with all 10 WHEREAS clauses in the resolution and the FECB is in consent that fixing the NOV is job #1.
- Jill Vergara –RTM District 7 member, 271 Old Post Road – She said she was concerned about the 50/50 rule and field card changes. She said she was concerned the building will have to be lifted, incurring additional costs.

Craig Curley made a motion to break into caucus. Chairwoman Charlton seconded the motion which carried unanimously. Caucus started at 10:30 pm and the meeting resumed at 10:40 pm.

Board members gave comments before the vote and there was a discussion about having a building committee for this project. Those comments can be heard in full here: [BOF Special Penfield Pavilion Funding Vote 3.13.23.](#)

The motion to approve the following resolution as amended:

A RESOLUTION APPROPRIATING \$10,600,000 FOR COSTS RELATED TO CONSTRUCTION, REMEDIATION, AND ADDRESSING THE NOTICE OF VIOLATION AT PENFIELD PAVILION

WHEREAS, contaminated fill from the (Julian) fill pile was illegally deposited beneath Penfield Pavilion during construction;

WHEREAS, by state and federal law, the Town of Fairfield, Connecticut (the “Town”) is required to remove the fill in accordance with DEEP & EPA standards under a Consent Order;

WHEREAS, FEMA has determined the Town installed horizontal grade beams at a height that is in violation of federal floodplain management regulations;

WHEREAS, under federal law, the Town is required to bring Penfield Pavilion into compliance with FEMA regulations;

WHEREAS, the Town has received Notices of Violation from federal and state agencies that must be addressed.

WHEREAS, if the Town does not take corrective action by the end of March regarding the Notice of Violation, the Town faces a myriad of negative consequences that will impact residents and the Town;

WHEREAS, Penfield Pavilion is an asset to the community enjoyed by residents year round and cleaning the contaminated fill and lowering the grade beams is necessary to comply with all state and federal laws;

WHEREAS, the total costs for the remediation and construction at Penfield Pavilion, as well as, the cost to address the Notices of Violation is \$11,600,000 (the “Total Costs”);

WHEREAS, the Town previously allocated and approved \$1,000,000 in American Rescue Plan Act funding to be applied towards the Total Costs; and

WHEREAS, the Town is holding funds (the “Funds”) in its Capital Non-Recurring Fill Pile Remediation Account (the “Account”) and desires to appropriate \$10,600,000 of the Funds to finance the balance of the Total Costs; and

NOW, THEREFORE, BE IT RESOLVED:

As recommended by the Board of Finance and the Board of Selectmen, the Town hereby appropriates the following sums from the Capital Non-Recurring Fill Pile Remediation Account for the following purposes:

\$4,000,000 related to remediation at Penfield Pavilion;

\$3,500,000 related to construction at Penfield Pavilion;

\$3,000,000 related to work to address the Notices of Violation; and

\$100,000 to fund the hiring of a coastal engineering firm to study and update the previous resiliency study pertaining to Penfield Pavilion

The motion to approve the amended resolution for appropriating \$10.6 million carried 7-2-0 (Charlton, Curley opposed).

4) Adjourn

The meeting adjourned at 11:02 pm.

Respectfully submitted,

Pru O’Brien
Recording Secretary

MINUTES OF THE REGULAR MONTHLY MEETING OF THE TOWN OF FAIRFIELD
MARCH 23, 2023
[Stream Recording of Meeting Here](#)

A Special Meeting of the Town of Fairfield was held on Thursday, March 23, 2023, at the Education Center, 501 Kings Highway East, Fairfield, CT and via Webex.

The meeting was called to order at 8:05 P.M. by Moderator Mark McDermott.

PRESENT: 39 ABSENT: 1 VACANCY: 0

PRESENT: Bateson, Furey, Ruggiero, Longo, Gerber, McCormack, Perham, Steele, Durrell, Galdenzi, Lambert, Pistilli, Karson, McCabe, Spolyar, Zezima, Barahona, Siebert, Wolk, Berecz, Gale, Graceffa, Havey, Kuhn, McDermott, Vergara, Wackerman, Choniski, Ference, Iacono, Meyers, Brown, Georgiadis, Horton, Scinto, Astarita, Britton, Sparacino, Tallman

ABSENT: Garskof,

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

Moderator Mark McDermott led the Body in the Pledge of Allegiance and Moment of Silence.

ITEM NO. 2 ON CALL: RESOLVED, THAT THE RESOLUTION ENTITLED, ‘A RESOLUTION APPROPRIATING \$10,600,000 FOR COSTS RELATED TO CONSTRUCTION, REMEDIATION, AND ADDRESSING THE NOTICE OF VIOLATION AT PENFIELD PAVILION,’ BE, AND HEREBY IS, APPROVED

MOTION: Dru Georgiadis, District 9, moved to amend the resolution by replacing it with the following:

“A Resolution appropriating \$5,100,000 for Costs Related to Remediation and Addressing the Notice of Violation at Penfield Pavilion.

Whereas, the total cost for the remediation at Penfield Pavilion, as well as the cost to address the FEMA Notices of Violation is \$6,100,000 (the ‘Total Costs’); and

Whereas, the Town previously allocated and approved \$1,000,000 in American Rescue Plan Act funding to be applied toward the Total Costs; and

Whereas, the Town is holding funds (the ‘Funds’) in its Capital Non-Recurring Fill Pile Remediation Account (the ‘Account’) and desires to appropriate \$5,100,000 of the funds to finance the balance of the Total Costs;

Now, Therefore, be it Resolved, as recommended by the Board of Finance and the Board of Selectmen, the Town hereby appropriates the following sums from the Capital Non-Recurring Account for the following purposes:

\$3,000,000 related to remediation at Penfield Pavilion;

\$2,000,000 related to work to address the FEMA Notices of Violation; and

\$100,000 to fund the hiring of a coastal engineering firm to study and update the previous resiliency study pertaining to Penfield Pavilion,”

duly seconded.

VOTE: The motion to amend the resolution failed with 9 in favor, 28 opposed (Reps. Furey and Choniski were not present to vote).

IN FAVOR: Gerber, Galdenzi Karson, McCabe, Berecz, Havey, Kuhn, Vergara, Georgiadis,

OPPOSED: Bateson, Ruggiero, Longo, McCormack, Perham, Steele, Durrell, , Lambert, Pistilli, Spolyar, Zezima, Barahona, Siebert, Wolk, Gale, Graceffa, McDermott, Wackerman, Ference, Iacono, Meyers, Brown, Horton, Scinto, Astarita, Britton , Sparacino, Tallman

VOTE: The resolution approving the appropriation of \$10,600,000 for costs related to construction, remediation and the notice of violation at Penfield Pavilion was approved with 29 in favor, 7 opposed and 2 abstentions (Rep. Choniski was not present to vote).

IN FAVOR: Bateson, Furey, Ruggiero, Longo, McCormack, Steele, Durrell, Lambert, Pistilli, Spolyar, Zezima, Barahona, Siebert, Wolk, Gale, Graceffa, Havey, McDermott, Wackerman, Ference, Iacono, Meyers, Brown, Horton, Scinto, Astarita, Britton , Sparacino, Tallman

OPPOSED: Perham, Galdenzi, Karson, McCabe, Berecz, Vergara, Georgiadis

ABSTAINED: Gerber, Kuhn

ADJOURNMENT

There being no further business the meeting adjourned at 10:40 P.M.

Respectfully submitted,

Elizabeth P. Browne, CMC, MCTC
Town Clerk

Prepared by:
Ann Roche
Asst. Town Clerk

EXHIBIT C

Following approval from the RTM on March 23, 2023, the town reengaged their design team and construction manager to jumpstart the preconstruction process.

The key part of the pre-construction process is to allow the design team to develop the project drawing set from design development to construction documents. This includes all necessary construction details and finishes. Once the drawings are complete, the town will submit the full set of construction drawings to FEMA for record.

Furthermore, after completion of the construction documents, the Town's Construction Manager will begin developing a "GMP" Contract to bring forth to the town. This entails the Construction manager to go out to bid for each bid package and provide the town with the total project cost. Once all bids have been received and the GMP has been submitted to the Town, the Town will review/approve the "GMP".

Following the GMP acceptance, the town anticipates construction to begin on September 5, 2023.

The anticipated project duration is 215 days with a completion date of July 1, 2024.

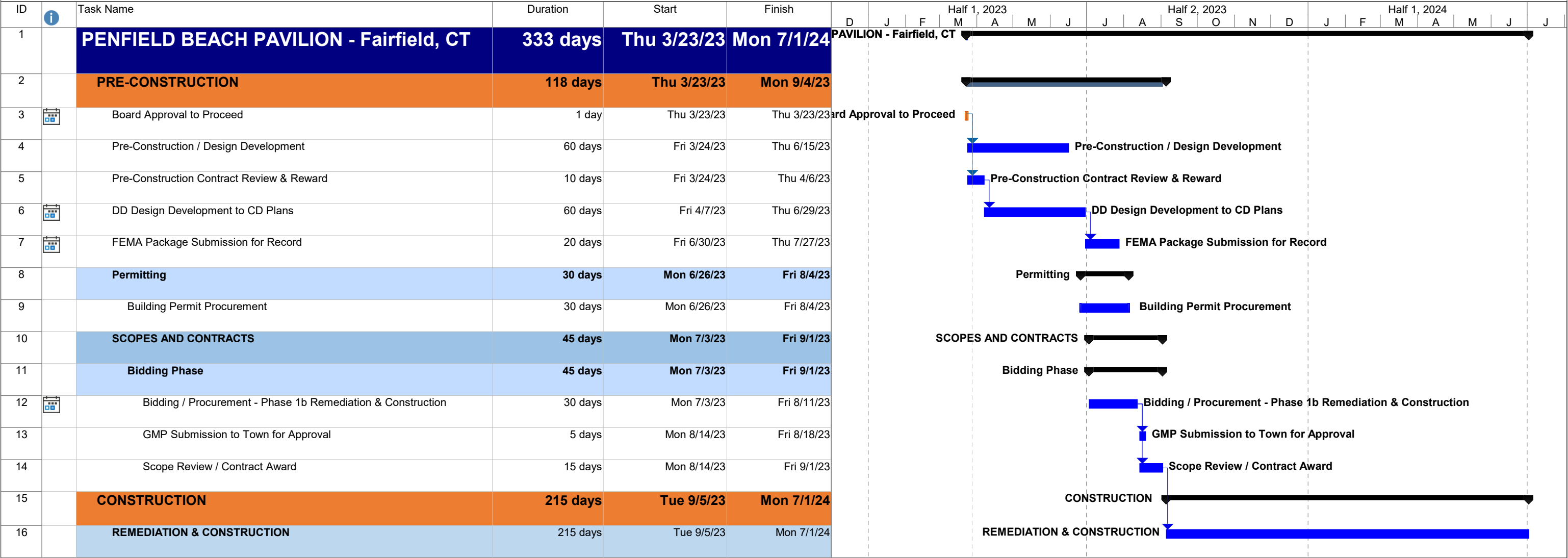


TOWN OF FAIRFIELD

PENFIELD PAVILION PROJECT

Project Schedule

March 2023



Project: Pavilion - Schedule
Date: Tue 3/28/23

Task		Project Summary		Inactive Summary		Manual Summary		External Milestone	
Split		External Tasks		Manual Task		Start-only		Progress	
Milestone		External Milestone		Duration-only		Finish-only		Deadline	
Summary		Inactive Milestone		Manual Summary Rollup		External Tasks			