

**MINUTES OF THE REGULAR MONTHLY MEETING OF THE TOWN OF FAIRFIELD
SEPTEMBER 18, 2023**

The regular Monthly Meeting of the Town of Fairfield was held on Monday, September 18, 2023, at the Education Center, 501 Kings Highway East, Fairfield, CT and via Webex.

The meeting was called to order at 8:00 P.M. by Moderator Mark McDermott.

PRESENT: 35 ABSENT: 5 VACANCY: 0

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

ABSENT: Perham, Pistilli, Garskof, Gale, Choniski

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: APPROVAL OF MINUTES OF AUGUST 21 & AUGUST 28, 2023

The Moderator moved this item as distributed with the Call, duly seconded.

VOTE: The minutes of the August meetings were approved by unanimous voice vote.

ITEM NO. 3 ON CALL: UPDATE ON PENFIELD PAVILION CONSTRUCTION, REMEDIATION & INSURANCE.

The Moderator moved this item as distributed with the Call, duly seconded.

ITEM NO. 4 ON CALL: UPDATE ON VERIP, INCLUDLING JOB DESCRIPTIONS

The Moderator moved this item as distributed with the Call, duly seconded.

Liz Zezima, District 4 addressed items 3 and 4 as follows: to help clarify for the tax-paying public that those called before us have now for the second time in as many months been prevented from doing so by the Administration.

The backup for tonight's meeting, as well as comments in the FS Newsletter of Friday, Sept 15th, contain inaccuracies and/or a misunderstanding of how our government structure works under the current Charter and RTM Rules to Regulate.

I would direct your attention to two letters in the 8/28/23 backup, one from me and one from Representative Gerber, which explain how the Executive Branch is failing to provide promised and in fact required transparency to this body on critical issues involving millions of taxpayer dollars.

With respect to item 3 for an update on Penfield Pavilion, there are no updates to be found on the town website about Penfield, and the link to the last BOS meeting is broken. In previous meetings it was communicated that bids were due in August. Construction was supposed to start in September. Construction insurance was a huge uncertainty, not only in terms of cost, but in terms of allowing the project to move forward in accordance with our obligations to FEMA. The RTM voted for this project in good faith and asked for a conversation to help inform the public about the status of these issues and concerns. The administration has refused to respond. Instead, the First Selectwoman suggests closed door, private conversations which mask facts from the public. And this is but one example of that.

In particular it is forbidden to use a constituent service such as a Newsletter in lieu of the powers or permissible business of this or any other elected body. It is in no way to be construed as official town business or a substitute thereof. It is in fact a one-way communication which does not afford the opportunity to question anything.

We are a legislative body elected by our constituents. By refusing to work with us, the First Selectwoman is refusing to fulfill her responsibilities.

We represent all 62K residents of this town. Any time we are denied access to the Administration it is in effect silencing your voice.

Ed Bateson, District 1 said he did not see a refusal; an update was asked for and it was received. Nothing is going on with Penfield as they're just starting to mobilize. In August he saw something about come in for a meeting about VERIP with Jared Schmitt.

Karen McCormack, District 2 said she did not see anything in the Rules to Regulate regarding subpoena power. The administration complied with what was asked.

Jeff Steele, District 2 said there's been no indication that the first selectwoman wanted to avoid or not be transparent. Mr. Bremer just gave a Penfield update to the BOS. The update is on the agenda and she sent an update.

Dru Georgiadis, District 9 read an email from Becky Bunnell from the Flood & Erosion Control Board asking why the Penfield resiliency study is taking so long to get off the ground. An RFP was sent out in June. It's frustrating there's a lack of urgency.

Bill Gerber, District 2 said he did not want to meet with Jared Schmitt rather he wanted him to go through the presentation and update on the job descriptions, amount of savings. There was one update that showed a reduction in headcount; we're due an update.

Laura Karson, District 4 said it's not an interrogation; it's their duty to follow up. She asked if we have insurance for Penfield.

Ken Astarita, District 10 congratulated the Body for asking questions, but asked if anyone ever asked years ago if FEMA guidelines were being followed.

Margaret Horton, District 9 said we never want that situation again that's why they're asking questions.

ITEM NO. 5 ON CALL: TO HEAR AND CONSIDER FOR THE FIRST TIME A SAFE AND LIVABLE STREETS ORDINANCE, SPONSORED BY BILL GERBER, DISTRICT 2; CYNTHIA PERHAM DISTRICT 2; JEFF A. GALDENZI, DISTRICT 3; TOM LAMBERT, DISTRICT 3; SHARON PISTILLI, DISTRICT 3; LAURA KARSON, DISTRICT 4; MICHELLE LAPINE

MCCABE, DISTRICT 4; ELIZABETH A ZEZIMA, DISTRICT 4; MARCY SPOLYAR, DISTRICT 4; JENNIFER BARAHONA, DISTRICT 5; JOE SIEBERT, DISTRICT 5; JAY WOLK, DISTRICT 5; STEVE BEREZ ,DISTRICT 6; ANDREW GRACEFFA, ,DISTRICT 6; LISA HAVEY, DISTRICT 6; JOHN K. KUHN, DISTRICT 7; MARK MCDERMOTT, DISTRICT 7; JILL VERGARA, DISTRICT 7; KAREN WACKERMAN, DISTRICT 7; CHRISTINE BROWN, DISTRICT 9; DRU GEORGIADIS, DISTRICT 9; MARGARET HORTON, DISTRICT 9.

Bill Gerber gave an overview of the proposed ordinance (attached).

Ken Astarita, District 10 asked the cost estimate to comply with complete streets. An annual capital expenditure is being put into the annual budget. We need to consider our capital plan for schools, WPCA, infrastructure. Mr. Gerber said it depends on what's reasonable. We don't need a new position someone can take on the coordinator responsibilities. If someone is doing this as part of the paving plan there's also offsetting costs for safety. It's a disciplined approach to street safety.

Karen McCormack, District 2 said she did not think we would approve something without knowing the cost. The Body received an email saying, "I support safe streets in Fairfield". We all support safe streets; no one wants to see tragedy. She asked when the first communication with the Town Attorney, Police Commission, Engineering, DPW, and First Selectwoman regarding the proposed ordinance. Mr. Gerber said he sent the ordinance to the Town Attorney yesterday for review, the Police Commission a month ago, Engineering 9 months ago; he did not know who to consult with in DPW; and the First Selectwoman thought it was babble.

Ms. McCormack questioned the street coordinator position. Mr. Gerber said it is not an additional hire. It's someone in the Engineering Dept. that would review the paving plan and incorporate safety measures such as fog lines and rumble strips.

Ms. McCormack noted from the RTM Rules to Regulate when so established by a higher body, no resolution or ordinance that conflicts with the laws of the nation, the state, or the town's Charter shall become effective. Ordinances approved by this Meeting shall either be absent of conflict with existing ordinances or shall include repeal of the existing ordinance. This body may not alter the regulations of any other town body duly constituted under the Charter unless authorized by the Charter or State Statutes. Per CGS14-297, the Police Commission is the local traffic authority.

Ms. McCormack asked Town Attorney Jim Baldwin if this conflicts with the Police Commission. Attorney Baldwin said at first blush with no formal review it conflicts with the purview of the Police Commission. Mr Gerber said he had put street calming infrastructure measures under the Bike/Pedestrian Committee, but it needs to be approved by the Police Chief so he is willing to move that to the Police Commission. Engineering would have to be involved with paving projects. They are not consistently involved currently.

Jeff Steele, District 2 said we protect the town; we review expenditures. We have put forward thought-provoking ordinances that takes analysis and expertise. Are there places where we are failing? There are elements of the proposed ordinance he supports; two months to get something in place is going to impact a lot; there are expenses that need to be discussed with Finance and other departments. There are issues that need to be discussed and meted out with stakeholders. Mr. Gerber said the calculations involve putting a value on a life or limb. There are economic development aspects making the town more walkable.

Ed Bateson, District 1 said in L&A there were some authoritative measures discussed. The Police Commission is the designated traffic authority. He thinks the Town Attorney will have to re-write. He

would like to hear from Bill Herley as to how this will be incorporated in his department. There are a lot more people who need to be involved in this presentation. Mr. Gerber said there's no change as to what the Police Commission approves. With a person approving paving projects there should be a thicker packet for the paving plan each year. It's a process change to do things right.

Dru Georgiadis, District 9 explained her experience getting a stop sign, fencing at the Sherman field, and flashing light stations at St. Paul's in her district.

Nick Mirabile, District 8 said safety is very compelling but we need more specificity. He feels uncomfortable to vote on something with so many unknowns it's too open ended. Mr. Gerber said we have a Bike/Pedestrian Master Plan. All the departments were enthusiastic about it.

Melissa Longo, District 1 said there are some areas of town where it's just not possible to bike to school. Everyone wants safety. She would like to know the entire process especially its effect on the budget. She thinks the proposed ordinance is a great start but more facts are needed in order to make an educated decision. We want safe streets for our children and elderly. She would like to hear from more people involved. It would be great to have bipartisan support, but we need to have questions answered. Mr. Gerber thanked Ms. Longo as he would like bipartisan support.

Jay Wolk, District 5 said it's a great start and related the history of the intersection improvements at Fairfield Woods and Melville Ave.

Jill Vergara, District 7 said this is not a new idea but it's codifying a policy that was approved by many boards in 2018 it was nationally recognized, but it was not implemented which is why this is needed. It is for economic development, health and safety.

Ken Astarita thanked Mr. Gerber for his efforts. He asked if there are traffic safety statistics comparing Fairfield to other towns. Mr. Gerber said they could get them from the Police.

Marty Furey, District 1 said she supported the ordinance as there are many walkers and bikers in her district. She felt it could be a bipartisan effort and would be happy to help.

Ed Bateson said this is not a magic bullet; the safety coordinator can make recommendations but it will still take time for the Police Commission or state DOT to review. Mr. Gerber said this would not be the first safe streets ordinance in the state. It is recommended in the POCD. The Police Commission will have to approve and if there is a design manual in the public domain. This will clarify what can be done where and how.

Michelle McCabe, District 4 said a search showed there were 70 pedestrian deaths in CT. Complete streets is about process. We think about cars when there is an infrastructure project; this is cars, walkers, bikers, motorcyclists.

Andy Graceffa, District 6 said children need safe streets. Many streets are now "stroads" where traffic moves at a high clip.

Karen McCormack asked if Mr. Gerber met with TPZ or Conservation since the ordinance says it shall be incorporated in the POCD. Mr. Gerber met with Town Planner Jim Wendt and Asst. Town Planner Emmeline Harrigan. It does not impinge on their authority and Economic Development as well.

Melissa Longo said Fairfield is very unique and we should look at our own unique needs. She supports having more time to work on this. Mr. Gerber said we are different but statistics are required to be reported each year and they're not.

Jennifer Barahona, District 5 said 4 pedestrian deaths in 3 years is unacceptable.

Liz Zezima said it has been her practice to ask Republicans to co-sponsor ordinances.

Jeff Steele said he is a biker and gets scared riding on Redding Road. He suggested engaging the right departments to do this the right way and work methodically and meticulously.

Speaking in support were Jeff Randolph, Sarah Roy, Sara Mason, Tom Corsilio, Anya Mezak, Michelle Serlin, and Amy Barrett.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:17 PM

Respectfully submitted,

Elizabeth P. Browne, MMC, MCTC
Town Clerk

Bill Gerber opening comments for Safe & Livable Streets Ordinance Discussion, RTM Meeting 2023/09/19

I hope everyone is familiar with the term “Complete Streets” by now. This draft ordinance has been posted on the town website since July 21st. Complete Streets is a widely used term that everyone should read about and understand.

Smart Growth America has a good definition: Complete Streets is an approach to planning, designing, building, operating, and maintaining streets that enables safe access for all people who need to use them, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities.

Note, the word “Streets” is really “right-of-way,” because it includes sidewalks.

In too many areas of Fairfield our streets are not safe enough- to walk, bike, or even drive. They are not up to the standards of a modern, forward-thinking municipality, with so many children, seniors, and parents (who are now spending more time working from home). The fast clip of development makes a more aggressive approach to addressing street safety that much more urgent.

I am not a street safety expert. There are people with master’s degrees and PhDs and years of experience in this area of Engineering and/or Landscape Architecture.

This Safe & Livable Streets ordinance stems from 27 years of living in Fairfield, nearly 10 years as a member of the RTM, participating in the town’s process to try to get traffic calming measures in place, talking to residents, bikers, and walkers, and hearing their frustrations.

This RTM body received an email from Villa Avenue area residents on July 28, 2022, about the need for traffic calming and increased safety in that area. I responded and began working with them and with safe streets advocates in Town. By September of 2022 it became obvious to me that our policy (Complete Streets Policy) and plan (Bike/Ped Master Plan) were not enough; we need an ordinance.

This ordinance is a result of collaboration with and review by two former members of the Bike & Pedestrian Committee who co-wrote the Complete Streets Policy (one a landscape architect whose practice includes safe street infrastructure), a former Chair of the Bike/Ped Committee, a new member of the Bike/Ped Committee, several safe streets advocates, two professional traffic planners, and a municipal attorney.

This ordinance draws heavily on work that has been done by the Bike and Pedestrian Committee members over many years, work that required substantial coordination with and buy-in from many town departments and boards at the time – Police, Engineering, DPW, Zoning, etc. That work resulted in the Town’s Complete Streets Policy and Bike/Ped Master Plan. These were **ENDORSED** by the Board of Selectmen, but not required. They have not been followed. As a co-author of the Complete Streets Policy has said: “we were recognized nationally for our policy 6 years ago and have subsequently fallen behind other towns in implementation since.”

There was a revised draft of the Bike/Ped Master Plan, that came from Town Engineering, presented in March 2023. On Page 6 it states: “The purpose of this Bike and Pedestrian Master Plan is to **inspire** all levels of Town government to work toward achieving a more bikeable and walkable community, to enrich the Plan of Conservation and Development with an overarching Complete Streets Policy, and to provide specific recommendations on how to achieve the Complete Streets Policy goals and objectives.” **INSPIRE? Not REQUIRE?** We need something more concrete than “inspire.”

I will review the 7 major points of this ordinance:

1. It is an ordinance, not a plan. An ordinance is a law; it's not followed only when it's convenient. Several municipalities in CT have Complete Streets Ordinances and design guides. Policies can work if they are enforced. Ours isn't.
2. It requires a qualified, highly trained point person, referred to as the Complete Streets Coordinator, to be the unambiguous point of contact on street safety issues for residents, other departments, state and federal regulators and grant-making institutions, etc. The Bike Ped Master Plan, Engineering Update March 27, 2023, page 6 calls for assignment of a Town Bicycle and Pedestrian Coordinator. A Complete Streets Coordinator, as envisioned in this ordinance, will be a step up in commitment by the Town to that role.
3. It requires Fairfield to have a street (or "right-of-way") design manual. Many municipalities in CT now have street design manuals; we don't have to reinvent the wheel.
4. It requires every street improvement project from major reconstruction (referred to as 4R projects) to repaving (referred to as 3R projects) to include consideration of street safety improvements by the Complete Streets Coordinator. Complete streets safety improvements can range from very **inexpensive** to expensive, depending on the need, within the scope of what is recommended in Fairfield's (to be published) Right-of-Way Design Manual.
5. It allows for exemptions, but those must be approved. The Revised Bike/Ped Master Plan, Engineering Update March 27, 2023, states "Exemptions from the Complete Streets Policy shall be determined upon the completion of a detailed planning and engineering analysis that documents the costs and constraints indicating the basis for the decision to not comply with the Complete Streets Policy." Who reviews this analysis? This ordinance requires that exemptions be approved by an independent body, which will be (amended to) the Police Commission. The original version of this ordinance designated the Bike/Ped Committee as the body approving exemptions. However, Chief of Police Kalamaras requested removing this step because he felt it would be an extra layer of bureaucracy prior to the required Police Commission approval. There was a statement in the Revised Bike/Ped Master Plan that "Any major traffic calming measures such as road diets or add refuge islands must be approved by the police commission" that appeared (to me) to mean **minor** traffic calming measures do not need PC approval. Chief Kalamaras informed me that all must be approved by the PC. I agreed; the Chief's request to remove the Bike/Ped Committee approval step makes sense in this context.
6. We will have an annual Complete Streets Plan that is approved, with a budget, expectations for what is to be accomplished in that fiscal year, and how those projects fit into the Master Plan. Residents should have full transparency into when the distinct goals within the Master Plan will be achieved. Under Institutional Recommendations of the Revised Bike/Ped Master Plan, Engineering Update March 27, 2023, on page 12, #2, it states: "Encourage staff from each department to champion various sections of the Plan and work collaboratively with other departments and the Bicycle & Pedestrian Committee whenever possible." We don't believe that "**encourage**" and "**whenever possible**" will get the job of creating safe streets in Fairfield done. This ordinance makes annual planning and managing against that plan a requirement.
7. We will have annual reporting on what the town has achieved towards the Plan and the town's performance metrics around safety. This is a major component of Fairfield's Complete Streets Policy that is not consistently carried out (if at all).

Let's start Q&A and comments!