

BOARD OF SELECTMEN MEETING FINAL MINUTES
April 22, 2015

The regular meeting of the Board of Selectmen was held at 4:30 p.m. on Wednesday, April 22, 2015, in the first floor conference room of Independence Hall.

Members Present: First Selectman Michael C. Tetreau, Selectman Kevin P. Kiley, Selectman Sheila H. Marmion

Others Present: News 12, Josh Garskoff, Principal Patricia Brady, Michael Herley and family, St. Thomas Aquinas Catholic School JV Girls' Basketball Team, parents and coaches, Earth Day Art Contest winners, Mary Hogue, Laura Pulie, Peter Penczer, Tom and Cathy Steinke, Stanton Lesser, Kevin Gumpfer, Rick Grauer, Don Lamberty, Ed Boman, Ed Jones, Joe Michelangelo, Mary Tetro

1) CALL TO ORDER

First Selectman Tetreau called the meeting to order at 4:35 pm.

2) PLEDGE OF ALLEGIANCE

Following the Pledge of Allegiance, First Selectman Tetreau asked for a moment of silence for Bill Sapone, a town resident who was very active the community.

3) WEDNESDAY'S PET – presented by Sherri Steeneck

There was no pet.

4) MINUTES To consider and act upon the minutes of:

i. Regular Meeting of March 18, 2015

Selectman Kiley made a motion to approve the minutes. Selectman Marmion seconded the motion which carried 3-0.

ii. Special Meeting of March 25, 2015

Selectman Kiley made a motion to approve the minutes. Selectman Marmion seconded the motion which carried 2-0-1, Selectman Kiley abstained.

iii. Regular Meeting of March 30, 2015

Selectman Kiley made a motion to approve the minutes. Selectman Marmion seconded the motion which carried 3-0.

iv. Regular Meeting of March 31, 2015

Selectman Kiley made a motion to approve the minutes. Selectman Marmion seconded the motion which carried 3-0.

v. Regular Meeting of April 1, 2015

Selectman Kiley made a motion to approve the minutes. Selectman Marmion seconded the motion which carried 2-0-1, Selectman Marmion abstained.

5) RECOGNITION

Recognition of the St. Thomas Aquinas Catholic School JV Girls' Basketball Team as the Diocese of Bridgeport League and C.Y.O. New England Champions

First Selectman recognized Principal Patricia Brady. Coach Fred ? acknowledged the team's other two coaches. He thanked the Selectmen and said this is an honor and it was a great win. It's a great accomplishment for the Team and all who helped them get there. First Selectman Tetreau recognized the Team for their wins. The Selectmen issued certificates of

congratulations to the team and coaches. Selectman Marmion congratulated the coaches, parents and success in sports equals success in life. Selectman Kiley congratulated everyone and also congratulated the Parish. He said the Town is very proud.

6) RECOGNITION

Recognition of Earth Day Art Contest Winners and Fairfield's Earth Day Celebration
First Selectman Tetreau read and issued an Earth Day proclamation which he gave to Fairfield Earth Day Chair Mary Hogue. Ms. Hogue said the Fairfield Earth Day Celebration is celebrating its 18th year at Fairfield Warde High School. She said there are over 1000 people who attend throughout the day. There are over 100 exhibitors, local business supporters, and sponsors. The public can go to www.fairfieldearthday.org. This is a very family oriented event and is focused on the environment. Ms. Hogue thanked the sponsors of the Earth Day Art Contest. Ms. Hogue introduced **Emma**, a junior at Fairfield Warde High School who was this year's Art Contest Chair. **Miss thanked** all the students who made submissions to the contest. She read the names of the winners as the Selectmen issued them certificates of congratulations.

7) RESIGNATIONS (for information only)

Flood and Erosion Control Board

Timothy DeBartolomeo (R), 403 Nonopoge Road, term 11/12 – 11/17 (Resignation Date: April 16, 2015)

8) APPOINTMENTS To hear, consider and act upon the following appointment: Flood and Erosion Control Board Donald Lamberty (R), 75 French Street, term 11/12 – 11/17 (To fill a vacancy for Timothy DeBartolomeo who resigned)

Selectman Kiley made a motion to approve the item. Selectman Marmion seconded the motion.

Selectmen Kiley and Marmion both said Mr. Lamberty has a great background and thanked him for serving. First Selectman Tetreau thanked Mr. Lamberty for serving at such a crucial juncture.

The motion carried 3-0.

9) TOWN ATTORNEY (requires Board of Finance and RTM approval and a report from Town Plan and Zoning Commission)

To hear, consider and act upon the following resolution: RESOLVED, that the Town of Fairfield purchase an undivided two-thirds interest in the property known as 908 Fairfield Beach Road, Assessor's Map No. 184 Lot 185, from The MacKenzie Family Trust and James Y. Atkins for the sum of \$268,000 as more particularly set forth in real estate sales agreement between said parties; and

FURTHER RESOLVED that the funds for the purchase of said property be taken from the H. Smith Richardson Conservation Trust, subject to the approval of the Conservation Commission, and that the First Selectman be, and hereby is, authorized to execute any and all documents necessary to effectuate the use of said funds; and

FURTHER RESOLVED that in the event that the Conservation Commission does not approve the use of said funds, or approves less than an amount sufficient to purchase said property, then in that event the Bond Resolution entitled, 'A Resolution Appropriating \$275,000 for the Costs Associated with the Acquisition of Real Property and Authorizing the Issuance of Bonds to Finance such Appropriation,' be, and hereby is, approved, to be reduced by any sums allowed to be used from the H. Smith Richardson Conservation Fund Trust.

Selectman Kiley made a motion to approve the item. Selectman Marmion seconded the motion.

First Selectman Tetreau said the Town owns one third of this property. The Town can either buy the rest of the property or it will be sold and the Town gets most of the proceeds. Town

Attorney Stanton Lesser heard from Attorney Peter Penzer that Mr. Penczer's clients who own 2/3 of the lots want to sell or be bought out. An appraisal was done and the property is worth \$400,000. Subject to town body approvals, the town can pay for these lots which are two acres. The Land Acquisition Commission unanimously approved the Town buying these lots. Former Conservation Director Tom Steinke said this land would be a great addition to the Town and provides access to the marsh. If Board of Selectmen approve this item, the TPZ issues a report and then the item may go to the Board of Finance and it also goes to the RTM. Mr. Lesser said if the Town uses money from the H. Smith Richardson Trust Fund to purchase the land, then the Conservation Commission needs to give approval to use money from the Trust Fund. Mr. Lesser said this is a buildable lot. He said the Town could designate this land as open space or develop the lot. If the RTM doesn't specify what the land would be used for, it becomes open space by default. Selectman Marmion asked if the Town pays taxes on the property. Mr. Lesser said no it wouldn't if the Town owns the land. First Selectman Tetreau said a new appraisal was done. Mr. Penczer said his clients want to sell the property. Selectman Marmion asked if there would be access to the public or would the land be protected. Kevin Gumpfer, Conservation Commission Chair, said the Commission voted unanimously to purchase the property, but the Commission is not sure if it wants to use the Trust money. He said having this good sized property on the creek would be helpful for maintenance purposes and access would be easier. He said the land is worthwhile to obtain because of its location and how it abuts town property. Selectman Kiley asked how the Trust Fund works and what levels of funding is available. Mr. Gumpfer said Mr. Richardson gave the Town open space property and \$50,000 in 1971. \$40,000 was put in a trust to use for general conservation purposes (and not just for the golf course.) Mr. Gumpfer said there is \$407,000 in the trust. If the principle is used then it would have to be approved by the Selectmen, Conservation Commission and the Board of Finance. Selectman Kiley asked if this is an inappropriate use of funds. Mr. Gumpfer said no. Mr. Gumpfer said there is a lot of work to be done in the Hoyden's Hill area and this Trust Fund money wasn't used for that. He said there are other projects the Trust Fund money can be used for. Mr. Lesser said another option is for the Selectman to approve bonding if the Trust Fund money is not used.

Ed Jones from the Conservation Department showed the Selectmen a large map showing no house on the property at this time. He said he's hesitant on using 2/3 of the trust fund on this one property so he would like the Selectmen to explore bonding or grants with matching funds. Selectman Kiley asked what the zoning process is since this is a building lot. Mr. Lesser said the lot meets all requirements for a zone and it wouldn't go to zoning for a vote. Mr. Steinke said he endorses the town buying this lot because it adds value to the town for mosquito management and easier access after storms to get debris. Benefits also include open space and helping with flood protection in the area. He said the area could have an opening for visitors with a small sign but it wouldn't be a destination. The upland portion could be used for stockpiling and sand if there's another Storm Sandy. He said this area has a first rate habitat.

First Selectman Tetreau opened up the discussion to public comment. Rick Grauer asked what the current assessment and taxes are now. Mr. Lesser said taxes are about \$115,000 and the assessment is about 70% of that. Selectman Kiley is in favor of the town owning the property but he said the financing has to be figured out and suggested students in the area help keep the site clean. Selectman Marmion asked if some of the trust and some bonding money could be used to purchase the property. She added that the Town has a unique opportunity to purchase land and it never gets opportunities like this. There would be benefits now and in the future. Mr. Gumpfer said the Conservation Commission would make a recommendation because the Selectmen are co-trustee of the Trust. Mr. Lesser said if interest is used then the item doesn't go to the Board of Finance. If principle is spent then the Board of Finance votes on this. Selectman Marmion asked if some of the trust and some bonding money could be used to purchase the property. Mr. Lesser said yes and the resolution is designed for this. Selectman Kiley wants to avoid bonding and prefers more money from the Trust and less bonding, but he

wants the Town to buy the land. Selectman Marmion agreed with First Selectman to approve the resolution so it can go to Conservation then the Board of Finance. Selectman Kiley suggested a partnership with town organizations like the Audubon Society to beautify the area. First Selectman Tetreau suggested that Conservation also consider BRAG, a Fairfield University student group at the beach to help clean the area.

The motion carried 3-0.

10) DIRECTOR OF PUBLIC WORKS (requires Board of Finance and RTM approval)

To hear, consider and act upon the following resolution as recommended by the Director of Public Works:

WHEREAS, Federal monies are available under the Community Development Block Grant – Disaster Recovery Program, administered by the State of Connecticut, Department of Housing pursuant to Public Law 93-383, as amended; and,

WHEREAS, pursuant to Chapter 127c, and Part VI of Chapter 130 of the Connecticut General Statutes, the Commissioner of Housing is authorized to disburse such Federal monies to local municipalities; and,

WHEREAS, it is desirable and in the public interest that the Town Of Fairfield accept from the State a grant in a sum not to exceed \$2,316,000 in order to undertake a Community Development Block Grant-Disaster Recovery – Tranche 2 Project, Fairfield Waste Water Treatment Plant Hardening, and to execute an Assistance Agreement therefore, should one be offered;

NOW, THEREFORE, BE IT RESOLVED that the Town of Fairfield is cognizant of the conditions and prerequisites for State Assistance imposed by Part VI of Chapter 130 of The Connecticut General Statutes; and that the acceptance by the Town Of Fairfield of a Disaster Recovery Community Development Block Grant to be used for Fairfield Waste Water Treatment Plant Hardening in an amount not to exceed \$2,316,000 is hereby approved; and

FURTHER RESOLVED, that the First Selectman is hereby authorized, on behalf of the Town of Fairfield, to accept and expend said grant; and

FURTHER RESOLVED, that the First Selectman is hereby authorized, on behalf of the Town of Fairfield, to execute any and all necessary documents to secure said grant; and

FURTHER RESOLVED, that a bond resolution appropriating \$2,316,000 for the costs associated with the Waste Water Treatment Plant Hardening, be, and hereby is, approved.

First Selectman Tetreau made a motion to skip reading the motion. Selectman Marmion seconded the motion which carried 3-0.

DPW Director Joe Michelangelo said there is a 25% match for this grant. He showed the Selectmen a large drawing. He said this project came about from Storm Sandy. The goal is to protect the plant from flooding. A barrier would be built to the flood elevation level. In talking with DEEP, the town would be a leader on this project.

Selectman Kiley made a motion to postpone the item to a date certain of May 6, 2015
Selectman Marmion second the motion which carried 3-0.

11) DIRECTOR OF PUBLIC WORKS (requires Board of Finance and RTM approval)

To hear, consider and act upon the following resolution as recommended by the Director of Public Works:

WHEREAS, Federal monies are available under the Community Development Block Grant – Disaster Recovery Program, administered by the State of Connecticut, Department of Housing pursuant to Public Law 93-383, as amended; and,

WHEREAS, pursuant to Chapter 127c, and Part VI of Chapter 130 of the Connecticut General Statutes, the Commissioner of Housing is authorized to disburse such Federal monies to local municipalities; and,

WHEREAS, it is desirable and in the public interest that the Town Of Fairfield accept from the State a grant in a sum not to exceed \$2,500,000 in order to undertake a Community Development Block Grant-Disaster Recovery – Tranche 2 Project, Water Pollution Control Microgrid, and to execute an Assistance Agreement therefore, should one be offered; NOW, THEREFORE, BE IT RESOLVED that the Town of Fairfield is cognizant of the conditions and prerequisites for State Assistance imposed by Part VI of Chapter 130 of The Connecticut General Statutes; and that the acceptance by the Town Of Fairfield of a Disaster Recovery Community Development Block Grant to be used for the Water Pollution Control Microgrid in an amount not to exceed \$2,500,000 is hereby approved; and FURTHER RESOLVED, that the First Selectman is hereby authorized, on behalf of the Town of Fairfield, to accept and expend said grant; and FURTHER RESOLVED, that the First Selectman is hereby authorized, on behalf of the Town of Fairfield, to execute any and all necessary documents to secure said grant; and FURTHER RESOLVED, that a bond resolution appropriating \$2,500,000 for the costs associated with the Water Pollution Control Microgrid be, and hereby is, approved.

Mr. Michelangelo said this item is related to the previous item. It establishes a facility that runs off the grid. It would be powered with natural gas for a 30 day period if a storm knocks the power out. There would be an interconnection with Animal Control, the Fire Training Center and the Conservation Garage. This grant is 100% funded. First Selectman Tetreau said the State is taking this on as a State project.

Selectman Kiley made a motion to postpone the item to a date certain of May 6, 2015
Selectman Marmion second the motion which carried 3-0.

12) DIRECTOR OF PUBLIC WORKS (**requires Board of Finance and RTM approval**)

To hear, consider and act upon the following resolution as recommended by the Director of Public Works:

WHEREAS, Federal monies are available under the Community Development Block Grant – Disaster Recovery Program, administered by the State of Connecticut, Department of Housing pursuant to Public Law 93-383, as amended; and,

WHEREAS, pursuant to Chapter 127c, and Part VI of Chapter 130 of the Connecticut General Statutes, the Commissioner of Housing is authorized to disburse such Federal monies to local municipalities; and,

WHEREAS, it is desirable and in the public interest that the Town Of Fairfield accept from the State a grant in a sum not to exceed \$560,000 in order to undertake a Community Development Block Grant-Disaster Recovery – Tranche 1 Project, Pine Creek Culvert Upgrade, and to execute an Assistance Agreement therefore, should one be offered;

NOW, THEREFORE, BE IT RESOLVED that the Town of Fairfield is cognizant of the conditions and prerequisites for State Assistance imposed by Part VI of Chapter 130 of The Connecticut General Statutes; and that the acceptance by the Town Of Fairfield of a Disaster Recovery Community Development Block Grant to be used for the Pine Creek Culvert Upgrade in an amount not to exceed \$560,000 is hereby approved; and

FURTHER RESOLVED, that the First Selectman is hereby authorized, on behalf of the Town of Fairfield, to accept and expend said grant; and

FURTHER RESOLVED, that the First Selectman is hereby authorized, on behalf of the Town of Fairfield, to execute any and all necessary documents to secure said grant.

Selectman Kiley made a motion to approve the item. Selectman Marmion second the motion.

Mr. Michelangelo showed the Selectmen a large map of the high tides that feed the marshes which is a great system. The pipe system works great except during a storm like Sandy. The grant would allow for multiple pipes to be installed.

The motion carried 3-0.

13) DIRECTOR OF PUBLIC WORKS (requires Board of Finance and RTM approval)

To hear, consider and act upon the following resolution as recommended by the Director of Public Works:

WHEREAS, Federal monies are available under the Community Development Block Grant – Disaster Recovery Program, administered by the State of Connecticut, Department of Housing pursuant to Public Law 93-383, as amended; and,

WHEREAS, pursuant to Chapter 127c, and Part VI of Chapter 130 of the Connecticut General Statutes, the Commissioner of Housing is authorized to disburse such Federal monies to local municipalities; and,

WHEREAS, it is desirable and in the public interest that the Town Of Fairfield accept from the State a grant in a sum not to exceed \$500,000 in order to undertake a Community Development Block Grant-Disaster Recovery – Tranche 1 Project, Repair of Penfield Pavilion, and to execute an Assistance Agreement therefore, should one be offered;

NOW, THEREFORE, BE IT RESOLVED that the Town of Fairfield is cognizant of the conditions and prerequisites for State Assistance imposed by Part VI of Chapter 130 of The Connecticut General Statutes; and that the acceptance by the Town Of Fairfield of a Disaster Recover Community Development Block Grant to be used for the Repair at Penfield Pavilion in an amount not to exceed \$500,000 is hereby approved; and

FURTHER RESOLVED, that the First Selectman is hereby authorized, on behalf of the Town of Fairfield, to execute any and all necessary documents to secure said grant.

Selectman Kiley made a motion to approve the item. Selectman Marmion second the motion.

First Selectman Tetreau said this item is part of the Penfield Pavilion project. The Selectmen would be formally accepting the grant. Selectman Marmion asked about the foundation. Mr. Michelangelo said this item is intended for the entire facility.

The motion carried 3-0.

14) DIRECTOR OF PUBLIC WORKS (requires Board of Finance and RTM approval)

To hear, consider and act upon the following resolution as recommended by the Director of Public Works:

WHEREAS, Federal monies are available under the Community Development Block Grant – Disaster Recovery Program, administered by the State of Connecticut, Department of Housing pursuant to Public Law 93-383, as amended; and,

WHEREAS, pursuant to Chapter 127c, and Part VI of Chapter 130 of the Connecticut General Statutes, the Commissioner of Housing is authorized to disburse such Federal monies to local municipalities; and,

WHEREAS, it is desirable and in the public interest that the Town Of Fairfield accept from the State a grant in a sum not to exceed \$225,000 in order to undertake a Community Development Block Grant-Disaster Recovery – Tranche 2 Project, Shoreline Resiliency Improvements at Penfield Beach, and to execute an Assistance Agreement therefore, should one be offered;

NOW, THEREFORE, BE IT RESOLVED that the Town of Fairfield is cognizant of the conditions and prerequisites for State Assistance imposed by Part VI of Chapter 130 of The Connecticut General Statutes; and that the acceptance by the Town Of Fairfield of a Disaster Recover Community Development Block Grant to be used for the Shoreline Resiliency Improvements at Penfield Beach in an amount not to exceed \$225,000 is hereby approved; and

FURTHER RESOLVED, that the First Selectman is hereby authorized, on behalf of the Town of Fairfield, to execute any and all necessary documents to secure said grant.

15) DIRECTOR OF PUBLIC WORKS (requires Board of Finance and RTM approval)

To hear, consider and act upon the following resolution as recommended by the Director of Public Works:

WHEREAS, Federal monies are available under the Community Development Block Grant – Disaster Recovery Program, administered by the State of Connecticut, Department of Housing pursuant to Public Law 93-383, as amended; and,

WHEREAS, pursuant to Chapter 127c, and Part VI of Chapter 130 of the Connecticut General Statutes, the Commissioner of Housing is authorized to disburse such Federal monies to local municipalities; and,

WHEREAS, it is desirable and in the public interest that the Town Of Fairfield accept from the State a grant in a sum not to exceed \$74,500 in order to undertake a Community Development Block Grant-Disaster Recovery – Tranche 1 Project, WPCF Sanitary Sewer Outfall Repair, and to execute an Assistance Agreement therefore, should one be offered;

NOW, THEREFORE, BE IT RESOLVED that the Town of Fairfield is cognizant of the conditions and prerequisites for State Assistance imposed by Part VI of Chapter 130 of The Connecticut General Statutes; and that the acceptance by the Town Of Fairfield of a Disaster Recovery Community Development Block Grant to be used for WPCF Sanitary Sewer Outfall Repair in an amount not to exceed \$74,500 is hereby approved; and

FURTHER RESOLVED, that the First Selectman is hereby authorized, on behalf of the Town of Fairfield, to accept and expend said grant; and

FURTHER RESOLVED, that the First Selectman is hereby authorized, on behalf of the Town of Fairfield, to execute any and all necessary documents to secure said grant.

Selectman Marmion made a motion to waive the reading of the resolution. Selectman Kiley seconded the motion which carried 3-0.

Selectman Kiley made a motion to approve the item. Selectman Marmion seconded the motion which carried 3-0.

16) DWIGHT ROOF BUILDING COMMITTEE CHARGE

To hear, consider and act upon revisions to the Dwight Roof Building Committee Charge
Selectman Kiley made a motion to approve the item. Selectman Marmion seconded the motion which carried 3-0.

17) CHIEF FISCAL OFFICER

To hear an update on the status of FEMA reimbursement for Penfield Pavilion
CFO Bob Mayer said the Town hired Witt O'Brien. The Town has been engaged with FEMA for almost three years to capture the proper funds. The Town sent a letter to the state and federal delegation for assistance. Staff from Congressman Himes and Senator Murphy's office has been helping the Town. The Town had a conference call about six weeks ago with FEMA, Witt, the State and the federal staffers. FEMA hired a technical assistance consultant (a cost specialist) to see if the Town satisfies the 50% rule to help build with the full estimates. That person should be hired this week. Mr. Mayer said the Town would still get funding if the 50% rule isn't satisfied but satisfying the rule is the best process. Mr. Mayer said the Town is trying to move aggressively and get a definitive answer before rebuilding the Pavilion. Selectman Kiley said how long will this take. Mr. Mayer said about two weeks. The next step is a FEMA issues project worksheet. The Town can appeal or look at each mitigation. The process hasn't been closed. Selectman Kiley asked how the Town assessed the greatest risk. Mr. Mayer said by not meeting the 50% rule then there's a greater risk because the elevation would be more expensive.

18) TAX COLLECTOR To consider and act upon tax refunds as recommended by the Tax Collector in the amount recommended.
Selectman Kiley made a motion to approve the item. Selectman Marmion seconded the motion.

Selectman Marmion made an amendment to remove the period after the end of the sentence and add a comma followed by \$27,459.68. Selectman Kiley seconded the amendment which carried 3-0.

The main motion, as amended, carried 3-0.

19) To hear, consider and act upon any communications.
There were no communications.

20) To hear, consider and act upon any other business which shall properly come before this meeting.
There was no other business to consider.

21) ADJOURN
Selectman Marmion made a motion to adjourn the meeting at 7:07 pm. Selectman Kiley seconded the motion which carried 3-0.

Respectfully submitted,

Jennifer S. Carpenter
Recording Secretary