

BOARD OF SELECTMEN MEETING FINAL MEETING
November 4, 2015

The regular meeting of the Board of Selectmen was held at 4:30 p.m. on Wednesday, November 4, 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: Andrea Flynn, Dick D, Dan Caruso, FairTV, Soundview, Mark Barnhart, Bob Palermo, Scott Thompson, Genny Reilly, Sherri Steeneck and Lucy, Bill McDonagh, Gerry Lombardo, Norma Peterson, News 12, Kate Maxham, Judy Ewing, Stanton Lesser, Joe Devonshuk, Dick Saxl, Mary Kay Frost, Bob Mayer, Elise McKay, Dick Dmochowski, Marlou Neukirk, Lisa Roland, Steve McKay, Joseph Benim, Marjorie Pena, Pat Kearns

1) CALL TO ORDER

First Selectman Tetreau called the meeting to order at 4:36 pm

2) PLEDGE OF ALLEGIANCE

Following the Pledge of Allegiance, the First Selectman called for a moment of silence for the late Mary Rousseau.

3) WEDNESDAY'S PET – presented by Sherri Steeneck

As part of the adopt a pet program, Sherri Steeneck introduced Lucy, a 5-6 year old female maltese mix who's available starting November 7th. Lucy can be found at the Town's Animal Shelter, 211 Richard White Way. Anyone seeking to adopt a pet can call 254-4857.

4) MINUTES -To consider and act upon the minutes of Regular Meeting of October 21, 2015

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

5) RESTAURANT WEEK PRIZE DRAWINGS

First Selectman Tetreau gave a recap on the Town's 4th annual Restaurant Week. He thanked everyone who helped make this town tradition a success. He noted there was a record 41 restaurants involved this year. He thanked lead sponsor Bankwell and the grand prize contributor, Delamar Southport, Artisan Restaurant and the Spa at the Delamar and the special prize contributor, The Gray Goose. The Selectmen then drew the two prize winners, both of whom are from Fairfield. First Selectman Tetreau added a thank you to St. Pius.

6) RESIGNATIONS (**for information only**)

Parks and Recreation Commission

Patricia J. Dyer (D), 219 Toilsome Hill Road, term 11/11 – 11/16
(Resignation Date: October 22, 2015)

7) FIRST SELECTMAN APPOINTMENTS (**for information only**)

i. Emergency Management Director

Denis M. McCarthy

(Appointment Date: October 1, 2015)

ii. Deputy Emergency Management Director

Kyran V. Dunn (Appointment Date: October 1, 2015)

8) DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

To hear a report on the Micro-Enterprise Program.

Mark Barnhart, Director of Community and Economic Development, gave a handout to the Selectmen on the Micro-Enterprise Program. Mr. Barnhart described the program which is funded on a rolling basis. He described the eligibility requirements and said qualified businesses are provided with a \$5000 matching grant. Mr. Barnhart described some of the ways small businesses use these funds and discussed how the committee looks at applications. Mr. Barnhart said, to date, over 40 local businesses have been helped by this federal program. He said after three years, 80% of these businesses are still in operation. Mr. Barnhart said if any small business owner is interested in applying for this program, they may call his office at 256-3120.

Selectman Marmion this program is exactly what we need since creating jobs is important. She commended Mr. Barnhart on doing a great job. She asked if there are any mentors for these new businesses. Mr. Barnhart said besides his office there are other organizations that help these businesses.

Before item 9, First Selectman Tetreau asked both Selectmen to say a few words since this is their last meeting. Selectman Kiley thanked the Selectmen again for honoring him at the last meeting with a Key to the Town. Selectman Kiley said it has been an honor to serve on the Board of Selectman with Selectman Marmion, First Selectman Mike Tetreau and Cristin McCarthy Vahey. He is proud to have served the Town for 22 years. He loves public service and encourages everyone to get involved in public service. He thanked the citizens and his family. Selectman Marmion said it's not whether you win or lose it's how you play the game. She is proud to have run with First Selectman Mike Tetreau. She said when one door closes, another one opens. Selectman Marmion said serving on this Board has been fun and she has learned so much. She said she is thankful for serving with Selectman Kiley and First Selectman Tetreau. She hopes the new Board will work together which she said is what ultimately matters. First Selectman Tetreau complimented both Selectmen and expects both to stay involved because they add value.

9) FAIRFIELD MUSEUM AND HISTORY CENTER

(requires Parks and Recreation Commission approval)

To hear, consider and act upon a petition from Timothy Russell for authority to remove, repair, restore and reset three grave markers at the Old Burying Grounds.

Judge of Probate Dan Caruso said he is filling in for Tim Russell who is a member of the Board of Directors for the Fairfield Museum and History Center. Mr. Russell brought a petition on behalf of the Board to the Selectmen to give permission to allow the Probate Court the authority to remove, repair, restore and reset grave markers at the Old Burying Grounds for David Ogden, Sally Ogden and Josiah Sturges. Repairs need to be made due to damage to these headstones which will be removed and cleaned and reset and put back where they belong. Judge Caruso recognized appointed guardians of the headstones— Dave Huntington who will preside over the Sturges headstone and Betty Oderwald who's in charge of the Ogdens' headstones. There will be a hearing and Mr. Russell will be going before the Parks and Recreation Commission.

Selectman Marmion said she is pleased this important work is being performed to honor those who came before us. Selectman Kiley thanked everyone for undertaking this important project. First Selectman Tetreau noted how history is wrapped into this project and this is another example of how our Town preserves its heritage.

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

10) H. SMITH RICHARDSON CLUBHOUSE BUILDING COMMITTEE CHARGE
(postponed from October 21, 2015)

To hear, consider and approve a charge for the H. Smith Richardson Clubhouse Building Committee.

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

First Selectman Tetreau said he met with the Purchasing Director to discuss the process on hiring an owner's rep to oversee all building committee projects going forward starting with this project. The Purchasing Director will put together a RFP and has talked to various building committees. First Selectman Tetreau said as new committees like this one are formed volunteers will not be left on their own and having an owner's rep for all building committees in town will help improve the process and provide consistency. First Selectman Tetreau would like to add to the Charge language about an owner's rep. He also wants to get a sense of the body from the Selectmen to agree to the Town pursuing an RFP so that an owner's rep firm can be approved at a future Selectmen's meeting.

Selectman Kiley likes this idea for its consistency in reporting and consistency in the process. He said having one point person to rely on will allow for consistency across building committees and within building committee budgets. Selectman Marmion agreed with Selectman Kiley's comments. She said an owner's rep would standardize the process and save the Town money.

The First Selectman asked for public comment. Scott Thompson, Chair of the Town's Clean Energy Task Force, said having served on the Riverfield Building Committee he suggests a life cycle cost analysis to save the Town money over time and to include that in the charge or in part of the RFP. First Selectman Tetreau pointed out that Mr. Thompson's suggestion is reflected in the bullet points on the second page of the Charge.

First Selectman Tetreau said the board needs to approve the Charge and then get a sense of the body on the amendment since the Charge will come back to the Board for final approval.

First Selectman Tetreau made an amendment to add the following sentence after paragraph six on the first page of the Charge:

"The Committee shall use the Town's Owner's Rep Firm on this building project."

Selectman Kiley seconded the amendment which carried 3-0.

The Charge, as amended, carried 3-0.

Selectman Marmion made a motion to get a sense of the body on the Town pursuing a RFP for an owner's rep. Selectman Kiley seconded the motion which carried 3-0.

11) DIRECTOR OF PUBLIC WORKS

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 \$250,000.00 in order to undertake a Community Development Block Grant-Disaster Recovery – Tranche 2 Project, Riverside Drive Coastal Resiliency & Flood Mitigation Study 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 Riverside Drive Coastal Resiliency & Flood Mitigation Study in an amount not to exceed \$250,000.00 is hereby approved; and

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

FUTHER 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 approve the item. Selectman Kiley seconded the motion.

Conservation Director Brian Carey gave a brief background on the grant which would be applied to the Riverside Drive Corridor. The grant funding will help the Town improve mitigation measures and offset the global sea level rise. Mr. Carey said the grant is 100% reimbursable with no cost to the Town. Selectman Marmion said this is all good news for the Town. Selectman Kiley asked if there will be any challenges with the tight timeframe of spending the funds between the next 6-8 months. Mr. Carey said it's aggressive, but the project will be completed. Dick Dmochowski, a member of the Flood and Erosion Control Board, said this study is equal to the number one goal in his Board's plan.

The motion 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:

RESOLVED, that the First Selectman is hereby authorized, on behalf of the Town of Fairfield, to expend up to \$250,000 to fund a Community Development Block Grant-Disaster Recovery (CDBG-DR) – Tranche 2 Project entitled Riverside Drive Coastal Resiliency & Flood Mitigation Study, one hundred percent of said project cost to be reimbursed by a federally funded Disaster Recovery Community Development Block Grant.

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

13) DIRECTOR OF PUBLIC WORKS

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 \$100,000.00 in order to undertake a Community Development Block Grant-Disaster Recovery – Tranche 2 Project, Fairfield Engineered Beach Study 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 Fairfield Engineered Beach Study in an amount not to exceed \$100,000.00 is hereby approved; and

FURTHER RESOLVED, that the First Selectman is hereby authorized, on behalf of the Town of Fairfield, to accept 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 approve the item. Selectman Kiley seconded the motion.

Mr. Carey said that any damage to our beach from erosion, for example, would not be reimbursed by FEMA. This study makes it possible to reconstruct our beach after any future storms and allows the Town to seek 75% reimbursement to reconstruct the beach if a storm wipes it out. Mr. Carey said this grant gives the Town the opportunity to seek FEMA reimbursement for future potential storms. Selectman Marmion thanked Conservation and DPW for their efforts in protecting the town.

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:

RESOLVED, that the First Selectman is hereby authorized, on behalf of the Town of

Fairfield, to expend up to \$100,000 to fund a Community Development Block Grant-Disaster Recovery (CDBG-DR) – Tranche 2 Project entitled Fairfield Engineered Beach Study, one hundred percent of said project cost to be reimbursed by a federally funded Disaster Recovery Community Development Block Grant.

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

15) **PENFIELD BUILDING COMMITTEE (requires Board of Finance and RTM approval)**

To hear consider and act upon the following resolution as recommended by the Penfield Building Committee:

RESOLVED, that the Bond Resolution Entitled, “A Resolution Amending and Restating a Resolution Adopted by the Representative Town Meeting on February 3, 2015 Entitled ‘A Resolution Appropriating \$6,028,709 for Costs Associated with the Repair and Restoration of Penfield Pavilion and Authorizing the Use of \$1,750,000 of Insurance Proceeds to Fund such Appropriation and the Issuance of Bonds to Fund the Portion of such Appropriation not Funded by Insurance Proceeds,’ to Increase the Appropriation to \$7,446,999 and Bond Authorization to \$5,696,999”, be, and hereby is, approved.

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

Jim Bradley, Chair of the Penfield Building Committee, reviewed a handout the Selectmen received on an update on the Penfield Pavilion Project. Mr. Bradley gave a project status update. He noted that the results of the public bidding process significantly exceeded, about \$1.1 million, the original authorized funding amount. The major issues were general trades, electrical, mechanical and building moving budget line items. He said this cost was driven by labor shortages also. The Committee responded to the bid results in two ways. The construction manager and Town Purchasing were requested to clarify and rebid certain portions of the project and the project architect was directed to develop preliminary design options that would reduce project scope and cost. Mr. Bradley said as the Committee worked on resolving project cost issues, it learned that the FEMA reimbursement criteria had been clarified. The FEMA clarification of the reimbursement criteria confirmed up to 75% reimbursement of project actual costs for the original project. Based on the FEMA reimbursement clarifications, the Committee refocused on the original project that included the lockers. On October 22, 2015, the Committee received and approved a GMP proposal from the construction manager. The Committee plans to proceed with the original project as previously approved by the BOS, BOF and RTM and is recommending an increase in funding of \$1,418,290. Mr. Bradley said there was two and a half months going back and forth with FEMA. The recent FEMA news was incorporated into the handout given to the Selectman. Mr. Bradley then discussed the project’s budget variance. Selectman Kiley asked if the building’s risk insurance is just an increase in a line item. Mr. Bradley answered yes. Mr. Bradley talked about the trades bid process noting how the State DASA had disqualified some low bidders resulting in the Committee having to use the next highest bidder which resulted in the increase. Selectman Marmion said in regards to the timing process can the Town be assured the bidders will be present so the project won’t be further delayed. Mr. Bradley said the bidders put in writing that they will start work next February. First Selectman Tetreau asked how close this project is now to what was presented in

January. Mr. Bradley said it's a comparative project but a better project because landscaping and parking is being improved. It's not identical because of some improvements. First Selectman Tetreau said it's better with more detail but not functionally different. Mr. Bradley said the Committee set out to maximize the reimbursement and there are no frills in this project. The Selectman had a discussion with the CFO on the net cost to the Town with this increase. The CFO said the Town is aggressively working with the State and the FEMA consultant to develop an alignment document with FEMA. First Selectman Tetreau said the objective is to not contribute any more tax dollars on this project. Selectman Marmion asked if the project starts in February when will it be completed. Mr. Bradley said it is a 10-month project so it would be completed late August or September. Selectman Kiley said this has been a long process and this is a very important project to the Town. He thanked Mr. Bradley and his committee, Mr. Mayer, Mr. Tetreau and his administration and the departments which are involved.

The motion carried 3-0.

16) **DIRECTOR OF PUBLIC WORKS (requires Plan and Zoning Commission approval)**

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

RESOLVED, that a solar power and services agreement between the Town of Fairfield and Greenskies for the purpose of erecting a photovoltaic electric generation system over the westbound parking lot of the Fairfield Center Railroad Station, for the sole benefit of Tomlinson Middle School located at 200 Unquowa Road, the term of the agreement being twenty years, be, and hereby is, approved. Selectman Kiley made a motion to approve the item. Selectman Marmion seconded the motion.

Town Attorney Stanton Lesser gave a history and comparison to other projects. He said this project is different because the town contracts with Greenskies to buy power, but the Town doesn't control the land so this item went to the Parking Authority which controls the lot and after BOS approval, TPZ needs to approve this project. The Parking Authority approved the project. It approve a licensing agreement with certain conditions. Mr. Lesser said the list of questions he submitted to the solar company is in the backup along with the conditions. Mr. Lesser said there will be alternative areas for commuters to park at while the project is being done. Selectman Marmion asked what percentage of the lot is used in the summer and the Town should have hard numbers on her question. Selectman Kiley asked if the Solar Company agreed to the Parking Authority's additions. Mr. Lesser said he has not heard back from the Company. First Selectman Tetreau asked how and when this project was presented to residents living at Mosswood. Mr. Lesser said neighbors will hear a presentation when the developer meets with the neighbors before they go to TP&Z. First Selectman Tetreau asked for a more detailed drawing for the neighbors to see the true impact.

Mary Kay Frost, Parking Authority Chair, said the Authority never does a count in the summer because so many people are away. First Selectman asked what the options are regarding spaces that are temporarily not available. Ms. Frost said the front part of RLMS and half of the Fairprene lot can be used. She also mentioned the Trinity lot in Southport. She is concerned with the project running longer than Labor Day through early September and is also concerned with the time period until school closes and when people return from

vacation in August. She said no one asked TMS for permission for the staging area. Ms. Frost said Ed Boman will be speaking to the Superintendent about TMS. Selectman Marmion noted Southport doesn't have express trains. First Selectman Tetreau asked who's responsible for the alternative parking plan. Ms. Frost said she is working on it with Cindy Placko in the parking authority department. Selectman Marmion said a contingency parking plan is needed if the project goes past Labor Day. First Selectman Tetreau asked about snow plowing and paving. DPW Director Joe Michelangelo said DPW can plow this site. Ms. Frost said Green Skies didn't agree to pave the lot but Mr. Michelangelo said DPW can pave it. First Selectman Tetreau asked Ms. Frost to tell her Authority the lot can be paved. Elise McKay, Parking Authority member, said she is concerned about losing spots while the project is being installed and that is included in one of the Parking Authority's conditions. First Selectman Tetreau asked if the Parking Authority checked on there being any obstacles with the solar installations at the Parks and Recreation Center. Ms. McKay said the Authority did not check. First Selectman Tetreau reiterated his concerns on paving, plowing and space loss. Mr. Lesser talked about how much money this project will save the TMS each year. Selectman Marmion asked if the solars could be put on TMS's roof. Mr. Lesser said no because the roof is not big enough. Selectman Marmion asked if anyone has looked at other schools with solars to get a perspective on the benefits. She said she is concerned with the aesthetics and with neighbors' concerns, this is a big adjustment if this project goes forward. She also asked if other towns that have solars could be looked at. First Selectman Tetreau added that any photos from other towns with solars similar to this proposed project would be good to see. He asked Ms. Frost if there was any feedback from Greenskies on timing of prior installations. Ms. Frost said she didn't know if the others were completed on time except for at least one because of the harsh winter.

First Selectman Tetreau opened up comment to the public. Marlou Neukirk, who lives at Mosswood, asked for a copy of the solar power agreement to present to the Mosswood Board. She said she sees nothing but chaos and confusion with construction, noise dust and taking away the aesthetics. She can't believe sinking in pillars won't take away spaces. Lisa Roland, President of the Mosswood Board, asked the Selectman to table this item and look into it more. She said she and her neighbors were not informed about this project until last week. She said to give Mosswood a chance to look at the whole picture and then have everyone come together. She said this project could be substandard in 20 years. Steve McKay, Mosswood's said this vote would be premature because there are a lot of questions and a lot of generalities. He asked how much of the lot is covered, has a strong enough cost analysis been done for snow removal and who pays for the snow costs. He too asked the Selectmen to table. Joseph Benim and Marjorie Pena, Owners of Rise and Shine coffee shop, have concerns on losing customers if they are transferred to other spots. They asked the Selectmen to please reconsider and to understand how this installation will affect their business and be an inconvenience to commuters rushing to grab coffee and rushing to their trains. Ms. McKay asked if there is a buyback power agreement. She said most residents don't know about this project and more information needs to be put out. Mr. Thompson said questions still remain and the project will be brought to the public and the community will be engaged. He explained that the lot won't be dark in the winter because solar is based on the whole year. He said there are benefits with the coverings that will improve safety and provide traffic calming. Cost of power will be higher in the future. Ms. Frost said information that was put out noted that there was no guarantee of spaces during constructions. Pat Kearns, Mosswood Board member and parking committee member, said she is worried commuters will park in the visitor spaces at Mosswood.

Mr. Lesser discussed timing of this project and its expiration to have it approved and completed. It's a special grant program with the State and UI so installation deadlines have to be met. Joe Devonshuk, Director of Plan and Zoning, gave the Selectmen a handout on the Code Committee's review of this proposal. Mr. Devonshuk described what the Town Plan and Zoning Commission would look at should this project come before that body. Ed Boman, DPW's Assistant Director, and Greenskies will address the neighbors. Mr. Devonshuk said Greenskies didn't put in an application yet because the company first wanted to get feedback on this project. Mr. Thompson said the solar panels may have a different color to blend in better with the site and there could be screening like shrubs. First Selectman Tetreau said he is very uncomfortable with the communication process. He said Mosswood and the commuters were not informed. He wants to first get their input before moving forward and he wants to receive a better understanding of the look and impact of this project. He said our train stations are our gateways to our Town and should be attractive and welcoming. He wants a clearer and simpler presentation on snow plowing, paving, where commuters will park and the look and impact. Selectman Kiley agreed with First Selectman Tetreau's concerns and said there has been inconsideration for the commuters, neighbors and town at large. Selectman Marmion also agreed with her colleagues and said she is not comfortable with the reaction of the conditions. She said the Town Plan and Zoning Commission has to fully vet the aesthetics. She also said this project could be very disruptive to commuters. First Selectman Tetreau is looking for a presentation to Mosswood and commuters before this item comes back to the Selectmen.

The Selectmen took no action on this item.

17) 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 sentence and add a comma followed by \$3,435.99. Selectman Kiley seconded the amendment which carried 3-0.

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

18) TOWN ATTORNEY-Private Executive Session – Pending Litigation

Selectman Kiley made a motion to enter into private executive session pending litigation at 8:01 pm. Selectman Marmion seconded the motion which carried 3-0.

Selectman Kiley made a motion to end private executive session pending litigation at 8:20 pm. Selectman Marmion seconded the motion which carried 3-0.

The Selectmen accepted the Town Attorney's recommendation with a unanimous vote.

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

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20) To hear, consider and act upon any other business which shall properly come before this meeting.

There was no other business.

21) ADJOURN

Selectman Marmion made a motion to adjourn the meeting at 8:22 pm. Selectman Kiley seconded the motion which carried 3-0.

Respectfully submitted,

Jennifer S. Carpenter
Recording Secretary