

BOARD OF SELECTMEN MEETING

June 15, 2016

FINAL MINUTES

A regular meeting of the Board of Selectmen was held at 5:00 p.m. on Wednesday, June 15, 2016, in the first floor conference room of Independence Hall.

Members Present: First Selectman Michael C. Tetreau, Selectman Laurie A. McArdle, Selectman Christopher W. Tymniak

Others Present: Rugby and Junior Achievement Teams and parents and coaches, FairTV, Soundview, Terry Giegengack, Kendra Wingate, Genny Reilly, Palma Senatore, Tom Quinn, Richard DeAngelis, Carol Way, Stanton Lesser, William R. Manderville, Sal Morabito, Jim Wendt, Tom Dubrosky, Dick Dmochowski, Joe Michelangelo, Holly Ann Mazzeo, Heather Dean, Joseph Rooney, Bob Ehlers, Alistair Crawford

1) CALL TO ORDER

First Selectman Tetreau called the meeting to order at 5:03 pm.

2) PLEDGE OF ALLEGIANCE

Selectman Tymniak led the Pledge of Allegiance. First Selectman Tetreau called for a moment of silence for the tragedy in Orlando.

3) MINUTES

To consider and act upon the minutes of:

- i. Special Meeting of May 25, 2016
- ii. Regular Meeting of June 1, 2016

Selectman McArdle made a motion to approve item 3i. and 3ii. Selectman Tymniak seconded the motion which carried 3-0.

4) RECOGNITION

Recognition of Fairfield Ludlowe High School Students for Placing First and Second in the Junior Achievement of Western CT High School Business Challenge Competition and Fifth in Junior Achievement USA's National Competition.

Patrick Calabrese, team member and a senior at FLHS, described the Challenge at the SHU Business School. He said there were two teams from FLHS. Mr. Calabrese talked about the teams going to the National Competition and Finals and the victories they achieved. Selectman McArdle asked the name of the Team's company Mr. Calabrese described what the team did and noted all team members won scholarships. Selectman Tymniak congratulated the Team and wished them all the best in college. First Selectman Tetreau said this is a great program. He congratulated the team and thanked them for making the Town proud. The Selectmen then issued Certificates of Congratulations to each winner.

5) RECOGNITION

Recognition of the Fairfield Yankees Rugby Football Club for winning the 2016 USA Rugby Men's Division III Senior Club National Championship.

Alistair Crawford spoke on behalf of the Rugby Club. He said the Club started with ages under ten then dads started to play and now the Yankees play and became National Champions. The high school team is ninth in the nation.

He is proud of the Team's achievements and the Club which is a true Rugby Club. Mr. Crawford described the Club stating it gives scholarships and all ages from 4-60 play. There are over 300 players in the last two years. He said the Club needs space in Fairfield because it's growing so fast.

Selectman McArdle said it's amazing the Club has grown so much in just two years. Selectman Tymniak congratulated the Club on its success. He said the trophies are impressive and agrees that the Club should have space here in Fairfield especially because of the recognition the Club has given the Town.

Bob Ehlers, Club President and Coach of the award-winning high school team, said this recognition is perfect timing because Rugby is now being broadcast all over the nation. Mr. Ehlers recognized the two high school team captains. First Selectman Tetreau issued a proclamation to the Team.

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

Board of Library Trustees

Elizabeth B. McLaughlin (R), 90 Webb Road, term 7/15 – 7/21
(Resignation Effective July 1, 2016)

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

Clean Energy Task Force

Alice I. Horrigan (D), 96 Clinton Street
(to fill a vacancy for David Downie who resigned)
(Appointment Date: June 2, 2016)

8) **APPOINTMENTS**

To hear, consider and act upon the following appointments:

a) Holland Hill Building Committee (requires RTM approval)

William R. Manderville (R), 82 Woodcrest Road

b) Solid Waste and Recycling Commission (requires RTM approval)

Joseph R. Pagnozzi (R), 1496 Fairfield Woods Road, term 11/15 – 11/19
(to fill a vacancy for William Shoaf whose term expired)

Selectman McArdle made a motion to approve item 8a and 8b. Selectman Tymniak seconded the motion.

Selectman Tymniak thanked each for serving. Selectman McArdle said she spoke to the candidates and Mr. Manderville has a lot of construction background.

The motion carried 3-0.

9) **BOARD OF SELECTMEN APPROVAL**

To hear, consider and approve the following appointments as recommended by the Board of Library Trustees:

Board of Library Trustees

- i. Duncan S. Banfield (R), 208 South Benson Road, term 7/15 – 7/21
(to fill a vacancy for Elizabeth McLaughlin who resigned effective July 1, 2016)
- ii. Holly Ann Mazzeo (D), 67 Crane Street, term 7/16 – 7/22
(to fill a vacancy for Elizabeth Dillabough whose term expires July 1, 2016)

Selectman McArdle made a motion to approve item 9i. and 9ii. Selectman Tymniak seconded the motion.

Selectman Tymniak thanked both individuals for serving. Joe Rooney, Chair of the Board of Library Trustees, said Mr. Banfield couldn't be at the meeting but read aloud a letter from Mr. Banfield who said it is a pleasure to be appointed. Ms. Mazzeo said she is passionate about our libraries and is happy to serve our Town and our libraries which are an important resource for the Town. Selectman McArdle thanked both for stepping up.

The motion carried 3-0.

Selectman Tymniak made a motion to move item 12 out of order and have the Selectmen take it up before item 10. Selectman McArdle seconded the motion which carried 3-0.

12) HOLLAND HILL BUILDING COMMITTEE

To hear an update from the Holland Hill Building Committee

Building Committee Chair Tom Quinn described what the Committee has been doing. Key people like the architect have been selected. Portables were approved for September. Testing is being performed, a traffic survey is being done along with a land use survey. An environmental consultant is helping. The architect put the ed spec into a visual document which the Committee and Principal reviewed.

Selectman Tymniak asked if the project is on track. Mr. Quinn responded yes. First Selectman Tetreau asked if there is anything the Selectmen can do to help the Committee move things along. Mr. Quinn said the Committee needs more members and would like up to 9 to serve.

10) FRIENDS OF THE BIGELOW CENTER FOR SENIOR ACTIVITIES

To hear a report from the Friends of the Bigelow Center for Senior Activities

Terry Giegengack, Director of Human and Social Services, introduced the new senior group which has formed a 501(c) 3. Ms. Giegengack briefly discussed what the previous group had done and said the new group will bring new ideas.

The President of the Friends of the Bigelow Center of Senior Activities said all requirements to

start this new group have been completed. The group has some funding but will be fundraising

to enhance the Center's programs. The group is formalizing an action plan. The President

described some of the activities it has been doing for the Center. There will be a fundraiser in the fall or spring. The group will engage local businesses.

Selectman Tymniak congratulated the new group and looks forward to its contributions to the Center. Selectman McArde thanked the group noting how much work they are doing.

11) DIRECTOR OF PUBLIC WORKS-To hear a report on the Penfield Bulkhead
Joe Michelangelo, Director of DPW, gave a history of the Penfield Pavilion bulkhead project starting from 2011 to present. After the Pavilion was constructed, the first floor was at approximate elevation 12', the lowest structural member at about 10', and the sand below it at around elevation 8'. Within several months after the Pavilion construction, there were several flooding events in which waters from the Sound ran under the Pavilion and flooded the beach neighborhood. These were during relatively minor events in which flooding was not widespread in other areas. The reaction to stopping this was to construct a wooden bulkhead wall on the seaward side of the pavilion, which was designed by Town Engineering staff.

Mr. Michelangelo said that the Town's designated contact/liaison with the CT DEEP Office of Long Island Sound (OLIS) Permitting section was asked if a permit was needed for the bulkhead construction. The response was that no CT DEEP permit was required because this activity was above the High Water Mark / Coastal Jurisdiction Line. However, a more complete answer was that there needed to be a Coast Area Management application filed with the Fairfield TPZ, and because it was a "flood control structure" it needed to be referred to the CT DEEP Office of Long Island Sound (OLIS) Planning section Mr. Michelangelo noted that DEEP OLIS staff (including the Director) had visited the property after Storm Sandy, saw the bulkhead and no one from DEEP showed any objection to the bulkhead.

Selectman Tymniak asked if the Town had received state money at the time to do this project.

First Selectman Tetreau replied yes, but the state money was for the pavilion, not for the bulkhead. He added that the bulkhead was added after the fact—after Irene had damaged the Town. Selectman Tymniak asked if the Town received funding for the bulkhead. Mr. Michelangelo said yes. First Selectman Tetreau said the cost of the bulkhead is close to \$250,000. Selectman Tymniak asked if DEEP recognizes they gave the Town a 50% response

when asked if a permit was needed for the bulkhead. Mr. Michelangelo said DEEP is putting the responsibility on the Town.

Mr. Michelangelo continued with the timeline. In the final design of the Penfield Pavilion repair/reconstruction in Summer 2015, the plans specified the placement of large stones (revetment) on the seaward side of the bulkhead to add to the flood protection provided by the

wooden bulkhead wall. The Penfield Building Committee and their design engineer properly filed a Coast Area Management application with the Fairfield TPZ. However TPZ did not refer to CT DEEP's OLIS Planning for comments. CT DEEP's OLIS Planning became

aware of the bulkhead in January or February of 2016 during a review by another CT DEEP office (Flood Plain Management) and took exception to the original bulkhead and the new revetment. In April, the Division sent the Town a letter to remove the bulkhead. Selectman Tymniak asked what appeals process the Town went through. First Selectman Tetreau said Mr.

Michelangelo, Jim Wendt of P&Z, Brian Carey of Conservation all had lengthy reviews with DEEP. The First Selectman said he had a phone conversation with a “higher-up” at DEEP. DEEP was understanding, but made itself clear that the Town didn’t follow the proper process.

DEEP sent the Town a notice of violation.

Mr. Michelangelo said he, some department heads and the First Selectman had several conversations with DEEP and a final conference call also. Mr. Michelangelo said since there was a small construction window of opportunity to remove the west portion of bulkhead (early

May) after the Town received the notice of violation and not doing this at this time would have

created a more complex and costly removal at a later date, as the construction project would infringe upon the bulkhead. First Selectman Tetreau said he asked DEEP to justify its decision.

DEEP wrote a letter citing state statutes and DEEP stated it would put a hold on the funding for the bulkhead.

Selectman Tymniak stated there was no appeal by the Town and the wall was taken down.

First

Selectman Tetreau said an appeal would take nine months to one year. Selectman Tymniak said

it has been four years since Storm Sandy and the Pavilion is still not open. He finds it disturbing that the Town invested funding in the wall and it was removed after hard work and without consulting the Flood and Erosion Control Board. Selectman Tymniak said he read the violation letter and feels the Town had a knee jerk reaction to pull out the bulkhead so quickly.

Selectman Tymniak does not believe the State would withhold funding. First Selectman Tetreau said he disagreed with Selectman Tymniak stating he met with the State in Fairfield and

had several talks with the State. He also said the Town Attorney reviewed the State Statutes and

the appeals process is too long and would hold up the project. First Selectman Tetreau had asked the Town Attorney to look into this. Town Attorney Stanton Lesser then addressed the Board stating that the State is not at fault here. The Town is obligated to know the law. The Flood and Erosion Control Board had to refer the coastal site plan to DEEP and did not so the bulkhead was unlawfully erected under the State Statute so DEEP issued an order for removal.

The Town Attorney said if the Town did appeal it would lose with DEEP and with the CT

Superior Court. The Town Attorney said the Statute clearly gave DEEP the authority to remove the bulkhead.

Selectman Tymniak asked how long after the Town received the letter was the bulkhead taken out. Mr. Michelangelo said about 21 days. Mr. Michelangelo said if the Town didn't take out the bulkhead the first week of May then construction would have had to be stopped. Mr. Michelangelo said 60% of the bulkhead was taken out the first week of May and the other 40% (east section) was removed between June 9-15. Once again, not doing this would have caused a more costly removal at a later date.

Mr. Michelangelo said after the Town received the violation letter it had no other options but to remove the bulkhead. If the Town left it in it would be hard to take it out without disrupting other work being performed. Selectman Tymniak stated the first wall had blocked the water from receding. First Selectman Tetreau said that statement is incorrect. Mr. Michelangelo said that in his opinion the bulkhead had prevented more damage to the Pavilion and neighborhood during Sandy. First Selectman Tetreau noted the water had come in and then out of several openings. Selectman Tymniak asked what role does the Flood and Erosion Control Board play in this project. Mr. Michelangelo said the Board recommends measures on where and what flood protection is needed.

First Selectman Tetreau said he has asked the Flood and Erosion Control Board for options. Selectman Tymniak said the Town should turn to the Flood and Erosion Control Board for advice and get them involved in this process. First Selectman Tetreau said Selectman Tymniak's statement is incorrect.

The First Selectman had numerous email exchanges with the Board and the Board was involved in the initial plans in 2012 and held public hearings in the beach area. First Selectman Tetreau asked the Board to appoint a liaison to DEEP. Selectman Tymniak asked if the Town has to give back the STEAP funding it received. First Selectman Tetreau said no because the STEAP money was only for the Pavilion—not the bulkhead. First Selectman Tetreau said the Town received a DOH CDBG-DR grant for flood protection in front of the Pavilion. The Town will be working with the appropriate Town Committees and CT DEEP on a less structural flood

protection design that will address the neighborhood and comply with CT DEEP guidelines. The CDBG-DR funding has not yet been used. Selectman Tymniak asked if Mr.

Michelangelo

will come back to the Selectman to give an update on the aggregate pile. First Selectman said

this has already been scheduled for an upcoming meeting.

Dick Dmochowski submitted a letter to be put on record in the minutes. The letter pertains to flood mitigation at Penfield Beach. While Mr. Dmochowski is a member of the Flood and Erosion Control Board, he stated in his letter to the Selectmen he wrote this letter as a

resident

of the flood plain (and Town). To view the letter, [click here](#).

13) TAX COLLECTOR

To consider and act upon tax refunds as recommended by the Tax Collector in the amount recommended.

Selectman Tymniak made an amendment to remove the period at the end of the sentence and a comma followed by \$18,306.00. Selectman McArdle seconded the amendment which carried 3-0.

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

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

Selectman Tymniak invited the public to the Southport Parade and Blessing of the Fleet on Saturday and wished everyone a Happy Father's Day.

15) ADJOURN

Selectman Tymniak made a motion to adjourn the meeting at 6:19 pm. Selectman McArdle seconded the motion which carried 3-0.

Respectfully submitted,

Jennifer S. Carpenter
Recording Secretary