

BOARD OF SELECTMEN MEETING
MINUTES
October 19, 2016

A regular meeting of the Board of Selectmen was held at 5:00 p.m. on Wednesday, October 19, 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

Other Present: Brian Carey, Bill Hurley, Mark Barnhart, Stanton Lesser, Mary Hogue, Antonio Guillaro, Aleksandra Moch, Genny Reilly, FairTV, Soundview

1) CALL TO ORDER

First Selectman Tetreau called the meeting to order at 5:06 p.m.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Selectman Tymniak.

3) MINUTES

To consider and act upon the minutes of Regular Meeting of October 5, 2016.

Selectman McArdle motioned to approve the minutes of October 5, 2016. Selectman Tymniak seconded the motion which carried 3-0.

4) RESIGNATIONS **(for information only)**

a) Board of Library Trustees

Michelle L. McCabe (D), 1060 Merritt Street, term 7/13 – 7/19
(Resignation Date: September 12, 2016)

b) Golf Commission

Patrice A. Klein (D), 73 Alden Street, term 4/16 – 4/21
(Resignation Date: October 11, 2016)

5) MILL RIVER WETLAND COMMITTEE

To hear a report on the 50th Anniversary of the Mill River Wetland Committee.

Mary Hogue gave a brief history. Joy Shaw founded this committee. It reaches over 3,500 students in all public and parochial schools as well as teachers. The committee trains volunteer guides who take children out to Perry's Mill. Selectman Tymniak caught frogs there as a kid and now takes his children there. He encouraged Eagle Scouts to become involved. Selectman McArdle said the program was the highlight in her children's curriculum. First Selectman Tetreau thanked Ms. Hogue for this update.

Ms. Hogue noted the Voter's Guide is featured in the Minuteman Newspaper.

6) TOWN ATTORNEY

**(requires RTM approval and a report from Town Plan and Zoning Commission)
(postponed from October 7, 2016)**

To hear, consider and act upon the following resolution:

RESOLVED, that the Town of Fairfield sell the property known as 2164 Fairfield Beach Road to Rosario Devico and Antoinette Devico for the sum of \$55,000 as more particularly set forth in real estate sales agreement between said parties.

Selectman Tymniak motioned to accept resolution as recommended. Selectman McArdle seconded the motion.

Town Attorney Stanton Lesser briefly reviewed the particulars of the bid requirements. The new owner maintains the bulkhead. The Town has the easement because a drainage pipe runs through the property. Mr. Lesser said the BOS's three options are to either approve the item which then goes to the RTM for approval, deny and put this out to rebid or postpone the item. Attorney Lesser noted the letter received is dated October 19, 2016 and is from Mr. Paul Sobol who represents the low bidder. Attorney Lesser said the RFP was written to award to the high bidder and to accept conditions. If the BOS considers Mr. Guillaro's plan, the RFP terms will change and the high bidder would need an opportunity to submit plans.

Ms. Moch explained her client's proposed preservation plan for the property and gave a brief history of the area. She distributed a restoration map and a letter dated October 16, 2016. In the plan they would invite middle schoolers to the property to study the area and bird habitat. She said the site is recognized by CT DEEP.

Mr. Guillaro stated when the 2154-2155 Fairfield Beach Road property was bought and how it came with heavy violations from DEEP. He took care of the bulkhead and replaced damaged pipe. His property is adjacent to 2165 Fairfield Beach Road. He reviewed the RFP and believes he has the best use for the property and asked the BOS to postpone this item. He showed the BOS several photos of the property. His intent is to implement Ms. Moch's plan with help from Conservation. He will pay to maintain the property, will put in dunes and bring in students to help plant seed, come back to see results and view after storms. He is concerned about the other bulkhead that is failing.

First Selectman Tetreau suggested he take down the fence he put up on Town property as a good gesture since it is blocking access to open space. He is concerned the property has been fenced off and bringing students there would cause further parking concerns.

Conservation Director Brian Carey went through a timeline and said the Town did its due diligence. It is not deeded open space and was obtained through a 1958 foreclosure. All boards agree with his recommendation. It is very difficult and costly for the Town to maintain with the failing bulkhead and it is a high risk liability. The buyer takes all liability for the Town.

Selectman Tymniak noted that the winning bidder did not submit a plan. He asked what recourse the Town has if they don't maintain the bulkhead. Mr. Carey said it is CT DEEP's jurisdiction, not the Town's. Selectman Tymniak feels they should honor the RFP and parking would be issue. First Selectman Tetreau agrees and said it is too small to turn into a community space and the Town avoids significant funding liability.

All were in favor of the resolution as recommended.

7) DIRECTOR OF PUBLIC WORKS

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

WHEREAS, pursuant to C.G.S., Section 4-66g the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and

WHEREAS, it is desirable and in the public interest that the Town of Fairfield make an application to the State for \$300,000 in order to undertake a 2016 Small Town Economic Assistance Project (STEAP) entitled Fairfield Center Drainage and Pedestrian Improvements and to execute an Assistance Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Board of Selectmen is cognizant of the conditions and prerequisites for the state financial assistance imposed by C.G.S., Section 4-66g; and

FURTHER RESOLVED, that the filing and execution of an application for State financial assistance by the Town of Fairfield in an amount not to exceed \$300,000 is hereby approved; and

FURTHER RESOLVED, that Michael C. Tetreau, First Selectman, is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of the Town of Fairfield; and

FURTHER RESOLVED, that it adopts or has adopted as its policy to support the following nondiscrimination agreements and warranties provided in subsection (a)(1) of Connecticut General Statutes sections 4a-60 and 4a-60a, respectively, as amended by Public Acts 07-142 and 07-245, and for which purposes the "contractor" is Town of Fairfield and "contract" is said Assistance Agreement.

Selectman Tymniak waived the reading of the resolution. Selectman McArdle seconded the motion which carried 3-0.

Mr. Hurley spoke about the Sherman Green project that addresses the flooding situation at Post Road and Sanford Street, pedestrian walkway improvements and landscaping. The work will be done off season in February, March and April to lessen impact to area businesses. Mr. Barnhart is working with them and said are they are supportive of the project.

Selectman Tymniak motioned to accept the resolution as recommended. Selectman McArdle seconded. All were in favor.

8) **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 \$300,000 to fund a 2016 Small Town Economic Assistance Project (STEAP) entitled Fairfield Center Drainage and Pedestrian Improvements, one hundred percent of said project cost to be reimbursed by a Small Town Economic Assistance Project (STEAP) Grant.

Selectman McArdle motion to accept the resolution as recommended. Selectman Tymniak seconded. All were in favor.

9) **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, on November 25, 2013 the Town of Fairfield approved the acceptance of a \$1,200,000 Transportation Alternatives Program (TAP) grant to fund project costs associated with Pedestrian Improvements in the Commerce Drive/Kings Highway Area of which eighty percent of said project costs are reimbursable by said grant, appropriated \$1,200,000 for said project costs and authorized \$1,200,000 in bonds to fund said appropriation; and

WHEREAS, on October 27, 2014 the Town of Fairfield approved the acceptance of an \$800,000 Local Transportation Capital Improvement Program (LOTICIP) grant to fund project costs associated with the Kings Highway Pedestrian Improvements Project of which one hundred percent of said project costs are reimbursable by said grant and appropriated \$800,000 for said project costs; and

WHEREAS, the federal government or State of Connecticut may provide additional LOTICIP grant funding for project costs associated with the Kings Highway Pedestrian Improvements Project of which one hundred percent of said project costs are reimbursable by said grant funding; and

WHEREAS, the federal government or State of Connecticut may provide additional TAP grant funding for project costs associated with the Kings Highway Pedestrian Improvements Project of which approximately eighty percent of said project costs are reimbursable by said grant funding;

NOW, THEREFORE BE IT RESOLVED, that Michael C. Tetreau, First Selectman, be and hereby is, authorized to accept and sign any agreements between the Town of Fairfield and the federal government or the State of Connecticut related to additional Local Transportation Capital Improvement Program (LOTICIP) grant funding associated with the Kings Highway Pedestrian Improvements Project; and

FURTHER RESOLVED, that should additional LOTICIP grant funding be awarded to the Town of Fairfield, the First Selectman is hereby authorized, on behalf of the Town of Fairfield, to expend up to an additional \$130,000 to fund project costs, one hundred percent of said project costs to be reimbursed by additional LOTICIP grant funding; and

FURTHER RESOLVED, that Michael C. Tetreau, First Selectman, be and hereby is, authorized to accept and sign any agreements between the Town of Fairfield and the federal government or the State of Connecticut related to additional Transportation Alternatives Program (TAP) grant funding associated with the Kings Highway Pedestrian Improvements Project; and

FURTHER RESOLVED, that should additional TAP grant funding be awarded to the Town of Fairfield, the First Selectman is hereby authorized, on behalf of the Town of Fairfield, to expend up to an additional \$558,000 to fund project costs, approximately eighty percent of said project costs to be reimbursed by additional TAP grant funding.

Selectman Tymniak motioned to waive the reading of the resolution. Selectman McArdle seconded. All were in favor.

Selectman McArdle motioned to accept the resolution as recommended. Selectman Tymniak seconded.

Engineering Manager Bill Hurley explained the program, grants and reimbursable money. He just received word five minutes before the meeting that the State committed to another \$400,000 for right of way fees and drainage to be approved by February.

The BOS discussed grants approved, grants not approved and the timeline. First Selectman Tetreau is looking for more backup. Mr. Hurley will come back and present combining additional money that the State just offered. He reviewed the design phase and timeline. The BOS will need to approve this item in November in order for it to go before the BOF and RTM in January for their approval.

Selectman McArdle motioned to postpone this item to the first Board of Selectmen meeting in November, November 2nd. Selectman Tymniak seconded. All were in favor.

The BOS took a break at 6:21 p.m. and reconvened at 6:23 p.m.

10) DIRECTOR OF PUBLIC WORKS

To hear an update on the Valley Road Bridge project

Mr. Hurley gave an update of the waterfall chart. It will be coming in November or December for a resolution. It is 80% reimbursable with the Federal Bridge Program.

11) TAX COLLECTOR

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

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

Selectman Tymniak made an amendment to remove the period at the end of the sentence and add a comma followed by \$11,874.94. Selectman McArdle seconded the motion which carried unanimously.

The main motion, as amended, carried unanimously.

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

Selectman Tymniak reminded everyone about Restaurant Week and said it is a great opportunity to try something new. He thanked the restaurants for participating.

He said the haunted house on Old Dam Road was fabulous and thanked the Fire Department, Public Works and Parks and Recreation and volunteers. He said they did a good job and everyone should consider going.

First Selectman Tetreau said there was no agreement on the EDR location from the Registrar of Voters. They will have one by Monday.

- 13) ADJOURN

Selectman McArdle made a motion to adjourn the meeting at 6:31 p.m. Selectman Tymniak seconded the motion which carried 3-0.

Respectfully submitted,

Sheila Tesei, Recording Secretary