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**Education & Recreation Committee  
Conference Room**

Committee Chairman McCullough called the meeting to order at 7:03pm.

**In Attendance:** Representatives Schwartz, McGinty, Richmond, McCullough, Garskof, Hoffkins, Lynch and Way

**Absent:** Representatives Way, Stewart and Farnen

The items on the call were heard in the order of #5, #4 and #11, but are reported in sequential order for the minutes.

**Item #4 on the call:** To hear, consider and act upon a bonding appropriation and resolution in the amount of \$3,281,695 for the West Wing and Center renovation of Penfield Pavilion.

Speaking for the resolution were Gerry Lombardo, Director of Parks and Recreation, members of the building committee - Al Kelly, Patti Dyer and Linda Crowley, Greg Wiles, architect, Richard White, Director of Public Works and Paul Hiller. Also present were first Selectman Ken Flatto, Selectman Jim Walsh and Asst. Town Attorney Eileen Kennelly.

A \$200K STEAP Grant is available for this project per Mr. Hiller. Discussions ensued concerning the use of the facility, cost and design. Public comments were heard in favor of the resolution.

Representative Garskoff made a motion to approve and Representative McGinty seconded the motion.

**Vote:** For - 3 Against - 2 Abstain - 2

**Item #5 on the call:** To hear, consider and act upon a bonding appropriation and resolution in the amount of \$50,000 for costs associated with the upgrades at Sherman Elementary School.

In attendance for the discussion were Dr. David Title, Superintendent, Thomas Cullen, Director of Operations, BOE members John Mitola, Pam Iacono and BOE Chairman Sue Brand and Richard Speciale, Chairman, Special Projects Standing Building Committee.

Discussions centered on the need for the core upgrades, the timeline for completion of the project and the control of the renovation costs so as not exceed 50% of the assessed value of the school due to FEMA regulations. During the Public Comments, several parents spoke in favor of the resolution.

Representative Garskoff made a motion to approve and Representative McGinty seconded the motion. The motion passed unanimously.



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er and act upon the resolution to execute a quit claim deed

Town Attorney Richard Saxl was present and advised no action was required.

No action taken.

Representative McGinty made a motion that the meeting be adjourned and Representative Garskoff seconded the motion. Motion passed unanimously and the meeting was adjourned.

Respectfully submitted,

Carolyn Richmond  
Secretary

The July monthly meeting of the RTM Finance Committee was held on Monday, September 20<sup>th</sup> at 7:30p.m. in the 1<sup>st</sup> Fl. Conf. Rm. at Sullivan Independence Hall, Fairfield, Connecticut.

#### **MEMBERS PRESENT**

Peter Ambrose, David Becker, Faith Dillon, Hank Ference, Joseph Luciano, Michael Mears, James Takami

#### **MEMBERS ABSENT**

David Cullen, Lawrence Kelly, Stephanie Parker

#### **ALSO PRESENT**

Roger Autuori, Richard Speciale, Pam Iacono, Tom Cullen, Ken Flatto, Paul Hiller, Richard Saxl, Eileen Kennelly, Jeff Steele

Rich White, Gerry Lombardo, Jim Gallagher

Members of the Public: Linda Crowley, Jim Brown, Sherman parents, Joel Green, Alan Spirer, Marty Levine

#### **ACTION TAKEN**

1. Approved item #4 ó Penfield Pavilion rebuilding
2. Approved item #5 ó Sherman School construction seed funds
3. Approved item #6 ó Registrar of Voters fund transfer due to primary
4. Approved item #7 ó Registrar of Voters fund transfer due to referendum
5. Approved item #8 ó Senior Center van grant authorization
6. Approved item #9 ó DPW diesel conversion grant authorization
7. Postponed to a date certain item #11 ó Property disposal and quit clam deed

#### **REQUESTED ITEMS**

There were no specific requests by the committee.

#### **AGENDA**

Chairman Ambrose called the meeting to order at 7:30pm.

*A Joint Meeting of the Finance, Legislation and Administration, and Public Works & Planning committees was held in the 1<sup>st</sup> Floor Conference Room. The purpose of the meeting was to hear presentations and ask questions regarding items 4,5,6,7,8,9, and 11. Following the joint session, the Finance Committee discussed these items separately and then voted on each item.*

Item #4 ó Penfield Pavilion rebuilding

Jim Gallagher, Rich White, and Gerry Lombardo presented this item at the joint session.

Concerns were expressed that when seed money was approved, the RTM was told there would be a five year shelf life on the plans and that the project would not need to be done immediately. Some members felt that there was not a sufficient answer on the "why now" question for the project. In response to this question, some members noted that this project has been in the works since the 1990s. There was a concern expressed that the building was in very bad shape structurally and with the appearance. Questions were raised as to why the administration let this happen with maintenance. After discussing the possibility of continuing with maintenance instead of rebuilding, some members expressed a belief that there was no middle ground and this must be done now. Members expressed a belief that out of all the projects on the larger consideration list, this is the project that would benefit all residents.

**A vote was taken and the item passed 4-2-0.**

**Reps. Becker and Ference voted against.**

Item #5 ó Sherman School construction seed funds

Richard Special and Pam Iacono presented this item at the joint session.

Members expressed a concern that the \$50,000 amount was too low to start out and they were concerned that the committee would have to come back for more money to get plans in order. Concern was raised about the possible energy cost increase after installing central air. Members had some concern about the list of work to be done being so large with what appeared to be in part a listing of wants instead of just needs. A general belief was expressed that the front hallway safety issue was a pressing matter and that the lunch line issue was also of concern.

3-3.

l against. Reps. Ambrose, Becker, and Luciano abstained.

Item #6 ó Registrar of Voters fund transfer due to primary  
Roger Autuori presented this item at the joint session.

Items 6 & 7 were discussed jointly and then voted on. These comments also apply to item #7.

The presenter was asked if these are the final costs and the committee was told yes the costs are final.

It was explained that this was paid for with the general election funds currently in the budget. This is a transfer to replenish those funds so that the November election can be run properly. The presenter also noted that the budget included one general and one primary but no additional elections.

**A vote was taken and the item passed 6-0-0.**

Item #7 ó Registrar of Voters fund transfer due to referendum

Roger Autuori presented this item at the joint session.

Items 6 & 7 were discussed jointly and then voted on. Refer to comments from item #6 for this item as well.

**A vote was taken and the item passed 6-0-0.**

Item #8 ó Senior Center van grant authorization

Rich White presented this item at the joint session.

Rich White noted that he originally had this in the last budget but knew the grant was coming so the item was removed. Mr. White said he would like to see all the buses moved to being natural gas in the future. Part of the grant total is toward getting a new bus and part is for getting a natural gas bus. Members had questions about the age of the current bus being replaced (6 years) and the new bus capacity (12 seats / 2 wheel chair spaces). It was also noted that the natural gas vehicles are cleaner and because of that also have reduced maintenance costs. Questions were asked about the uses for the vans and the cost to seniors. The committee was told that there is no cost for resident seniors and that the vans are used to bring seniors to the Senior Center and to doctor appointments. It was also explained that purchasing locks in a rate each year based on the assumed natural gas usage for the overall needs of the town which this would be included under.

**A vote was taken and the item passed 6-0-0.**

Item #9 ó DPW diesel conversion grant authorization

Rich White presented this item at the joint session.

Rich White explained that this is similar to the grant received in 2006 for school buses. After 2006 this component is built-in which means that the town only needs to do this to older equipment. Members asked how many trucks are getting this done and the committee was told 31 on-road and 8 off-road (large construction) vehicles. It was also asked how the funding will work for the grant. Similarly to 2006, the town funds the project and is then reimbursed by the Federal Government. Questions were also asked regarding how many units were replaced in 2006 (approximately 55) and who handles the work (outside vendors).

**A vote was taken and the item passed 6-0-0.**

Item #11 ó Property disposal and quit claim deed

Richard Saxl and Eileen Kennelly presented this item at the joint session.

Attorneys Joel Green and Alan Spirer, and Martel owner Marty Levine spoke before the joint session regarding this item.

Moderator Jeff Steele also spoke before the committee to explain how L&A voted and what the town attorney was asking for us to do.

Several members expressed a belief that this item has been badly mismanaged from the start. They also felt the situation was still getting worse as things unfold. There was a belief within the committee that there are more questions than answers at this point in time. Some members had a concern with the hold harmless agreement we were told would be in place after the last vote. Questions were raised about the size of the legal bill the town is incurring while legal proceedings drag on. There was a lengthy discussion about whether to table, postpone, recommend that the town attorney withdraw, or to vote on the item. Members found a transparency issue with asking the attorney to withdraw the item once he put this on the agenda.



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legal proceedings, it would not be best to vote on the item this  
or postponing would be a good direction. For procedural  
present to vote only on postponing.

A motion was made by Rep. Ference and seconded by Rep. Becker to table to a date certain.

**A vote was taken to postpone to a date certain which passed 6-0-0.**

**No vote was taken on the item.**

The meeting was adjourned at 11:20pm.

Respectfully Submitted,

*David M. Becker*

David M. Becker  
Secretary, RTM Finance Committee

ing  
Committee Meeting

**Monday, September 20, 2010**

**Sullivan Independence Hall, 2<sup>nd</sup> Floor Conference Room**

Present: Edward J. Bateson III, Kathryn L. Braun, Cristin McCarthy Vahey, William Llewellan, Richard L. Santalesa, Ann Stamler, Jeffrey R. Steele, Keith S. Varian

Absent: Erin Harrison, Nicholas Mirabile

The order of discussion of these items was 6, 7, 8, 9, 10, 11 (heard jointly with Finance & Public Works) 5 (heard jointly with Finance & Public Works), 4 (heard jointly with finance & Public Works).

Item #4. To hear, consider and act upon the following resolution as recommended by the Board of Finance:

öRESOLVED, that, in accordance with a request from the Director of Public Works and the Fiscal Officer, a Bond Appropriation be made in the amount of \$3,281,695 for the West Wing and Center renovation of Penfield Pavilion, and to approve the attached Bonding Resolution.ö

This item was heard jointly with the Finance & Public Works Committee. Penfield Building Committee chair Jim Gallagher answered questions about specific cost items, revenue projections, the impact of renovations on future insurance costs, handicapped access and beach erosion. Asked about the cost of a one year delay, Mr. Gallagher pointed to the fact that bids received were \$500,000 lower than estimates received a few months earlier, which might not be the case a year from now, and that a \$200,000 grant has been promised which might not be available a year from now.

In committee the vote on this resolution was 4-4-0.

Item #5. To hear, consider and act upon the following resolution as recommended by the Board of Finance:

öRESOLVED, that the Bond Appropriation entitled, öA Resolution Appropriating \$50,000 for the Costs Associated With Upgrade of Sherman Elementary School and Authorizing the Issuance of Bonds to Finance Such Appropriation,ö consisting of three pages, a copy of which is attached hereto, be, and hereby is, approved.ö

This item was heard jointly with the Finance & Public Works Committee. Questions included why the Board of Finance reduced the Board of Education's request from \$100,000 to \$50,000, the answer to which was, öto save money,ö and why the BOE considered Sherman School a priority over other schools. This question was not answered, other than that the BOE is following its long range facilities plan.

In committee, the vote on this resolution was 1-4-3.

Items 6 & 7 were discussed together:

Item #6: To hear, consider and act upon the following resolution as recommended by the Board of Finance:

nce with a request from the Registrars of Voters, a Contingency Account to the Registrar of Voters budget in the amount of \$1,500 for costs associated with the Democratic and Republican Primaries held on August 10, 2010, and a transfer from the Contingency Account to the Town Clerk's Office in the amount of \$400 for printing of absentee ballots for said Primaries be, and hereby are, approved.ö

Item #7: To hear, consider and act upon the following resolution as recommended by the Board of Finance:

öRESOLVED, that in accordance with a request from the Registrars of Voters, a Transfer of Funds from the Contingency Account to the Registrar of Voters budget in the amount of \$10,259.05 for costs associated with the Referendum held on August 12, 2010 be, and hereby is, approved.ö

Town Fiscal Officer Paul Hiller was asked the impact of these transfers on the Town Contingency Fund. The Fund at start of the fiscal year was \$658,660. Since \$325,000 has been earmarked for the Department of Education if needed, these transfers would reduce the available funds to \$290,401.

These resolutions were each approved 6-0-2.

Item #8: To hear, consider and act upon the following resolution as recommended by the Board of Finance:

öRESOLVED, that the First Selectman be, and hereby is, authorized to apply for and accept State and Federal grants for the purchase of a new Senior Center van (80% funded by grant), and

FURTHER RESOLVED, that a transfer of up to \$17,000 be, and hereby is, approved for the town match from the Contingency Account to the Human Services Department budget for this grant and a grant appropriation of up to \$83,000 be, and hereby is, approved.ö

Public Works Director Richard White explained that the request is to replace one of 5 Senior Center vans. Of the 4 other vans, 2 are diesel fuelled, 1 gasoline, and 1 fueled by natural gas. The new one would be fueled by natural gas, which would save 40% as opposed to either diesel or gasoline. It would also be safer. \$66,000 of the cost will be funded by State and federal grants, hence the town share of the up to \$83,000 cost is up to \$17,000.

The resolution was approved 8-0-0.

Item 9: To hear, consider and act upon the following resolution as recommended by the Board of Finance:

öRESOLVED, that a grant in the amount of \$821,030 to purchase and install diesel particulate filters in town vehicles, the cost of which is 100% reimbursable by a federal grant, be, and hereby is, approved.ö

Public Works Director Richard White affirmed that installation of diesel particulate filters would be beneficial to the health of all Fairfield residents for the reasons stated in the background material provided; that the filters and vehicles in which they would be installed would have an estimated life of about 8 years, and that the total cost of this project would be reimbursed.

The resolution was approved 8-0-0.



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amendments to the Tax Relief for the Elderly Ordinance, Chapter 95, Article III, of the Code of the Town of Fairfield, Finance Committee, to the Legislation and Administration Committee under Rule 32 of the RTM Rules to Regulate.

This month, the item was referred to L&A for discussion of form only. Motions were made and approved unanimously to make 95-8 C.10 a separate section 95-8 D, and also, within 95-8 C.10, to replace the words "under these programs" with the words "under this article." The committee voted unanimously to forward this ordinance, as amended by the L & A Committee, to the full body.

Item #11: To hear, consider and act upon the following resolution as recommended by the Town Attorney:

RESOLVED, that having obtained the approval of the Town Plan and Zoning Commission and advertised the intended disposal of the property in the Fairfield Citizen, disposal of certain property adjacent to 2316 Post Road be, and hereby is, approved in accordance with Section 35.5 A of the Fairfield Town Code;

FURTHER RESOLVED, that the execution of a quit claim deed and the associated agreement regarding disposal of certain property adjacent to 2316 Post Road be, and hereby is, approved.

Item heard jointly with Finance & Public Works. A motion was made and unanimously approved to recommend to the Town Attorney that this motion be withdrawn from the agenda.

Respectfully Submitted,

Ann Stampler

Acting Secretary

## Public Health & Safety Committee Conference Room

Public Health and Safety Committee met jointly. Chairman Brenda Kupchick called the meeting to order at 7:15pm.

In attendance were representatives Kupchick, DeMartino, Millington, R.Parks, Michael Herley, Felner.

Presenters: Rich White, Jerry Lombardo.

In attendance from the committee were Al Kelly, Patty Dyer, Linda Crowley  
Architect ó Craig Wiles

Paul Hiller, Fiscal Officer, also in attendance.

Item #4:

Appropriation of \$3,281,695 for the West Wing and Center renovation of the Penfield Pavilion.

FEMA issues described by Paul Hiller. Whole building currently at elevation 11 will need to be raised to elevation 12 to meet code requirements. Heating and A/C will be included in the new building to allow for 4 season use. Itemized project costs were explained by Mr. White.

Mr. Herley asked about how long #8 (FEMA) has been a concern. Mr. White confirmed since 1901, when the build was constructed. Further stated inadequate footings exist, making the building vulnerable to storms.

Mr. Millington to Mr. Hiller: öSpeaking financially, is it a matter of if we build this but when we build the new pavilion. In your opinion, when is the optimal time? Would you say that it is now?ö

Mr. Hiller: öWe intend to sell long term bonds in 2010. Bonds are structured to sell \$26 million in 2012. Being mindful of this impact hits in 2014. Mr. Hiller stated that he thinks now is an optimal time to do something. Reiterated FEMA regulations. Restated that \$568k is the assessed value and that we could spend \$285k without affecting FEMA.

Mr. Millington: If we waited a year, would it affect the STEAP grant?

Mr. Hiller: Said that he met with Senator McKinney who said that the grant from the State to build this structure is a one time grant and that if we do not use it we will lose it.

Cost estimates were \$500k higher than final bid. Contractor is from Branford, CT. Built the Monroe Public Library. Lose \$200k from state. \$500k cost estimator.

JM: Again asked if now was the best time

PH: Again, confirmed that it is.

JM: Asked JLombardo what the anticipated revenue would be.

JM: Asked about current debt service and whether the building would cover the debt service.

JL: confirmed that it would.

JM: Asked if it would pay for itself in annual debt service.

JL/PH: Confirmed that it would.

MH: Question for Mr. White

Inspections haven't been done in past, what assurance do we have that the new building would be better maintained and looked after?

When did FEMA say that we could only spend 50% of assessed value?

PH: explained that FEMA codes exist because they would not want to replace the building after large funds were allocated to saving an old structure.

Further stated that money has been allocated already. Use it or lose if type of deal.

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Richard Speciale ó Committee chair for Sherman Elementary School Committee

Also present were Dr. Title, Mr. Moravito, Mr. Cullen, Pam Iacono

\$50k for seed capital needed for items on wish list. Must do items. Items open liabilities if not done. Upper limit on budget which cannot be exceeded.

PI: Background ó added annex buildings now looking into core facility upgrades. BOE asked to form committee to finish the school.

Heard Public Opinion

JM: how many schools don't meet this code currently?

TC: Previously 61, now it is down to 14

JM: Why is this top priority?

Goal is to fully complete each school at a time? Concerned that Riverfield is always ónextö on the list to receive upgrades and I want to be able to answer my constituents when they ask why.

PI: PTA Riverfield came and fully supported the project.

J.Mitola ó Said that a lot of renovations planned but Riverfield was bumped due to reprioritization in the priorities this year.

JM: Priority list has changed? If so, could you please provide us with a list of the list?

Mitola: We don't want to ask for \$11 million in projects right now due to the economy.

BK: Clarified that econ environment is calling for 1 item at a time. Committee goal is not to move Riverfield down.

PI: confirmed not goal of subcommittee

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man Parent concerned about the security of the building.  
security  
the cafeteria

Meredith McCormack: concerned about the capacity of the building 357 max/ 483 current

J.Walsh: urged RTM to move on the project.

AH: What is board doing to adjust cafeteria issue time now? What do we do in the meantime?

BK: closed debate

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Item #9

KF: Briefed everyone on the background of the issues.

JD asked if it would go out to bid

KF: confirmed, yes it would.

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Item #11

JM: We plan on making a motion to object to the motion. Mentioned liability.

Saxl spoke: parties are now in agreement and will be asked that this be held until November 22<sup>nd</sup>.

JM: makes motion to move to date certain

BK: seconds

Voted on Item #5

Yes: Kupchick, Felner, Parker, Herley, Hug

Abstentions: DeMartino, Millington

No: None

Item Passes: Unanimous

Vote on Item #4

Yes: Millington, Parker, Felner, DeMartino

Abs: Hug

No: Herley, Kupchick

Item Passes: 4-1-2

Item #9

Yes: All

Abs: None

No: None

Item Passes: Unanimous

Adjourned at 9:05 (motioned BK, second JD)

Respectfully submitted,



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Committee Members in attendance:

Public Works & Planning Monday, September 20, 2010	Item#4	Item#5	Item#9	Item#11
Alexis P Harrison	A	A	Y	
Eric G Sundman	A	Y	Y	
Thomas P Conley	N	Y	Y	
Thomas E McCarthy	Y	Y	Y	
Christopher J Brogan	Y	Y	Y	
Sheila H Marmion	Y	Y	Y	
Christopher J McAleese	A	Y	Y	

FOUR (4) ISSUES WERE REFERRED TO THIS COMMITTEE BY THE RTM FOR REVIEW/ACTION PRIOR TO THE MAY GENERAL MEETING. THE NUMBERING OF THE POINTS WHICH FOLLOW CORRESPOND TO THE UPCOMING 9/27/2010 RTM AGENDA.

Respectfully submitted, Thomas E McCarthy (Secretary).

4. To hear, consider and act upon the following resolution as requested by the Board of Finance:

öRESOLVED, in accordance with a request from the Director of Public Works and the Fiscal Officer, a Bond Appropriation be made in the amount of \$3,281,695 for the West Wing and Center renovation of Penfield Pavilion, and to approve the attached Bonding Resolution.ö

*Comments:* Jim Gallagher (building committee), Richard White (DPW), and Gerry Lombardo (P&R) took the joint session of Finance, Legislation & Administration, and Public Works & Planning sub committees through a brief presentation of the pavilion's proposed new center hall and west wing.

Mr. White explained why in his opinion putting further resource into fixing the existing 100 year old structure was no longer cost effective and a poor use of taxpayer's money. Mr. Gallagher identified many of the features of the proposed new structure as well as some of the rationale behind including those features. Some of the new features would include heating and air conditioning, more deck space, kitchen for the concessionaire, life guard office. He also identified those elements of the project which would be handled in house by Public Works.

Jerry Lombardo spoke to projected increased revenues and reduced expenses which he anticipated would be realized by constructing a more efficient and more upscale facility with a longer rental season. In response to a question about putting off the project, Mr. Gallagher identified loss of the Steep grant as well as contractor's bids as a potential risk.

In single session it was commonly held that Mr. White had made his case in so far as abandoning further efforts to öfixö the old structure; however committee members were also concerned about the cost of the proposed new building and opined over a less costly solution which might involve a less ambitious or perhaps phased approach. Representative Conley expressed concern over the Town effectively getting into the hospitality business and argued that creating a facility of that

original notion of a Beach Pavilion. This committee voted  
in favor, one opposed, and three abstentions.

5. To hear, consider and act upon the following resolution as requested by the Board of Finance:

RESOLVED, that a Bond Appropriation entitled, "A Resolution Appropriating \$50,000 for the Cost Associated With Upgrade of Sherman Elementary School and Authorizing the Issuance of Bonds to Finance Such Appropriation," consisting of three pages, a copy of which is attached hereto, be, and hereby is, approved.

*Comments:* In a joint session with the Finance and Legislation & Administration sub committees, Mr. Richard Special explained that the sum of \$50K was needed to initiate the project. He went on to advise the committees that there was a significant likelihood that the cost of the renovations may approach an amount equivalent to the 50% of the current assessed value of the building which would trigger more extensive rework as the school resides on a flood plain and is therefore subject to FEMA regulations. Should it be determined that the cost might trip the 50% FEMA threshold, the building committee would be prepared to pair back the scope of the project. Representative Bateman asked about prioritization of these projects and how it was that Sherman and Osborn Hill came to the head of the list. Ms Pam Iacono (BOE) explained that these projects were moved up as the result of Annex construction and these other renovations may now be viewed as phase II of the annex work. Representative Luciano questioned the bonding of soft costs (such as this). Paul Hiller explained that it is standard procedure to bond both hard and soft costs associated with projects of this nature.

In single session this resolution was approved with six in favor and one abstention.

9. To hear, consider and act upon the following resolution as requested by the Board of Finance:

RESOLVED, that a grant in the amount of \$821,030 to purchase and install diesel particulate filters in town vehicles, the cost of which is 100%, reimbursable by a federal grant, be, and hereby is, approved.

*Comments:* First Selectman Flatto that this project would retrofit all diesel town vehicles on which there remains useful life and would be fully reimbursed. This resolution was approved by all members there in attendance.

11. To hear, consider and act upon the following resolution as requested by the Town Attorney:  
RESOLVED, that having obtained the approval of the Town Plan and Zoning Commission and advertised the intended disposal of property in the Fairfield Citizen, disposal of certain property adjacent to 2316 Post Road be and hereby is, approved in accordance with Section 35.5 A of the Fairfield Town Code;

FURTHER RESOLVED, that the execution of a quit claim deed and the associated agreement regarding disposal of certain property adjacent to 2316 Post Road be, and hereby is, approved.

*Comments:* In a joint session with the Finance and Legislation & Administration sub committees, Town Attorney Saxl suggested that the resolution be once again returned to the RTM for a vote now that it has been approved by Town Planning and Zoning, substantially as a matter of procedure in spite the fact that any actual requirement to do this is subject to interpretation.



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It should the resolution go back to the RTM and be voted on. The readings already placed in motion as the result of the RTM's decision. Attorney Green argued on behalf of Exide and stated that he believed the sum of \$50K was undervalued for a piece of real estate in this location and urged the RTM to reconsider the resolution. Martel owner, Marty Levine and his Attorney Alan Spirer argued that given its size (25' x 100'), no one can build on the strip of land in question and therefore realistically it is of no value to anyone other than Martel. Their position is that they are offering to assume the liabilities associated with property in dispute, pay the town for it, and pay taxes on it. They urged the RTM to allow its prior decision to stand.

In single session members of this committee expressed frustration over the lack of unqualified direction articulated by the town attorney and concern that there may well be facts which have yet to surface but remain unknown at present. Representative Conley pointed out that sorting through the legalities were beyond the role of either this committee or the RTM as a body. A motion was made for the resolution to be held in committee after a brief explanation of the rules by Assistant Town Attorney Kennelly. The motion to hold in committee was seconded and unanimously approved.