

**MINUTES OF THE ANNUAL BUDGET MEETING OF THE TOWN OF FAIRFIELD  
MAY 3, 2010**

The Annual Budget Meeting of the Town of Fairfield was held on Monday, May 3, 2010, at the Education Center on Kings Highway, Fairfield, Connecticut.

The meeting was called to order at 8:00 P.M. by Moderator James Walsh.

PRESENT:                   45                   ABSENT:                   5                   VACANCY:                0

PRESENT:     Becker, Challinor, Richmond, Sundman, Walsh, Ambrose, A. Harrison, Steele, Stewart, Varian, Bateson, Conley, Ference, McCullough, Santalesa, DeMartino, Hug, Palmer, R. Parker, S. Parker, Garskof, McAleese, Smey, Stamler, Brogan, Kupchick, Marmion, Vahey, Cullen, Hoffkins, Llewellyn, Lynch, Schwartz, Braun, McCarthy, Takami, Dillon, Felner, Millington, Mirabile, Farnen, E. Harrison, Mears, Rubino, Way

ABSENT:     Gall, Luciano, Hoffmann, Kelly, McGinty

**ITEM NO. 1 ON CALL:**       PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Moderator welcomed Deb and Shannon Bowley, wife and daughter, respectively, of late Selectman Ralph Bowley, to lead the Body in the Pledge of Allegiance and Moment of Silence.

**ITEM NO. 2 ON CALL:**       RESOLVED, THAT THE BUDGET FOR THE FISCAL YEAR OF JULY 1, 2010 THROUGH JUNE 30, 2011, AS RECOMMENDED BY THE BOARD OF FINANCE IN ITS “2010-2011 TOWN OF FAIRFIELD BUDGET REPORT AND RECOMMENDATIONS,” SUBMITTED TO THIS MEETING, A COPY OF WHICH REPORT AND RECOMMENDATIONS IS ANNEXED HERETO AND MADE A PART OF THIS RESOLUTION, IS HEREBY ADOPTED; THAT THE SALARIES OF THE TOWN OFFICIALS ARE APPROVED AS SET FORTH HEREIN; AND THAT THE SUM OF \$251,734,722 FOR SAID BUDGET BE, AND HEREBY IS APPROPRIATED

The Moderator moved this item as distributed with the Call. Committee reports had been given during the previous meeting.

Mary McCullough, District 3, asked if there were any updates with respect to teacher retirements.

Superintendent of Schools Ann Clark acknowledged that she had heard there may be one or two more retirements within the year, although nothing has been made official.

James Millington, District 9, said that there would be no proposals to cut the education budget.

Peter Ambrose, District 2, thanked the Board of Finance for their diligent work on the budget. He referred to BOF Chairman Tom Flynn’s remarks regarding the “side letter” of agreement reached between the First Selectman and the Fire Department which caused a fundamental change in the budget by essentially creating four new positions. After receiving the opinion letter from Atty. Houston, Mr. Ambrose believes the First Selectman lacked the authority to modify the current contract in place.

**MOTION:** Mr. Ambrose moved to amend the proposed budget by reducing Line Item 4010-51066, Fire Department Overtime Earnings, by \$310,000, which represents the additional amount to the contract caused by the implementation of the “side letter agreement,” duly seconded.

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First Selectman Ken Flatto said that when agreements are made with unions between contracts, the agreements are kept on file in the Human Resources Department. He said there was no secret agreement and that there was never an attempt to do anything different from what town bodies tried to do two years ago. This is not creating a new position; it is adding overtime funding. The contract has not been changed. Last year when the economy was particularly poor, he negotiated five side letters with five of the unions in order to help the town through a difficult time.

Jeff Steele, District 2, asked that since the program was postponed last year due to the economy, if any thought had been given to postponing it this year, in case the economy dipped further.

Fire Chief Richard Felner said that the program was left in for this fiscal year.

Mr. Millington asked if the funding is cut from the budget, and the union files an unfair labor practice case, what sort of legal fees and associated costs would be incurred.

Town Attorney Richard Saxl stated that he does not care to speculate what the costs would be in a worst-case scenario but an MPP would probably be filed and it would probably end with the decision that the town would have to spend the money.

Joshua Garskof, District 5, asked for clarification on the agreement.

Chief Felner said that currently one ladder truck and one rescue truck is dispatched and that the ladder truck gets over-used since it has to travel from one end of town to the other. The proposal is to “man” the currently unmanned ladder truck.

Ann Stamler, District 5, said that we are facing two issues. Chief Felner has stated that this program is important to the safety of the Town. The issue of how the program was handled is a separate issue that should be discussed at a different time. She suggested a motion be made to form a special committee to discuss the protocol of handling such agreements.

Hal Schwartz, District 7, said that he agreed with Rep. Stamler. This is a program worth investing in. This is a safety issue and a public service issue, not about how it was arrived at.

Mr. Ambrose said that the intent is not to affect public safety, and that he has great admiration for the Fire Department and the Police Department. The issue is the process at which the agreement arrived.

William Llewellyn, District 7, asked what the results were of the test program requested by the Board of Finance before the program was implemented.

Chief Felner explained that the test program was only conducted for five weeks which was too short a period of time to make a report.

Ms. Gaylord Meyer, Spruce Street, said she is concerned about the transparency issue with side letters of agreement. She said the Fire Department does wonderful work but there are concerns about the process.

Charlene Lebo, Fire Commissioner, asked the Body to put the procedure issue aside. This is an important program and she urged support of it.

**CAUCUS:** At 9:05 P.M., the majority leader requested a ten minute caucus in accordance with rule number 26 of the Rules to Regulate the RTM. The meeting resumed at 9:10 P.M.

Cristin McCarthy Vahey, District 6, spoke of her concern about the process.

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**WITHDRAWAL OF MOTION:** Mr. Ambrose withdrew the motion to reduce the budget by \$310,000, stating that public safety must come before anything else. He said he intends to follow up on Rep. Stamler's suggestion and to ask the First Selectman to keep the Body informed of any side agreements.

**MOTION:** Tom McCarthy, District 8, moved to amend the proposed budget by reducing Line Item 53200, Fees and Professional Services, and Line Item 54320, Maintenance and Repair of Buildings and Grounds, from several town departments

Mr. Schwartz stated that the budget is supposed to be reduced by line item.

Town Atty. Saxl said that reductions to the budget can be done by department.

**MOTION:** Edward Bateson, District 3, moved to suspend the rules in order to allow more than one caucus per party, duly seconded.

**VOTE:** The motion to suspend the rules to allow more than one caucus was approved with 37 in favor, 8 opposed.

**IN FAVOR:** Becker, Challinor, Richmond, Sundman, Walsh, Ambrose, A. Harrison, Steele, Varian, Bateson, Conley, Ference, McCullough, Santalesa, DeMartino, Hug, Palmer, R. Parker, S. Parker, Garskof, Stamler, Kupchick, Marmion, Vahey, Cullen, Llewellyn, Braun, McCarthy, Takami, Dillon, Felner, Millington, Farnen, E. Harrison, Mears, Rubino, Way

**OPPOSED:** Stewart, McAleese, Smey, Brogan, Hoffkins, Lynch, Schwartz, Mirabile

**CAUCUS:** At 9:30 P.M., the majority leader requested a ten minute caucus. The meeting resumed at 9:40 P.M.

**WITHDRAWAL OF MOTION:** Mr. McCarthy withdrew his motion to cut several line items from different departments.

**MOTION:** Brenda Kupchick, District 6, moved to amend the proposed budget by reducing Line Item 1010-58100, Board of Selectmen Educational & Memberships, from \$42,000 to \$41,000, duly seconded.

Ms. Vahey asked for the rationale behind the motion.

Ms. Kupchick stated that it would not affect this particular line item in a detrimental way and that cutting back the budget is appropriate like most of us are doing in our own daily lives.

First Selectman Flatto said that CCM is not increasing its fees this year.

**VOTE:** The motion to reduce the budget by \$1,000 for BOS Education/Memberships was approved unanimously with 45 in favor.

**MOTION:** Ms. Kupchick moved to amend the proposed budget by reducing Line Item 1030-51050, Town Clerk Overtime, from \$1,000 to 0, duly seconded.

Ms. Stamler asked the basis for choosing this particular line item.

Ms. Kupchick stated that we are looking to achieve savings in each department and the Town Clerk suggested this cut would hurt less.

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Ms. Stamler asked if the Town Clerk agreed to the proposed reduction, to which Ms. Kupchick replied “agree” would be overstating.

Mr. Schwartz said that the overtime amount was spent this year and he suggested taking the cut from a different line item.

Fiscal Officer Paul Hiller explained that the overtime earnings are mostly used for elections, primaries and referenda, and since certain laws changed, many of the duties formerly handled by the Town Clerk are now done by the Registrars of Voters.

**VOTE:** The motion to reduce the budget by \$1,000 for Town Clerk Overtime Earnings was approved with 43 in favor, 2 opposed (Schwartz, Cullen).

**MOTION:** Ms. Kupchick moved to amend the proposed budget by reducing Line Item 1070-57000, Registrar of Voters Capital Outlay (ballot boxes), from \$1,000 to \$200, duly seconded.

Ms. Vahey asked if \$200 is sufficient funds to construct the wooden ballot boxes.

Republican Registrar of Voters Roger Autuori said that the intent of this request is to save money in not using the optical scan voting machines.

Ms. Vahey asked if savings is achieved by not using the scanning machines.

Mr. Autuori said that the Secretary of the State has advised that in a “yes/no” election such as a referendum, ballot boxes may be used instead.

**VOTE:** The motion to reduce the budget by \$800 for Registrar of Voters Capital Outlay was approved with 26 in favor, 19 opposed.

**IN FAVOR:** Becker, Challinor, Richmond, Sundman, Walsh, Ambrose, A. Harrison, Steele, Bateson, Conley, McCullough, Santalesa, DeMartino, Palmer, Kupchick, Llewellyn, Braun, McCarthy, Takami, Dillon, Felner, Millington, Mirabile, E. Harrison, Mears, Way

**OPPOSED:** Stewart, Varian, Ference, Hug, R. Parker, S. Parker, Garskof, McAleese, Smey, Stamler, Brogan, Marmion, Vahey, Cullen, Hoffkins, Lynch, Schwartz, Farnen, Rubino

**MOTION:** Ms. Kupchick moved to amend the proposed budget by reducing Line Item 1110-56140, TPZ Special Department Supplies, from \$2,000 to \$1,000; and 1110-55400, TPZ Advertising, from \$2,000 to \$1,500, duly seconded.

Ms. Vahey asked how this cut would affect the department.

First Selectman Flatto said that the Advertising account had not been as active this year because there have been fewer zoning requests to be published. He urged that in light of this unpredictable market, the advertising budget be left alone.

Ms. Stamler asked how much of the funds have been encumbered so far this year, to which Fiscal Officer Hiller replied \$1,000.

**MOTION:** Mr. Garskof moved to amend the amendment by not reducing Line Item 1110-55400, TPZ Advertising by \$500, duly seconded.

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Mr. Schwartz spoke in favor of the motion.

**VOTE:** The motion to amend the amendment by changing the request to reduce \$500 from the TPZ Advertising budget to not reducing it failed with a vote of 12 in favor, 32 opposed and 1 abstention.

**IN FAVOR:** Ambrose, Stewart, Garskof, McAleese, Smey, Stamler, Brogan, Marmion, Cullen, Hoffkins, Lynch, Schwartz

**OPPOSED:** Becker, Challinor, Richmond, Sundman, Walsh, A. Harrison, Steele, Varian, Bateson, Conley, Ference, McCullough, Santalesa, DeMartino, Hug, Palmer, R. Parker, S. Parker, Kupchick, Vahey, Llewellyn, Braun, McCarthy, Takami, Dillon, Felner, Millington, Mirabile, Farnen, E. Harrison, Mears, Rubino

**ABSTAINED:** Way

**VOTE:** The motion to reduce the TPZ Special Dept Supplies budget by \$1,000, and the TPZ Advertising budget by \$500, for a total reduction of \$1,500, was approved with 37 in favor, 8 opposed.

**IN FAVOR:** Becker, Challinor, Richmond, Sundman, Walsh, Ambrose, A. Harrison, Steele, Varian, Bateson, Conley, Ference, McCullough, Santalesa, DeMartino, Hug, Palmer, R. Parker, S. Parker, McAleese, Stamler, Brogan, Kupchick, Marmion, Llewellyn, Braun, McCarthy, Takami, Dillon, Felner, Millington, Mirabile, Farnen, E. Harrison, Mears, Rubino, Way

**OPPOSED:** Stewart, Garskof, Smey, Vahey, Cullen, Hoffkins, Lynch, Schwartz

**MOTION:** Ms. Kupchick moved to amend the proposed budget by reducing Line Item 1210-53200, Historic District Commission Fees & Professional Services, from \$2,100 to \$1,300, duly seconded.

Fiscal Officer Hiller said that based on the HDC fee structures, this level of reduction for this budget would be devastating.

**VOTE:** The motion to reduce the Historic District Commission Fees & Professional Services budget by \$1,300 was approved 28 in favor, 17 opposed.

**IN FAVOR:** Becker, Challinor, Richmond, Sundman, Walsh, A. Harrison, Steele, Stewart, Varian, Bateson, Ference, Santalesa, DeMartino, Hug, Palmer, S. Parker, Smey, Llewellyn, Braun, McCarthy, Takami, Dillon, Felner, Millington, Mirabile, Farnen, E. Harrison, Mears

**OPPOSED:** Ambrose, Conley, McCullough, R. Parker, Garskof, McAleese, Stamler, Brogan, Kupchick, Marmion, Vahey, Cullen, Hoffkins, Lynch, Schwartz, Rubino, Way

**MOTION:** David Becker, District 1, moved to amend the proposed budget by reducing Line Item 1230-53200 Conservation Fees and Professional Services, from \$54,040 to \$49,040, and 1230-54320 Conservation Maintenance & Repair of Buildings & Grounds, from \$13,000 to \$10,000, duly seconded.

Sheila Marmion, District 6, asked what the reason is for the proposed cut.

Mr. Becker said that the numbers are based on what has been spent this year and said there is a lot of money not yet encumbered.

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Conservation Director Tom Steinke said that the Fees & Professional Services account covers things like mosquito control and permits. He discussed the permit performance bond funding which the department is seeking to return to property owners. Mr. Steinke also discussed the Pine Creek dikes which are deteriorating so the dike system is going to be rerouted in order to save money.

Ms. Stamler asked if the projects would be able to continue without the \$3,000.

Mr. Steinke said that the funds are also used for maintenance of buildings such as the cottage at Lake Mohegan. He said if there are no problems, they should be taken care of. He also pointed out that this will be a temporary fix at the tide gates.

First Selectman Flatto urged the Body to not “nickel and dime” the maintenance of building and grounds.

**MOTION:** Ms. Stamler moved to amend the amendment by reducing Line Item 1230-53200, Conservation Fees and Professional Services, from \$54,040 to \$46,020, and not reducing Line Item 1230-54320, Conservation Maintenance & Repair of Buildings & Grounds, duly seconded.

**WITHDRAWAL OF MOTION:** Mr. Becker accepted Ms. Stamler’s motion as a “friendly” amendment and withdrew his original motion to restate his motion as stated above.

**VOTE:** The motion to reduce the Conservation Fees and Professional Services account by \$8,000 was approved unanimously with 45 in favor.

**MOTION:** Mr. Becker moved to amend the proposed budget by reducing Line Item 1270-53200, Legal Services Fees & Professional Services, from \$514,000 to \$492,000, and Line Item 1270-58100, Legal Services Education & Memberships, from \$250 to 0, duly seconded.

Mr. Becker said that the proposed cut reflects the current spending in these accounts.

Kevin Hoffkins, District 7, asked what effect these cuts would have.

Town Atty. Saxl said that the cut represents over seven percent of a reduction in the budget. He reminded the Body that labor negotiations have begun in seven contracts in which the town will be seeking dramatic cuts, and he needs the flexibility to make that happen. In a survey of surrounding towns, he found he is the lowest paid town attorney in dollars per person.

Mr. Hoffkins spoke against the cut, saying that these types of fees are unpredictable.

Fiscal Officer Hiller said that the spending in this account will go over budget significantly, and that funds are expected to be used with the revaluation occurring in December, 2010.

Mr. Schwartz stated that \$20,000 sounds like a lot of money, but over the long haul it will cost more if the funds are cut.

Mr. Ambrose said that he cannot support cutting this account by this amount of money. This is not the year or the time to be cutting this budget and the current budget should be sustained.

Kathy Braun, District 8, said that every other department’s budget is subject to reductions. She said she had received a couple of legal opinions that were completely wrong and there is fat in this budget that needs to be cut.

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**MOTION:** Alexis Harrison, District 2, moved the question, duly seconded, and carried with 44 in favor, 1 opposed (Schwartz).

**VOTE:** The motion to reduce the Legal Services Fees & Professional Services account by \$20,000 and the Legal Services Education/Memberships account by \$250 was approved 25 in favor, 20 opposed.

**IN FAVOR:** Becker, Challinor, Richmond, Sundman, Walsh, A. Harrison, Steele, Bateson, Ference, McCullough, Santalesa, DeMartino, Hug, Palmer, S. Parker, Llewellyn, Braun, McCarthy, Takami, Felner, Millington, Mirabile, Farnen, E. Harrison, Mears,

**OPPOSED:** Ambrose, Stewart, Varian, Conley, R. Parker, Garskof, McAleese, Smey, Stamler, Brogan, Kupchick, Marmion, Vahey, Cullen, Hoffkins, Lynch, Schwartz, Dillon, Rubino, Way

**MOTION:** Mr. Millington moved to Suspend Rule 36 of the RTM Rules to Regulate in order to convene past 11:00 P.M. and to take up new items after 11:30 P.M., duly seconded.

**VOTE:** The motion to suspend the rules failed by a two thirds vote with 29 in favor, 16 opposed.

**IN FAVOR:** Becker, Richmond, Sundman, Walsh, Ambrose, Steele, Varian, Bateson, Ference, McCullough, Santalesa, Hug, Palmer, Garskof, McAleese, Smey, Stamler, Brogan, Kupchick, Marmion, Hoffkins, Llewellyn, Braun, McCarthy, Felner, Millington, Farnen, Rubino, Way

**OPPOSED:** Challinor, A. Harrison, Stewart, Conley, DeMartino, R. Parker, S. Parker, Vahey, Cullen, Lynch, Schwartz, Takami, Dillon, Mirabile, E. Harrison, Mears

**MOTION:** Ms. Vahey moved to reconsider the motion to suspend the rules. There was no second.

At 11:00 P.M., the meeting adjourned sine die.

Respectfully submitted,

Elizabeth P. Browne  
Town Clerk

Recorded by: Ann Roche