

**MINUTES OF THE REGULAR MONTHLY MEETING OF THE TOWN OF FAIRFIELD
MAY 24, 2010 DRAFT; TO BE APPROVED JUNE 28, 2010**

The Regular Monthly Meeting of the Town of Fairfield was held on Monday, May 24, 2010, at Osborn Hill Elementary School, Fairfield, Connecticut.

The meeting was called to order at 8:00 P.M. by Deputy Moderator Peter Ambrose.

PRESENT: 44 ABSENT: 6 VACANCY: 0

PRESENT: Becker, Challinor, Herley, Richmond, Sundman, Ambrose, A. Harrison, Steele, Stewart, Varian, Bateson, Conley, Ference, McCullough, DeMartino, Palmer, S. Parker, Gall, Garskof, McAleese, Stamler, Brogan, Kupchick, Luciano, Marmion, Vahey, Hoffkins, Llewellyn, Lynch, Schwartz, Braun, Hoffmann, Kelly, McCarthy, Takami, Dillon, Felner, McGinty, Millington, Mirabile, Farnen, Mears, Rubino, Way

ABSENT: Santalesa, Hug, R. Parker, Smey, Cullen, E. Harrison

David Becker, District 1, introduced Michael Herley, elected by District 1 to fill the vacancy created by the resignation of Jim Walsh following his appointment to the Board of Selectmen.

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

The Deputy Moderator introduced the former Moderator, Selectman Jim Walsh, to lead the Body in the Pledge of Allegiance. The Deputy Moderator asked those present to reflect upon Memorial Day which will occur next week.

ITEM NO. 2 ON CALL: TO ELECT A MODERATOR FOR THE REMAINDER OF THE YEAR

Ed Bateson, District 3, nominated Jeff Steele, duly seconded by Cristin McCarthy Vahey, District 6.

Upon motion made, duly seconded and carried unanimously, nominations for Moderator were closed.

VOTE: Mr. Steele was elected Moderator by unanimous voice vote.

ITEM NO. 3 ON CALL: TO CONSIDER AND ACT UPON THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 26, 2010, AND THE ANNUAL BUDGET MEETING HELD ON MAY 3, 2010 AND MAY 4, 2010

The Moderator moved this item as distributed with the Call.

VOTE: The minutes of the previous meetings were approved as distributed.

ITEM NO. 4 ON CALL: REPORT FROM THE FIRST SELECTMAN ON THE "FAIRFIELD THIRD TRAIN STATION AND METRO CENTER PARKING AND SITE INFRASTRUCTURE PROJECT"

A report from First Selectman Ken Flatto was distributed with the Call.

Peter Ambrose, District 2, questioned whether the bond release of \$843,000 was released to the Town since the contract states in one place it had been deposited and in another that it was to be deposited.

First Selectman Flatto said that it has been placed in the Town Attorney escrow account based on the contingency of receiving the bid.

Mr. Ambrose asked if the bond funds are part of the \$4.4 million cash, to which Mr. Flatto responded no; it is in addition to the \$4.4 million.

Kathy Braun, District 8, referred to the projected schedule and asked if completion by Winter 2011 meant 2010-2011 or 2011-2012, and if there had been any revisions to the original plans. First Selectman Flatto responded the work is to be completed by Winter 2011-2012 and that the plans are the same.

Ed Bateson, District 3, asked what would happen if the project goes over budget.

First Selectman Flatto said that the State funding is limited to \$19.4 million. The hope is that the project will come in and items like a waiting area would not have to be sacrificed.

Mr. Bateson expressed a desire to involve the Conservation Department in the project since the Town is in charge of it.

First Selectman Flatto said that the property is still owned by a private party and we are still hopeful that the rest of the project will work out. He does not want to risk potential exposure by the Town.

Mr. Bateson said he objects to the lack of oversight by the Conservation Department.

ITEM NO. 5 ON CALL: REPORT FROM THE AFFORDABLE HOUSING COMMITTEE

The report from the Affordable Housing Committee was distributed with the Call.

ITEM NO. 6 ON CALL: RESOLVED, THAT IN ACCORDANCE WITH A REQUEST FROM THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT, APPLICATIONS RECEIVED UNDER THE NEIGHBORHOOD ASSISTANCE ACT (NAA) PROGRAM BE, AND HEREBY ARE, APPROVED, AND FURTHER RESOLVED, THAT THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT BE, AND HEREBY IS, AUTHORIZED TO SERVE AS MUNICIPAL LIAISON AND AS OVERSEER OF IMPLEMENTATION OF THE PROGRAM

The Moderator moved this item as distributed with the Call.

****SEE COMMITTEE REPORTS ATTACHED HERETO**

VOTE: The NAA Program was approved by unanimous voice vote.

ITEM NO. 7 ON CALL: RESOLVED, THAT IN ACCORDANCE WITH A REQUEST FROM THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT, A PY-36 (OCTOBER 1, 2010 - SEPTEMBER 30, 2011) COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TOTALING \$608,668 BE, AND HEREBY IS, APPROVED, AND FURTHER RESOLVED, THAT FIRST

SELECTMAN KENNETH FLATTO BE, AND HEREBY IS,
AUTHORIZED TO EXECUTE DOCUMENTS NECESSARY TO
FACILITATE THE TOWN'S PARTICIPATION IN SAID PROGRAM

The Moderator moved this item as distributed with the Call.

****SEE COMMITTEE REPORTS ATTACHED HERETO**

Director of Community & Economic Development Mark Barnhart said that he was asked during committee meetings if the Operation Hope roof replacement, that was to be bonded, was eligible for CDBG funds. He looked into the issue and found that the project would be eligible. The project would still have to go through the process, including public notice and a thirty day public comment period, but \$75,000 could be reallocated for replacing the roof at Operation Hope.

Faith Dillon, District 9, asked why certain other items included in the bond resolution were not considered for CDBG funds.

Mr. Barnhart advised that no application for those projects had been received. He said it involves a lengthy process to evaluate and document each project to determine eligibility.

Ms. Dillon asked if the Board of Ed capital improvement project could be included since it is to make a bathroom ADA compliant.

Mr. Barnhart said that CDBG funds have been used for ADA compliance in the past so that there is potential for this project to be included.

Ms. Dillon asked if it would be included this year or next year.

Mr. Barnhart said since it is a fairly substantial project and the process is lengthy, it could be considered in the future.

First Selectman Flatto pointed out that HUD is finicky about how the funds are used for ADA compliance. Funds could be used for sinks and removing barriers but not for replacing floors. The entire bathroom project would not be funded.

Michael Mears, District 10, asked how the Operation Hope roof could be included in the block grant.

Mr. Barnhart said that the roof would not be part of this PY36 grant. There are funds left over from previous projects that can be reallocated through the regular 30-day notice process. It would not require further legislation by the Body.

Mr. Jim Brown, South Pine Creek Road, said that regarding the Oldfield School flood plain, the Army Corps of Engineers bases flood plains on elevation. The Town has installed flood control barriers, and can request that the school be removed from the flood plain.

MOTION: Ann Stamler moved to waive the rereading of this item into the record, duly seconded and carried with 43 in favor, 1 opposed (A. Harrison).

VOTE: The resolution to approve the Community Development Block Grant Application in the amount of \$608,668 was approved by unanimous voice vote.

ITEM NO. 8 ON CALL: RESOLVED, THAT THE BOND RESOLUTION ENTITLED, "A RESOLUTION APPROPRIATING \$1,265,000 FOR THE COSTS OF CERTAIN CAPITAL PROJECTS AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION," CONSISTING OF THREE PAGES, BE, AND HEREBY IS, APPROVED

The Moderator moved this item as distributed with the Call.

****SEE COMMITTEE REPORTS ATTACHED HERETO**

MOTION: Carol Way, District 10, moved to reduce the bond resolution by \$250,000, which represents the Dwight Elementary School bathroom renovations, duly seconded.

Ms. Way said that the bathroom can be included in the Dwight School renovations being planned within the next few years.

MOTION: Faith Dillon, District 9, moved to amend the motion to reduce the bond resolution by reducing it further to include the Operation Hope roof replacement, which could be funded through CDBG funds.

WITHDRAWAL OF MOTION: Upon limited discussion, Ms. Dillon withdrew her motion in order to take it up as a separate item.

First Selectman Flatto spoke against the motion. He said that the Board of Ed has a five-year plan in place and is trying to do small capital projects in between major renovations. The timing of the Dwight renovations is unknown since there are one or two other schools that may require renovating first.

Mr. Mears spoke in favor of the motion, saying that the bathroom works and the larger renovation project is coming in the future. He spoke in favor of reducing the bond debt.

Nick Mirabile, District 9, said that this is a tough budget year but this item should have been in the Board of Ed budget, not as a capital project.

Ms. Dillon spoke in favor of the motion.

Brenda Kupchick, District 6, said that this project had been postponed by the Board of Education several times. We have an obligation to make all of our schools ADA compliant.

Tom Cullen, Director of Operations for the Board of Education, said that the long range plan has been produced by the Board and they are working on smaller interim projects. The State does not require every school to be ADA compliant, but they ask that boards of education try to incorporate ADA compliance when upgrading and remodeling school buildings as much as possible.

Ms. Stamler acknowledged that this is a sensitive issue. However, federal funding is available to make the bathroom ADA compliant. Furthermore, the rest of the school is not ADA compliant. She supports the motion to reduce the bond resolution.

Ms. Way said that Ms. Stamler's remarks were well expressed. She said that the future renovations proposed for Dwight will take care of the ADA compliance.

MOTION: Stephanie Parker, District 4, moved the question, duly seconded.

VOTE: The motion to end debate on this item failed by two thirds voice vote.

Ms. Vahey pointed out that the Dwight bathrooms will have to be addressed at some point so if it is cut tonight, it will be coming back.

First Selectman Flatto said that it is cheaper to pay for the bathroom renovations in this bonding package in the long run.

Ms. Parker spoke in support of the motion.

Joe DeMartino, District 4, spoke about departments' wish lists. He said the decision should be based on whether this is a want or a need.

Ms. Stamler pointed out that if the ADA funds were included in the CDBG application, the renovation funding request would be less.

Liz Hoffmann, District 8, urged support of the motion and said we should try to get available funding for this project.

Mr. Jim Brown, South Pine Creek Road, said that as interest rates go up, construction costs go down. He said he does not know how anyone can say that this project is not a necessity.

Board of Education Vice-Chair Pam Iacono said that she intended to make a motion to remove this item from the funding request herself, but that Special Education Director Andrea Leonardi made an appeal. She informed the Board that there are many levels of special needs students. Some are able to go up and down stairs but cannot use their hands for faucets or fastening their clothes. Some require assistance to use the bathroom and the stalls are too small for someone to assist them. This is a matter of dignity. The Dwight renovation project is getting pushed off and the current five-year plan is under review. Riverfield and perhaps Holland Hill will be renovated before Dwight. She urged the Body to reconsider this motion.

VOTE: The motion to reduce the bond resolution by \$250,000 for Dwight School bathroom renovations was approved with 29 in favor, 15 opposed.

IN FAVOR: Becker, Challinor, Richmond, Sundman, Ambrose, A. Harrison, Steele, Varian, DeMartino, Palmer, S. Parker, Stamler, Brogan, Luciano, Vahey, Llewellyn, Lynch, Braun, Hoffmann, McCarthy, Takami, Dillon, Felner, McGinty, Millington, Farnen, Mears, Rubino, Way

OPPOSED: Herley, Stewart, Bateson, Conley, Ference, McCullough, Gall, Garskof, McAleese, Kupchick, Marmion, Hoffkins, Schwartz, Kelly, Mirabile

MOTION: Jamie Millington, District 9, moved to reduce the bond resolution by \$75,000 for the Operation Hope Roof Replacement, duly seconded.

Mr. Millington pointed out that Economic Development Director Mark Barnhart has stated that there are CDBG funds available to pay for this expense.

Mr. Mirabile said that since the ADA compliant bathroom was cut, every other item should be cut from the bonding resolution except the golf course drainage project since it generates revenue.

Joshua Garskof, District 5, spoke in support of this motion since Mr. Barnhart has said his program can fund it.

VOTE: The motion to reduce the bond resolution by \$75,000 for the roof at Operation Hope was approved by unanimous voice vote.

MOTION: Peter Ambrose, District 2, moved to reduce the bond resolution by \$28,000 for underground storage tanks, duly seconded.

Director of Public Works Richard White said that with the upgrade, the fuel monitoring systems are not needed and this is a valid reduction to the bonding request. He noted that the Oldfield Senior Center boiler request can be reduced by \$25,000 for the same reason.

MOTION: Mr. Ambrose moved to amend his motion by reducing the bonding request further by \$25,000 for the boilers at Oldfield, duly seconded.

Mary McCullough, District 3, thanked Mr. White for his diligence in reviewing the request and informing the Body of the possibility to reduce the requested amount.

VOTE: The motion to reduce the bond resolution by \$53,000 for underground storage tank removal and boiler replacement at the Oldfield Senior Center and various Fire Houses was approved by unanimous voice vote.

Mr. Bateson asked about the \$30,000 in contingency for removal of dirty soil with the underground storage tanks. He asked how the assumption the soil will be dirty comes about.

Mr. White said that he requested estimates from two major firms in this field who guessed at the odds the soil would be tainted based on the age of the tanks. The contingency account does not relate solely to dirty soil. Mr. White said he typically adds five to seven percent of the request for unforeseen problems.

Board of Ed Vice-Chair Pam Iacono said that she agreed with Rep. Mirabile's assertion that nothing else in the bonding request is necessary if the Dwight bathroom upgrade was determined unnecessary, except for an item which generates revenue.

Mr. Mirabile reiterated his position that other items should be deleted from the request. He asked why a new scale house for \$90,000 is being considered.

Mr. White explained that the renovations necessary to the old building will cost close to \$70,000. The roof leaks, the walls need to be removed to be cleaned, the windows are at the wrong height for doing business with customers and there are health issues involved.

Mr. Mirabile said he does not think the new scale house is necessary.

David Becker, District 1, asked if it is possible to split the bonding resolution into two with the revenue-generating component in one and all the rest in another.

First Selectman Flatto said that there is no proof the golf course generates revenue, since revenue from rounds of golf has gone down.

Mr. Becker stated that they had been told in committee that the number of golf rounds had not decreased.

MOTION: Chad Stewart, District 2, moved the question, duly seconded and carried by majority voice vote.

VOTE: The resolution approving the Bond Resolution as amended to appropriate \$887,000, was approved with 40 in favor, 4 opposed (Becker, McCullough, Mirabile, Farnen).

ITEM NO. 9 ON CALL: TO HEAR, CONSIDER AND ADOPT THE BOND RESOLUTION ENTITLED, "A RESOLUTION APPROPRIATING \$5,800,000 FOR THE COSTS OF ROAD PAVING AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION" CONSISTING OF THREE PAGES, A COPY OF WHICH IS ATTACHED HERETO

The Moderator moved this item as distributed with the Call.

****SEE COMMITTEE REPORTS ATTACHED HERETO**

MOTION: Mr. Bateson moved to amend the resolution as follows, "RESOLVED, that the Bond Resolution entitled, "A Resolution Appropriating \$5,800,000 for the Costs of Road Paving 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, and provided that of the total authorization, \$2,900,000 may be spent and borrowed immediately; \$1,900,000 shall not be spent or borrowed prior to April 1, 2011 and \$1,000,000 shall not be spent or borrowed prior to April 1, 2012," duly seconded.

VOTE: The motion to amend the resolution as stated above was approved with 42 in favor, 2 opposed (S. Parker, Kelly).

Hank Ference, District 3, said that two years ago, the RTM strenuously objected to bonding paving and stated that it should be an ongoing event in the operating budget. Last year, the RTM approved a Sense of the Body resolution to not bond paving anymore. He said he is baffled as to why we are considering this item. He intended to make a motion to reduce the request to zero but he will not. He said during committee meetings, he asked bond counsel if other towns bond for paving and was told only those towns in significant financial distress bond for paving.

Hal Schwartz, District 7, said that three weeks ago we were here during the budget meeting making line item reductions. If these funds are put back into the budget, taxes will go up. He said it is "pay me now or pay me later" but the roads need to be paved. He urged support of the resolution.

Mr. Jim Brown, South Pine Creek Road, said he is concerned about the expense and that not all roads require paving every 15 years. Some should last 30 years.

VOTE: The bond resolution for paving, as amended, was approved with 38 in favor, 6 opposed (Becker, Conley, McCullough, Parker, Kelly, Mears).

ITEM NO. 10 ON CALL: RESOLVED, THAT A TRANSFER OF FUNDS FROM THE CONTINGENCY ACCOUNT TO THE FINANCE DEPARTMENT PROFESSIONAL SERVICES BUDGET IN THE AMOUNT OF \$50,000 BE, AND HEREBY IS, MADE, IN ORDER TO PERFORM AN OPERATIONAL AUDIT OF TOWN GOVERNMENT OPERATIONS

The Moderator moved this item as distributed with the Call.

****SEE COMMITTEE REPORTS ATTACHED HERETO**

SENSE OF THE BODY RESOLUTION: Jamie Millington, District 9, moved to approve a Sense of the Body resolution, that the operating audits for the Board of Education and the Town of Fairfield be conducted concurrently, duly seconded and carried unanimously.

Tom McCarthy, District 8, said he would like to have reasonable assurance that the audit will have a payback; that improving synergies will lower costs. He asked if other towns have found savings after conducting audits of this nature.

Fiscal Officer Paul Hiller said that he is not aware of any community conducting an audit the way this one is being envisioned. The administration will form a committee to craft an RFP to determine the scope of the proposed audit. It is critical that the Board of Education be a major element of the process. He said he cannot promise financial rewards, but several efficiencies were achieved under the administration of Paul Audley when he conducted a similar audit.

Mr. McCarthy said we do not know the ultimate cost of the audit and he wonders if the cost can be justified on the basis of savings achieved. He said he is not looking for a guarantee, but a reasonable assumption.

Fiscal Officer Hiller said that there are things that can be done quicker, better and easier. An audit will open our eyes to be able to do things better.

Mr. McCarthy said that it is difficult to quantify the financial benefit at this time. He said he is looking for a comfort level as to whether this is going to be a worthwhile endeavor.

MOTION: Mr. Millington moved to suspend the rules in order to convene past 11:00 P.M. and to take up new items after 11:30 P.M., duly seconded and carried by majority voice vote with 39 in favor, 5 opposed (Challinor, Stewart, Parker, McGinty, Mears).

Carolyn Richmond, District 1, said that she does not believe the request is enough for this type of audit. She asked what the strategy would be if the funds prove insufficient.

Fiscal Officer Hiller said that the intention is to combine funds with the Board of Education and to work within those parameters.

Ms. Richmond asked who would make the final decision, to which Mr. Hiller replied the First Selectman, Superintendent of Schools, department heads and potentially boards and commissions would be involved.

Ms. Hoffmann asked how the audit would be proposed to the consulting firm.

Fiscal Officer Hiller replied that there is no backup on this item and the request came from the Board of Finance. The funds are to get the ball rolling and to start to look at things on a short-term basis.

Ms. Stamler asked why the Board of Finance asked for \$50,000.

Board of Finance member Mike Tetreau said the intention of the Board was to start now and get done with the audit sooner.

Joe Palmer, District 4, said that he is cynical about finding efficiencies. We should be expecting department heads to continue looking for cost savings in their own departments. He said the money would be better spent toward legal fees for collective bargaining.

Brenda Kupchick, District 5, recommended that additional funds be requested for a more detailed and complex audit.

Fiscal Officer Hiller said that the point of this request is to get the audit started.

MOTION: Kevin Hoffkins, District 7, moved the question, duly seconded and carried by voice vote with 30 in favor, 13 opposed (Mr. Stewart was not present to vote).

VOTE: The transfer of \$50,000 from the Contingency Account to the Finance Department Professional Services budget for an operational audit of town government operations was approved with 33 in favor, 10 opposed (Mr. Stewart was not present to vote).

IN FAVOR: Becker, Challinor, Herley, Richmond, Sundman, Steele, Varian, Conley, Ference, DeMartino, S. Parker, Gall, Garskof, McAleese, Stamler, Brogan, Luciano, Marmion, Vahey, Hoffkins, Llewellyn, Schwartz, Kelly, McCarthy, Takami, Dillon, Felner, Millington, Mirabile, Farnen, Mears, Rubino, Way

OPPOSED: Ambrose, A. Harrison, Bateson, McCullough, Palmer, Kupchick, Lynch, Braun, Hoffmann, McGinty

ITEM NO. 11 ON CALL: RESOLVED, THAT AN APPROPRIATION FROM THE WPCA FUND BALANCE RESERVE FUND IN THE AMOUNT OF \$210,000 BE, AND HEREBY IS, MADE, FOR A NEW TREATMENT PLANT AIR BLOWER, AND FURTHER RESOLVED, THAT FIRST SELECTMAN KENNETH FLATTO BE, AND HEREBY IS, AUTHORIZED TO APPROVE AND EXECUTE GRANT PROGRAMS WITH THE UNITED ILLUMINATING COMPANY

The Moderator moved this item as distributed with the Call.

****SEE COMMITTEE REPORTS ATTACHED HERETO**

Mr. Mears referred to the \$75,000 in savings the Town will realize and asked where those funds will go.

Public Works Director Rich White replied that the funds would go back into the WPCA reserve.

VOTE: The appropriation of \$210,000 for an air blower for the treatment plant was approved by unanimous voice vote (Mr. Stewart and Mr. DeMartino were not present to vote).

ITEM NO. 12 ON CALL: TO CONSIDER AND ACT UPON AN AMENDMENT TO ARTICLE IV (TAX BILLS), CHAPTER 95 OF THE FAIRFIELD TOWN CODE ENTITLED, "TAXATION," AS SPONSORED BY CHRISTOPHER M. MCALEESE, DISTRICT 5 AND HAL SCHWARTZ, DISTRICT 7

The Moderator moved this item as distributed with the Call.

Upon motion made, duly seconded and carried unanimously the reading of the ordinance into the record, and reading of the committee reports, were waived.

****SEE COMMITTEE REPORTS ATTACHED HERETO**

Ms. Vahey acknowledged the presence of Tax Collector Stanley Gorzelany and thanked him for attending the last several meetings.

VOTE: The amendment to the Tax Bills ordinance was approved with 40 in favor, 1 opposed (McCullough) (Mr. Stewart, Mr. DeMartino and Ms. Kupchick were not present to vote).

ITEM NO. 13 ON CALL: TO HEAR AND DISCUSS, FOR THE FIRST TIME, AN AMENDMENT TO ARTICLE II (SOLAR ENERGY), CHAPTER 95 OF THE FAIRFIELD TOWN CODE ENTITLED, "TAXATION," AS SPONSORED BY JEFF STEELE, DISTRICT 2; CHAD STEWART, DISTRICT 2; JOSHUA GARSKOF, DISTRICT 5; AND DAVID CULLEN, DISTRICT 7

The Deputy Moderator moved this item as distributed with the Call.

MOTION: Mr. Steele moved to postpone this item until the next regularly scheduled meeting to be held June 28, 2010, duly seconded and carried unanimously.

OTHER BUSINESS

The Moderator congratulated Eric Sundman, District 1, on the recent birth of his first child, Maxwell.

The Moderator announced that the next meeting of the RTM, and the meetings through the end of the year, will be held at the Education Center, 501 Kings Highway East.

Mary McCullough, District 3, announced that the husband of Asst. Supt. of Schools Margaret Mary Fitzgerald succumbed to cancer the previous evening.

ADJOURNMENT

There being no further business and upon motion made, duly seconded and carried unanimously, the meeting was adjourned at 11:30 P.M.

Respectfully submitted,

Elizabeth P. Browne
Town Clerk

Recorded by: Ann Roche