

**MONTHLY MEETING OF THE TOWN OF FAIRFIELD  
DECEMBER 20, 2010**

The Regular Monthly Meeting of the Town of Fairfield was held on Monday, December 20, 2010, at McKinley Elementary School, Fairfield, Connecticut.

The meeting was called to order at 8:00 P.M. by Moderator Jeff Steele.

PRESENT: 41 ABSENT: 9 VACANCY: 0

PRESENT: Becker, Challinor, Herley, Sundman, Ambrose, A. Harrison, Steele, Stewart, Varian, Bateson, Conley, Ference, McCullough, Santalesa, DeMartino, Hug, Palmer, R. Parker, Gall, Garskof, McAleese, Smey, Stamler, Brogan, DeSanctis, Marmion, Vahey, Llewellyn, Schwartz, Braun, Hoffmann, Kelly, McCarthy, Takami, Dillon, Felner, Mirabile, Millington, Farnen, Rubino, Way

ABSENT: Richmond, S. Parker, Dyer, Cullen, Hoffkins, Lynch, McGinty, Cafferelli, Mears

Cristin Vahey, District 6, introduced Christopher DeSanctis who was elected to fill the vacancy of Brenda Kupchick.

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

The Moderator introduced Superintendent of Schools Dr. David Title to lead the Body in the Pledge of Allegiance and a Moment of Silence.

The Moderator reported that Joe Palmer, District 4, and Cristin McCarthy Vahey, District 6, have been named to the Non-Profit Study Committee.

**ITEM NO. 2 ON CALL: TO CONSIDER AND ACT UPON THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 22, 2010**

Upon motion made, duly seconded and carried unanimously, the minutes of the previous meeting were approved as distributed.

**CONSENT CALENDAR**

The Moderator announced that items numbered 4 and 6 on Call were eligible for the consent calendar.

**VOTE:** Items 4 and 6 were approved by unanimous voice vote.

**ITEM NO. 3 ON CALL: APPOINTMENT OF KATHLEEN D. GRIFFIN TO THE PENFIELD BUILDING COMMITTEE**

The Moderator moved this item as distributed with the Call, duly seconded. Ms. Griffin was present.

**\*\*See Committee Reports Attached Hereto**

Penfield Building Committee Chairman Jim Gallagher said that Ms. Griffin had been attending meetings for the past couple of months and he said she would be a great addition to the committee.

**VOTE:** The appointment of Kathleen Griffin to the Penfield Building Committee was approved unanimously with 39 in favor (Ms. Braun and Mr. Cafferelli were not present to vote).

**ITEM NO. 4 ON CALL: APPOINTMENT OF MICHAEL J. GIAQUINTO TO THE SPECIAL PROJECTS STANDING BUILDING COMMITTEE**

This item was on the Consent Calendar.

**ITEM NO. 5 ON CALL: APPOINTMENT OF SOL BRIKS AS AN ALTERNATE TO THE TOWN FACILITIES COMMISSION**

The Moderator moved this item as distributed with the Call, duly seconded.

**\*\*See Committee Reports Attached Hereto**

Ann Stamler, District 5, moved to waive the re-reading of the item into the record, duly seconded and carried with 38 in favor, 1 abstention (Harrison) (Ms. Braun and Mr. Cafferelli were not present to vote).

of the Town Facilities Commission was approved unanimously (Ms. Braun and Mr. Cafferelli were not present to vote).

**ITEM NO. 6 ON CALL:** APPOINTMENT OF HARRY RANDOLPH ACKLEY, SR. TO THE TOWN FACILITIES COMMISSION

This item was on the Consent Calendar. Mr. Ackley was present.

**ITEM NO. 7 ON CALL:** RESOLVED, THAT THE ATTACHED TEMPORARY UTILITY AND SEPTIC EASEMENT FROM THE TOWN OF FAIRFIELD TO THOMAS REDINGTON BE, AND HEREBY IS, APPROVED

**MOTION:** Ed Bateson, District 3, moved to postpone this item until the January 24, 2011 meeting, duly seconded.

Cristin Vahey, District 6, said that several questions arose during committee meetings and she urged support of the motion to postpone.

**VOTE:** The motion to postpone this item until the next regularly scheduled meeting was approved unanimously with 40 in favor (Ms. Braun was not present to vote).

**ITEM NO. 8 ON CALL:** RESOLVED, THAT THE ATTACHED DRIVEWAY AND LAWN EASEMENT FROM THE TOWN OF FAIRFIELD TO CHRISTOPHER J. THOMAS AND TINA CRESSIA BE, AND HEREBY IS, APPROVED

**MOTION:** Alexis Harrison, District 2, moved to postpone this item until the January 24, 2011 meeting, duly seconded.

**VOTE:** The motion to postpone this item until the next regularly scheduled meeting was approved unanimously with 40 in favor (Ms. Braun was not present to vote).

**OTHER BUSINESS**

Police Chief Gary McNamara, Deputy Chief Christopher Lyddy and Lt. James Perez discussed the recent shooting incident during a Florida Board of Education meeting. They urged members to be alert and not to hesitate to contact Police if they feel threatened.

**ADJOURNMENT**

There being no further business and upon motion made, duly seconded and carried unanimously, the meeting was adjourned at 8:45 P.M.

Respectfully submitted,

Elizabeth P. Browne  
Town Clerk

Recorded by: Ann Roche

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Planning Committee

Committee Members in attendance:

Public Works & Planning Monday, December 13, 2010	Item#3	Item#4	Item#5	Item#6	Item#7	Item#8
Alexis P Harrison	Y	Y	Y	Y	N	N
Eric G Sundman	Y	Y	Y	Y	N	N
Thomas P Conley	Y	Y	Y	Y	N	N
Thomas E McCarthy	Y	Y	A	Y	N	N
Elizabeth P Hoffmann	A	Y	Y	Y	N	N
Christopher J Brogan	Y	Y	Y	Y	N	N
Sheila H Marmion	Y	Y	Y	Y	N	N
Christopher J McAleese	Y	Y	Y	Y	N	N
Joseph J Palmer	Y	Y	Y	Y	N	N

Legislation & Administration Monday, December 13, 2010	Item#3	Item#4	Item#5	Item#6	Item#7	Item#8
Edward J. Bateson	Y	Y	Y	Y	NA	NA
Jeffrey R Steele	Y	Y	Y	Y	NA	NA
Cristin McCarthy Vahey	Y	Y	Y	Y	NA	NA
William Llewellyn	Y	Y	Y	Y	NA	NA
Nicholas D Mirabile	Y	Y	Y	Y	NA	NA
Ann Stamler	Y	Y	Y	Y	NA	NA

Six (6) ISSUES WERE REFERRED TO THIS COMMITTEE BY THE RTM FOR REVIEW/ACTION PRIOR TO THE DECEMBER GENERAL MEETING. THE NUMBERING OF THE POINTS WHICH FOLLOW CORRESPOND TO THE 12/20/2010 RTM AGENDA.

Respectfully submitted, Thomas E McCarthy (Secretary).

3. To hear, consider and act upon the following appointment to the Penfield Building Committee as recommended by the Board of Selectmen:

Kathleen D Griffin (D), 401 Brookbend Road  
(to fill a vacancy created by the resignation of Michael N Tanguay)

*Comments:* In joint session Ms.Griffin spoke to her past service/experience as an active member of both her Neighborhood Association and the RTM. She spoke also to her familiarity with construction projects, citing both home and neighborhood projects with which she was involved as past examples. She expressed confidence that her experience would serve her in good stead for the Penfield Committee appointment, and that she would be a good fit for the position. Ms Griffin confidently fielded questions from Representatives Mirabile and McCarthy Vahey on traffic and handicap access at Penfield. Her appointment was approved by PW&P with 8 in favor and one abstention. Her appointment was unanimously approved by L&A, 6 in favor.

4. To hear, consider and act upon the following appointment to the Special Projects Standing Building Committee as recommended by the Board of Selectmen:

Michael J Giaquinto (D), 2533 Post Road  
(To fill vacancy created by the resignation of Lee J. Hyde)

*Comments:* In joint session, Mr. Giaquinto noted the fact that he has been virtually a lifelong Fairfield resident. He noted also his degree in civil engineering. He spoke to his background and experience in building and construction, which included Director of Facilities Management for Sacred Heart University. Representative Harrison asked him about potential conflicts of interest relating to his current role as a self employed consultant. Mr. Giaquinto stated that he would certainly recuse himself were such a conflict to arise. Representative McCarthy Vahey asked Mr. Giaquinto if he knew or was able to define the mission of the Special Projects Standing Building Committee, to which he responded he could not. Representative Stamler asked if the Committee's charge could be viewed on line at the present, it was subsequently determined that it could be. Representative Steele asked about the present composition of the Committee, to which First Selectman Flatto responded identifying all those who currently serve. Mr.

nsly approved by Public Works and Planning. His  
d by L&A, 6 in favor.

5. To hear, consider and act upon the following appointment as an Alternate to the Town Facilities Commission, as recommended by the Board of Selectmen:

Sol Briks (R), 785 Church Hill Road, Term July 2010-2013  
(to fill vacancy created by the appointment of Donald C. DiMartino as òregularö member:  
moving from regular to alternate member)

*Comments:* Representative McAleese requested context for the requested appointments from items #5 & #6, to which the First Selectman responded explaining that other commitments prevented Mr. Briks from continuing as a òregularö member, but by moving to an òalternateö he could still make a contribution. Mr. Briks spoke briefly to his prior experience on the Facilities Commission. He went on to add that he wanted to stay involved if for no other reason than to contribute to the anticipated replacement of the roof at Andrew Ward, citing his past experience with that roof 20 years prior. Mr. Briks appointment was approved by PW&P with 8 in favor and one abstention. His appointment was unanimously approved by L&A, 6 in favor.

6. To hear, consider and act upon the following appointment to the Town Facilities Commission, as recommended by the Board of Selectmen:

Harry Randolph Ackley, Sr.(R), 25 Wagon Hill Road, Term July 2008-2011  
(To fill vacancy created by the anticipated appointment of Sol Briks as òalternateö)

*Comments:* Mr. Ackley spoke to his resume in joint session. He noted that he was virtually a life long resident of the town made reference to his long standing commitment and service to Fairfield of which there we many, including but not limited to Fireman and Fire Marshal. He also made reference to his past experience in connection to upgrades to several of the buildings at Fairfield University. Harry Ackley's appointment was unanimously approved by both Public Works & Planning and Legislation & Administration

7. To hear consider and act upon the following resolution as recommended by the Assistant Town Attorney:

òRESOLVED, that the attached Temporary Utility and Septic Easement from the Town of Fairfield to Thomas Redington be and hereby is, approved.ö

*Comments:* In joint Session Assistant Town Attorney Eileen Kennelly presented overview of a parcel of Town land off Mill Hill Road and identified that portion of the property for which an easement for the purpose of utilities and septic has been proposed. In response to a request for some background from Representative Steele, Ms Kennelly informed the committee members that the parcel (roughly 35 acres in all) had been acquired about 2001 from the Arch Diocese of Bridgeport for roughly \$3M. It was funded in part through State assistance and is set aside for passive use. She stated that the easement would be òtemporary but indefiniteö predicated upon future sale or subdivision of the property, and it was for this reason (responding to Representative Bateson) that the resolution was being brought before the RTM. Representative Mirabile asked if there was any downside to granting the easement, to which Ms Kenelly responded: none and this was essentially a preemptive measure against adverse possession. Representative Sundman inquired as to the age of the septic system; its proximity to a town sewer line, and whether or not the town needs to monitor it. Representatives Hoffmann and McCullough asked about responsibility and recourse in the event of a system failure. Representative Harrison suggested that it would be worthwhile to have Mr. Redington present that he might respond to specific questions relative to the septic system. Representative McCarthyVahey made a similar observation relative to questions raised about wet land considerations and suggested that it would be helpful to have Conservation Director Tom Steinke present to hear first hand his input. Representative Conley felt that òtermination of useö ought to be an additional cause under which the easement could be held no longer in force, and Representative Brogan asked about the possibility of adding indemnification language to the agreement. Ms. Kennelly said that she would address that suggestion with Attorney Saxl. Given the number of unanswered questions and expressed wishes by some that stronger wording could be wrapped into the resolution PW&P collectively voted that this resolution not be approved at

this item. Rep Stamler offered a motion to postpone to the January RTM meeting, seconded by Bill Llewellyn and unanimously approved.

8. To hear consider and act upon the following resolution as recommended by the Assistant Town Attorney:

öRESOLVED, that the attached Driveway and Lawn Easement from the Town of Fairfield to Christopher J Thomas and Tina Cressia be, and hereby is, approved.ö

*Comments:* Again in joint Session Assistant Town Attorney Eileen Kennelly presented overview of a parcel of Town land off Mill Hill Road and identified that portion of the property for which an easement for the purpose of a driveway has been proposed. Representative Steele asked Ms. Kennelly if in her opinion there was any downside in granting the easement and again Ms. Kennelly responded önoneö. Representative Mirabile questioned the wisdom of even entertaining an easement (not only in this case but also as it applies to the Redington easement), as opposed to simply selling those two sections. Attorney Kennelly responded by saying that could potentially introduce another level of complexity by virtue of the fact that some of the funding for the initial acquisition of the parcel having come from the State. Representative Steele asked if the parties seeking the easement had ever paid tax on the property. Representative Sundman wondered if this easement would be passed along to subsequent owners of the property. Again as was true for item #7 given the number of unanswered questions PW&P collectively held that this resolution ought not be approved at this time. L&A: There was no motion to approve this item. Rep Stamler offered a motion to postpone to the January RTM meeting, seconded by Nick Mirabile and unanimously approved.