

**MINUTES OF THE REGULAR MONTHLY MEETING OF THE TOWN OF FAIRFIELD  
MARCH 22, 2010**

The Regular Monthly Meeting of the Town of Fairfield was held on Monday, March 22, 2010, at Osborn Hill Elementary School, Stillson Road, 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, 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, Luciano, Marmion, Vahey, Cullen, Hoffkins, Llewellyn, Lynch, Schwartz, Braun, Hoffmann, Kelly, McCarthy, Takami, Dillon, Felner, McGinty, Farnen, Mears, Rubino, Way

ABSENT:       Richmond, Gall, Millington, Mirabile, E. Harrison

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

The Moderator introduced new Town Librarian Karen Ronald and Deputy Librarian Nancy Coriaty to lead the Body in the Pledge of Allegiance and Moment of Silence.

**ITEM NO. 2 ON CALL:**       APPROVAL OF MINUTES

Upon motion made, duly seconded and carried unanimously, the minutes of the previous meeting held on February 22, 2010 were approved as distributed.

**ITEM NO. 3 ON CALL:**       REPORT FROM FIRST SELECTMAN ON THE METRO CENTER

First Selectman Ken Flatto distributed an update (attached).

Jeff Steele, District 2, asked if an update had been received from the State regarding parking revenue.

First Selectman Flatto said that the current plan envisions the Town getting money back but it is hard to determine at this time if the full \$300,000 will be received.

Ed Bateson, District 3, referred to items 1 and 4 on the report regarding agreements between the Town and the State and asked if anything is in writing yet, to which Mr. Flatto responded negatively. Mr. Bateson asked that the information be made available once it is in writing.

Peter Ambrose, District 2, asked if the 1,500 parking spaces promised to the Town are still on track to which Mr. Flatto responded that currently the full plan is on the table and the goal is for 1,500 spaces.

**ITEM NO. 4 ON CALL:**       RESOLVED, THAT IN ACCORDANCE WITH A REQUEST FROM THE LAND ACQUISITION COMMISSION, A DONATION OF PROPERTY AT 2045 HILLSIDE ROAD FROM THE BLANCO FAMILY BE, AND HEREBY IS, ACCEPTED

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

\*\*See Committee Reports Attached Hereto and Made a Part Hereof.

Kathy Braun, District 8, noted that the property is wet and said that watercourses should be preserved. She asked if there are toxins on this land.

Open Space Manager Ed Jones said that by what he observed there are no toxins on the land and that historically, properties of this type would not have toxins.

Ms. Braun asked if the owners intend to pay back taxes.

First Selectman Flatto said that the intent to offer the property to the Town started last summer and it was agreed that the taxes would be paid through July 2009. He noted that the property is not developable.

Ed Bateson, District 3, said that it is the responsibility of the Body to determine use of the property and he intended to offer such a motion.

**MOTION:** Mr. Bateson moved to add to the end of the resolution, "Said land is to be designated as open space for conservation," duly seconded.

Peter Ambrose, District 2, asked if the property can be used for passive recreation if the motion were approved, to which Asst. Town Attorney Eileen Kennelly replied affirmatively.

Ann Stamler, District 5, asked what the environmental impact of this property is.

Land Acquisition Commission Chairman Stuart Manley said that the property has never been developed or used except for pastoral use in the 1800's. There are no environmental concerns in association with this property that would prohibit conservation use.

First Selectman Flatto spoke in support of the amendment.

**VOTE:** The motion to amend the resolution to designate the land as open space for conservation was approved unanimously with 45 in favor.

Mr. Bateson said he learned that the Town's tax liens against this property had been sold to Edison Tax Services and he asked whether the Town would be receiving the transfer from the Blanco family or from Edison.

First Selectman Flatto acknowledged that Edison was in the process of foreclosing on this property.

**MOTION:** Mr. Bateson moved to amend the resolution by adding, after "Blanco Family," "its heirs and successors," duly seconded.

**VOTE:** The motion to amend the resolution to include heirs and successors was approved unanimously with 45 in favor.

**VOTE:** The motion to approve the resolution, as amended, was approved unanimously with 45 in favor.

**ITEM NO. 5 ON CALL:** RESOLVED, THAT IN ACCORDANCE WITH A RECOMMENDATION FROM THE BOARD OF SELECTMEN AS AMENDED BY THE BOARD OF FINANCE, AN APPROPRIATION IN THE AMOUNT OF \$24,203,000 BE, AND HEREBY IS, MADE FOR CERTAIN COSTS ASSOCIATED WITH THE EXPANSION AND RENOVATION OF FAIRFIELD WOODS MIDDLE SCHOOL

AS RECOMMENDED BY THE FAIRFIELD WOODS BUILDING  
COMMITTEE OPTION D, AND AUTHORIZING THE ISSUANCE  
OF BONDS TO FINANCE SUCH APPROPRIATION

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

\*\*See Committee Reports Attached Hereto and Made a Part Hereof.

Hal Schwartz, District 7, said that he is struggling with how he will vote on this item. There needs to be a process and a plan. While the building needs to be put up and the children brought in, a process needs to be in place.

Jeff Steele, District 2, said that we have all heard the facts for and against this project. There are capacity and parity issues. If we do nothing, the school will be over capacity by at least 105 percent over nine years. The Fairfield Woods Middle School Building Committee analyzed this project over six months and the Board of Finance discussed the project diligently and decided it was a good plan. The auditorium is necessary for assembly and curriculum and he supports the project as presented.

Brenda Kupchick, District 6, spoke in support of the project, saying that the need for space at this location had been identified years ago and it comes as no surprise. As far as the Board of Education not identifying how it would overcome space issues, she said it would be irresponsible for the Board to do so before knowing if it would be getting the space. She pointed out that it is not the responsibility of the RTM to decide curriculum. We have a commitment to students all across the town and although she understands the hesitation to spend during this economic climate, she urged the Body to approve this resolution.

David Cullen, District 7, said that the kids are here and they are still coming, as families continue to move into town. When it is complete, Fairfield Woods will be on equal footing with the other middle schools, and it will also help alleviate overcrowding in the other schools.

Arthur Hug, District 4, said that there is a need for space and classrooms, but that is it. Everyone is being asked to cut back except Fairfield Woods. Eliminating the auditorium will not have an effect on continuing successful alumni.

**MOTION:** Mr. Hug moved to amend the resolution by reducing the request by \$6,033,000, which represents the cost of the addition of an auditorium, to \$18,170,000, duly seconded.

David Becker, District 1, asked if other costs in the project will go up with the removal of the auditorium from the plans.

Fairfield Woods Middle School Building Committee Chairman William Sapone said that the number in the motion is about the correct number. He noted that there was confusion about soft costs during Committee discussions.

Mr. Becker asked what the cost would be to add the auditorium to the school after two years.

Mr. Sapone surmised it would be significantly higher.

Mr. Becker stated he is opposed to the motion. This is a difficult decision but the auditorium is a necessary part of the educational program.

Mr. Schwartz asked what the cost of the auditorium would be to taxpayers.

Fiscal Officer Paul Hiller said that the cost of this project to taxpayers would be \$49.00 per year, and this reduction would amount to about 25 percent of that.

Mr. Schwartz said that he does not support the motion to reduce the appropriation.

Cristin McCarthy Vahey, District 6, noted that the resolution refers specifically to "Option D," which option includes the auditorium and asked if it should be amended.

Mr. Hug withdrew his motion, as did Joe DeMartino, who seconded.

**MOTION:** Mr. Hug moved to amend the resolution by reducing the requested amount to \$18,170,000, eliminating "Option D" from the resolution and subsection 1b in the bonding resolution, duly seconded.

**VOTE:** Brenda Kupchick, District 6, moved the question, duly seconded.

After a brief discussion, the Moderator allowed public comment before the vote to move the question.

Speaking in opposition to the motion to remove the auditorium from the project plans were FWMS Principal Greg Hatzis; FWMSBC Chairman William Sapone; Doug Jones, Fairfield Woods Road; Michelle Modugno, Primrose Lane; Susan Coyne, Davis Road; Robin Blöse, Farmington Avenue; Michelle McCabe, Merritt Street; Charlotte Leslie, Hunter Road; Brian Kelehan, Stratfield Road; Tomlinson PTA President-Elect Hetty Nerod; Mary Hogue, Stonewall Lane; and Jessica Gerber, Shady Hill Road.

**VOTE:** The motion to move the question was approved with 40 in favor and 5 opposed (Walsh, McCullough, Stamler, Hoffkins, Braun).

**VOTE:** The motion to amend the resolution by removing the auditorium from the proposed building project failed with a vote of 7 in favor and 38 opposed.

**IN FAVOR:** Challinor, Santalesa, DeMartino, Hug, S. Parker, Hoffmann, Dillon

**OPPOSED:** Becker, Sundman, Walsh, Ambrose, A. Harrison, Steele, Stewart, Varian, Bateson, Conley, Ference, McCullough, Palmer, R. Parker, Garskof, McAleese, Smey, Stamler, Brogan, Kupchick, Luciano, Marmion, Vahey, Cullen, Hoffkins, Llewellyn, Lynch, Schwartz, Braun, Kelly, McCarthy, Takami, Felner, McGinty, Farnen, Mears, Rubino, Way

Faith Dillon, District 9, asked why we do not use a reverse auction bid process in order to save money.

Fiscal Officer Paul Hiller said that that the State reimbursement process does not allow for reverse auction bids.

Ms. Vahey urged support of the project.

Mr. Ambrose said that it is difficult to support a project of this magnitude at this time but that this project is a must.

Mr. Steele pointed out that nobody has heard any opposition to this project

Mark Corcoran, Fairfield Woods Road, said that he is opposed to this project going forward before the considerable zoning issues are resolved.

Superintendent of Schools Ann Clark said that a student's education program should not be determined by his address.

Speaking in favor of the resolution were Jennifer Tierney, Rock Ridge Road; FWMSBC Chair Bill Sapone; FWMSBC member Victor DeMaria; Doug Jones; Charlotte Leslie and Michelle Modugno.

**VOTE:** The resolution approving \$24,203,000 for the expansion and renovations to Fairfield Woods Middle School were approved with 42 in favor, 2 opposed (Challinor, Hug) and 1 abstention (Santalesa).

**ITEM NO. 6 ON CALL:** RESOLVED, THAT THE BOND RESOLUTION ENTITLED, "A RESOLUTION APPROPRIATING \$1,200,000 FOR THE COSTS OF REPAIR OF CORNELL ROAD BRIDGE, SIDEWALKS IN THE PROXIMITY OF SCHOOLS AND SAFETY IMPROVEMENTS AT THE INTERSECTION OF FAIRFIELD WOODS ROAD AND MELVILLE AVENUE AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION," BE, AND HEREBY IS, APPROVED

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

\*\*See Committee Reports Attached Hereto and Made a Part Hereof.

Sheila Marmion, District 6, urged support. She called the intersection at Fairfield Woods Road and Melville Avenue a tragedy waiting to happen.

Ed Bateson, District 3, said he does not support the bonding resolution. It should be held off for a year while we seek a grant for sidewalks. Before this issue is addressed, the Town should address the need for \$7.5 million for paving roads.

Brenda Kupchick asked what the opinion of the Board of Finance is on short-term bonding for small projects.

Board of Finance Chairman Tom Flynn said that the Board saw a need for everything proposed in this project unanimously but differed in how to fund it. However, they broke this \$1.2 million out of the original proposal due to the urgency in safety concerns. Since these items will last over 20 years, they chose to bond for 20 years. They are trying to get paving in the operating budget over time.

Eric Sundman, District 1, asked why the Southport sidewalk project is not included.

Director of Public Works Rich White said that nothing had been excluded from the project.

Hal Schwartz, District 7, spoke in support of this resolution saying that it had been put off long enough.

David Becker, District 1, questioned the wording of the bond resolution as it related to the proximity of schools.

Bond Counsel Frank Cleary advised that a motion to remove the clause would not be out of order.

**MOTION:** Mr. Becker moved to remove the words, "in the proximity of schools," from the bond resolution, duly seconded.

**VOTE:** The motion to amend the resolution was approved unanimously with 43 in favor (Mr. Ambrose and Mr. Cullen were not present to vote).

Ms. Vahey spoke in support of the resolution.

Michael Mears, District 10, said that although this is an important project, this is the wrong way to fund it. The bridge is considered a "4" on the State's 5 point guideline. The state forces the repair at a "1" or a "2." The traffic light should not be bonded; it should be put in the budget.

**MOTION:** Mr. Schwartz moved to suspend the rules in order to start new business after 11:00 P.M., and to act upon items after 11:30 P.M., duly seconded.

**VOTE:** The motion to suspend the rules was approved with 34 in favor and 9 opposed (Challinor, Harrison, Stewart, McGinty, S. Parker, Kupchick, Vahey, Takami, Dillon) (Mr. Ambrose and Mr. Cullen were not present to vote).

Jay Wolk, Stratfield Road, spoke in favor of the project.

**VOTE:** The motion to approve the bond resolution as amended was approved 32 in favor and 10 opposed (Mr. Ambrose, Mr. Hug and Mr. Cullen were not present to vote).

**IN FAVOR:** Becker, Sundman, Walsh, Steele, Stewart, Varian, Conley, Ference, Santalesa, Palmer, R. Parker, S. Parker, Garskof, McAleese, Smey, Stampler, Brogan, Kupchick, Luciano, Marmion, Vahey, Hoffkins, Llewellyn, Lynch, Schwartz, Hoffmann, Kelly, Takami, Felner, Farnen, Rubino, Way

**OPPOSED:** Challinor, A. Harrison, Bateson, McCullough, DeMartino, Braun, McCarthy, Dillon, McGinty, Mears

**ITEM NO. 7 ON CALL:** RESOLVED, THAT IN ACCORDANCE WITH A REQUEST FROM THE TAX COLLECTOR, THAT THE TOWN MAY ASSIGN, FOR CONSIDERATION, ANY AND ALL EXISTING AND FUTURE LIENS FILED OR TO BE FILED BY THE TAX COLLECTOR TO SECURE UNPAID TAXES ON REAL PROPERTY IN THE TOWN OF FAIRFIELD IN ACCORDANCE WITH THE PROVISIONS OF CGS §12-195H WHICH SUCH ASSIGNMENT(S) SHALL BE ON SUCH TERMS AND CONDITIONS AS MAY BE APPROVED BY THE BOARD OF SELECTMEN; AND FURTHER RESOLVED, THAT THE FIRST SELECTMAN SHALL, ON BEHALF OF THE TOWN, EXECUTE ANY AND ALL NECESSARY DOCUMENTS TO EFFECTUATE SUCH AN ASSIGNMENT

**MOTION:** Stephanie Parker, District 4, moved to waive the reading of this item into the record, duly seconded and carried unanimously.

The Moderator announced he would recuse himself from voting as he had clients on the list.

**MOTION:** Faith Dillon, District 9, moved to waive the reading of committee reports, duly seconded and carried with 33 in favor, 8 opposed (Bateson, McCullough, Santanlesa, Palmer, S. Parker, Garskof, Vahey, Schwartz) (Mr. Ambrose, Mr. Hug, Ms. Kupchick and Mr. Cullen were not present to vote).

Ed Bateson, District 3, asked why we are considering this item. He asked if the Town needs the cash.

First Selectman Flatto said that the Town's surplus is on the low side and selling certain tax liens helps the bottom line significantly. The Town sells its tax liens regularly every four to five years. He does not like when liens grow too large. Once the tax liens are off the list, the record shows we collect taxes at a high level. Also, it is not fair to the 98.7 percent of taxpayers who pay their taxes regularly.

Mr. Bateson asked why there are people on the list who show balances from 2004 or 2005. He asked why they were not sold the last time, in 2006.

Tax Collector Stanley Gorzelany said that those taxpayers did not meet the criteria in 2006.

Mr. Bateson said that we collect interest on the amount in arrears. He said we should let this go another year instead of letting it go to an impersonal third party who will foreclose on property owners.

Chad Stewart, District 2, asked if there is a timing issue. He asked if we need this cash immediately.

First Selectman Flatto said that the resolution must be approved by June 30 if the surplus is to be reflected in this fiscal year. He suggested an amendment of changing the criteria for balances over \$10,000 in excess of one year to two years.

Mr. Stewart asked if the item could be postponed until May.

First Selectman Flatto noted that the item should be approved in April at the latest.

**MOTION:** Mr. Stewart moved to postpone this item until the next regularly scheduled meeting, to be held April 26, duly seconded.

Mr. Schwartz pointed out the lateness of the hour and said that the April meeting is sure to run later.

Kathy Braun, District 8, said that the resolution should be amended but she does not know how. She suggested limiting the criteria to those liens with a balance of over \$20,000.

First Selectman Flatto said that he would support such an amendment, and maybe not to sell as many liens as last time.

**VOTE:** The motion to postpone this item until the April meeting failed with 1 in favor (Stewart) and 39 opposed (Mr. Ambrose, Mr. Hug, Ms. Kupchick, Mr. Cullen and Mr. Rubino were not present to vote).

Joseph Luciano, District 6, suggested an amendment to offer a safety net for individuals, such as making the list subject to the removal of names of people occupying their homes, as opposed to corporations and short-sale owners.

**MOTION:** Mr. Luciano moved to amend the motion by adding to the end of the first paragraph, "and provided that such assignment shall be subject to the right by the Board of Selectmen to remove from the assignment list liens on owner-occupied homes whose owners demonstrate financial hardship," duly seconded.

**VOTE:** The motion to amend the resolution as stated above was approved with 35 in favor, 4 opposed (Varian, Ference, Santalesa, Braun) and 1 abstention (Walsh) (Mr. Ambrose, Mr. Hug, Ms. Kupchick, Mr. Cullen and Mr. Rubino were not present to vote).

**MOTION:** Mr. Bateson moved to waive the reading of the amended item, duly seconded and carried unanimously.

Mr. Bateson said that he does not support this resolution. We are first in line for reimbursement and we will get our money eventually.

**MOTION:** Ms. Braun moved to amend the resolution by adding to the end of the amended first paragraph, "on the following terms and conditions: that the balance should be in excess of \$20,000, and delinquent for more than one tax year," duly seconded.

First Selectman Flatto spoke in support of the amendment. He said we have a need to collect taxes and the budget is based on a certain collection rate. We need to send a message that we are serious in tax collection.

Jeff Steele, District 2, spoke in support of the amendment, calling it a good compromise.

Joe DeMartino, District 4, said that in approving this amendment we are making it easier on individuals and corporations to slide on their taxes and it is setting a dangerous precedent. We should be trying to get our tax dollars back.

**MOTION:** Ms. Parker moved to waive the reading of the proposed resolution amendment, duly seconded and carried with 33 in favor and 6 opposed (Steele, Vahey, Schwartz, Kelly, Mears, Way) (Mr. Ambrose, Mr. Stewart, Mr. Hug, Ms. Kupchick, Mr. Cullen and Mr. Rubino were not present to vote).

**VOTE:** The motion to amend the resolution by limiting the liens to those balances over \$20,000 and delinquent for more than one year was approved with 21 in favor, 15 opposed and 1 abstention (Mr. Challinor, Mr. Ambrose, Mr. Stewart, Mr. Hug, Ms. Kupchick, Mr. Cullen, Ms. Hoffmann and Mr. Rubino were not present to vote).

**IN FAVOR:** Becker, Sundman, Steele, Conley, Ference, McCullough, Santalesa, Palmer, R. Parker, S. Parker, Garskof, McAleese, Smey, Stamler, Marmion, Vahey, Hoffkins, Llewellyn, Lynch, Braun, Felner

**OPPOSED:** A. Harrison, Varian, Bateson, DeMartino, Brogan, Luciano, Schwartz, Kelly, McCarthy, Takami, Dillon, McGinty, Farnen, Mears, Way

**ABSTAINED:** Walsh

Michael Mears, District 10, said that we are sending the wrong message. We need to approve the resolution and let someone else be the bad guy.

**VOTE:** The motion to approve the resolution, as amended, was approved with 33 in favor, 3 opposed (A. Harrison, Bateson, Kelly) and 1 abstention (Walsh) (Mr. Challinor, Mr. Ambrose, Mr. Stewart, Mr. Hug, Ms. Kupchick, Mr. Cullen, Ms. Hoffmann and Mr. Rubino were not present to vote).

**ITEM NO. 8 ON CALL:** TO CONSIDER AND ACT UPON AN ORDINANCE PROVIDING FOR THE TOWN OF FAIRFIELD'S MEMBERSHIP IN THE GREATER BRIDGEPORT COUNCIL OF ELECTED OFFICIALS, SPONSORED BY FIRST SELECTMAN KEN FLATTO AND CRISTIN MCCARTHY VAHEY, DISTRICT 6

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

**MOTION:** Ms. Parker moved to waive the reading of this item and the reading of committee reports, duly seconded and carried unanimously.

\*\*See Committee Reports Attached Hereto and Made a Part Hereof.

**VOTE:** The motion to approve the ordinance to include Fairfield in the Greater Bridgeport Council of Elected Officials was approved with 30 in favor and 6 opposed (A. Harrison, McCullough, Santalesa, DeMartino, Braun, McGinty) (Mr. Challinor, Mr. Ambrose, Mr. Stewart, Mr. Bateson, Mr. Hug, Ms. Kupchick, Mr. Cullen, Ms. Hoffmann and Mr. Rubino were not present to vote).

**ITEM NO. 9 ON CALL:** REFERRAL OF 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, TO THE LEGISLATION AND ADMINISTRATION COMMITTEE UNDER RULE 32 OF THE RTM RULES TO REGULATE

The Moderator noted that the amendment to Article II (Solar Energy), Chapter 95 of the Fairfield Town Code entitled, "Taxation," will appear on the Call of the next regularly scheduled meeting for discussion.

**ITEM NO. 10 ON CALL:** REFERRAL OF 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, TO THE LEGISLATION AND ADMINISTRATION COMMITTEE UNDER RULE 32 OF THE RTM RULES TO REGULATE

The Moderator noted that the amendment to Article IV (Tax Bills), Chapter 95 of the Fairfield Town Code entitled, "Taxation," will appear on the Call of the next regularly scheduled meeting for discussion.

### **OTHER BUSINESS**

The Moderator announced that the next regularly scheduled meeting of the RTM will be held Monday, April 26, 2010 at McKinley School.

The Moderator asked members to inform their committee chairs if they would like a town official to attend their committee meeting for budget discussion.

### **ADJOURNMENT**

There being no further business and upon motion made, duly seconded and carried unanimously, the meeting was adjourned at 11:50 P.M.

Respectfully submitted,

Elizabeth P. Browne  
Town Clerk

Recorded by: Ann Roche