

**MINUTES OF THE REGULAR MONTHLY MEETING OF THE TOWN OF FAIRFIELD
JUNE 27, 2011**

The Regular Monthly Meeting of the Town of Fairfield was held on Monday, June 27, 2011, at the Education Center, 501 Kings Highway East, Fairfield, Connecticut.

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

PRESENT: 33 ABSENT: 17 VACANCY: 0

PRESENT: Becker, Sundman, Ambrose, Jones, Steele, Varian, Bateson, Conley, Ference, McCullough, Santalesa, Hug, Palmer, Garskof, McAleese, Smey, Stamler, Brogan, DeSanctis, Dyer, Marmion, Vahey, Hochberg, Hoffkins, Schwartz, Braun, Harrison, Hoffmann, McCarthy, Dillon, Felner, Mirabile, Way

ABSENT: Challinor, Herley, Richmond, Stewart, DeMartino, R. Parker, S. Parker, Gall, Llewellyn, Lynch, Takami, McGinty, Millington, Cafferelli, Farnen, Mears, Rubino

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

The Moderator introduced Stratfield Odyssey of the Mind winners Fiona Kennelly, Iain McCay, Daniel Fitzpatrick and Liam Holroyd to lead the Body in the Pledge of Allegiance and Moment of Silence.

**ITEM NO. 2 ON CALL: TO CONSIDER AND ACT UPON THE MINUTES OF THE
REGULAR MEETING HELD ON MAY 23, 2011**

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

**ITEM NO. 3 ON CALL: TO RECEIVE THE ASSESSOR'S REPORT ON THE TAX RELIEF
FOR THE ELDERLY PROGRAM AS REQUIRED UNDER CHAPTER
95, ARTICLE III, SECTION 15.1 OF THE CODE OF THE TOWN OF
FAIRFIELD**

The report from Assessor Tom Browne was distributed with the Call.

Ed Bateson, District 3, asked if the budget would show a surplus from the decrease in participants in the 2012 year.

Fiscal Officer Paul Hiller noted that there was a shortfall in last year's budget so we are halfway to a surplus.

Selectman Sherri Steeneck said that some people have not completed their income taxes by the May 15 deadline and noted that there is some flexibility in the State program. She asked that a comparable clause be made to the local ordinance.

Assessor Tom Browne noted that the new RTM would be able to take up such a request. Mr. Browne continued that he would be retiring soon and thanked the Body for their hard work and wished them well. Mr. Browne received a standing ovation.

**ITEM NO. 4 ON CALL: REPORT FROM THE FIRST SELECTMAN ON THE METRO
CENTER PROJECT**

Interim First Selectman Mike Tetreau offered a PowerPoint presentation on the status of the Metro Center. The presentation highlighted certain areas of concern, including several areas where it is anticipated that the project will go over budget. Of particular concern was a \$2 to \$6 million shortfall in removal of contaminated soil. The State required that bids include unit cost instead of a "lump sum" cost. Under the new agreement, the Town assumed liability for cleaning the property and the revenue stream was changed. The presentation included numbers through April 30.

Kathy Braun, District 8, said that one month is not enough time to digest the information given and approve additional funding. She asked for a complete accounting of all money in and all money out.

First Selectman Tetreau asked that all RTM members submit inquiries through the Moderator so that the entire Body will receive the same information.

Ms. Braun said that the previous report given by First Selectman Flatto on April 28 indicated that everything was fine. She asked when the problem developed and why there was no inkling of a problem mentioned.

First Selectman Tetreau said that Acting-Interim First Selectman Steeneck called him when she got in office and asked if he knew anything about the problem around May 10. He said that the problem did not develop overnight and that he did not know.

Ms. Braun asked who did know.

First Selectman Tetreau said that it was the at-the-time First Selectman's responsibility to know.

Ms. Braun asked what will happen to the \$300,000 we are supposed to be reimbursed annually by the State. She asked if the State will still be interested in reimbursing us, and she is certain the former first selectman did not say we would be losing revenue.

First Selectman Tetreau said that the agreement signed a year ago deleted the reimbursement provision.

Ms. Braun asked why the RTM was not involved in the contract negotiations, to which Mr. Tetreau replied he did not know.

Ms. Braun asked why the Town agreed to pay any overruns in the project. Mr. Tetreau said that the answer is not obvious to him.

Ed Bateson, District 3, asked about the timeline for approving an additional appropriation. He asked if the request could come back after July.

First Selectman Tetreau explained that approving funds after July is cutting it closer than they would prefer. At some point when the money runs out the contractors will start shutting down operations.

Mr. Bateson said that the legality of the contract should be questioned. He had asked the Board of Selectmen to table the item when it came up on their agenda last year. Now we have lost a revenue stream and picked up an environmental liability. He said this should have gone to the Board of Finance and the RTM at the time and he questions the legality. He supports the project, but he is torn over the way this project has been handled.

Mary McCullough, District 3, asked when the May numbers will be available.

First Selectman Tetreau noted that Economic Development Director Mark Barnhart was on vacation but he was hoping to have the numbers for the July 6 Board of Selectmen meeting. If they are not, he would look to have that meeting postponed.

Ms. McCullough asked when the June numbers would be available.

First Selectman Tetreau said that the numbers become available around the third week of the next month.

Ms. McCullough stated that if the May and June numbers are not available in time for Standing Committee meetings, we cannot vote on these possibly large funding requests.

Liz Hoffmann, District 8, said that she had always questioned the lack of a construction manager on this project. We have learned a lesson for future projects. She asked who signed the new agreement.

First Selectman Tetreau said that is why we are bringing in a construction manager now.

Town Attorney Richard Saxl said that this had been a long and arduous negotiation which had started in December of 2009. The State had been contemplating undertaking the project but that would mean they would have to seek all new approvals. The State was able to secure \$19.2 million in additional bonds and the project was able to continue.

David Becker, District 1, said that he had requested information today and did not receive it before the meeting. He said he hopes that does not continue.

First Selectman Tetreau said that he wants to distribute all the information necessary but he wants to have a process so that everyone receives the same information in a timely manner. He asked that all requests be handled through the Moderator.

Mr. Becker asked how the administration was able to give up revenue in a unilateral decision and asked how we can prevent something like this from happening in the future.

First Selectman Tetreau said that is something that needs to be addressed. However, our first reaction must be to get the station done on time. He said Mr. Becker's point is well taken.

Mr. Becker asked if options would be offered when the funding request comes to the Body.

First Selectman Tetreau said that he is looking for all available options.

Richard Santalesa, District 3, said that he is shocked at the size of the overrun. The underestimations of costs have been significant. He said he understood that the soil had been tested, and he asked who was responsible for the estimates on the large quantities of contaminated soil, and why the State required that the project be bid at unit price rather than lump sum.

First Selectman Tetreau replied that Loureiro Engineering is the environmental professional. It was explained to him that unit price is more effective.

Nick Mirabile, District 9, thanked Mr. Tetreau for the comprehensive report. He asked why we only have 30 days to respond.

First Selectman Tetreau explained that the crews are working six days a week. They will have to shut down if we run out of money.

Mr. Mirabile asked why Blackrock Realty is still involved.

Town Atty. Saxl explained that Blackrock Realty still owns the land, except for the parking lot and access road. They care about the project and intend to honor the tri-partite agreement. The project is important for mass transportation and the revitalization of a neglected part of Fairfield.

Jeff Steele, District 2, asked about the removal of fill and contaminated soil.

First Selectman Tetreau explained that there are three types of contaminated soil. One type can remain on site, another can remain on site if it is buffered, but a third type must be moved off-site.

Tom McCarthy, District 8, asked how we arrived at an agreement in which we assume the liability.

Town Atty. Saxl said that the State was clear that they would not allow Blackrock Realty to take the lead on the project. The Town of Fairfield was the co-applicant.

Mr. Steele asked what the quid pro quo was on the contract.

Town Atty. Saxl replied that DOT Commissioner Marie said to give up the revenue or we would not get the funding.

Selectman Jim Walsh said that he was shocked, appalled and disgusted by the cost overrun. He said he has not seen a more mismanaged project in this town. He stated that he first learned of the cost overrun in a voicemail message he received from First Selectman Tetreau the previous evening. Selectman Walsh noted that the agreement was discussed at the Board of Selectmen meeting in May during which he was appointed to the Board but that the contract discussion came before his appointment on the agenda. He stated that he thought Mr. Flatto putting him on after the Metro Center contract revision was to prevent him from reviewing it. He asked if anybody asked Mr. Flatto what he knew and when.

First Selectman Tetreau said he did not invite Mr. Flatto to tonight's meeting.

Mr. Walsh asked that Mr. Flatto be asked to attend the Board of Selectmen meeting in order to speak for himself. He asked Selectman Steeneck when she knew.

Selectman Steeneck said that when she took office, the only update she was given was about union contracts. She was told the train station was going fine. Mr. Barnhart indicated there was a problem about where to move the contaminated soil so she called Mr. Tetreau to see if he knew anything about it. He said he did not and she and he tried to pull numbers together and continued to do so until after Mr. Tetreau took over as First Selectman.

Selectman Walsh asked if Town Attorney Saxl explained all the risks of the new contract and made clear to Mr. Flatto that in signing the contract, the Town would be "on the hook" for all of the environmental problems.

Town Atty. Saxl said that Mr. Flatto understood that.

Ms. Braun stated that funding this project is not an emergency but an example of a government out of control.

Board of Finance Chairman Tom Flynn spoke of his concern that a contract that was not reviewed by Town bodies could cost the Town \$12 million. He will call for a special Board of Finance meeting to begin consideration of an outside auditor.

ITEM NO. 5 ON CALL: APPOINTMENT OF MARC S. PATTEN TO THE SOLID WASTE & RECYCLING COMMISSION

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

**See Committee Reports Attached Hereto

Sheila Marmion, District 6, said she has known Mr. Patten for years and that he is committed and passionate. She urged his approval to the Solid Waste and Recycling Commission.

VOTE: The resolution to appoint Mr. Patten to the Solid Waste and Recycling Commission was approved with 30 in favor, 2 opposed (Sundman, Ference) and 1 abstention (Hoffmann).

ITEM NO. 6 ON CALL: APPOINTMENT OF JANE PURCELL TO THE SPECIAL PROJECTS STANDING BUILDING COMMITTEE

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

**See Committee Reports Attached Hereto

Mr. Bateson noted that the L&A Committee had approved this item as amended to seek out approval from the Town Facilities Commission as noted in the charge to the Special Projects Standing Building Committee. He was assured Chairman Al Kelly reviewed Ms. Purcell's qualifications with his commission and she received approval.

Mr. Mirabile noted that it is great to have qualified candidates serving and he supports this appointment.

VOTE: The resolution to appoint Ms. Purcell to the Special Projects Standing Building Committee was approved with 31 in favor, 2 abstentions (Sundman, Harrison).

ITEM NO. 7 ON CALL: RESOLVED, THAT THE BOND RESOLUTION ENTITLED, "A RESOLUTION APPROPRIATING \$250,000 FOR THE COSTS OF THE RESTORATION OF FAÇADE CORNICE AT TOMLINSON MIDDLE SCHOOL AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION," CONSISTING OF FOUR PAGES, BE, AND HEREBY IS, APPROVED

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

MOTION: Ruth Smey, District 5, moved to dispense with reading committee reports into the record. There was no second.

**See Committee Reports Attached Hereto

Mr. Mirabile said that Mr. Cullen did bring back some more detailed numbers but that they are still not as detailed as he would like. He said this project can be held off for another year.

Hank Ference, District 3, said that he cannot support any funding requests until we see where we are with the train station.

MOTION: Mr. Ference moved to postpone this item until the next regularly scheduled meeting, duly seconded.

Mr. Becker asked that an updated capital improvement plan with a waterfall schedule be given to the Body at that time.

Patti Dyer, District 6, said that Mr. Cullen had said that it is too late for this project to be done this summer anyway.

Facilities Director Tom Cullen explained that the bidding process takes four to six weeks.

Josh Garskof, District 5, asked if the emergency doors could be fixed if this item is approved tonight, to which Mr. Cullen replied yes.

Speaking against postponing this item were Jay Wolk, who said the work must be done; and Board of Education Vice Chairman Pam Iacono, who said there is a safety issue involved and urged that the resolution be approved tonight.

Sheila Marmion, District 6, asked how much it would cost to fix the emergency doors.

Mr. Cullen explained that the cost to repair the doors is \$28,000, but the lead abatement must be done around the doors and the lead abatement costs were not broken down that way.

VOTE: The motion to postpone this item until the next regularly scheduled meeting was approved with 20 in favor, 13 opposed.

IN FAVOR: Becker, Sundman, Jones, Steele, Conley, Ference, Santalesa, Hug, Palmer, Smey, Brogan, DeSanctis, Marmion, Braun, Harrison, Hoffmann, McCarthy, Felner, Mirabile, Way

OPPOSED: Ambrose, Varian, Bateson, McCullough, Garskof, McAleese, Stamler, Dyer, Vahey, Hochberg, Hoffkins, Schwartz, Dillon

ITEM NO. 8 ON CALL: RESOLVED, THAT, IN ACCORDANCE WITH A REQUEST FROM THE FIRST SELECTMAN, FUNDS BE TRANSFERRED FROM AN INCREASE IN GRANT REVENUE IN THE AMOUNT OF \$5,675 TO COVER THE COST OF PROGRAMS SPONSORED BY ADULTS AND CHILDREN TOGETHER, FAIRFIELD'S SUBSTANCE ABUSE PREVENTION COUNCIL; AND FURTHER RESOLVED, THAT THE FIRST SELECTMAN IS AUTHORIZED TO MAKE, EXECUTE AND APPROVE ON BEHALF OF THE TOWN OF FAIRFIELD, ANY OR ALL CONTRACTS OR AMENDMENTS THEREOF WITH THE REGIONAL YOUTH/ADULT SUBSTANCE ABUSE PROJECT (RYASAP). THESE COSTS ARE 100% REIMBURSABLE BY A 7/1/11 - 6/30/12 STATE OF CONNECTICUT DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES GRANT TO LOCAL PREVENTION COUNCILS, ADMINISTERED BY RYASAP

MOTION: Ms. McCullough moved to waive the reading of this item into the record, duly seconded and carried unanimously.

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

**See Committee Reports Attached Hereto

VOTE: The ACT program was approved by unanimous voice vote.

ITEM NO. 9 ON CALL: RESOLVED, THAT, IN ACCORDANCE WITH A REQUEST FROM THE DIRECTOR OF HEALTH, AN INCREASE IN THE ESTIMATED REVENUE FOR FEDERAL GRANTS IN THE AMOUNT OF \$5,000 BE, AND HEREBY IS, MADE TO COVER THE COST OF FAIRFIELD'S CONTINUED EFFORTS TO FURTHER DEVELOP THE FAIRFIELD-EASTON MEDICAL RESERVE CORPS (MRC) AND TO PROMOTE THE INTEGRATION OF THE MRC UNIT INTO THE LOCAL PUBLIC HEALTH AND EMERGENCY RESPONSE SYSTEM; AND FURTHER RESOLVED, THAT THE FIRST SELECTMAN IS AUTHORIZED TO MAKE, EXECUTE, AND APPROVE ON BEHALF OF THE TOWN OF FAIRFIELD, ANY AND ALL CONTRACTS OR AMENDMENTS THEREOF WITH THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NACCHO) TO CONDUCT ACTIVITIES DESCRIBED IN THE NACCHO-MRC CAPACITY-BUILDING AWARD WITH AN ANTICIPATED CONTRACT PERIOD OF SEPTEMBER 15, 2011 - SEPTEMBER 15, 2012. THESE COSTS ARE 100% REIMBURSABLE

MOTION: Mr. Garskof moved to waive the reading of this item into the record, duly seconded and carried unanimously.

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

**See Committee Reports Attached Hereto

VOTE: The MRC program was approved by unanimous voice vote.

ITEM NO. 10 ON CALL: RESOLVED, THAT, IN ACCORDANCE WITH A REQUEST FROM THE DIRECTOR OF HEALTH, FUNDS BE, AND HEREBY ARE, TRANSFERRED FROM AN INCREASE IN GRANT REVENUE IN THE AMOUNT OF \$7,350 TO COVER THE COST OF A CARDIOVASCULAR DISEASE PREVENTION PROGRAM FOCUSING ON WEIGHT MANAGEMENT AND NUTRITION EDUCATION FOR ADULTS AGE 18 AND OLDER SERVED BY THE FAIRFIELD HEALTH DEPARTMENT; AND FURTHER RESOLVED, THAT THE FIRST SELECTMAN IS AUTHORIZED TO MAKE, EXECUTE AND APPROVE ON BEHALF OF THE TOWN OF FAIRFIELD, ANY AND ALL CONTRACTS OR AMENDMENTS THEREOF WITH THE STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC HEALTH. THESE COSTS ARE 100% REIMBURSABLE BY A 7/1/11 - 6/30/12 STATE OF CONNECTICUT PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT

MOTION: Ms. McCullough moved to waive the reading of this item into the record, duly seconded and carried unanimously.

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

**See Committee Reports Attached Hereto

VOTE: The Cardiovascular Disease prevention program was approved by unanimous voice vote.

ITEM NO. 11 ON CALL: RESOLVED, THAT, IN ACCORDANCE WITH A REQUEST FROM THE DIRECTOR OF HEALTH, FUNDS BE, AND HEREBY ARE, TRANSFERRED FROM AN INCREASE IN GRANT REVENUE IN THE AMOUNT OF \$55,655 TO COVER THE COST OF FAIRFIELD'S CONTINUED PLANNING IN PREPAREDNESS FOR, AND RESPONSE TO, BIOTERRORISM, PANDEMIC INFLUENZA AND OTHER PUBLIC HEALTH EMERGENCIES, AND FURTHER RESOLVED, THAT THE FIRST SELECTMAN IS AUTHORIZED TO MAKE, EXECUTE, AND APPROVE ON BEHALF OF THE TOWN OF FAIRFIELD, ANY AND ALL CONTRACTS OR AMENDMENTS THEREOF WITH THE STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH TO CONDUCT ACTIVITIES DESCRIBED IN THE PERSONAL SERVICE AGREEMENT LOG WITH REGARD TO AN 8/10/2011 - 8/9/2012 COOPERATIVE AGREEMENT AWARD FROM THE CENTERS FOR DISEASE CONTROL THROUGH THE STATE OF CONNECTICUT. THESE COSTS ARE 100% REIMBURSABLE

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

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

**See Committee Reports Attached Hereto

VOTE: The bioterrorism preparedness program was approved by unanimous voice vote.

ITEM NO. 12 ON CALL: RESOLVED, THAT THE BOND RESOLUTION ENTITLED, 'RESOLUTION AUTHORIZING APPROPRIATION NOT TO EXCEED THIRTY FIVE MILLION DOLLARS (\$35,000,000) TO REFUND CERTAIN OF THE TOWN'S OUTSTANDING BONDS AND AUTHORIZING THE ISSUANCE OF REFUNDING BONDS TO FINANCE SUCH APPROPRIATION,' CONSISTING OF THREE PAGES, A COPY OF WHICH IS ATTACHED HERETO, BE, AND HEREBY IS, APPROVED

MOTION: Peter Ambrose, District 2, moved to waive the reading of this item into the record, duly seconded and carried with 32 in favor, 1 opposed (Vahey).

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

**See Committee Reports Attached Hereto

VOTE: The resolution to refund bonds up to \$35 million was approved by unanimous voice vote.

ITEM NO. 13 ON CALL: RESOLVED THAT IN ACCORDANCE WITH A REQUEST FROM THE FISCAL OFFICER A TRANSFER OF FUNDS IN THE AMOUNT OF \$41,159 FROM THE CONTINGENCY ACCOUNT AND

UNDESIGNATED SURPLUS OF THE WATER POLLUTION CONTROL AUTHORITY TO COVER THE COSTS ASSOCIATED WITH THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF FAIRFIELD AND THE UNITED PUBLIC SERVICES EMPLOYEES, UNIT 222, FOR THE CONTRACT TERM JULY 1, 2010 - JUNE 30, 2011 AND THAT \$2,075 BE TAKEN FROM THE WPCA SURPLUS ACCOUNT AND \$39,084 BE TAKEN FROM THE CONTINGENCY ACCOUNT FOR FUNDING FOR THE TOWN-SIDE

MOTION: Ann Stamler, District 5, moved to waive the reading of this item into the record, duly seconded and carried unanimously.

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

**See Committee Reports Attached Hereto

VOTE: The transfer of \$41,159 to cover the costs of the UPSEU contract was approved with 30 in favor, 3 abstained (Jones, Conley, McCarthy).

ITEM NO. 14 ON CALL: RESOLVED, THAT IN ACCORDANCE WITH A REQUEST FROM THE TOWN PLAN AND ZONING COMMISSION, THE DONATION OF CERTAIN PROPERTY ON THE CORNER OF KINGS HIGHWAY EAST AND VERMONT AVENUE FROM HH EAST PARCEL LLC CONTAINING .26 ACRES, MORE OR LESS, BE, AND HEREBY IS, ACCEPTED

MOTION: Mr. Bateson moved to waive the reading of this item into the record, duly seconded and carried unanimously.

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

**See Committee Reports Attached Hereto

Peter Ambrose, District 2, asked if we would receive a warranty deed or a title insurance policy on the property.

Asst. Town Attorney Eileen Kennelly said that Atty. Fitzpatrick, the attorney for HH East Parcel LLC, said we would receive a title certificate and we will have an environmental report from Mr. Fitzpatrick next month.

MOTION: Mr. Ambrose moved to postpone this item until the next regularly scheduled meeting, duly seconded.

VOTE: The motion to postpone this item until the next regularly scheduled meeting was approved with 29 in favor, 3 opposed (Jones, Dyer, Dillon) and 1 abstention (Braun).

ITEM NO. 15 ON CALL: TO HEAR AND CONSIDER FOR THE FIRST TIME AN ORDINANCE ENTITLED, "ORDINANCE CONCERNING AMENDMENT OF MUNICIPAL UNION LABOR CONTRACTS," SPONSORED BY PETER AMBROSE, DISTRICT 2 AND ANN STAMLER, DISTRICT 5

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

**See Committee Reports Attached Hereto

MOTION: At 10:52 P.M., Cristin McCarthy Vahey, District 6, moved to suspend the rules in order to convene past 11:00 P.M., duly seconded and carried unanimously.

Art Hug, District 4, asked if the proposed ordinance could be extended to cover any contract, rather than only labor contracts.

Mr. Ambrose, a sponsor of the proposed ordinance, said he would refer to Town Counsel.

Asst. Town Attorney Kennelly said that she did not know but that this ordinance does not have to be approved tonight.

Mr. Ambrose said that the Town Attorney should be consulted but that it seems this would be a good way to arrest unilateral contract amendments and we should entertain the idea now.

Ms. Stamler, a sponsor of the proposed ordinance, said that since it would raise so many issues and restrict the power of the First Selectman, she recommended that the ordinance be considered in and of itself, with a narrow focus on labor contracts.

As this item is a proposed ordinance, it shall stand over for one month in accordance with the Rules to Regulate.

OTHER BUSINESS

Fiscal Officer Paul Hiller announced that the Board of Finance would conduct a Special Meeting to discuss the process for the pending funding request for the Metro Center at 5:00 P.M. on Wednesday, June 29.

ADJOURNMENT

There being no further business and upon motion made, duly seconded and carried unanimously, the meeting was adjourned at 11:00 P.M.

Respectfully submitted,

Elizabeth P. Browne
Town Clerk

Recorded by: Ann Roche

Minutes of the Education & Recreation Committee
Wednesday, June 22, 2011
Sullivan Independence Hall

Attending: Chairman – Mary McCullough, Patti Dyer, Kevin Hoffkins

Absent: Brian Farnen, Josh Garskof, Tim Lynch, Mark McGinty, Carolyn Richmond, Chad Stewart, Carol Way

We had no quorum so no votes were taken.

7:05 the meeting was called to order.

Item #7 Tom Cullen was in attendance to answer any questions. He handed out quotes from 2 different contractors that had not been previously received as well as an estimate from fuss & O'Neill a third party independent overseer.

Item #8 Lauren Lanham from the First Selectman's office was in attendance to answer questions.

Item # 12 Paul Hiller was present to discuss the reworking of bonds.

Item # 15 Ann Stamler and Peter Ambrose were present to discuss their ordinance.

Meeting was adjourned at 8:17 pm.

Minutes respectfully submitted by Patti Dyer.

**RTM FINANCE COMMITTEE
MINUTES OF REGULAR MEETING
June 20, 2011**

The February monthly meeting of the RTM Finance Committee was held on Monday, May 16th at 7:30p.m. in the 1st Fl. Conf. Rm. at Sullivan Independence Hall, Fairfield, Connecticut.

MEMBERS PRESENT

Peter Ambrose, David Becker, John Jones, Sheila Marmion, James Takami

MEMBERS ABSENT

Chris DeSanctis, Faith Dillon, Michael Mears, Stephanie Parker, Hal Schwartz

ALSO PRESENT

Sands Cleary, Tom Cullen, Paul Hiller, Eileene Kennelly, Lauren Lanham, Ann Stamler

ACTION TAKEN

No action taken due to no quorum.

REQUESTED ITEMS

Item #14 – Determine if title search is clear and why the deed wasn't a quit claim

Item #14 – Determine if the lot is buildable or able to generate additional tax revenue

AGENDA

Chairman Ambrose called the meeting to order at 7:40pm.

Item #7 – Tomlinson Middle School construction bond

Presenter: Tom Cullen

The committee worked with Mr. Cullen to reach verification that there was a need for the full \$250,000 in costs but was not able to back in enough numbers to get there. The figures came in at closer to approximately \$230,000 on the higher end. Mr. Cullen did note that \$3-4,000 was already paid for now for lead testing and it came from the Board of Education budget. Members also discussed the work that needed to be done and the maximum scope of the project. Mr. Cullen noted that this was just for the facad, cornice, doors, and lead issues.

Item #8 – Substance abuse prevention grant

Presenter: Lauren Lanham

Questions were asked about the breakdown of fund allocations. Ms. Lanham noted that they will be the same as the previous year's budget. The presenter also noted that this is a self-esteem/health based program as a method of achieving the end goal. Questions were asked about feedback of success and if statistics were available. It was noted that statistics would be very difficult to obtain for this type of program but Ms. Lanham did note that there is regularly positive feedback.

Item #9 – Medical Reserve Corps grant

Presenter: Sands Cleary

Committee members asked about who comprised the Medical Reserve Corps and also requested a clarification on their function. Mr. Cleary noted that there are approximately 530 people in the group and it is comprised of a mixture of regular citizens along with medical professionals. The presenter also said that their primary purpose is to dispense large quantities of medications in emergency situations. It was also asked if there are any other functions or planned functions. Mr. Cleary did note that they are currently being trained for basic shelter setup functions during emergencies so they're able to be used in additional roles when needed.

Item #10 – Weight management and nutrition education grant

Presenter: Sands Cleary

Mr. Cleary described the program and stated that it is in place to work with people on significantly reducing pre- to full- diabetes. He also noted that it lasts for 16 weeks and there is education and tracking of exercise and weight loss. It was asked if a doctor's note was required to participate and the answer is no. However, the presenter did state that a diagnosis and a waiver is required. There was also a suggestion to place information of this program on the town website.

Item #11 – Medical emergency preparedness grant

Presenter: Sands Cleary

The presenter stated that 10% less was received than last year. He also said that part of this allocation goes to pay for a "readiness" position in the health department. When asked what additional functions are covered by the grant, Mr. Cleary noted that it also funds drills, exercise, training, equipment, and support for emergency preparedness.

Item #12 – Bond refinance authorization

Presenter: Paul Hiller

Mr. Hiller gave a brief presentation regarding the plan to refinance a portion of the town's debt. He noted that the earliest date would be August 8th. This is due to IRS regulations and year end activity. Questions were asked about the cost of this refinance and how much the town would save. The presenter noted that costs were estimated at \$75,000 and the savings net of costs would be around \$400,000. He also stated that they look for at least 2% savings in order to refinance. It was also asked who would handle this action and Mr. Hiller said that the bond commission is the final step. There were also questions about whether or not all of the 35 million would be refinanced and whether or not any of the bonds would see maturity dates extended. Mr. Hiller said they would try for the maximum amount but that wasn't likely due to the 2% threshold. He also noted that no maturity dates would be extended. There was also discussion about the town's debt load, when the current batch of debt is mostly coming due, and the average coupon rates expected, along with a general highlight of the municipal market and where it has been and is possibly headed.

Item #13 – Contingency account transfer for new employee contract

Presenter: Paul Hiller

Committee members asked about the affect on the FY11-12 budget to confirm that this is the only appropriation needed. Mr. Hiller confirmed that FY10-11 didn't allocate for the funds but FY11-12 would be fine. Mr. Hiller noted that this is a one time transfer to address additional costs associated with an already approved contract.

Item #14 – Land donation to town

Presenter: Eileene Kennelly

Ms. Kennelly during the presentation was asked if there is a cost of maintaining the lot. She stated that no there are not. Committee members noted the benefit that no building meant potentially less of a burden on the school population. The dollar amount of lost tax revenue was asked, Ms. Kennelly noted it is around \$3,000. There were several follow-up questions which are noted earlier in these minutes.

Item #15 – Ordinance concerning amendment of labor contracts

Presenter: Peter Ambrose and Ann Stamler

The presenters went through some history regarding this issue and discussed why they brought the ordinance forward. Ms. Stamler noted that nothing in the town or state statutes prevents modifying a contract such as this. There was also discussion about whether or not this ordinance would have prevented the side letter issue from the previous year and it was noted that in that instance it may have still become an issue for the town. There were questions about the dollar amount chosen as a threshold. Mr. Ambrose stated that it was at a level that allowed the administration to provide for equipment needs, such as gloves etc., when needed as a contract adjustment. He noted that it is still low enough not to be a large expense without then requiring approval.

The meeting was adjourned at 9:30pm.

Respectfully Submitted,

David M. Becker

David M. Becker
Secretary, RTM Finance Committee

**Minutes of the Legislation and Administration Committee of the RTM
June 20, 2011**

Meeting was called to order at 7:15 pm

Present: Reps. Ed Bateson, Ann Stamler, Jeff Steele, Cristin McCarthy Vahey, Joe DeMartino, Nick Mirabile

Absent: Reps. Kathy Braun, Rich Santalesa, Keith Varian, Bill Llewellyn

Item #5 - Appointment of Marc Patten to Solid Waste and Recycling

Motion to approve - Vahey, Mirabile

Mr. Patten (D) was present and noted that he had expressed his interest in volunteering to the First Selectman and this was the commission that needed additional members. Mr. Patten does not have knowledge of the commission, but is an eager and willing volunteer who has knowledge of town government.

Various committee members expressed a desire for the following information with each appointment: A professional resume was NOT included in the RTM packet. DeMartino inquired as to Patten's interest in the committee, specifically his knowledge of recent actions by the RTM regarding the SW & RC. Patten indicated that he has not contacted any members of the commission nor talked with the Director of SW & RC.

Vote 5-1-0 (DeMartino)

Item #6 Appointment of Jane Purcell to Special Projects Standing Building Committee

Motion to approve – Vahey, Steele

Ms. Purcell gave a brief bio and background focusing on her participation on the Tomlinson building committee.

Rep. Bateson noted that SPSBC appointments must be considered by the TFC as prescribed by the Selectman's charge in forming the SPSBC. Bateson offered a motion to amend the item to state "approval subject to compliance with the Selectmen's charge that Ms. Purcell SPSBC appointment be considered by the TFC." Seconded by Steele.

Vote on amendment- 6-0-0

The motion to approve the appointment to the SPSBC as amended is now before L & A.

Vote 6-0-0

Item #7 \$250,000 bond resolution for Tomlinson façade & cornice restoration

Motion to approve – Vahey, Bateson

Presented by Tom Cullen, BoE. Cullen discussed two estimates regarding work that was previously distributed to L & A by Steele. DeMartino asked about the RFP process. Discussion about the lead abatement, differences in scope of work between the two estimates. Bateson noted to Cullen that the May RTM seemed to want more info on the project so that the scope of work to

be performed may be pared back to specific items within the project...i.e. exterior door replacement. Cullen stated that to bid specific aspects of the project would necessitate the hiring of an architect to provide that level of detail. Timing of the project was discussed as it relates to the BoE's Long Term Facilities Plan.

Vote 0-3-3 (Stamler, Vahey, Steele) (Bateson, DeMartino, Mirabile)

Item #8 RYASAP Grant \$5,675

Motion to approve – DeMartino, Vahey

Item presented by Lauren Lanham, Constituency Coordinator Office of the First Selectmen. Bateson inquired as to how this grant falls into the office of First Selectmen and Lanham provided a brief history as to this programs evolution from the Health Department to the First Selectman's office. Lanham provided a brief explanation as to the grants funding distribution to Ludlowe, Warde, mini grants and anti tobacco campaigns.

Vote 6-0-0

Item #9 Fairfield/Easton Medical Reserve Corps (MRC) grant \$5,000

Motion to approve – Vahey, Stamler

Health Director Sands Cleary presented. Cleary gave a brief overview of the MRC, highlighting the recent exercise conducted whereby they received 127 confirmed volunteers for an emergency preparedness drill. This grant will primarily directed to updating and maintaining the MRC volunteer database and future emergency preparedness drills.

Vote 6-0-0

Item #10 Cardiovascular Disease Prevention Program grant \$7,350.

Motion to approve – Steele, Mirabile.

Health Director Sands Cleary presented. Cleary stated that the current program has several dozen participants. Steele inquired as to the agencies efforts at marketing. Open to Fairfield residents only.

Vote 6-0-0

Item #11 State of CT DPH grant for preparedness to bioterrorism, pandemic influenza and other public health emergencies \$55,655.

Motion to approve – Vahey, Stamler

Health Director Sands Cleary presented. These resources will be directed to the development and updating of quarantine procedures and mass antibiotic dispensation. This is the 10th year the Town has received this grant.

Vote 6-0-0

Item #12 Bond Refunding Authorization for \$35,000,000

Motion to approve – Steele, Stamler

Fiscal Officer Paul Hiller presented. Hiller gave a brief overview of the timeline. A current debt offering limits the window of refunding to about early to mid August. The Bond Committee (Three Selectmen, Fiscal Officer (Hiller) and Town Treasurer (Shaugnessy)) determine the timing of any refunding. Fees expected to run about \$75k. Hiller said the Town will look to refund the 2003 and 2005 bonds and see a savings of about \$400,000 in annual debt service.

Vote 4-0-2 (DeMartino, Vahey)

Item #13 Contingency transfer \$39,084 & WPCA Undesignated Surplus transfer of \$2,075 to cover approved THEA labor contract costs for 2010-2011.

Fiscal Officer Paul Hiller presented. These transfers are to cover costs related to retroactive salary increases to THEA employees under the recently approved labor agreement. Costs agree to financial presentation provided to the RTM at the time the agreement was approved.

Vote 5-0-1 (DeMartino)

Item #14 TP & Z Land donation.

Scheduled presenter was to be Jim Wendt, Assistant Director of Planning & Zoning. Wendt was not in attendance.

No action taken.

Item #15 Ordinance – Amendments to Municipal Union Labor Contracts.

Presented by sponsors – Stamler & Ambrose.

Stamler & Ambrose gave an overview of the ordinance, highlighted recommended and incorporated changes from L & A last month.

Initial hearing of ordinance – no action necessary.

Motion to adjourn at 10:05pm.

Respectfully submitted

Edward Bateson
Chairman
Legislation & Administration Committee

**Town of Fairfield RTM
Minutes of Public Health and Safety Committee
Wednesday, June 22, 2011**

Chairman: Rep. Hank Ference (R-3)
Vice Chairman: Rep. Richard Parker (R-4)
Secretary: Rep. Michael Herley (R-1)

The meeting was called to order by Public Health and Safety Committee Chairman Hank Ference at 7:44 pm EDT.

○ Roll Call

Present: Rep. Joseph Cafferelli (R-10), Rep. Hank Ference (R-3), Rep. Michael Herley (R-1), Rep. Arthur Hug (R-4), and Rep. Ruth Smey (D-5).

Absent: Rep. Bruce Challinor (R-1), Rep. Joseph Felner (R-9), Rep. Joseph Gall (D-5), Rep. Jamie Millington (R-9) and Rep. Richard Parker (R-4).

○ Guests

Sands Cleary, Director of Health, Town of Fairfield; Tom Cullen, Director of Operation, BOE; Paul Hiller, Chief Fiscal Officer, Town of Fairfield; Lauren Lanham, Constituent Services Coordinator, First Selectman's Office; Eileen Kennelly, Assistant Town Attorney, Town of Fairfield; Peter Ambrose, RTM Member (R-2); and Ann Stamler, RTM Member (D-5).

○ Administrative Matters

No administrative matters were undertaken.

○ Meeting Business

No votes were taken on any agenda item since there was no quorum.

Agenda Item Seven: RESOLVED, that the Bond Resolution entitled, "A Resolution Appropriating \$250,000 for the Costs of the Restoration of Façade Cornice at Tomlinson Middle School and Authorizing the Issuance of Bonds to Finance Such Appropriation," consisting of four pages, be, and hereby is, approved.

Tom Cullen, Director of Operation for the BOE provided supporting documentation on the lead abatement estimates. He said the neither of the estimates including pricing for the trim. He added that the two bids were below the proposed bonding amounts by enough that he thought he would have enough in contingency to cover the trim cost. Both of the bids would use scaffolding as opposed to ladders.

Rep. Arthur Hug (R-4) asked if CGM would provide more data on its bid. Mr. Cullen said more information would be provided in the formal bid they would be required to submit. There was no public comment and no vote was taken

Agenda Item Eight: “RESOLVED, that, in accordance with a request from the First Selectman, funds be transferred from an increase in grant revenue in the amount of \$5,675 to cover the cost of programs sponsored by Adults and Children Together, Fairfield’s Substance Abuse Prevention Council; and

FURTHER RESOLVED, that the First Selectman is authorized to make, execute and approve on behalf of the Town of Fairfield, any or all contracts or amendments thereof with the Regional Youth/Adult Substance Abuse Project (RYASAP). These costs are 100% reimbursable by a 7/1/11 - 6/30/12 State of Connecticut Department of Mental Health and Addiction Services grant to Local Prevention Councils, administered by RYASAP.”

Lauren Lanham, Constituent Services Coordinator, gave an overview of the grant program. She said it was a State grant that was distributed regionally. She said it would be used to support the prevention of alcohol and drug use and there were also mini-grants to support healthy children.

Rep. Arthur Hug (R-4) asked if these monies would only be used to support programs in Town and Lauren Lanham said yes. There was no public comment. No vote was taken.

Agenda Item Nine: “RESOLVED, that, in accordance with a request from the Director of Health, an increase in the estimated revenue for Federal Grants in the amount of \$5,000 be, and hereby is, made to cover the cost of Fairfield’s continued efforts to further develop the Fairfield-Easton Medical Reserve Corps (MRC) and to promote the integration of the MRC unit into the local public health and emergency response system; and

FURTHER RESOLVED, that the First Selectman is authorized to make, execute, and approve on behalf of the Town of Fairfield, any and all contracts or amendments thereof with the National Association of County and City Health Officials (NACCHO) to conduct activities described in the NACCHO-MRC Capacity-Building Award with an anticipated contract period of September 15, 2011 - September 15, 2012. These costs are 100% reimbursable.”

Sands Cleary, Director of Health, Town of Fairfield spoke about the program and how it is designed to support the Fairfield-Easton medical corps., which has 525 volunteers. The medical corps. supports the Health department in times of need and this was the fifth year of receiving the award. The funds are also used to support education training for enrollees.

Michael Herley (R-1) asked how many participants attended the last training event. Sands Cleary said about 100 people attended the most recent two-day meeting. There was no public comment. No vote was taken.

Agenda Item Ten: “RESOLVED, that, in accordance with a request from the Director of Health, funds be, and hereby are, transferred from an increase in grant revenue in the amount of \$7,350 to cover the cost of a Cardiovascular Disease Prevention Program focusing on Weight Management and Nutrition Education for adults age 18 and older served by the Fairfield Health Department; and

Sands Cleary, Director of Health, Town of Fairfield spoke about the program and how its funds had been used in the past to support the lean and lively program. This year it would support

programs on pre-diabetes, nutrition, cardiovascular, weightt reduction. Program participants would have access to YMCA facilities and meet with a nutritionist. This spring's program is nearly full.

Michael Herley (R-1) asked if the program was only open to Fairfield residents. Sands Cleary said yes. Rep. Arthur Hug (R-4) asked where the program was advertised. Sands clearly said in the library newsletter and select flyers. Michael Herley (R-1) asked if the Health department used social media to promote this program. Sands Clearly said they used Facebook. Rep. Arthur Hug (R-4) asked if they would consider advertising in the continuing education program guide and Sands Cleary said that was a good idea. There was no public comment. No vote was taken.

Item Number Eleven: “RESOLVED, that, in accordance with a request from the Director of Health, funds be, and hereby are, transferred from an increase in grant revenue in the amount of \$55,655 to cover the cost of Fairfield’s continued planning in preparedness for, and response to, bioterrorism, pandemic influenza and other public health emergencies, and

FURTHER RESOLVED, that the First Selectman is authorized to make, execute, and approve on behalf of the Town of Fairfield, any and all contracts or amendments thereof with the State of Connecticut Department of Public Health to conduct activities described in the Personal Service Agreement Log with regard to an 8/10/2011 - 8/9/2012 Cooperative Agreement Award from the Centers for Disease Control through the State of Connecticut. These costs are 100% reimbursable.”

Sands Cleary, Director of Health, Town of Fairfield spoke about the program and how it starts off at the CDC and makes its way to the Town of Fairfield. This was the 10th of the program and the funding is used to support staffing and pay for training.

Rep. Joseph Cafferelli (R-10) asked where the stockpiles were kept. Sands Cleary said there were national stockpiles that were ready to roll on a moment’s notice, but for security reasons the locations are not disclosed. The committee thanked Mr. Cleary for his time and good work. There was no public comment. No vote was taken.

Item Number Twelve: RESOLVED, that the bond resolution entitled, ‘Resolution Authorizing Appropriation not to exceed Thirty Five Million Dollars (\$35,000,000) to Refund Certain of the Town’s Outstanding Bonds and Authorizing the Issuance of Refunding Bonds to Finance Such Appropriation,’ consisting of three pages, a copy of which is attached hereto, be, and hereby is, approved.”

Paul Hiller, Chief Fiscal Officer for the Town of Fairfield spoke about the opportunity to potentially refinance a portion of the Town’s debt, which could potentially bring savings of \$400k for the coming year. He noted that unlike a mortgage refinance, the Town would not extend the duration of its debt obligation with this potential refinance.

Rep. Arthur Hug (R-4) asked if the Town could lock in the rate of interest ahead of time. Mr. Hiller said the ultimate interest rate would not be known until the morning of the refinance. There was no public comment. No vote was taken.

Item Number Thirteen: “RESOLVED that in accordance with a request from the Fiscal Officer a Transfer of Funds in the amount of \$41,159 from the Contingency Account and Undesignated Surplus of the Water Pollution Control Authority to cover the costs associated with the Collective Bargaining Agreement between the Town of Fairfield and the United Public Services Employees, Unit 222, for the contract term July 1, 2010 - June 30, 2011 and that \$2,075 be taken from the WPCA surplus account and \$39,084 be taken from the Contingency Account for funding for the town-side.”

Paul Hiller, Chief Fiscal Officer for the Town of Fairfield said that this money would be used to properly fund the Town employee contract from the April 2011 RTM meeting. There were no questions or public comment. No vote was taken.

Item Number Fourteen: “RESOLVED, that in accordance with a request from the Town Plan and Zoning Commission, the donation of certain property on the corner of Kings Highway East and Vermont Avenue from HH East Parcel LLC containing .26 acres, more or less, be, and hereby is, accepted.”

Eileen Kennelly, Assistant Town Attorney, Town of Fairfield provided an overview of the parcel of land. She said she was not sure what the Town would ultimately do with it if acquired. There were no questions or public comment. No vote was taken.

Item Number Fifteen: To hear and consider for the first time an ordinance entitled, “Ordinance Concerning Amendment of Municipal Union Labor Contracts,” sponsored by Peter Ambrose, District 2 and Ann Stamler, District 5:

The First Selectman shall not execute any alteration or amendment to any municipal union labor contract by way of a side letter or any other document in any way which would bind the town to a significant expenditure or impose a significant financial impact upon the town without the approval of the Representative Town Meeting. A “significant expenditure” and a “significant financial impact” are deemed to be an expenditure which would obligate the town to the payment of \$10,000 or more per year.

The foregoing restriction shall not apply to the following labor proceedings: interest arbitrations; grievances; unfair labor practices; or municipal prohibited practices.

Peter Ambrose, RTM Member (R-2) said that under the present statute the First Selectman can negotiate municipal contracts and then they are legislated by the RTM body. Currently there is no clear statement on the approval of amendments. The change would require alterations of \$10k and up to be approved by the RTM. This issue became evident as a result of the former First Selectman’s side letter on the Fire Department manning issue. Mr. Ambrose added that Dick Saxl, Town attorney and Mary Carroll-Mirylees, Director of human resources, both encouraged him and Ann Stamler to proceed with this change.

Rep. Arthur Hug (R-4) asked if with the fire department this would fall under unfair labor practices. Rep. Ann Stamler (D-5) said the side letters were never approved by other bodies. Michael Herley (R-1) asked if the amount could be raised later on as a result of increased costs of doing business. Rep. Ambrose (R-2) said yes it could be amended and that the \$10k

allotment was designed to give the First Selectman the ability to buy needed equipment, such as safety equipment and that former First Selectman Flatto agreed with the proposal.

The committee thanked Reps. Ambrose and Stamler for their presentation. There was no public comment and no vote was taken.

○ New Business

There was no new business.

○ Other

n/a

○ Adjournment

Rep. Michael Herley (R-1) made a motion to adjourn and it was seconded by Rep. Ruth Smey (D-5). The motion passed unanimously and the meeting was adjourned at 8:50 pm EDT.

Respectfully submitted by Rep. Michael Herley (R-1), Secretary for the Public Health and Safety Committee, on June 27, 2011.

Public Works and Planning Committee

PUBLIC WORKS AND PLANNING

Committee Members in attendance:

Public Works & Planning Monday, May 16, 2011	Item#5	Item#6	Item#7	Item#12	Item#13	Item#14
Alexis P Harrison	N	A	A	N	Y	A
Eric G Sundman	A	A	A	Y	Y	A
Thomas P Conley	Y	A	A	Y	A	A
Thomas E McCarthy	Y	A	A	Y	Y	A
Christopher J Brogan	Y	A	Y	Y	Y	A
Jennifer Anne Hochberg	Y	A	Y	Y	Y	A
Christopher J McAleese	Y	A	Y	Y	Y	A
Joseph J Palmer	Y	A	A	Y	Y	A

SEVEN (7) RESOLUTIONS WERE REFERRED TO THIS COMMITTEE BY THE RTM FOR REVIEW AND/OR ACTION PRIOR TO THE JUNE GENERAL MEETING. THE NUMBERING OF THE POINTS WHICH FOLLOW CORRESPOND TO THE 6/27/2011 RTM AGENDA.

Respectfully submitted, Thomas E McCarthy (Secretary).

5. To hear, consider and act upon the following appointment to the Solid Waste & Recycling Commission, as recommended by the board of Selectman:

Marc S. Patten (D) 503 Valley Road, Term Nov. 2008-2012
(To fill vacancy created by the resignation Ken Betza)

Comments: Mr. Patten delivered a brief summary of his business experience, stating that most recently he has been working as a brand consultant, a free lance writer, and had also began a startup business in on line sales. Referring to his resume, he noted that he has demonstrated a genuine interest in public service as well as a fairly diverse skill set. He stated that he is strongly committed to recycling and green solutions and therefore feels that an appointment to the Solid Waste & Recycling Commission would be a good fit for him. When asked if on the basis of his prior roles with the PTA and DTM, that he might gravitate towards fulfilling a financial role of sorts with the commission, Mr. Patten responded by saying that when given a budget number he has every confidence in his ability to manage to the number. The members of this sub committee felt generally favorable towards Mt Patten as a candidate, although it struck Representative Sundman as odd that Mr. Patten had not become more knowledgeable about exactly what he would be doing as a member the Solid Waste & Recycling Commission and would consider interviewing another candidate without prejudice. Representatives Harrison, McCarthy, and others conceded this as a fair point and Representative Palmer offered some advice to Mr. Patten as far as how best to proceed in bringing himself up to speed. This resolution passed with 6 in favor, one opposed, and one abstaining.

6. To hear, consider and act upon the following appointment to the Special Projects Standing Building Committee, as recommended by the board of Selectman:

Jane Purcell (U), 901 Fairfield Beach Road

(To fill vacancy created by the resignation of Miriam Frank)

Comments: Ms. Purcell was not present to be interviewed. No action was taken by the members of this committee.

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

“RESOLVED, that the Bond Resolution entitled, A Resolution Appropriating \$250,000 for the Costs of the Restoration of the Façade Cornice at Tomlinson Middle School and Authorizing the Issuance of Bonds to Finance Such Appropriation,” consisting of four pages, be, and hereby is, approved.”

Comments Tom Cullem (Director of Operations) stated that he had returned with better information on the Tomlinson Middle School project, specifically with regard to the lead abatement @ \$9.5K. He presented also an estimate for \$175K from CGM Acoustics for most of the actual door replacement and cornice work and suggested further that an additional 10% for contingency would be reasonable. He stated that he was comfortable that the \$250K was the right amount for the project. Mr. Cullem went on to point out that some of the wood might also need to be replaced; however, he failed to adequately bridge the gap between the aforementioned estimates and the \$250K appropriation amount to the satisfaction of committee members. There was some subsequent discussion during which Representatives Conley, Brogan, McCarthy, Palmer and others attempted to define the level of cost detail that this committee (and by extension) the RTM would like to see. Representative Sundman asked for further clarification relative to what was included in the CGM estimate. The final vote count was 3 in favor with 5 abstaining.

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

“RESOLVED, that the Bond Resolution entitled, “Resolution Appropriating not to exceed Thirty Five Million Dollars (\$35,000,000) to refund certain of the Town’s outstanding Bonds and Authorizing the Issuance of Refunding Bonds to Finance Such Appropriation,” consisting of three pages, be, and hereby is, approved.”

Comments: Chief Financial Officer Paul Hiller offered a brief explanation to the committee members for this resolution. He explained that as the result of lower borrowing costs, he anticipates an opportunity to reduce the amount of interest the town would have to pay through refinancing of some of its debt. He stated that this measure would not involve taking on additional indebtedness. This is would simply an opportunity to refinance and he needed to have all necessary approvals in place, in order to act upon an anticipated proposal from the underwriters, when the window of opportunity opened. He added that this resolution had already been unanimously approved by the BOS & BOF. This resolution passed with 7 in favor and 1 opposed.

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

“RESOLVED, that in accordance with a request from the Fiscal Officer a Transfer of Funds in the amount of \$41,159 from the Contingency Account and Undesignated Surplus of the Water Pollution Control Authority to cover the costs associated with the Collective Bargaining Agreement between

the Town of Fairfield and the United Public Service Employees, Unit 222, for the contract term July 1, 2010 – June 30, 2011 and that \$2,075 be taken from the WPCA surplus account and \$39,084 be taken from the Contingency Account for funding for the town-side.”

Comments: Paul Hiller explained that this measure simply represents an effort to allocate funds into appropriate buckets following union contract acceptance and resulting salary increases which went into effect on January 1st 2011. Representative Harrison inquired as to the dollar amount currently in the contingency fund. Mr. Hiller stated that the present balance is \$493K and that in relative terms that amount would be considered high. This resolution passed with 7 in favor and 1 abstaining.

14. To hear, consider and act upon the following resolution as recommended by the Town Planning and Zoning Commission:

“RESOLVED, that in accordance with a request from the Town Planning and Zoning Commission, the donation of certain property on the corner of Kings Highway East and Vermont Avenue from HH East Parcel LLC containing .26 acres, more or less, be, and hereby is accepted.”

Comments: As no representative from TP&Z was present to offer an argument (compelling or otherwise) as to why the town would want to take possession of this property, and on its face taking possession seems to represent only disadvantages for the town, Representative Conley motioned that no action be taken at this time. The motion was seconded by Representative Sundman. All 8 members present abstained.

15. To hear and consider for the first time an ordinance entitled, “Ordinance Concerning Amendment of Municipal Union Labor Contracts,” sponsored by Peter Ambrose, District 2 and Ann Stamler, District 5:

The First Selectman shall not execute any alteration or amendment to any municipal union labor contract by way of a side letter or any other document in any way which would bind the town to a significant expenditure or impose a significant impact upon the town without the approval of the Representative Town Meeting. A “significant expenditure” and a significant financial impact” are deemed to be an expenditure which would obligate the town to a payment of \$10,000 or more per year.

Comments: Representatives Ambrose and Stamler spoke to the need for this ordinance as side letters are not uncommon in labor negotiations, but could potentially have material financial consequences for the Town. Representative Stamler stated that side letters are not specifically covered by either the Town Charter or by State Statutes and this ordinance would fill a serious gap. Representative Ambrose noted that the language of the ordinance is qualified to allow for sufficient flexibility where a quick response is mandated by law. The members of this committee were generally in agreement that this measure is thoroughly appropriate as it would preclude side stepping the RTM on matters which have a significant financial impact to the town. Representative Conley suggested taking it a step further, opining that this measure is important enough that it ought to be written into the Town Charter as ordinances are too easy to change.