

**MINUTES OF THE REGULAR MONTHLY MEETING OF THE TOWN OF FAIRFIELD  
FEBRUARY 27, 2012**

The Regular Monthly Meeting of the Town of Fairfield was held on Monday, February 27, 2012, at the Education Center, Kings Highway, Fairfield, Connecticut.

The meeting was called to order at 8:10 P.M. by Moderator Jeff Steele.

PRESENT: 46                      ABSENT: 4                      VACANCY: 0

PRESENT: Becker, Herley, Meyer, Richmond, Sundman, Ambrose, Mitola, Steele, Varian, Bateson, Conley, Ference, Mackenzie, McCullough, Dean, DeMartino, Hug, Mezoff, Palmer, Garskof, McAleese, Smey, Stamler, Brogan, Campbell, Gottlieb, Marmion, Wolk, Hochberg, Hoffkins, Newman, Patten, Schwartz, Braun, Kery, Marks, McCarthy, Stopa, Domeika, Felner, Jacob, Mirabile, Pontrelli, Hannum, Lee, Way

ABSENT: Stewart, Gall, Ryan, Weber

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

Assessor Don Ross led the Body in the Pledge of Allegiance and a moment of silence.

**ITEM NO. 2 ON CALL:**            TO CONSIDER AND ACT UPON THE MINUTES OF THE  
REGULAR MEETING HELD ON JANUARY 23, 2012

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

**CONSENT CALENDAR**

The Moderator reported that Items numbered 3, 5 and 8 were eligible for the Consent Calendar.

**VOTE:** Items 3, 5 and 8 were approved by unanimous voice vote.

**ITEM NO. 3 ON CALL:**            APPOINTMENT OF MICHAEL MEARS TO THE EMPLOYEES  
RETIREMENT BOARD

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

**ITEM NO. 4 ON CALL:**            RESOLVED, THAT A CERTAIN CONTRACT NEGOTIATED BY  
AND BETWEEN THE TOWN OF FAIRFIELD AND THE  
FAIRFIELD FIRE UNION, LOCAL 1426, CONCERNING  
CONDITIONS OF EMPLOYMENT FOR THE PERIOD ENDING  
JUNE 30, 2010 BE, AND HEREBY IS, AMENDED, IN THE  
MANNER DESCRIBED IN THE ATTACHED MEMORANDUM OF  
AGREEMENT SO AS TO MAKE THE CONTRACT EFFECTIVE  
THROUGH JUNE 30, 2013 AND TO INCORPORATE CERTAIN  
OTHER CHANGES REGARDING WAGES, HOURS AND OTHER  
MATTERS

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

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\*\*See Committee Reports Attached Hereto

Chris McAleese, District 5, moved to amend the resolution by changing the words, “memorandum of agreement,” to “tentative agreement,” duly seconded.

Ed Bateson, District 3, spoke in favor of the proposed language amendment.

**VOTE:** The motion to amend the resolution was approved by unanimous voice vote.

Art Hug, District 4, said that the firefighters have led the way in cost-cutting measures and concessions in their contract. He urged the Body approve the contract tonight.

Tom McCarthy, District 8, noted that the former first selectman entered into an agreement with the firefighters without taking into consideration whether the RTM would agree.

Carolyn Richmond, District 1, said that it is up to the first selectman to negotiate a fair contract but the RTM’s constituents do not want their taxes to go up.

David Becker, District 1, asked when Town Counsel stated the problem with arbitration following the discovery of the memorandum of understanding.

First Selectman Mike Tetreau said that the agreement was discovered last summer, and around November or December it was determined that Article III, Section 9 narrowed the discussion for arbitration.

Mr. Becker said that the agreement is 18 or 20 months old and that this issue could have been resolved last summer. Moving forward, something needs to be done to avoid this in the future. He requested that we receive a written legal opinion regarding the arbitration issue.

First Selectman Tetreau said that he has taken steps to make the process more open and include the RTM from the start.

Kathy Braun, District 8, said that she supports approving the resolution tonight but is disappointed in the process. She said that the agreement should have been brought to the RTM before it was signed. It has been automatically approved since the RTM did not turn it down. In the future labor agreements should be brought before the RTM.

First Selectman Tetreau explained that Atty. McHale was not aware that the contract had not been brought before the RTM. The detailed discussion happened later.

Ms. Braun said that it appears that the RTM has no role in this decision. Once the First Selectman negotiates the contract, the RTM has thirty days in which to accept it or reject it.

Atty. McHale said that the RTM has a significant role in the contract process; to wit, no contract can be approved without RTM approval. There are two types of agreements which require the approval of the legislative body. The budget funds were approved as a matter of law because the RTM did not approve it within fourteen days. The memorandum of understanding narrowed the negotiated issues to three and the arbitration panel would only consider those three items. It was determined to be worth it to spend the Town’s resources on a small possible gain.

Marc Patten, District 7, said that the contract was fair in 2010 and it is fair today.

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Firefighter Erik Kalapir spoke in opposition to moving away from a pension plan to a defined contribution plan.

Tom McCarthy, District 8, said that we need to look at an analysis of pensions versus a defined benefit plan. The prevailing wisdom is that the defined benefit plan is less cost effective than the defined contribution plan.

First Selectman Tetreau said that his chief of staff has been asked to put such an analysis on the front burner.

Mr. Becker asked that the analysis be expedited.

Ann Stamler, District 5, said that she supported this contract when it first came before the Body.

Jay Wolk, District 6, spoke in support of the contract.

**VOTE:** The resolution to approve the firefighters contract, as amended to read, "Resolved, that a certain contract negotiated by and between the Town of Fairfield and the Fairfield Fire Union, Local 1426, concerning conditions of employment for the period ending June 30, 2010 be, and hereby is, amended, in the manner described in the attached tentative agreement so as to make the contract effective through June 30, 2013 and to incorporate certain other changes regarding wages, hours and other matters," was approved with 44 in favor, 2 abstentions (FERENCE, JACOB).

**ITEM NO. 5 ON CALL:** RESOLVED THAT THE TOWN OF FAIRFIELD (1) ESTABLISH THE RIVERFIELD ELEMENTARY SCHOOL BUILDING COMMITTEE; (2) AUTHORIZE THE PREPARATION OF SCHEMATIC DRAWINGS AND OUTLINE SPECIFICATIONS FOR THIS PROJECT; AND (3) AUTHORIZE THE RIVERFIELD ELEMENTARY SCHOOL BUILDING COMMITTEE TO FILE AN APPLICATION FOR A SCHOOL BUILDING GRANT

This item was on the Consent Calendar.

**ITEM NO. 6 ON CALL:** APPOINTMENTS OF DAN GRAZIADEI; CHRISTINE M. MESSINA; THOMAS F. QUINN; LAWRENCE H. RATNER; MAUREEN A. SAWYER; JOHN W. SHAFFER; AND SCOTT E. THOMPSON TO THE RIVERFIELD ELEMENTARY SCHOOL BUILDING COMMITTEE

The Moderator moved this item as distributed with the Call, duly seconded. Mr. Quinn and Mr. Ratner were present.

\*\*See Committee Reports Attached Hereto

Kathy Braun, District 8, asked that an RTM member be allowed to serve on the committee.

Hal Schwartz, District 8, questioned whether an RTM member serving on the building committee would be a conflict of interest. He said he would consider adding an RTM liaison or ex-officio member.

John Mitola, District 2, said he is opposed to adding an RTM member to the building committee. The process works.

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Ed Bateson, District 3, disagreed that an RTM member would be a conflict of interest. He believes an RTM member could separate himself. Sometimes the process works and sometimes it does not. We need a presence in the room with a voice and a vote.

Nick Mirabile, District 9, said he disagreed with Mr. Mitola. We should have a liaison to keep the lines of communication open.

Josh Garskof, District 5, said there is no way to have a single member speak for the Body, vote for the Body and report back.

Kenneth Lee, District 10, said it might be a good idea to have an RTM member on the committee.

Carolyn Richmond, District 1, said that we are elected by the residents. Building committee members are appointed and do not answer to a constituency. She would like to see an RTM member serve on the building committee in order to represent the taxpayers.

Ellen Jacob, District 9, agreed with Ms. Richmond.

Mr. Schwartz said that he supports the seven members before us. We can put a process in place and make recommendations to the Board of Selectmen, but we cannot resolve this tonight. He urged approval so the building committee can get going.

Amy Mezoff, District 4, said that the issue appears to be whether the RTM member be allowed to vote. As a non-voting member of a committee can be left out of the loop, and not be including on certain e-mails, etc., the member may not be privy to all the information.

Marc Patten, District 7, said that the RTM should receive reports from the building committee in a timely manner.

First Selectman Tetreau said we need to figure out how to get official feedback from the building committee. The Body could vote on adding a liaison now. A voting member would have to be vetted and go through the Board of Selectmen and RTM approval process. He said he is looking for four more members to serve on this committee.

Selectman Jim Walsh said that if the RTM put someone on the building committee, parameters must be set, such as reporting requirements.

Ian Bass, Lalley Boulevard, President of Fair Acres Neighborhood Association, said that it would be beneficial to have an RTM member on the building committee.

**VOTE:** The resolution to appoint the Riverfield Elementary School Building Committee members was approved with 44 in favor, 2 abstentions (Mezoff, McCarthy).

**ITEM NO. 7 ON CALL:** RESOLVED, THAT THE BOND APPROPRIATION ENTITLED, "A RESOLUTION APPROPRIATING \$11,000,000 FOR THE COSTS OF REPLACING THE ROOF AT FAIRFIELD WARDE HIGH SCHOOL AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION," CONSISTING OF THREE PAGES, A COPY OF WHICH IS ATTACHED HERETO, BE, AND HEREBY IS, APPROVED

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

\*\*See Committee Reports Attached Hereto

Hal Schwartz, District 7, said that this project will be moving to a building committee, not through the TFC, and he asked the timeline necessary to get this done this summer.

Town Facilities Commission Chairman Al Kelly said that if this resolution is held over one month, the roof will not happen.

Ellen Jacob, District 9, said she has not been provided with enough information to approve this appropriation.

Kathy Braun, District 8, said that we are looking to spend \$11 million on an emergency basis and she has questions as to how the numbers were arrived at.

Ann Stamler, District 5, questioned Hoffman Architect's role in the process.

TFC Chairman Kelly explained that Hoffman was hired to provide bid documents and have been asked to continue with construction administration, as they are the premier architects for building envelopes.

Purchasing Director Twig Holland explained that professional services are exempt from the bid process by the Town Charter.

Ed Bateson, District 3, said he supports this resolution. He wondered why some people are feeling pressure to approve it, since the TFC hinted at this figure six months ago, and during its budget presentation last year, the Board of Education told us the Warde roof would be coming before us.

Peter Ambrose, District 2, said he supports the resolution, and he thanked TFC Chairman Kelly for his diligence. It is time to move forward and make the roof repairs.

Board of Education Chairman Pam Iacono asked when the building committee would be formed.

First Selectman Tetreau said that the TFC will continue with the project while the building committee process begins as soon as possible. He hopes to make recommendations in sixty days at the earliest.

Sue Dow, Pickwick Street, said we are on a tight timeframe, and she urged the Body to approve this tonight.

Jennifer Carolan, Rock Ridge Road, spoke in support of the resolution.

Board of Ed member Sue Brand said that the roof was a topic of discussion back during the Fairfield Warde High School Building Committee.

Amy Mezoff, District 4, said that there is no question that the roof must be done but she is frustrated by the lack of information. She will vote yes grudgingly.

Gaylord Meyer, District 1, asked if mold testing had been done.

TFC Chairman Kelly said that their charge was to replace the roof.

Board of Ed Vice-Chairman Tim Kery said that there is not an active mold problem at this time.

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**VOTE:** The bonding resolution in the amount of \$11 million to repair the roof at Warde High School was approved by unanimous voice vote.

**ITEM NO. 8 ON CALL:** RESOLVED, THAT FIRST SELECTMAN MICHAEL TETREAU BE, AND HEREBY IS, AUTHORIZED TO ACCEPT ON BEHALF OF THE TOWN OF FAIRFIELD, A CONNECTICUT STEAP GRANT-2012 IN THE AMOUNT OF \$400,000 TO RECONSTRUCT THE PENFIELD PAVILION PARKING LOT; AND FURTHER RESOLVED, THAT FIRST SELECTMAN MICHAEL TETREAU IS HEREBY AUTHORIZED TO ENTER INTO AND EXECUTE ANY AND ALL AGREEMENTS, CONTRACTS AND DOCUMENTS NECESSARY TO OBTAIN SAID STEAP 2012 GRANT WITH THE STATE OF CONNECTICUT

This item was on the Consent Calendar.

**ITEM NO. 9 ON CALL:** RESOLVED, THAT THE TOWN OF FAIRFIELD, BY ITS FIRST SELECTMAN, IS AUTHORIZED TO ENTER INTO A FOUR-YEAR LEASE AGREEMENT TO RENT PREMISES LOCATED AT 418 MEADOW STREET, FAIRFIELD, FOR THE BOARD OF EDUCATION'S MAINTENANCE FACILITY AND OPERATIONS, TO BE PAID FROM THE BOARD OF EDUCATION BUDGET

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

\*\*See Committee Reports Attached Hereto

Peter Ambrose, District 2, said that a four year lease puts us in a difficult position. He asked if a two year option was looked at.

Asst. Town Atty. Eileen Kennelly said that the instructions came from the Board of Education.

Mr. Ambrose questioned whether it is wise for us to tie up \$85,000 per year for four years if other options are available. He asked why we don't do a two year lease with the option to renew.

Director of Operations Tom Cullen said that the landlord approached us with a four year lease.

Mr. Ambrose asked how much we invested in the building upgrade.

Mr. Cullen said he did not know but that it is not a substantial amount.

**MOTION:** David Becker, District 1, moved to postpone this item in order to explore a different lease structure or to get reasons as to why not, duly seconded.

Hal Schwartz, District 7, said he is opposed to postponing. It has been explained to us that there are no adequate options out there and we are not going to know more in thirty days. The First Selectman and the Superintendent of Schools are discussing the future needs of the maintenance department.

Ed Bateson, District 3, said he supports the motion. A four year lease is a great deal for the landlord. We should go to a two year lease and continue to look for a better space so that maintenance can be combined.

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First Selectman Tetreau said that a commercial lease is different from a residential lease. We are not going to find better options in three years and three years is an appropriate length for this lease.

Board of Education Chairman Pam Iacono said postponing the execution of a lease for thirty days makes sense in the normal world, but in dealing with government bureaucracy everything takes longer. We have an opportunity to set long term goals with the new administration, and she urged the Body to approve the lease tonight.

**VOTE:** The motion to postpone this item failed with 20 in favor, 26 opposed.

**IN FAVOR:** Becker, Herley, Meyer, Sundman, Ambrose, Steele, Varian, Bateson, Conley, Ference, DeMartino, Hug, Mezoff, Palmer, Braun, McCarthy, Domeika, Felner, Jacob, Pontrelli

**OPPOSED:** Richmond, Mitola, Mackenzie, McCullough, Dean, Garskof, McAleese, Smey, Stamler, Brogan, Campbell, Gottlieb, Marmion, Wolk, Hochberg, Hoffkins, Newman, Patten, Schwartz, Kery, Marks, Stopa, Mirabile, Hannum, Lee, Way

**VOTE:** The motion to approve the Meadow Street lease for the Board of Ed maintenance department was approved with 38 in favor, 8 opposed.

**IN FAVOR:** Herley, Richmond, Sundman, Ambrose, Mitola, Varian, Conley, Ference, Mackenzie, McCullough, Dean, Hug, Mezoff, Garskof, McAleese, Smey, Stamler, Brogan, Campbell, Gottlieb, Marmion, Wolk, Hochberg, Hoffkins, Newman, Patten, Schwartz, Kery, Marks, McCarthy, Stopa, Domeika, Felner, Mirabile, Pontrelli, Hannum, Lee, Way

**OPPOSED:** Becker, Meyer, Steele, Bateson, DeMartino, Palmer, Braun, Jacob

**ADJOURNMENT**

There being no further business and upon motion made, duly seconded and carried unanimously, the meeting was adjourned at 10:50 P.M.

Respectfully submitted,

Elizabeth P. Browne  
Town Clerk

Recorded by: Ann Roche