

**MINUTES OF THE REGULAR MONTHLY MEETING OF THE TOWN OF FAIRFIELD
JULY 23, 2012**

The regular monthly meeting of the Town of Fairfield was held on Monday, July 23, 2012, at the Education Center, Kings Highway, Fairfield, Connecticut.

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

PRESENT: 41 ABSENT: 9 VACANCY: 0

PRESENT: Becker, Herley, Richmond, Sundman, P. Ambrose, Jennings, Mitola, Steele, Bateson, Conley, Ference, Mackenzie, McCullough, Hug, Mezoff, Palmer, M. Ambrose, Garskof, McAleese, Smey, Stamler, Brogan, Wolk, Hochberg, Hoffkins, Newman, Patten, Schwartz, Braun, Marks, McCarthy, Stopa, Domeika, Felner, Jacob, Mirabile, Pontrelli, Abercrombie, Hannum, Lee, Way

ABSENT: Meyer, Varian, Dean, DeMartino, Campbell, Gottlieb, Marmion, Kery, Ryan

ITEM NO. 1 ON CALL: PLEDGE OF ALLEGIANCE AND A 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 June 25, 2012 were approved as distributed.

CONSENT CALENDAR

The Moderator noted that item number 4 was eligible for the consent calendar.

VOTE: Item number 4 was approved by unanimous voice vote (Mr. Mitola and Mr. Schwartz were not present to vote).

ITEM NO. 3 ON CALL: REAPPOINTMENT OF DEBORAH ZIEFF TO THE ETHICS COMMISSION

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

**See Committee Reports Attached Hereto

VOTE: The appointment of Ms. Zieff to the Ethics Commission was approved by unanimous voice vote (Mr. Mitola and Mr. Schwartz were not present to vote).

ITEM NO. 4 ON CALL: APPOINTMENT OF JILL KELLY TO THE ETHICS COMMISSION

This item was on the Consent Calendar.

MOTION: David Becker, District 1, moved to take Item 6 out of order, duly seconded and carried unanimously.

ITEM NO. 6 ON CALL: RESOLVED, THAT A CERTAIN CONTRACT NEGOTIATED BY AND BETWEEN THE TOWN OF FAIRFIELD AND COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO LOCAL UNION #1103 (ECC) CONCERNING CONDITIONS OF EMPLOYMENT FOR THE PERIOD ENDING JUNE 30, 2014 BE, AND HEREBY IS, AMENDED, IN THE MANNER DESCRIBED IN THE SETTLEMENT AGREEMENT TO INCORPORATE CERTAIN CHANGES REGARDING WAGES, HOURS, HEALTH AND WELFARE BENEFITS, GRIEVANCE PROCEDURES AND OTHER MATTERS

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

**See Committee Reports Attached Hereto

Ed Bateson, District 3, spoke in support of this resolution. He referred to the spreadsheet from the Human Resources Director that was distributed with the Call, which indicated that the cost of the contract would be \$26,000. He expects that the figure will be higher and he asked that the numbers be reviewed and reported back.

David Becker, District 1, asked if the overage cost is included in the budget.

First Selectman Mike Tetreau said that the estimate was included in the Contingency Account this year.

Mr. Becker asked if the study of the pension versus a 401K has been completed. He asked if a hybrid option could be reached.

First Selectman Tetreau said that Board of Finance Chairman Tom Flynn and Executive Assistant Bob Mayer are currently working to put something together and hopefully something will be available for the September RTM meeting.

Hank Ference, District 3, said that with the pension issue, he would like to see input from actuaries and said a more formal report should be conducted. He asked if the 401 plan has been designed.

First Selectman Tetreau said that the ECC plan is comparable to the THEA plan.

Mr. Ference asked if it is the same plan.

Human Resources Director Mary Carroll-Mirylees said that the 457 plans are through Great Western or ICMA, with whom we have a long-standing relationship.

Mr. Ference asked if we can see the plan design.

Ms. Carroll-Mirylees said that the 401 plan provides employees with four percent contribution and a four percent match. The employees choose the stocks.

Nick Mirabile, District 9, spoke in support of the contract and said that it sets a good precedent. He thanked the bargaining unit for agreeing to certain concessions.

Joe Palmer, District 4, said that he recognizes the gains made in this contract but that the health care contributions are too low. He said he cannot support the contract.

Michael Herley, District 1, said he supports the contract. He questioned whether Section 37 3b of the Town Code is inconsistent with the contract.

Atty. Pat McHale said that the collective bargaining agreement trumps the Charter provision.

Carolyn Richmond, District 1, said that Town employees continue to receive pay increases while taxpayers do not get raises due to the economy. She intends to vote no on this resolution.

Mr. Bateson said that although good points have been made against supporting the contract, we cannot change everything at once. It is a process and in order to maintain quality employees, he urged the Body to support the contract.

Kevin Hoffkins, District 7, said he agreed with Mr. Bateson that in order to keep good employees, we have to pay them and offer benefits. If the contract goes into binding arbitration it will cost more.

Jay Wolk, District 6, said that ECC workers do an important job and this is a more than fair contract. The co-pays went up and there is no raise until the third year.

Marc Patten, District 7, said he supports the resolution and called the contract a major step in the right direction. However, the copay is still too low and is less than the private sector.

VOTE: The motion to approve the ECC contract was approved with 35 in favor, 6 opposed (Richmond, Ference, McCullough, Palmer, Jacob, Pontrelli).

ITEM NO. 5 ON CALL: RESOLVED, THAT FIRST SELECTMAN MICHAEL C. TETREAU BE, AND HEREBY IS, AUTHORIZED TO EXECUTE ON BEHALF OF THE TOWN OF FAIRFIELD A CONSERVATION AND PUBLIC RECREATION EASEMENT AND AGREEMENT UNDER THE OPEN SPACE AND WATERSHED LAND ACQUISITION PROGRAM WITH THE STATE OF CONNECTICUT FOR FINANCIAL ASSISTANCE TO ACQUIRE PERMANENT INTEREST IN LAND KNOWN AS THE BRIDGEPORT DIOCESE PROPERTY, OSWA 61, AND TO MANAGE SAID LAND AS OPEN SPACE LAND, PURSUANT TO SECTION 7-131D OF THE CONNECTICUT GENERAL STATUTES

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

**See Committee Reports Attached Hereto

Mr. Bateson asked what happens if this item gets voted down.

Town Attorney Stanton Lesser said it would be unprecedented so he does not know. The State could sue us for accepting the grant then not approving the easement. State statutes require the Town to sign the easement. If we do not, we will be in breach of contract.

Mr. Bateson asked if approval of the contract is inherent in the acceptance of the grant.

Atty. Lesser said that the State has asked us to sign the easement. We have owned it for 12 years and over that time we have been working out kinks with the neighbors, the State and the Conservation Department. We promised to sign the easement 12 years ago and it was never done. This will finalize the process.

Kathy Braun, District 8, said that the grant program does not exist anymore. There are questions whether this vote is required, but we have been requested to sign it. She urged the Body to support it.

Jeff Steele, District 2, said that Rep. Varian who was unable to attend this evening, had questioned whether we could repay the state in order to lift the permanent conservation easement, since the sale price was based on a 20-lot subdivision.

Atty. Lesser said that we would have to come up with the purchase price plus interest, which would be something that has not been done before. He asked the Body to approve the resolution so we can move forward.

VOTE: The resolution to approve the easement was approved with 40 in favor, 1 abstention (P. Ambrose).

OTHER BUSINESS

Kevin Hoffkins, Redistricting Ordinance Review Committee member, offered the following Sense of the Body resolution:

“Whereas, section 2.6(2) of the Fairfield Town Charter has created a committee of an equal number of members from both of the major political parties to construct an ordinance that will create new Representative Town Meeting districts after the State of Connecticut has created new legislative districts; and

Whereas the formation of a committee with equal members from both political parties is quite unique within the framework of the Town Charter; and

Whereas, the clear intention of the framers of this provision of the Town Charter was to insure that any redistricting plan enacted would be fair to both parties, and

Whereas, the additional clear intention was to prevent the party with a majority at the time of redistricting from using its majority to enact a provision favorable to that party which would only insure perpetual one party rule in the Representative Town Meeting,

Resolved, that this Representative Town Meeting will respect the clear intention of the Town Charter and simply vote either in favor or against any redistricting ordinance, without amendment or change, to the ordinance that is proposed by the redistricting committee.”

David Becker, District 1, asked what the status of CFO Paul Hiller is.

First Selectman Tetreau said that it is a personnel matter and he has no comment.

Mr. Becker said that the answer is unacceptable and he hopes at some point Mr. Tetreau intends to brief the RTM on the status of a town department head.

ADJOURNMENT

There being no further business and upon motion made, duly seconded and carried unanimously, the meeting was adjourned at 9:10 P.M.

Respectfully submitted,

Elizabeth P. Browne
Town Clerk

Recorded by: Ann Roche