

**MINUTES OF THE REGULAR MONTHLY MEETING OF THE TOWN OF FAIRFIELD  
OCTOBER 22, 2012**

The regular monthly meeting of the Town of Fairfield was held on Monday, October 22, 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: 44                      ABSENT: 6                      VACANCY: 0

PRESENT: Becker, Herley, Meyer, Richmond, Sundman, P. Ambrose, Mitola, Steele, Jennings, Bateson, Conley, Ference, Mackenzie, McCullough, Dean, Hug, Mezoff, Palmer, M. Ambrose, Garskof, McAleese, Smey, Stamler, Brogan, Campbell, Gottlieb, Marmion, Wolk, Hochberg, Newman, Schwartz, Braun, Kery, Marks, McCarthy, Stopa, Domeika, Felner, Pontrelli, Abercrombie, Hannum, Lee, Ryan, Way

ABSENT: Varian, DeMartino, Hoffkins, Patten, Jacob, Mirabile

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

The Moderator introduced retired Public Works Director Rich White and new Public Works Director Joe Michaelangelo to lead the Body in the Pledge of Allegiance and moment of silence.

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

**MOTION:** Heather Dean, District 4, moved to amend the minutes of the meeting held September 24, 2012 to add the following: "Rep. Dean, District 4, asked likelihood of receiving the grant and if received, would any additional tax dollars be used? After Mr. Barnhart answers, Rep. Dean will support this item for the betterment of Southport," duly seconded.

**VOTE:** The motion to amend the minutes as stated was approved with 42 in favor, 2 abstentions (Becker, McCullough).

**VOTE:** The minutes of the previous meeting were approved as amended with 40 in favor and 4 abstentions (Becker, Meyer, Richmond, Sundman).

**ITEM NO. 3 ON CALL:              UPDATE ON THE FAIRFIELD METRO CENTER**

Community and Economic Development Director Mark Barnhart distributed an expense summary for the project.

Ed Bateson, District 3, asked about the lawsuit filed against the Town by the builder and asked if we had been released from the claim yet.

First Selectman Mike Tetreau said that two lawsuits had been filed and that all issues relating to them have been agreed to by all parties. We are waiting for lien waivers to be received prior to releasing any funds to the plaintiffs. He explained that the lawsuits had not been withdrawn but settled.

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Kathy Braun, District 8, said that the developer intends to include residential units. She asked why the Body was not informed of this during the last update, and what the status is.

First Selectman Tetreau said that the question of whether residential units would be permissible must pass through other Town bodies so for now it is being treated as a rumor.

Ms. Braun said that the escalated legal fees associated with this project are due to mismanagement. She asked if detailed itemized bills would be made available. She asked if we have any recourse of action against Blackrock Realty.

First Selectman Tetreau said that the bills are available for viewing in his office and that he has looked into seeking recourse against Blackrock Realty.

Kenneth Lee, District 10, asked how much of the legal fees were spent on construction versus project investigation.

First Selectman Tetreau explained that Atty. Vitarelli's fees were not charged to the project and that any legal advice that was not project-specific has not been charged to the project.

**ITEM NO. 4 ON CALL:** TO RECEIVE A LEGAL OPINION REGARDING CHAPTER 37-13 OF THE TOWN CODE AS IT PERTAINS TO THE REPRESENTATIVE TOWN MEETING'S ROLE IN THE APPROVAL OF CHANGES OR AMENDMENTS IN THE TOWN OF FAIRFIELD EMPLOYEES RETIREMENT PLAN

The legal opinion from Town Attorney Stanton Lesser had been e-mailed to the Body.

Mr. Bateson questioned the definition of salary, as it pertains to employees' pensions. The pension is based on the employee's salary at the time of retirement. The recent agreement between the Town and the outgoing CFO bumps the salary to a higher level on the last day, making the pension amount higher than the salary earned for that year.

Town Attorney Lesser said that it is within the regulations to base the pension on the highest level of salary paid to the employee during that year.

First Selectman Tetreau pointed out that in 2009 employees were encouraged to retire with an incentive that in effect gave them a raise in salary on their last day. That is the current practice.

Mr. Bateson said he is unaware of previous early retirement incentive programs because they were not before the RTM.

John Mitola, District 2, said that he agreed with Mr. Bateson that the process needs to be fixed, but he agrees with Mr. Lesser on the obligation within the Town Code that must be fulfilled.

David Becker, District 1, called the written legal opinion light in detail and requested a more specific opinion in writing.

Atty. Lesser asked if the concern is that the person should only get a pension based on what was the highest amount earned in the past fiscal year. If the retirement occurred in December, he would only get a pension based on six months' salary.

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Mr. Bateson said that the CFO never earned \$155,000. He said it would not be an issue if the pension was based on his salary, but to just specify a number and call it a salary is the issue.

The Moderator noted that this issue cannot be settled tonight and suggested it be revisited in the future.

**ITEM NO. 5 ON CALL:** RESOLVED, THAT AN INCREASE IN THE ESTIMATED REVENUE FOR FEDERAL GRANTS IN THE AMOUNT OF \$5,000 BE MADE TO COVER THE COST OF FAIRFIELD'S CONTINUED EFFORTS TO FURTHER DEVELOP THE FAIRFIELD-EASTON MEDICAL RESERVE CORPS (FEMRC) 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, 2012 - SEPTEMBER 15, 2013. THESE COSTS ARE 100% REIMBURSABLE

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

\*\*See Committee Reports attached hereto and made a part hereof.

**VOTE:** The FEMRC grant was approved by unanimous voice vote.

**ITEM NO. 6 ON CALL:** RESOLVED, THAT FUNDS BE TRANSFERRED FROM AN INCREASE IN GRANT REVENUE IN THE AMOUNT OF UP TO \$10,000 TO COVER THE COST OF A CAPACITY BUILDING PROJECT TO IMPROVE AND ENHANCE MEDICAL AND PUBLIC HEALTH FUNCTIONS THAT SUPPORT EMERGENCY SHELTER OPERATIONS, 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 OFFICE OF THE SURGEON GENERAL (OSG), DIVISION OF THE CIVILIAN VOLUNTEER MEDICAL RESERVE CORPS (DCVMRG), IN COLLABORATION WITH THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NACCHO), TO CONDUCT ACTIVITIES DESCRIBED IN THE 2012-2013 MRC CAPACITY BUILDING AWARD (CBA) CONTRACT. THESE COSTS ARE 100% REIMBURSABLE

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

\*\*See Committee Reports attached hereto and made a part hereof.

**VOTE:** The CBA Contract grant was approved by unanimous voice vote.

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**ITEM NO. 7 ON CALL:** RESOLVED, THAT FUNDS BE TRANSFERRED FROM AN INCREASE IN GRANT REVENUE IN THE AMOUNT OF UP TO \$15,070 (\$7535 PER YEAR OF THIS 2 YEAR CONTRACT) FOR THE COST OF A CARDIOVASCULAR DISEASE PREVENTION PROGRAM FOCUSING ON POLICY /ENVIRONMENTAL CHANGE FOR CITIZENS SERVED BY THE HEALTH DEPARTMENT; AND FURTHER RESOLVED, THAT THE FIRST SELECTMAN IS AUTHORIZED TO MAKE, EXECUTE, AND APPROVE ON BEHALF OF THE TOWN, ANY AND ALL CONTRACTS OR AMENDMENTS THEREOF WITH THE STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC HEALTH. THESE COSTS ARE 100% REIMBURSABLE BY A 9/1/12-6/30/14 STATE OF CONNECTICUT PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT

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

\*\*See Committee Reports attached hereto and made a part hereof.

Mary McCullough, District 3, asked how the intended project came to be. She asked if the residents of Mill Plain Road were surveyed about whether they want a bike lane on their street, if the rusted and faded No Parking signs would be removed, and if other streets were considered.

Andrew Graceffa, Chairman of the Bicycle Safety Committee, explained that other roads were looked at but Mill Plain Road fit the specifications of a bike route best. The road is already being resurfaced and from the engineering standpoint, it would be most cost-effective.

Town Engineer Bill Hurley explained that this is a bike route, not a bike path. The areas that are currently no parking zones would remain so. The white lines get painted for biker safety.

Ms. McCullough asked what programs were considered as an alternative to this project.

Health Director Sands Cleary gave examples of what this grant had been used for previously, such as diabetes prevention and smoking cessation. This year it was decided to make the bike route on Mill Plain Road, the intent of which is to generate activity to lead to healthier lifestyles.

Public Health Nursing Director Sarah Levy noted that other program options include cancer and CVA disease prevention, cholesterol, injury prevention and lead paint abatement. CVA is a leading cause of death and we are focused on reducing risk factors.

Allen Marks, District 8, said that bike lanes make it easier to encourage people to ride bikes.

Speaking in favor of this item were Andrew Graceffa, Charles Case from the Mill Plain Improvement Society, and Bicycle Safety Committee members Katina Wolfe and Jack Franzen.

**VOTE:** The Cardiovascular Disease Prevention grant was approved with 42 in favor, 2 abstentions (Steele, McCullough).

**ITEM NO. 8 ON CALL:** RESOLVED, THAT FUNDS BE TRANSFERRED FROM AN INCREASE IN GRANT REVENUE IN THE AMOUNT OF \$5,675 TO COVER THE COST OF PROGRAMS SPONSORED BY ADULTS

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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 AND ALL CONTRACTS OR AMENDMENTS THEREOF WITH THE REGIONAL YOUTH/ADULT SUBSTANCE ABUSE PROJECT (RYASAP). THESE COSTS ARE 100% REIMBURSABLE BY A 7/1/12-6/30/13 STATE OF CONNECTICUT DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES GRANT TO LOCAL PREVENTION COUNCILS, ADMINISTERED BY RYASAP

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

\*\*See Committee Reports attached hereto and made a part hereof.

**Vote:** The motion to approve the ACT program grant was approved by unanimous voice vote.

**ITEM NO. 9 ON CALL:** REFERRAL BY MODERATOR OF AMENDMENTS TO THE TAX RELIEF FOR THE ELDERLY ORDINANCE TO THE LEGISLATION AND ADMINISTRATION COMMITTEE UNDER RULE 32 OF THE RTM RULES TO REGULATE

The Moderator noted that the amendment to Article III (Tax Relief for the Elderly and Disabled), Chapter 95, Sections 95-7 to 95-15.4 of the Fairfield Town Code, will appear on the Call of the next regularly scheduled meeting for discussion.

**ADJOURNMENT**

There being no further business and upon motion made, duly seconded and carried unanimously, the meeting was adjourned at 10:00 P.M.

Respectfully submitted,

Elizabeth P. Browne  
Town Clerk

Recorded by: Ann Roche