

**MINUTES OF THE REGULAR MONTHLY MEETING OF THE TOWN OF FAIRFIELD
SEPTEMBER 24, 2012**

The regular monthly meeting of the Town of Fairfield was held on Monday, September 24, 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: 46 ABSENT: 4 VACANCY: 0

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

ABSENT: DeMartino, Hug, Stopa, Domeika

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

The Moderator introduced the Fairfield All American baseball team who recently competed in the Little League World Series to lead the Body in the Pledge of Allegiance.

Penfield Building Committee Chairman Jim Gallagher reported that the building is complete and thanked the Body for its support.

Allen Marks, District 8, announced that Fairfield has been chosen as a pilot town for the solarized power program.

ITEM NO. 2 ON CALL: APPROVAL OF MINUTES

Upon motion made, duly seconded and carried unanimously, the minutes of the previous meeting held July 23, 2012 were approved as distributed.

MOTION: David Becker, District 1, moved to take Items 6 and 4 out of order, consecutively, duly seconded and carried unanimously.

ITEM NO. 6 ON CALL: RESOLVED, THAT A CERTAIN CONTRACT NEGOTIATED BY AND BETWEEN THE TOWN OF FAIRFIELD AND FAIRFIELD PUBLIC HEALTH NURSES, UNIT 34 OF THE FEDERATION OF NURSES AND HEALTH PROFESSIONALS - CONNECTICUT STATE FEDERATION OF TEACHERS - AMERICAN FEDERATION OF TEACHERS, AFL-CIO, CONCERNING CONDITIONS OF EMPLOYMENT FOR A PERIOD COMMENCING JULY 1, 2010 AND ENDING JUNE 30, 2014 BE, AND HEREBY IS, RATIFIED

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

**See Committee Reports attached hereto

VOTE: The nurses' contract was approved with 42 in favor, 3 opposed (Meyer, McCullough, Braun) and 1 abstention (Brogan).

ITEM NO. 4 ON CALL: REPORT ON THE PENSION ACTUARIAL STUDY

Chief Fiscal Officer Bob Mayer and Timothy Ryor of Hooker & Holcombe offered this report.

ITEM NO. 3 ON CALL: REPORT FROM THE JOINT RETIREMENT INVESTMENT BOARD

JRIB Chairman Robert Malarkey distributed the report.

MOTION: Mr. Becker moved to take items 7 and 8 out of order, duly seconded and carried unanimously.

ITEM NO. 7 ON CALL: APPOINTMENT OF WENDY BRANDT MARTINENAS TO THE SOLID WASTE & RECYCLING COMMISSION

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

**See Committee Reports attached hereto

Amy Mezoff, District 4, said that it is laudable that people want to participate in the process, but she expressed concern over this appointment. The candidate neglected to attend two standing committee meetings and this evening, and the appointee questionnaire was not completed to her satisfaction.

Ann Stamler, District 5, said that the candidate updated her questionnaire at the committee meeting and that she is committed to recycling issues.

Carolyn Richmond, District 1, said that the candidate did not appear at the Education & Recreation meeting, nor tonight's meeting, so there was no opportunity to ask questions.

First Selectman Tetreau said he has worked with Ms. Martinenas for ten years and said she is committed to ecology issues. Attending meetings on multiple evenings does not work for everyone's schedule.

MOTION: Josh Garskof, District 5, moved to postpone this item until the next regularly scheduled meeting, duly seconded.

Ellen Jacob, District 9, said that the candidate had several opportunities to comply with requests and the questions are not difficult, and we should vote tonight.

Marc Patten, District 7, said that the grilling of candidates by the RTM can be grueling. The candidate is passionate about the environment and we should give her another chance. He urged the Body to vote to postpone this item.

VOTE: The motion to postpone this item was approved with 30 in favor, 15 opposed (Ms. McCullough was not present to vote).

IN FAVOR: Becker, Herley, Richmond, P. Ambrose, Mitola, Steele, Stewart, Varian, Conley, Mackenzie, Dean, Palmer, Garskof, McAleese, Stamler, Brogan, Campbell, Gottlieb, Hochberg, Hoffkins, Newman, Patten, Marks, McCarthy, Felner, Mirabile, Abercrombie, Hannum, Ryan, Way

OPPOSED: Meyer, Sundman, Bateson, Ference, Mezoff, M. Ambrose, Smey, Marmion, Wolk, Schwartz, Braun, Kery, Jacob, Pontrelli, Lee

ITEM NO. 8 ON CALL: APPOINTMENTS OF NICHOLAS F. CARUSO; EDWIN G. HILL;
TERRI F. LEOPOLD; HOWARD ROSENBAUM TO THE TOWN
FACILITIES COMMISSION

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

**See Committee Reports attached hereto

VOTE: The appointments of Mr. Caruso, Mr. Hill, Ms. Leopold and Mr. Rosenbaum were approved with 44 in favor, 1 abstention (Pontrelli) (Ms. McCullough was not present to vote).

ITEM NO. 5 ON CALL: REPORT ON THE STATUS OF THE CHIEF FISCAL OFFICER

First Selectman Mike Tetreau said he was sorry for any innuendo following Mr. Hiller's resignation. The First Selectman is responsible for hiring the CFO for the town. He described the contract between himself and Mr. Hiller.

Michael Herley expressed disappointment in the lack of transparency throughout the process.

Tom McCarthy, District 8, said he is concerned about the richness of the contract. He questioned whether the side letter drove the agreement.

Carol Way, District 10, questioned how a new CFO will be chosen. The CFO was let go so the Chief of Staff could take over his position and now the Chief of Staff is also the CFO. She said it was poor management of HR policy.

Joe Palmer, District 4, asked for confirmation on the policy of removing department heads. He asked if Mr. Tetreau believes he has the authority to remove a department head without clearing it through any other board.

Mr. Tetreau said he follows the Charter.

John Mitola, District 2, said that the First Selectman got an opinion from a labor lawyer and that he followed the Charter. He reminded the Body that there is a confidentiality clause in the agreement.

Ed Bateson, District 3, asked how much the agreement will cost and how it will be funded.

First Selectman Tetreau said that the e-mail request from the Board of Finance had only been received recently and he has not replied yet.

Mr. Bateson said he believes the settlement agreement must be approved by the Board of Selectmen.

Kevin Hoffkins, District 7, asked if there has been legal advice offered as to whether the agreement has to go to the Board of Selectmen.

First Selectman Tetreau said Atty. Dugas had advised him.

Board of Finance member Jim Walsh asked if the pension bump up was in the department head benefit package.

First Selectman Tetreau replied no, it was based on legal advice.

Mr. Walsh said that tying it to the 2009 early retirement plan was not forthright. He asked if the First Selectman was waiting until July 2013 to begin the search for a new CFO.

First Selectman Tetreau said he will set up a process later in the year.

Gaylord Meyer, District 1, asked why it was necessary to seek outside counsel to interpret the Charter and why the other Board of Selectmen members were not consulted.

First Selectman Tetreau said he wanted to ensure we followed proper process and options with counsel. The CFO reports to the First Selectman and he was monitoring his performance. The attorneys recommended the non-disparage clause.

MOTION: Mr. Becker moved to suspend the rules in order to convene past 11:00 and take up new business after 11:30, duly seconded and carried with 37 in favor, 8 opposed (Mitola, Varian, Conley, Gottlieb, Patten, Schwartz, Abercrombie, Hannum) (Ms. McCullough was not present to vote).

David Becker, District 1, said that the RTM approves employment contracts. He asked about the apparent side letter attached to Mr. Hiller's agreement.

Atty. Lesser said that the department head benefit sheet has been in effect for a long time and it was included as a schedule to the agreement for consistency.

Ann Stamler, District 5, said that the proper procedures were followed.

Hank Ference, District 3, said that there has been a lack of transparency in this process and that Mr. Hiller is owed an apology.

ITEM NO. 9 ON CALL: RESOLVED, THAT MICHAEL TETREAU, FIRST SELECTMAN OF THE TOWN OF FAIRFIELD, IS EMPOWERED TO EXECUTE AND DELIVER IN THE NAME AND ON BEHALF OF THE TOWN OF FAIRFIELD A CONTRACT WITH THE CONNECTICUT STATE LIBRARY FOR AN HISTORIC DOCUMENTS PRESERVATION GRANT

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

**See Committee Reports attached hereto

VOTE: The resolution to approve the Historic Documents grant was approved by unanimous voice vote.

ITEM NO. 10 ON CALL: RESOLVED, RESOLVED, THAT, IN ACCORDANCE WITH A REQUEST FROM THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT, THE FAIRFIELD CENTER IMPROVEMENT PLAN BE, AND HEREBY IS APPROVED; AND FURTHER RESOLVED, THAT THE FIRST SELECTMAN BE, AND HEREBY IS AUTHORIZED TO SUBMIT AN APPLICATION

UNDER THE MAIN STREET INVESTMENT FUND PROGRAM AS REFERENCED IN SECTION 78 AND 79 OF PUBLIC ACT 11-1, TO EXECUTE DOCUMENTS NECESSARY TO FACILITATE THE TOWN'S PARTICIPATION IN SAID PROGRAM, AND TO ADMINISTER ANY GRANT FUNDS PROVIDED IN CONNECTION THEREWITH

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

**See Committee Reports attached hereto

MOTION: Ed Bateson, District 3, moved to amend the resolution by deleting the words, "the Fairfield Center Improvement Plan be, and hereby is approved; and Further Resolved, that," duly seconded and carried unanimously.

Michael Herley, District 1, said that although he supports this resolution, there are other areas that require improvement.

Eric Sundman, District 1, said that Southport is a higher priority.

Community and Economic Development Director Mark Barnhart explained that we must have a plan to submit by the deadline later this week, and the Fairfield Center plan was already in place.

Carol Pontrelli, District 9, said that she intends to vote against this item as the budget for it is vague.

Josh Garskof, District 5, pointed out that we are not voting on the budget for the project.

Mr. Barnhart reiterated that this is a request to authorize submission of the grant application. It is a competitive grant process and there is no guarantee we will be awarded the grant.

VOTE: The resolution to approve the application for a grant to make improvements to Fairfield Center was approved with 39 in favor, 3 opposed (Mezoff, Jacob, Pontrelli) (Mr. Conley, Ms. McCullough, Mr. McAleese and Mr. Mirabile were not present to vote).

ITEM NO. 11 ON CALL: RESOLVED, THAT THE BOARD OF SELECTMEN HEREBY APPROVE THE SALE BY THE TOWN OF FAIRFIELD OF THE PARCEL OF LAND WHICH INCLUDES THE DRIVEWAY WHICH PRESENTLY SERVES 3171 BRONSON ROAD, FAIRFIELD, CT, WHICH SALE SHALL BE TO THE OWNER (ELINOR S. GARCIA-GARCIA) OR HER RESPECTIVE SUCCESSORS HEIRS AND ASSIGNS FOR THE SUM OF \$18,000. THE BUYER SHALL PROVIDE A CLASS A-2 SURVEY DELINEATING THE BOUNDARIES OF THE PROPERTY. THIS APPROVAL SHALL BE CONTINGENT ON THE APPROVAL OF THE FAIRFIELD CONSERVATION COMMISSION SHOULD SAME BE REQUIRED BY STATUTE OR ORDINANCE. THE FIRST SELECTMAN IS HEREBY AUTHORIZED TO EXECUTE A DEED AND ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE SAID SALE

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

**See Committee Reports attached hereto

VOTE: The resolution to sell a parcel of land on Bronson Road was approved with 41 in favor and 1 abstention (P. Ambrose) (Mr. Conley, Ms. McCullough, Mr. McAleese and Mr. Mirabile were not present to vote).

ITEM NO. 12 ON CALL: RESOLVED, THAT FIRST SELECTMAN MICHAEL TETREAU, BE, AND HEREBY IS, AUTHORIZED TO ACCEPT A 2012 CLEAN ENERGY FUEL GRANT IN THE AMOUNT OF \$8,000 TO PAY FOR THE INCREMENTAL COST OF A COMPRESSED NATURAL GAS VEHICLE FOR THE SENIOR CENTER

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

**See Committee Reports attached hereto

Carolyn Richmond, District 1, explained that Nancy Legare had been present to speak to this item but had to leave due to the late hour. She said that the Senior Center needs a smaller vehicle.

VOTE: The Clean Energy Fuel grant for a natural gas vehicle was approved by unanimous voice vote.

ITEM NO. 13 ON CALL: RESOLVED, THAT A 2011 \$100,000 SMALL TOWN ECONOMIC ASSISTANCE PROGRAM (STEAP) GRANT BE, AND HEREBY IS, ACCEPTED, IN ORDER TO INSTALL PERMANENT CANOPY STRUCTURES OVER, AND RESTORE, THE STAIRCASES AT FAIRFIELD CENTER TRAIN STATION, AND FURTHER RESOLVED, THAT FIRST SELECTMAN MICHAEL TETREAU BE, AND HEREBY IS, AUTHORIZED TO APPLY FOR AND EXECUTE THE GRANT AGREEMENT AND ACCEPT THE FUNDS FOR THIS PROJECT

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

**See Committee Reports attached hereto

Michael Herley, District 1, asked about the warranty on the canopy and whose responsibility maintenance would be.

Public Works Director Joe Michaelangelo said that the warranty is for eight years.

First Selectman Tetreau said that the Parking Authority would be responsible for maintenance.

VOTE: The STEAP grant for improvements to the Fairfield Center train station was approved by unanimous voice vote.

ITEM NO. 14 ON CALL: RESOLVED, THAT A 2012 \$100,000 SMALL TOWN ECONOMIC ASSISTANCE PROGRAM (STEAP) GRANT BE, AND HEREBY IS, ACCEPTED, IN ORDER TO INCREASE HANDICAP ACCESSIBILITY AT JENNINGS BEACH, AND FURTHER RESOLVED, THAT FIRST SELECTMAN MICHAEL TETREAU BE, AND HEREBY IS, AUTHORIZED TO APPLY FOR AND

EXECUTE THE GRANT AGREEMENT AND ACCEPT THE
FUNDS FOR THIS PROJECT

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

MOTION: Mr. Schwartz moved and Ms. Stamler seconded to waive the reading of committee reports, duly seconded and carried unanimously.

**See Committee Reports attached hereto

VOTE: The STEAP grant for handicap accessibility at Jennings Beach was approved by unanimous voice vote.

ADJOURNMENT

There being no further business and upon motion made, duly seconded and carried unanimously, the meeting was adjourned at 11:35 P.M.

Respectfully submitted,

Elizabeth P. Browne
Town Clerk

Recorded by: Ann Roche