

MINUTES OF THE MEETING OF THE TOWN OF FAIRFIELD

MAY 6, 2019

A meeting of the Town of Fairfield was held on Monday, May 6, 2019 at 8 PM at the Penfield Pavilion, 323 Fairfield Beach Road, Fairfield, CT.

The Meeting was called to order at 8:00 PM by Moderator Phil Pires.

Present: 39 Absent: 1 Vacancy: 0

PRESENT: Chessare, Fogel, Lefkowitz, O’Shea, Gerber, Lopez, Newman, Perham, Dean, Durrell, Jacobs, Pistilli, Kelly, Pires, Rotelli, Spolyar, Garskof, Siebert , Smey, Wolk, Ambrose, Berez, Gale, Havey, Bove, McDermott, Vergara, Wackerman, Iacono, Messina, Tallman, Farnen, Georgiadis, Herron, Horton, Cargill, Herley, Petise, Sundman

ABSENT: Berchem

ITEM NO. 1 ON CALL: PLEDGE OF ALLEGIANCE

Moderator Pires led the Pledge of Allegiance.

Pamela Iacono, District 8 moved to suspend the Rule 26 in order to hold unlimited political caucuses, duly seconded and carried unanimously. (Ms. Gale was not present to vote.)

ITEM NO. 2 ON CALL: TO HEAR AND CONSIDER AN APPEAL BY THE DEPARTMENT OF PUBLIC WORKS AND THE FIRST SELECTMAN FROM THE FOLLOWING VOTE OF THE BOARD OF FINANCE PERTAINING TO THE PUBLIC WORKS OPERATIONS (5030) BUDGET:

<u>REQUESTED</u>	<u>BOARD OF FINANCE APPROVED</u>
CAPITAL ASPHALT PAVING \$2,700,000	\$2,000,000

Heather Dean, District 3 moved this item as distributed with the call, duly seconded.

The Moderator stated that the Appellants would address the Body first, and then the Board of Finance would be given the opportunity to address the Body. Mr. Pires stated that while the Appellants and the Board of Finance would be allowed sufficient time to present their information, members of the Body and of the public would be held to strict time limits.

Michael Herley, District 10, asked if members would be allowed to speak after the public’s comments, and was assured that would be permissible.

Michael Tetreau, First Selectman, asked the Body to consider restoring the \$700,000 under discussion to the DPW paving budget. He stated that in past years DPW had modified maintenance projects because of fiscal problems. DPW has to repave roads cut up by the Southern Connecticut Gas (SCG) project of installing high pressure gas lines, especially in the beach area. Mr. Tetreau stated that in January, 2019, he had a meeting with Mr. Michelangelo and Mr. Bartlett to determine if the department would benefit from having more money available for repaving than the \$2 million which had been asked for in their budget request for FY20.

At this meeting, there was a discussion of the additional \$600,000 which had been allocated to DPW by the Board of Finance in November of 2018. It was determined that although it was helpful to have this extra money available, it was not enough to complete all of the extra repaving work. The First Selectman said that the addition of \$700,000 would allow DPW to complete the extra paving caused by the SCG project this year.

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DPW Director Joe Michelangelo gave a detailed presentation on the process of paving 275 miles of roads and 13 miles of parking lots. He stated that the cost of asphalt has become very volatile in recent years. Mr. Michelangelo stated that the philosophy his department's attitude towards road maintenance has changed over the past 10 years, from having to repave every 20 years to undertaking more frequent maintenance which extends the life cycle of a paved road to 40 years.

Supt. Scott Bartlett stated that the skyrocketing price of asphalt has caused DPW to undertake more evaluations of the conditions of the roads to determine which roads can be rehabilitated, rather than repaved, thereby extending the life of the road. Mr. Bartlett said that the roads are divided into 3 districts, allowing for closer scrutiny by the road supervisors, who not only evaluate the condition of the roads, but determine which treatment should be used.

Conrad Leger of Beta Engineering presented information as an expert in the field of road maintenance; although his firm does not oversee Fairfield's road maintenance program he assured the Body that DPW was following recommended road maintenance procedures.

BOF Chair Tom Flynn stated that during their budget deliberations, the BOF had not been given the opportunity to see a presentation of the caliber that DPW had just given to the RTM. He noted that the BOF had approved DPW's original paving request of \$2 million by a vote of 8 to 0 with 1 abstention. The BOF denied the additional \$700,000 since they had not been presented with a long range plan for road paving. The BOF did place \$500,000 of that money into the Town's contingency fund to be earmarked for paving. He said that a review of DPW's budget requests for paving over the past 10 years shows that on average the requests and amount spent on paving has been \$2.1 million per fiscal year. Based on this review, the BOF felt that a \$2 million appropriation was sufficient, especially since the BOF had earmarked money in the contingency fund for paving, should there be an unexpected need for additional funds.

Mr. Flynn said in response to the charge that the BOF is attempting to micromanage the DPW, he feels it is prudent fiscal policy to have Town departments provide long range plans to the BOF, which can then improve the Town's assets. He stated that the BOF was trying to practice due diligence based on the inconsistent budget requests from DPW over the past 10 years, and that in the past 10 budget cycles, the BOF has never reduced the DPW budget request. Mr. Flynn gave examples of other items for which the BOF has projected budgetary needs based on long range plans, stating that this was how the BOF exercised internal financial controls, which he said was part of their financial stewardship function.

Mr. Flynn stated that the request for a long range plan for paving in order to resolve the concerns of the BOF as to what the plan is, how is the money being spent, why are we spending the money, what is the payoff and what is the cost over the next number of years.

Karen Wackerman, District 7, stated that her caucus was fully in favor of restoring the \$700,000 as a line item to the DPW paving budget. She said that the First Selectman and DPW administration should be responsible for determining how line items in the budget are spent. Ms. Wackerman asked if the First Selectman could explain how the Town's contingency fund operates.

First Selectman Mike Tetreau stated that the contingency fund is used to deal with any unforeseen need or problem in the Town's operation or infrastructure. He said it is often used to deal with contractual issues, and that funds placed in contingency cannot be earmarked for a specific purpose. Funds are moved out of contingency to a line item by approval of the BOF.

Sharon Pistilli, District 3, asked if there was more paving work caused by utility company projects this year, as compared to other years. Mr. Bartlett stated that there are at least 17 miles of roads affected by the SCG projects, and that they were advised by Aquarion last week that it will be undertaking a water main replacement project.

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Ms. Pistilli asked Mr. Bartlett to explain the effects of severe weather on the variability of DPW's budget requests for paving funds. Mr. Bartlett replied that spring thaws and any type of trenching work would affect the integrity of road beds, requiring more work which accounts for the variability in budget requests year to year.

Michael Herley, District 10, asked whether money in the paving budget was being used to patch roads damaged by utility work or for curb to curb repaving. Mr. Bartlett answered that each repair was determined on a case by case basis, and that DPW had negotiated with SCG to have them bear the cost of repaving one lane of a road and DPW would repave the other 3 lanes. He stated that new construction has a 5 year buy-in to the utilities, and so DPW does not repave a road where there is new construction for 5 years. Mr. Herley stated that, 5 years ago, Hulls Highway was repaved, and within 3 weeks had been torn up due to a significant amount of utility work. Mr. Bartlett answered that since that time, DPW has worked with the utility companies to prevent that from happening again.

Dru Georgiadis, District 9, stated that her district contains most of the streets affected by the SCG gas line replacement project enumerating each one. Ms. Georgiadis asked the Body to support her constituents in District 9 by supporting the appeal.

Mr. Bartlett distributed the repaving plan for the area affected by the SCG project to the members of the Body.

Bill Gerber, District 2, asked for more specifics about what was going to be done with the \$2.7 million paving appropriation. Mr. Gerber said that he had always assumed that something like paving would be put aside if there were severe weather events such as a severe snow storm, and that he wanted to see if this could account for the variability in budget requests that Chairman Flynn had referenced.

Mr. Bartlett replied that the cost of asphalt is a variable which is hard to plan for as it resets every Tuesday. He had just been notified last week by Aquarion that they would be undertaking a water main replacement project. Mr. Bartlett said that although the department negotiates with the utilities to pay for some of the costs of repaving, the extra work caused by the utility projects can eat up a lot of the paving budget.

Mr. Gerber stated that he felt the DPW program of surveying the state of every road twice a year is a proven model of good management, and that allowing the BOF to place funds for paving in the contingency fund is a dangerous precedent. He said he was definitely supporting the appeal.

BOF member James Walsh stated that good management of the Town's roads would provide to have a certain number of miles maintained every year. He asked Mr. Bartlett about an e-mail Mr. Bartlett had sent in October 2018, confirming a meeting held during which the BOF approved an additional \$600,000 for paving at that time. Mr. Bartlett confirmed that he had sent it. Mr. Walsh asked how much in the current budget is to be spent on repaving projects. Mr. Michelangelo stated that there had been several weather events last fall, and then an emergency repair of the gas lines serving the beach area immediately after Thanksgiving.

Nancy Lefkowitz, District 1, thanked DPW for their hard work in maintaining the town. She asked if the First Selectman could explain how his office comes to a budget submission.

Mr. Tetreau stated that he works with every department head to determine what their needs are and to determine how much money is available. Mr. Tetreau and the department heads set priorities for spending. Mr. Tetreau stated that he follows the same process every year, and that the DPW management has been accommodating in helping other departments in the budget process in the past.

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Margaret Horton, District 9, stated that the condition of the Town's roads is important to all, and thanked DPW for an informative presentation. She stated that she was concerned about the precedent being set by the BOF removing a line item from a budget approval and placing the money into the contingency fund.

Steve Berez, District 6, stated that he saw the question as being that of whether \$700,000 is available to DPW, or whether \$500,000 should be given to the BOF to control. He felt that it was obvious to give the money to DPW.

Pamela Iacono, District 8, stated that she felt there was a serious misunderstanding of the budget process, including what precedents have already been set. She stated that based on the presentation by the BOF, the safest place to put this money is into the contingency funds. Ms. Iacono said that when the State freezes money, as it has in the past, one of the first budgets affected is Public Works. She said that despite some Members comments, the bottom line is that the DPW request was reduced by \$200,000.

Pamela Iacono, District 8 moved the question, duly seconded.

VOTE: Motion to call the question failed to gain a two thirds majority, with 20 in favor and 19 opposed.

IN FAVOR: Chessare, Fogel, Lefkowitz, O'Shea, Lopez, Newman, Perham, Durrell, Pires, Rotelli, McDermott, Iacono, Messina, Tallman, Farnen, Herron, Cargill, Herley, Petise, Sundman

OPPOSED: Gerber, Dean, Jacobs, Pistilli, Kelly, Spolyar, Garskof, Siebert, Smey, Wolk, Ambrose, Berez, Gale, Havey, Bove, Vergara, Wackerman, Georgiadis, Horton.

Matt Jacobs, District 3, said he felt the Body had received a detailed plan and asked if the BOF had been given it as well.

Jill Vergara, District 7 stated she respectfully disagreed with Ms. Iacono, stating that according to the town Charter, the First Selectman is the Executive, not the BOF.

Heather Dean, District 3, stated that paving needs to be properly funded.

Shelia Marmion, member of the BOF, stated that she did not agree with Chairman Flynn's slide presentation, and that she supported the appeal to return the money to a line item in the DPW budget.

Jay Wolk, District 5, asked what extreme weather does to the roads. Mr. Bartlett answered that the heavy rainstorm in September 2018 had impacted the roads because the Rooster River overflowed and caused damage. Two roads have been fixed already and DPW has earmarked \$307,000 for those repairs in the next fiscal year.

BOF Chair Tom Flynn repeated that asking a large department for a long-range plan is not micromanaging.

BOF member Liz Zezima stated she was in favor of restoring the funds to the DPW line item.

BOF member John Mitola stated that at the meeting last month there was concern voiced that in October DPW had assured the BOF they had enough money to pave town roads, which is why he voted to put the \$500,000 into the contingency fund.

VOTE: The motion to sustain the appeal by the Department of Public Works and the First Selectman from the following vote of the Board of Finance failed to gain a two thirds majority, with 25 in favor and 14 opposed.

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IN FAVOR: Lefkowitz, Gerber, Lopez, Newman, Perham, Dean, Jacobs, Pistilli, Kelly, Pires, Spolyar, Garskof, Siebert, Smey, Wolk, Ambrose, Berecz, Gale, Havey, Bove, McDermott, Vergara, Wackerman, Georgiadis, Horton

OPPOSED: Chessare, Fogel, O'Shea, Durrell, Rotelli, Iacono, Messina, Tallman, Farnen, Herron, Cargill, Herley, Petise, Sundman

ITEM NO. 3 ON CALL: TO CONSIDER AND ACT UPON SELF-SUPPORTING FUNDS IN THE AMOUNT OF \$5,714,732 FOR THE WATER POLLUTION CONTROL AUTHORITY FOR THE FISCAL YEAR OF JULY 1, 2019 THROUGH JUNE 30, 2020.

Heather Dean, District 3, moved this item as distributed with the Call, duly seconded.

VOTE: This item was approved by unanimous voice vote.

ITEM NO. 4 ON CALL: TO CONSIDER AND ACT UPON SELF-SUPPORTING FUNDS IN THE AMOUNT OF \$173,668 FOR THE REGIONAL FIRE TRAINING SCHOOL FOR THE FISCAL YEAR OF JULY 1, 2019 THROUGH JUNE 30, 2020.

Lauren Bove, District 7, moved this item as distributed with the Call, duly seconded.

VOTE: This item was approved by unanimous voice vote.

ITEM NO. 5 ON CALL: TO CONSIDER AND ACT UPON PROPOSED APPROPRIATIONS IN THE AMOUNT OF \$316,941,739 FOR THE FISCAL YEAR OF JULY 1, 2019, THROUGH JUNE 30, 2020 AS RECOMMENDED BY THE BOARD OF FINANCE, FOR ANY LAWFUL PURPOSE. THE TOTAL PROPOSED BUDGET IS AS FOLLOWS:

Board of Finance Recommended Budget	\$ 316,941,739
<i>Less:</i> Non-Current Tax Year Revenue	<u>(27,992,240)</u>
Net Revenue to be raised by Current Year Taxation	\$ 289,019,499
<i>Plus:</i> Senior Tax Relief	3,371,920
<i>Plus:</i> Reserve for Uncollected Taxes/Other Credits (Estimated)	<u>4,411,043</u>
Gross Amount to be Raised by Taxation (Estimated)	<u>\$ 296,802,462</u>

Heather Dean, District 3, moved this item as distributed with the Call, duly seconded.

Karen Wackerman, District 7, called for caucus at 10 PM. The meeting resumed at 10:13 PM.

Karen Wackerman, District 7, moved to reduce the contingency fund by \$500,000, stating that contingency funds cannot be earmarked. Heather Dean, District 3, seconded.

Michael Herley, District 10, stated that he was shocked by this motion, and that the Democratic members were micromanaging the BOF with this motion.

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Sharon Pistilli, District 3, stated that at the beginning of the meeting it was made clear that the Democratic Party planned to return this money to DPW.

Pamela Iacono, District 8, stated that she was disappointed in the motion, which she felt was politically motivated and divisive. She said she had never seen this level of political discourse in the Town.

Erin Lopez, District 2, stated that she remembered two years ago when there was a budget fight between the parties, and the Republican members did not want Library funds going into the contingency fund.

Dorene Herron, District 9, moved the question, duly seconded.

The Moderator reminded the Body that the question was to reduce the contingency fund by \$500,000 to \$328,865.

VOTE: Motion to call the question failed with 15 in favor and 24 opposed.

IN FAVOR: Fogel, O'Shea, Lopez, Durrell, Pires, Rotelli, Iacono, Messina, Tallman, Farnen, Herron, Cargill, Petise, Sundman

OPPOSED: Chessare, Lefkowitz, Gerber, Newman, Perham, Dean, Jacobs, Pistilli, Kelly, Spolyar, Garskof, Siebert, Smey, Wolk, Ambrose, McDermott, Vergara, Wackerman, Georgiadis, Horton, Herley

Matt Jacobs, District 3, stated that this vote was to cut the contingency fund and taxes, not about paving.

Pamela Iacono, District 8, asked how much money would be left in the contingency fund if the \$500,000 was cut. CFO Bob Mayer said there would be \$328,000. Ms. Iacono asked if any of that money would be earmarked for contractual issues.

Karen Wackerman, District 7, asked if Mr. Mayer could address the issue of earmarking funds that are held in the contingency fund. Mr. Mayer stated that \$500,000 had been added to the contingency fund by the BOF, with a verbal commitment to keep that money for paving projects as needed by DPW. Ms. Wackerman stated that she found it frustrating to have funds put into contingency when they should be kept as a line item.

Karen Wackerman, District 7, called for caucus at 10:30 PM. The meeting resumed at 10:36 PM.

Pamela Iacono, District 8, asked if Mr. Michelangelo would be in favor of losing the money in contingency fund which had been verbally committed to be available for paving. Mr. Michelangelo said he would be in favor of it.

Ms. Vergara asked the First Selectman if he felt it is appropriate to have the BOF manage his department heads. Mr. Tetreau answered that he felt from a process point it is better for him to have a department have a line item budget than a contingency, and that he knew DPW would be able to explain the paving process to all boards.

Mark McDermott, District 7 stated that he was in favor of cutting \$500,000 from contingency since he felt that the \$3 million surplus in the Town budget had left the Town in good shape.

Michael Herley, District 10, asked the First Selectman if he was in favor of this reduction in the contingency fund which guarantees a \$500,000 reduction in paving. Mr. Tetreau answered that to cut this money now would lower the tax rate because of the \$3 million surplus which the Town can utilize in September. He said that the surplus was money which had already had come from taxes and so cutting the contingency would lower the tax rate. Mr. Herley asked if that was the case, why was there a two-hour discussion of the need to return this money to DPW.

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Matt Jacobs, District 3, stated that this discussion was about a cut to the contingency fund, not about paving.

Bill Gerber, District 2, stated that he wished to make it clear he was supporting this motion because he felt that the BOF did not have the right to remove money from a department's budget.

Hannah Gale, District 6 said it was her understanding that Mr. Walsh had said the BOF put \$500,000 from the DPW request into contingency because they had not received a clear budget plan from DPW. Ms. Gale said she would vote with the Democratic caucus because she felt this was an improper action.

Pamela Iacono, District 8, asked the First Selectman if there was money available in surplus why he supported the appeal of the BOF vote. Mr. Tetreau replied that he supported the appeal because money in surplus is subject to BOF approval in order to be spent.

Pamela Iacono, District 8, called a caucus at 10:55 PM. The meeting resumed at 10:59 PM.

The Moderator advised the Body that the motion before it was to reduce the contingency fund by \$500,000 to \$328,865.

Karen Wackerman asked a point of information about continuing past 11 p.m. The Moderator responded that unless Rule 36 had been suspended no new business could be discussed. Since this item was already being discussed he allowed further discussion. He did advise the Body that if the discussion went beyond 11:30 p.m., either the Body would have to suspend Rule 36 or return tomorrow to continue the meeting.

VOTE: The motion to reduce the contingency fund by \$500,000 to \$328,865 passed with 25 in favor and 14 opposed.

IN FAVOR: Lefkowitz, Gerber, Lopez, Newman, Perham, Dean, Jacobs, Pistilli, Kelly, Pires, Spolyar, Garskof, Siebert, Smey, Wolk, Ambrose, Berecz, Gale, Havey, Bove, McDermott, Vergara, Wackerman, Georgiadis, Horton

OPPOSED: Chessare, Fogel, O'Shea, Durrell, Rotelli, Iacono, Messina, Tallman, Farnen, Herron, Cargill, Herley, Petise, Sundman

Jill Vergara, District 7, moved to reduce capital item number 57000 by \$25,000 from the Waterfront and Marina. She stated that this is the so-called "sinking fund" established by the BOF and that she felt this is overreaching by the BOF.

Heather Dean, District 3, seconded the motion.

Pamela Iacono, District 8 asked if the motion was to reduce the marina budget by \$25,000. The Moderator read off the motion. She asked if Mr. Mayer could explain if the marina budget was being reduced by \$25,000. Mr. Mayer stated that the budget for the marina would be reduced by this motion. Ms. Iacono stated that she understood there are many safety issues and repairs needed at the marina. She asked if the mover and seconder of this motion could make their point about not liking the actions of the BOF without removing funds that are needed by the marina. She asked Mr. Calabrese if he was willing to lose \$25,000 from the marina budget. Anthony Calabrese, Director of Recreation and Parks, stated that the BOF had added this line item to the Marina budget and it has not been earmarked to go to any specific use. Ms. Iacono asked if he was comfortable in having this money removed from his budget. He answered that he would prefer to keep the money in his budget. Ms. Iacono urged the Body to vote against this motion because maintenance has been said to be important when it was discussed in budget meetings.

Bill Gerber, District 2, stated that the marina does need a lot of work, but that \$25,000 was not sufficient and was not a well thought out addition to the marina budget.

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Heather Dean, District 3, asked if Mr. Calabrese could address some of the long-range plans for the marina, in order to compare the financial magnitude of the expected plans to this budget item. Mr. Calabrese said there have been some proposed plans which range from \$1 million to \$8 million. Mr. Calabrese said that he was not comfortable in saying what the plans would be as the building subcommittee has been reviewing proposals and nothing has been decided upon. Ms. Dean asked if there was no plan for this \$25,000.

Jill Vergara, District 7, stated that she wished to clarify that Recreation and Parks had not requested this money which had been approved by the BOF.

VOTE: The motion to reduce the capital budget item 57000 by \$25,000 passed with 25 in favor and 14 opposed.

IN FAVOR: Lefkowitz, Gerber, Lopez, Newman, Perham, Dean, Jacobs, Pistilli, Kelly, Pires, Spolyar, Garskof, Siebert, Smey, Wolk, Ambrose, Berecz, Gale, Havey, Bove, McDermott, Vergara, Wackerman, Georgiadis, Horton

OPPOSED: Chessare, Fogel, O'Shea, Durrell, Rotelli, Iacono, Messina, Tallman, Farnen, Herron, Cargill, Herley, Petise, Sundman

CFO Bob Mayer stated that the budget as amended by this Body is \$ 316,416,739, for an increase of 3.68%; and the mill rate of 26.81, with an increase of 1.71%.

VOTE: The proposed appropriations in the amount of \$316,416,739 for the Fiscal Year July 1, 2019 through June 30, 2020 was approved with 29 in favor and 10 opposed.

IN FAVOR: Lefkowitz, Gerber, Lopez, Newman, Perham, Dean, Durrell, Jacobs, Pistilli, Kelly, Pires, Rotelli, Spolyar, Garskof, Siebert, Smey, Wolk, Ambrose, Berecz, Gale, Havey, Bove, McDermott, Vergara, Wackerman, Messina, Georgiadis, Herron, Horton

OPPOSED: Chessare, Fogel, O'Shea, Iacono, Tallman, Farnen, Cargill, Herley, Petise, Sundman

There being no further business and upon motion made, duly seconded and carried unanimously, the meeting was adjourned at 11:20 PM.

Respectfully submitted,

Elizabeth P. Browne, MMC, MCTC
Town Clerk

Recorded by: Frances Daly