

**MINUTES OF THE SPECIAL MEETING OF THE TOWN OF FAIRFIELD
April 13, 2020**

A special meeting of the Town of Fairfield was held via phone on April 13, 2020, at 7:30 PM.

The meeting was called to order at 7:30 PM by Moderator Karen Wackerman.

PRESENT: 38 ABSENT: 2 VACANCY: 0

PRESENT: Chessare, Mahoney, Monahan, O'Shea, Gerber, McCormack, Perham, Steele, Durrell, Jacobs, Nickel, Pistilli, Karson, Kelly, Odinak, Spolyar, Garskof, Gottlieb, Siebert, Wolk, Gale, Havey, Powell-Dunmore, Bove, McDermott, Vergara, Wackerman, Ference, Iacono, Messina, Tallman, Georgiadis, Grauer, Kelly, Perugini, Alianiello, Petise, Ringel.

ABSENT: Ambrose, Altobelli

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

Moderator Wackerman led the Pledge of Allegiance and asked for a Moment of Silence for those suffering from COVID19 and in thanks for those healthcare workers caring for them. She thanked the Town's Emergency Response Team for the invaluable work they are doing.

ITEM NO. 2 ON CALL: APPOINTMENT OF ERIC S. NEWMAN (D) TO THE EMPLOYEES' RETIREMENT BOARD, TERM NOV 2019 – 2024

Sharon Pistilli, District 3 moved this item as distributed with the Call, duly seconded.

Mr. Newman gave an overview of his credentials including his work as a CPA. Jay Wolk, District 5 spoke in favor of the appointment of the former RTM member.

VOTE: The appointment of Eric Newman to the Employees' Retirement Board was approved by unanimous voice vote.

**ITEM NO. 3 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF FINANCE:
"RESOLVED, THAT THE BOND RESOLUTION ENTITLED, 'A RESOLUTION AMENDING AND RESTATING THE RESOLUTION ENTITLED, 'A RESOLUTION APPROPRIATING \$22,000,600 FOR THE COSTS ASSOCIATED WITH THE RENOVATION AND EXPANSION OF MILL HILL ELEMENTARY SCHOOL AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION' TO INCREASE THE AMOUNT OF THE APPROPRIATION AND THIS BOND AUTHORIZATION BY \$1,274,900 TO A TOTAL OF \$23,275,500' CONSISTING OF FOUR PAGES, BE, AND HEREBY IS, APPROVED."**

Crissy Kelly, District 9 moved this item as distributed with the Call, duly seconded.

Tom Quinn, MHSBC Chair explained the request for additional funding, in particular the \$530,000 for site work and \$745,000 for mechanicals, HVAC and control systems.

VOTE: The bond resolution in the amount of \$1,274,900 was approved by unanimous voice vote.

ITEM NO. 4 ON CALL:

TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF FINANCE: “RESOLVED THAT THE BOND RESOLUTION APPROPRIATING \$6,245,000 FOR THE COSTS ASSOCIATED WITH THE CONSTRUCTION OF THE EASTON TURNPIKE PUMP STATION AND FORCE MAIN REPLACEMENT 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.”

Jill Vergara, District 9 moved this item as distributed with the Call, duly seconded.

VOTE: The bond resolution in the amount of \$6,245,000 was approved by unanimous voice vote.

ITEM NO. 5 ON CALL:

TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS RECOMMENDED BY THE BOARD OF FINANCE: ‘RESOLVED, THAT THE RESOLUTION ENTITLED, “SUPPLEMENTAL RESOLUTION” CONSISTING OF ONE PAGE, A COPY OF WHICH IS ATTACHED HERETO, STIPULATING THAT THE DEBT SERVICE ON THE EASTON TURNPIKE PUMP STATION AND FORCE MAIN REPLACEMENT BONDS AS IT BECOMES DUE SHALL BE PAID BY THE WPCA FROM ITS OWN FUNDS AND THE OBLIGATION OF THE WPCA SHALL BE SET FORTH IN A MEMORANDUM OF UNDERSTANDING WITH THE TOWN SATISFACTORY TO THE BOARD OF SELECTMEN, BE, AND HEREBY IS APPROVED.”

Josh Garskof, District 5 moved this item as distributed with the Call, duly seconded.

Town Attorney Jim Baldwin noted that Board of Finance had amended the resolution to reflect approval of the MOU by the Board of Selectmen.

VOTE: The supplemental resolution regarding the WPCA debt service was approved by unanimous voice vote.

ITEM NO. 6 ON CALL:

TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS MANDATED BY EXECUTIVE ORDER ISSUED BY THE GOVERNOR OF THE STATE OF CONNECTICUT:
WHEREAS, ON APRIL 1, 2020, THE GOVERNOR OF THE STATE OF CONNECTICUT (“GOVERNOR”) ISSUED EXECUTIVE ORDER NO. 7S (“EO 7S”), PARAGRAPH 6 OF WHICH REQUIRES ALL MUNICIPALITIES TO ADOPT AT LEAST ONE OF TWO PROGRAMS, ESTABLISHED BY EO 7S, TO OFFER SUPPORT TO ELIGIBLE TAXPAYERS WHO HAVE BEEN AFFECTED BY COVID-19: THE “DEFERMENT PROGRAM” AND THE “LOW INTEREST RATE PROGRAM;” AND,
WHEREAS, PURSUANT TO EO 7S THE FAIRFIELD RTM, AS THE LEGISLATIVE BODY OF THE TOWN OF FAIRFIELD, IS REQUIRED TO NOTIFY THE SECRETARY OF THE OFFICE OF POLICY AND MANAGEMENT (OPM) NO LATER THAN APRIL 25, 2020, ABOUT WHICH PROGRAM OR PROGRAMS IT IS ELECTING TO OFFER IT’S TAXPAYERS.
NOW, THEREFORE, BE IT HEREBY RESOLVED PURSUANT TO PARAGRAPH 6 OF EXECUTIVE ORDER 7S, AND NOTWITHSTANDING ANY FAIRFIELD TOWN ORDINANCE OR CHARTER PROVISION TO THE CONTRARY, THE FAIRFIELD RTM HEREBY ELECTS THE

FOLLOWING TAX RELIEF TO ITS ELIGIBLE TAXPAYERS, AS SET FORTH IN SUBPARAGRAPH (A) OF THE EXECUTIVE ORDER:

DEFERMENT PROGRAM FOR ALL TAXPAYERS (LANDLORDS MUST QUALIFY TO BE ELIGIBLE)

DEFERMENT PROGRAM. DURING THE PERIOD OF MARCH 10, 2020, THROUGH AND INCLUDING JULY 1, 2020, ALL TAXPAYERS, INCLUDING BUSINESSES OTHER THAN LANDLORDS, NONPROFITS, AND RESIDENTS, ARE HEREBY OFFERED A DEFERMENT BY NINETY (90) DAYS OF ANY TAXES ON REAL PROPERTY, PERSONAL PROPERTY OR MOTOR VEHICLES, OR MUNICIPAL WATER, SEWER AND ELECTRIC RATES, CHARGES OR ASSESSMENTS FOR SUCH TAX, RATE, CHARGE, OR ASSESSMENT FROM THE TIME THAT IT BECAME DUE AND PAYABLE.

AS REQUIRED BY EO 7S, TO BE ELIGIBLE FOR THE TAX DEFERMENT PROGRAM LANDLORD'S MUST ATTEST TO OR DOCUMENT A SIGNIFICANT ECONOMIC IMPACT BY COVID-19 SUCH THAT REVENUE IS EXPECTED TO DECREASE AT LEAST 30% IN THE MARCH TO JUNE 2020 PERIOD VERSUS THE MARCH TO JUNE 2019 PERIOD AT THE TAXED PROPERTY AND/ OR DOCUMENT THEY ARE PROVIDING RELIEF TO THEIR TENANTS BY OFFERING COMMENSURATE FORBEARANCE TO THEIR TENANTS OR LESSEES. COMMENSURATE FORBEARANCE, FOR PURPOSES OF THIS PROGRAM, MEANS EITHER A) A DEFERRAL OF 25% OF RENT (APPROXIMATING THE PROPERTY TAX PORTION OF RENT) FOR THE NINETY (90) DAYS AFTER ITS DUE DATE; B) A DEFERRAL OF ONE MONTH'S RENT TO BE PAID OVER THE 90 DAY PERIOD, OR C) FORBEARANCE SUBSTANTIALLY SIMILAR TO (A) OR (B) AS DETERMINED BY THE TAX COLLECTOR. DOCUMENTATION INCLUDES, BUT IS NOT LIMITED TO, PROOF THAT SOME TENANTS OR LESSEES HAVE RECEIVED FORBEARANCE OR THAT THE LANDLORD HAS ACTIVELY COMMUNICATED WITH TENANTS OR LESSEES TO OFFER FORBEARANCE.

AND BE IT FURTHER RESOLVED, THAT THE FIRST SELECTWOMAN NOTIFY THE OPM OF ITS DETERMINATION TO PARTICIPATE IN THE **DEFERMENT PROGRAM FOR ALL TAXPAYERS (LANDLORDS MUST QUALIFY TO BE ELIGIBLE)** PROGRAM NO LATER THAN APRIL 25, 2020.

Joe Seibert, District 5 moved to waive reading of the item, duly seconded and carried unanimously.

Lisa Havey, District 6 moved the item as distributed with the Call, duly seconded.

Jill Vergara, District 7 moved and Lisa Havey seconded to amend the resolution to include the Deferment program for All Taxpayers (Landlords must qualify to be eligible) which was received today and captioned above.

Two options were offered, however Town Attorney Baldwin indicated that the "Deferment Program for All Taxpayers (Landlords must qualify to be eligible) was endorsed by the Administration. Executive Order 7S requires all municipalities to adopt one of two options to offer relief to taxpayers. The deferment program allows any taxpayers who have not already paid their taxes or escrowed them would be deferred to July 1 without penalty. Under this program the July 1 payment would be deferred to October 1. Landlords would have to meet certain criteria to show that they are passing the savings on to their tenant.

Ms. Vergara questioned the affidavit requirement for landlords; Attorney Baldwin indicated that OPM recommended the requirement to the Governor's Office to ensure that the landlords are in fact passing the

benefit to the tenant. Ms. Vergara asked if tax delinquents are eligible to apply for relief under the deferment program to which Attorney Baldwin said only the taxes due April 1 or July 1 as there is no amnesty program.

Joe Seibert, District 5 stated that this EO does not include individuals whose taxes are escrowed, and he understands why, but asked if there are other mechanisms to help our constituents. Attorney Baldwin noted in the context of the EO there is not.

Caitlin Bosse explained that of the \$50 million in taxes due the April quarter \$25 million are in escrow and are not affected. Based on certain assumptions 25% of people pay in April while 20% pay in May. We estimated \$6 million in April and as of April 13 \$8 million has been paid. \$5 million would be paid in May. Based on these assumptions and the STIF investment rate of <1% we estimate a \$27,000 per quarter loss in investment income. Under the low interest rate program if 50% of the people took advantage using the same assumptions and 3% per annum/0.255 per month the interest earned would be \$40,625.

Hannah Gale, District 6 noted that escrow continues to be collected on every mortgage payment so they have no relief whatsoever. Ms. Bosse said the amounts in escrow are not part of the program nor in the low interest rate program.

Ms. Vergara asked if the \$27,000 cost estimate per quarter is the highest loss. Ms. Bosse indicated it is based on certain assumptions. It would be less now that the \$8 million has been collected thus far for the April estimate.

Marisa Ringel, District 10 asked for clarification that every individual resident would get a break through the deferred automobile and sewer use due July 1. Tax Collector Dave Kluczowski said it includes first installment real estate, motor vehicle, and personal property. Attorney Baldwin noted that it is only for the people who choose not to pay those taxes when they are due and payable.

Dru Georgiadis, District 9 asked for the difference between the terminology deferment and relief. Mr. Kluczowski said deferment is the proper language as they are not getting a tax break. The “relief” is temporary as you’re still paying the tax but not until the next quarter.

Karen McCormack, District 2 asked if there is a plan to make a notation on the July tax bills notifying the taxpayer that they have this deferral option. Mr. Kluczowski said the printer is working on a template as to how the bill would look and an insert would be also be included.

Ms. Gale said certain town services have been suspended such as education; she asked if any refund of taxes collected when services are cut were considered. Attorney Baldwin said that is part of the budget process and not germane to the resolution.

Ms. Georgiadis commended FPS for their efforts with online learning and the technology available. Education is not canceled in this town and they are doing their best.

Pamela Iacono, District 8 said other services have been suspended – parks and beaches and libraries are closed. Those services were paid for and perhaps the return that we are not getting should be taken into consideration.

Ms. Vergara said there is a need to lower costs for everyone. The Tax Collector is fielding 20 calls a day from people looking for relief. Extending this program is not enough. We need to find ways to save money now. She asked the First Selectwoman in what ways costs are being lowered.

Sharon Pistilli, District 3 said we have to recognize that some services are in overdrive such as Health & Human Services and Emergency Management Services while others are closed. She is impressed with the online learning and students are motivated by their teachers. Long term we will have to “go lean” and prioritize the revenues we do take in.

First Selectwoman Brenda Kupchick explained that 100 permanent part time employees have been furloughed and now collecting unemployment. Other avenues are being explored going forward. The majority of employees are union employees. Employees are working from home. We can’t just look at cuts but we need to look at what’s available to us as a community and re-evaluate priorities; we need to take a balanced approach.

Bill Perugini, District 9 concurred with previous comments; we need to find creative ways to offload the costs especially for services that we are not receiving. He appreciates everything the Town is doing through this crisis.

Ms. Vergara was pleased with the steps being taken to address the economic crisis and hopes an analysis would be posted regarding furloughs, payroll and tracking the work that people are doing from home.

Laura Karson, District 4 we have no idea how long this will go on for and some people are really hurting. She thanked First Selectwoman Kupchick for taking the lead and emphasizing the importance of social distancing.

First Selectwoman Kupchick noted that some personnel issues are confidential, but could provide numbers. The collective bargaining agreements will be coming up for negotiation. It won’t have an impact now, but we have ideas for restructuring that have arisen because of this situation. We are very cognizant of our community’s financial situation. We are still providing important services – solid waste & recycling, police, tax collection, Town Clerk, land use, finance. Not everything is available such as the beaches and parks, but it’s because of the importance of public safety. Suggestions have been given to the BOF and hope they and the RTM will work with the administration on this.

VOTE: The resolution approving a tax deferral program for all taxpayers (Landlords must qualify to be eligible) was approved by unanimous voice vote.

ITEM NO. 7 ON CALL: TO HEAR, CONSIDER AND ACT UPON THE FOLLOWING RESOLUTION AS AUTHORIZED BY THE GOVERNOR’S EXECUTIVE ORDER 7C:
WHEREAS, ON MARCH 14, 2020, THE GOVERNOR OF THE STATE OF CONNECTICUT (“GOVERNOR”) ISSUED EXECUTIVE ORDER NO. 7B (“EO 7B”), PARAGRAPH 1 OF WHICH SUSPENDS ALL STATUTES, CHARTER PROVISIONS, ORDINANCES AND REGULATIONS MANDATING OPEN MEETINGS IN ORDER “...TO PERMIT ANY PUBLIC AGENCY TO MEET AND TAKE SUCH ACTIONS AUTHORIZED BY THE LAW WITHOUT PERMITTING OR REQUIRING IN-PERSON, PUBLIC ACCESS TO SUCH MEETINGS, AND TO HOLD SUCH MEETINGS OR PROCEEDINGS REMOTELY BY CONFERENCE CALL, VIDEOCONFERENCE OR OTHER TECHNOLOGY” (“ELECTRONIC MEETINGS”); AND,
WHEREAS, ON MARCH 15, 2020 THE GOVERNOR ISSUED EXECUTIVE ORDER NO. 7C (“EO 7C”), PARAGRAPH 5 OF WHICH EXTENDED “ALL BUDGET DEADLINES FOR THE PREPARATION OF THE MUNICIPAL

BUDGET” FOR THE FY 2020-2021 “THAT FALLS ON ANY DATE PRIOR TO AND INCLUDING MAY 15, 2020 ARE EXTENDED BY THIRTY (30) DAYS”; AND,

WHEREAS, EO 7C PERMITS THE LEGISLATIVE BODY TO “ALTER OR MODIFY THE SCHEDULES AND DEADLINES PERTAINING TO THE PREPARATION AND SUBMISSION OF A PROPOSED BUDGET AND THE DELIBERATION OR ACTIONS ON SAID BUDGET” BY THE LEGISLATIVE BODY INCLUDING ANY REQUIRED PUBLIC HEARING(S), PUBLICATION, REFERENDUM OR FINAL BUDGET ADOPTION; AND,

WHEREAS, EO 7C POSTPONES ALL SUBMISSION DATES AS SET FORTH IN ARTICLE XII OF THE FAIRFIELD TOWN CHARTER UNTIL SUCH TIME AS THE LEGISLATIVE BODY APPROVES SAID MODIFIED SCHEDULED AND DEADLINE CONSISTENT WITH THE THIRTY (30) DAY EXTENSION; AND,

WHEREAS, ON MARCH 21, 2020, THE GOVERNOR ISSUED EXECUTIVE ORDER NO. 7I, PARAGRAPH 13 (“EO 7I”) OF WHICH DISPENSES WITH ANY IN-PERSON VOTING REQUIREMENTS (INCLUDING REFERENDA AND TOWN MEETINGS REQUIRING IN-PERSON VOTES) FOR PURPOSES OF ADOPTING 2020-2021 FISCAL YEAR MUNICIPAL BUDGETS AND SETTING THE MILL RATE; IN EFFECT CONFERRING FINAL RESPONSIBILITY ON THE “BUDGET-MAKING AUTHORITY” OF THE TOWN TO ADOPT A BUDGET AND SET A MILL RATE, WHICH ROLES ARE ALLOCATED BY THE CHARTER TO THE REPRESENTATIVE TOWN MEETING (RTM) AND BOARD OF FINANCE (BOF); AND,

WHEREAS, EOS 7C AND 7I DO NOT ALTER OR MODIFY THE CONTROL OF LINE-ITEMS THAT FALL SQUARELY WITHIN THE AUTHORITY OF THE BOARD OF EDUCATION BUDGET AND, THUS, THE BOARD OF EDUCATION SHOULD COMPLY WITH ALL SUBMISSION REQUIREMENTS PERTAINING TO BUDGET DEADLINES ADOPTED BY THE MUNICIPALITY.

NOW, THEREFORE, BE IT HEREBY RESOLVED PURSUANT TO PARAGRAPH 5 OF EXECUTIVE ORDER 7C, AND NOTWITHSTANDING ANY CHARTER PROVISION TO THE CONTRARY, THE FAIRFIELD RTM DEEMS IT NECESSARY TO ISSUE A MODIFIED SCHEDULE AND DEADLINE FOR THE SUBMISSION, DELIBERATION AND FINAL ACTION ON THE TOWN BUDGET FOR FY 2020-2021, WHICH MEETINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS NOTICED IN ACCORDANCE WITH EO 7B ¶1; AND, THEREFORE, BE IT FURTHER

RESOLVED, THAT THE BOF SHALL VOTE ON ITS BUDGET RECOMMENDATION NO LATER THAN MAY 11, 2020; AND BE IT FURTHER

RESOLVED, THAT THE RTM ANNUAL BUDGET MEETING FOR THE 2020-2021 BUDGET FOR THE TOWN OF FAIRFIELD SHALL TAKE PLACE ON MONDAY, JUNE 1, 2020; AND BE IT FURTHER

RESOLVED, THAT THE BOARD OF FINANCE SHALL DETERMINE THE RATE OF PROPERTY TAX FOR THE NEXT FISCAL YEAR WITHOUT RECOURSE BY REFERENDUM.

Jay Wolk, District 5 moved to waive reading of the item, duly seconded and carried unanimously.

Jill Vergara, District 9 moved the item as distributed with the Call, duly seconded.

Town Attorney Jim Baldwin explained that the Governor's Executive Order allows the Town to amend the budget calendar due to the COVID19 pandemic. Rather than holding the budget vote on the first Monday of May, the RTM will vote on June 1.

Ms. Vergara asked that the Town website be updated to reflect the new schedule, to which Attorney Baldwin said the Town website would be updated and the public comment to the BOF would be posted in lieu of holding their public forum and in accordance with FOIA.

VOTE: The resolution to amend the Town budget calendar in accordance with the Governor's Executive Order was approved by unanimous voice vote.

Jay Wolk wished everyone good health and safety and thanked First Selectwoman Kupchick for all that she's done. First Selectwoman Kupchick commended the RTM for approving so many important items this evening and for all their efforts during this very difficult time.

There being no further business, the meeting adjourned at 8:45 PM.

Respectfully submitted,

Elizabeth P. Browne, MMC, MCTC
Town Clerk