

BOARD OF SELECTMEN MEETING  
MAY 22, 2019

MINUTES

A Special Meeting of the Board of Selectmen was held at 5:00 p.m. on Wednesday, May 22, 2019, in the First Floor Conference Room, Independence Hall. The meeting was recorded in its entirety by FairTV, Fairfield's Education and Government Access Channel.

Members Present: First Selectman Michael C. Tetreau, Selectman Christopher W. Tymniak, Selectman Edward J. Bateson

Others Present: Alexis Donovan, Christopher Eggers, John Fallon, Michael Galante, Emmett Hibson, William Hurley, Dr. Toni Jones, George Kasper, Stanton Lesser, Christopher Lyddy, Joseph Michelangelo, Robert Mayer, Denis McCarthy, Sal Morabito, Tom Quinn, Melanie Ross, Donald Smith, Christine Vitale, Marnie White, some Board of Education and RTM members, Gilbane/Colliers representative, Fairfield Citizen News

- 1) CALL TO ORDER First Selectman Tetreau called the meeting to order at 5:03 p.m.
- 2) PLEDGE OF ALLEGIANCE Selectman Bateson led the Pledge of Allegiance.
- 3) RECOGNITION Recognition of National Public Works Week and "Fill a Public Works Truck" Food Drive  
Joseph Michelangelo announced the second annual food drive. Mr. Michelangelo said receptacles will be set up to donate food and dry goods at schools, Town Hall, Senior Center, Parks & Recreation Department and along the Parade Route and the food will be donated to the CT Food Bank and Operation Hope. The Board declared May 19-25 National Public Works Week.
- 4) RECOGNITION Recognition of Fairfield Girls' Ski Team for Winning Connecticut Interscholastic Ski League State Title for Seventh Straight Year  
Coach Gary Curconi said the Fairfield Girls' Ski Team defeated Staples, 22-0. The Board congratulated them and presented each girl an award certificate.
- 5) RECOGNITION Recognition of Roger Sherman Elementary School PTA for Winning the National Jan Harp Domene Award for Exemplary Work in the Area of Diversity and Inclusion and Commitment and Dedication to Outreach to all Families  
Co-Presidents Marnie White said the diversity program began with the parents. The Board congratulated them on all their hard work and thanked them for setting a great example for other schools and the community at large.
- 6) RESIGNATIONS **(for information only)**  
Land Acquisition Commission

James M. Pjura (R), 1158 Mill Hill Road, term 11/17 – 11/21  
(Resignation Date: May 13, 2019)

7) APPOINTMENTS To hear, consider and act upon the following appointments:

i. Golf Commission

Christine A. Hogan (D), 48 Thornhill Road, term 4/19 – 4/24  
(To fill a vacancy for Eileen Wenzel whose term expired)

Selectman Tymniak motioned to approve the item. Selectman Bateson seconded the motion which carried unanimously, 3-0.

ii. Land Acquisition Commission

Jill W. Brown (D), 1112 Holland Hill Road, term 11/17 – 11/21  
(To fill a vacancy for James Pjura who resigned)  
(Moving from alternate member to full member)

Selectman Tymniak motioned to approve the item. Selectman Bateson seconded the motion which carried unanimously, 3-0.

8) CHIEF FISCAL OFFICER To hear, consider and act upon the following resolution as recommended by the Chief Fiscal Officer:

RESOLVED, that pursuant to the authority vested in the Board of Selectmen by Section 37-25B of the Code of the Town of Fairfield, the bylaws of the Defined Contribution Retirement Plans Committee are hereby approved and adopted.

Selectman Tymniak motioned to approve the item. Selectman Bateson seconded the motion.

Robert Mayer said he and Emmet Hibson reviewed the 401(a) and 457(b) Plans to improve from Administration and investment option perspectives and reduce the Town's liability potential. Mr. Mayer reviewed the By-laws for the Defined Contribution Retirement Plan and the Joint Retirement Investment Board. He said the town ordinance stipulates the Board of Selectmen are the plan administrators and that years ago the First Selectman designated the Human Resources Director.

George Kasper of Pullman & Comley, Town Auditors, said they reviewed the Town's process in evaluating the Plans and recommended the administration revert back to the Board of Selectmen. Mr. Kasper suggested changing the wording in Standards on VI and VII to replace "fraudulent and bad faith" with "willful misconduct and gross negligence".

Emmet Hibson gave an overview of the plans, providers and summarized the by-laws. Mr. Hibson explained Human Resources role, Mr. Mayer discussed the CFO role and responsibility and Mr. Lesser further clarified.

Public comment – none.

Selectman Tymniak motioned to amend Standard IV and VII's wording with Mr. Kasper's recommendation. Selectman Bateson seconded the motion.

Public comment – none.

The motion as amended carried unanimously, 3-0.

- 9) **DIRECTOR OF PUBLIC WORKS (requires Town Plan and Zoning Commission review and RTM approval)** To hear, consider and act upon the following resolution as recommended by the Director of Public Works:

RESOLVED, that for consideration of the sum of \$6,625.00 the Town grant to the State of Connecticut a perpetual easement over property owned by the Town at the corner of U.S. Route 1 (Boston Post Road) at Route 135 (North Benson Road), said easement being shown and designated on map entitled "Compilation Plan Town of Fairfield Map Showing Easement Acquired from Town of Fairfield by State of Connecticut Department of Transportation U.S. Route 1 (Boston Post Road) at Route 135 (North Benson Road) & South Benson Road" Scale 1"=20' Dated November 2018 made by Mark D. Rolfe, P.E; and

FURTHER RESOLVED, that the First Selectman be, and hereby is, authorized to execute on behalf of the Town such documents as may be necessary to effectuate this resolution.

Selectman Tymniak motioned to approve the item. Selectman Bateson seconded the motion.

William Hurley, Town Engineering Manager, said the easement is required by the State DOT and the State is updating lighting and sidewalks complying with ADA requirements.

Public comment – none.

The motion carried unanimously, 3-0.

- 10) **TOWN ATTORNEY (requires RTM approval)** To hear, consider and act upon the following resolution as recommended by the Town Plan and Zoning Commission:

RESOLVED, that the Town accept from 1100 Harbor Road, LLC the donation of a portion of real property known as 1101 Harbor Road, Southport, Connecticut, owned by the said 1100 Harbor Road, LLC, shown as "Parcel To Be Deeded To The Town Of Fairfield" on that certain map entitled "Data Accumulation Plan Showing Parcel to be Deeded To the Town of Fairfield Prepared for 1100 Harbor Road, LLC #1101 Harbor Road, Southport, Connecticut" Scale 1"=10' Dated March 19, 2019 prepared by The Huntington Company, LLC; and

FURTHER RESOLVED, that the Town relinquish an easement granted to the Town by Robert G. Lee and Jean D. Lee, as more particularly described in a certain Agreement between The Town of Fairfield and Robert G. Lee and Jean D. Lee, dated January 6, 1995 and recorded in Volume 1452, at Page 221 of the Land Records of the Town of Fairfield; however said relinquishment shall not relieve the Grantors of said easement of any of the other obligations or restrictions set forth in said agreement; and

FURTHER RESOLVED, that the First Selectman be, and hereby is, authorized to execute on behalf of the Town such documents as may be necessary to effectuate this resolution.

Selectman Tymniak motioned to approve the item. Selectman Bateson seconded the motion.

Stanton Lesser, Town Attorney, gave background on the property. John Fallon, Mr. McMahon's (owner's) representative, presented a detailed explanation. Mr. Fallon said Mr. McMahon wished to donate a portion of his property at 1101 Harbor Road to the Town to improve public access to the beach. Mr. Fallon said the Plan has been fully vetted by Town boards.

Christopher Eggers, RACE Coastal Engineering, referred to the updated survey with property lines, plot plan and site photos. Mr. Eggers said detailed architectural plans and an additional as built will be submitted to the town before it is built for approval.

The Board reviewed a letter from the Sasquanaug Association dated May 21, 2019.

Public comment – Dale McIver of 187Westway, Southport and a Sasquanaug member, said the lower wharf is a tremendous resource but feels the donated property should have restrictions. Mr. McIvers said the Association thinks it's a terrific idea but wanted Items #1 a. and #2 clarified in their letter of May 21, 2019.

First Selectman Tetreau motioned to amend the resolution to add the following sentence: "Said acceptance is subject to the conditions stated in Items 1a-d, Item 3 and Item 4 of the May 21, 2019, Sasquanaug Association letter to the Board of Selectmen and agreed to by the applicant." Selectman Bateson seconded.

Public comment on amendment – none.

The amendment carried unanimously, 3-0.

The motion as amended carried unanimously, 3-0.

The Board took a Break 7:11 p.m. and reconvened at 7:20 p.m.

11) FIRE CHIEF AND POLICE CHIEF (**requires Board of Finance and RTM approval**) To hear, consider and approve a bond resolution entitled "A Resolution

Appropriating \$2,897,276.45 for the Costs Associated with Establishment and Operation of a Fairfield-Westport Multi-Town Emergency Communications Center with the Town of Westport and Authorizing the Issuance of Bonds to Finance such Appropriation” as recommended by the Fire Chief and the Police Chief.

Selectman Tymniak motioned to approve the item. Selectman Bateson seconded the motion.

The board agreed to hear and discuss items 11 and 12 jointly.

Police Chief Christopher Lyddy gave an overview of the two items. Deputy Chief Donald Smith said they need to move the current ECC because it is in a flood zone and that the Westport ECC was also seeking to relocate. DC Smith said Sacred Heart University offered to lease out some space at the former GE site for the joint ECC for \$1 annually. He said this alleviates building a new center and meets all requirements. DC Smith reviewed the agreement and Mr. Mayer explained bonding resolutions and funding.

Public comment – none.

The motion carried unanimously, 3-0.

12) FIRE CHIEF AND POLICE CHIEF (**requires RTM approval**)

To hear, consider and act upon the following resolution approving a lease between the Town of Fairfield, Town of Westport and Sacred Heart University for premises to be used as Joint 911 Emergency Communications Center as recommended by the Fire Chief and the Police Chief:

RESOLVED, that the Lease between Town of Fairfield and Town of Westport as Tenants and Sacred Heard University as Landlord, covering premises consisting of approximately 2,352 square feet of first floor of the East Building of Sacred Heart University’s property located at 3135 Easton Turnpike, Fairfield, Connecticut, upon the terms and conditions and for the uses and purposes contained in said Lease, is hereby approved; and

FURTHER RESOLVED, that the First Selectman be, and hereby is, authorized to execute such documents as may be required to effectuate this resolution.

Selectman Tymniak motioned to approve the item. Selectman Bateson seconded the motion.

Public comment – none.

The motion carried unanimously, 3-0.

13) FAIRFIELD PUBLIC SCHOOLS To hear a report from the Fairfield Public Schools on State reimbursement for school projects including the Sherman Project

Sal Morabito, Fairfield Public Schools Manager of Construction, Security and Safety gave an update on school projects and reimbursements.

- 14) SUPERINTENDENT OF SCHOOLS To hear a report on school enrollment projections

Dr. Toni Jones, School Superintendent, presented enrollment projections and building utilization. Dr. Jones said the Early Childhood Center (ECC) has been growing and anticipates it will continue to do so.

Christine Vitale, BOE Chair, discussed timelines, possible ECC locations, redistricting and Mill Hill 441 and 504 plans.

- 15) MILL HILL ELEMENTARY SCHOOL BUILDING COMMITTEE (**requires Board of Finance and RTM approval**)

To hear, consider and act upon the following resolution as recommended by the Mill Hill Elementary School Building Committee:

RESOLVED, that the Bond Resolution entitled, "A Resolution Appropriating \$\_\_\_\_\_ for the Costs Associated with the Renovation and Expansion of Mill Hill Elementary School and Authorizing the Issuance of Bonds to Finance such Appropriation" be, and hereby is, approved.

FURTHER RESOLVED, that the First Selectman be, and hereby is, authorized to execute on behalf of the Town such documents as may be necessary to effectuate this resolution.

Selectman Tymniak motioned to approve the item. Selectman Bateson seconded the motion.

Tom Quinn, Mill Hill Building Committee Chair, said student safety is the committee's primary concern.

A Colliers International/Gilbane representative, reviewed the schematic design, existing site vs. proposed site, 378/441/504 floor plans, project estimates, vehicle impact on increasing enrollment and effect on local streets.

Michael Galante of Frederick P. Clark Associates, discussed the traffic study and the impact on parent drop off and pick up for the various enrollment numbers. He presented his recommended improvements.

Public comment – Janine Alianiello, 472 Mill Hill Drive, said there are no walkers because there are no sidewalks and supports the 441 Plan.

Cheryl Kim, 56 Taylor Place, said the heating is bad and more space is crucial.

Kelly Acker, South Pine Creek Road, hopes the Board supports what the BOE supports and what is fiscally responsible for the Town.

Jessica Gerber, Board of Education member, spoke in support of the 504 Plan.

Molly Harhand, 45 Warner Hill Road, spoke in support of the 504 Plan.

Norm Roberts, South Pine Creek Road and member of the Mill Hill Building Committee, asked the Board to do whatever it needs to do to move things forward. He said it is very hot this time of year and only a few classrooms have AC and implores the Board to make sure there is a project and leaves it up to the Board to decide on the size.

Diale Stupack, South Gate Lane, spoke in support of the 504 Plan.

Bill Gerber, RTM District 2, cautioned placing too much faith in projected enrollment numbers and said he believes traffic concerns are overblown.

Jill Vergara, RTM District 7, spoke in support of the 504 Plan. Ms. Vergara said mold is a concern since we don't have A/C and it's a very important project for the entire town.

Tom Quinn, Miro Street and chair of the Mill Hill Building Committee, said the 504 Plan worked in both Riverfield and Holland Hill and urged the Board to go with the 504 Plan.

Heather Dean, RTM member, said ECC increase is going to lead to more classroom space and supports the 504 Plan.

The Board took a break 9:14 p.m. and reconvened at 9:25 p.m.

Selectman Tymniak motioned to amend the resolution to replace the blank amount with \$22,000,600. Selectman Bateson seconded the motion.

Public comment on amendment –

Tom Quinn, Mill Hill Building Committee chair, said he originally thought a 441 school would be sufficient but after hearing the enrollment information, he believes the Town needs to build to 504. He said the Town knows it has overcrowding at other elementary schools and knows it will have a need for more ECC space. He said building a 441 school would be walking away from the problem.

Dr. Toni Jones said they presented to the Boards the budget in January with statistics and sent emails and that the ECC projection information is not new.

Michelle DeMartino, 99 Patrick Drive, said cape homes in the South Pine Creek area are being enlarged and the Town will need space to accommodate that growing population.

Kelly Acker, South Pine Creek Road, said there is no difference in black top space between 441 and 504 and portables would be fiscally irresponsible and unsafe.

Bill Gerber, RTM District 2, said it is not fiscally responsible to give up three classrooms.

Jen Jacobson, Board of Education, said that the experts have told the Board what is needed and the Board should listen to the experts.

The amendment carried, 2-1. (First Selectman Tetreau opposed)

The motion as amended carried, 2-1. (First Selectman Tetreau opposed)

16) FIRST SELECTMAN To hear, consider and act upon the following resolution as recommended by the First Selectman:

RESOLVED, that the Town of Fairfield is opposed to any transfer of costs and obligations for the State Teacher Retirement System.

Selectman Tymniak motioned to approve the item. Selectman Bateson seconded the motion.

The Board discussed taking a formal position to oppose teacher pension cost transfers, noting that the State has mismanaged the money and is unfairly passing the cost to Towns. The Board encouraged other Towns to send the message to Hartford and their State Delegation.

Public comment – none.

The motion carried unanimously, 3-0.

17) TAX COLLECTOR

To consider and act upon tax refunds as recommended by the Tax Collector in the amount of \$34,806.68.

Selectman Tymniak motioned to approve the item. Selectman Bateson seconded the motion.

Public comment – none.

The motion carried unanimously, 3-0.

18) ADJOURN

Selectman Tymniak motioned to adjourn the meeting at 10:03 p.m. Selectman Bateson seconded the motion which carried unanimously, 3-0.

Respectfully submitted,  
Sheila Tesei, Recording Secretary