

A RESOLUTION APPROPRIATING \$10,500,000 FOR COSTS RELATED TO CONSTRUCTION, REMEDIATION, AND ADDRESSING THE NOTICE OF VIOLATION AT PENFIELD PAVILION

WHEREAS, contaminated fill from the (Julian) fill pile was illegally deposited beneath Penfield Pavilion during construction;

WHEREAS, by state and federal law, the Town of Fairfield, Connecticut (the “Town”) is required to remove the fill in accordance with DEEP & EPA standards under a Consent Order;

WHEREAS, FEMA has determined the Town installed horizontal grade beams at a height that is in violation of federal floodplain management regulations;

WHEREAS, under federal law, the Town is required to bring Penfield Pavilion into compliance with FEMA regulations;

WHEREAS, the Town has received Notices of Violation from federal and state agencies that must be addressed.

WHEREAS, if the Town does not take corrective action by the end of March regarding the Notice of Violation, the Town faces a myriad of negative consequences that will impact residents and the Town;

WHEREAS, Penfield Pavilion is an asset to the community enjoyed by residents year round and cleaning the contaminated fill and lowering the grade beams is necessary to comply with all state and federal laws;

WHEREAS, the total costs for the remediation and construction at Penfield Pavilion, as well as, the cost to address the Notices of Violation is \$11,500,000 (the “Total Costs”); and

WHEREAS, the Town previously allocated and approved \$1,000,000 in American Rescue Plan Act funding to be applied towards the Total Costs; and

WHEREAS, the Town is holding funds (the “Funds”) in its Capital Non-Recurring Fill Pile Remediation Account (the “Account”) and desires to appropriate \$10,500,000 of the Funds to finance the balance of the Total Costs; and

NOW, THEREFORE, BE IT RESOLVED:

As recommended by the Board of Finance and the Board of Selectmen, the Town hereby appropriates the following sums from the Capital Non-Recurring Fill Pile Remediation Account for the following purposes:

- \$4,000,000 related to remediation at Penfield Pavilion
- \$3,500,000 related to construction at Penfield Pavilion
- \$3,000,000 related to work to address the Notices of Violation

