



Fairfield Beach Residents Association

www.FBRA.org

FBRA06824@gmail.com

February 6, 2023

To: Town of Fairfield Board of Selectmen via e mail

cc: Town of Fairfield Board of Finance and RTM

We understand from Brenda's newsletter the town has determined the retained engineering firms and consultants are not considered responsible for their "professional recommendations" as the town administration and presumably department heads overrode their recommendations.

"it has been determined that the retained engineering and FEMA consultants were not considered responsible for the actions of these players who essentially chose to ignore or override their recommendations." – January 20th Newsletter to the town.

We understand many decisions were made by the prior administration during the Penfield rebuild that, in hindsight, do not appear to be in the best interest of the town and its taxpayers. The largest issue we see is it appears the prior administration made the decision to continue the rebuild of the pavilion while fully aware that FEMA had significant concerns. Rather than stopping construction and working through the issues, the motivation to continue appears to have been to continue the FEMA issues discussions in parallel with the continued construction so town residents would not lose another "Beach Season."

We hope we are not making the same mistake of trying to rush to finalize the next steps for the Pavilion so that residents will not lose another "beach season" this time. The town of Fairfield is lucky to have five beaches, and losing Penfield for one additional season would just mean that residents would have to use the other four beaches for one more year, not a significant hardship when it might mean saving millions of dollars of taxpayer funds.

So we are respectfully asking the administration to slow down the process and consider the following next steps;

1. Hold a town meeting – We understand you are working to secure a date for this and we stand ready to help you publicize it to the residents in our newsletter area. We would hope that this would happen in the next couple of weeks. We also understand that you are asking FEMA to attend this meeting and address various questions that have come up. To that effect, the FBRA very much would like to understand FEMA's response to ALL of the challenges raised in Dana Conover's letter of October 15, 2019, which was a letter in support of the town's position by the State of Ct, department of Emergency Services and Public Protection (DESPP).
2. We would like to request that the town open up several alternative options for Penfield and provide estimated costs for these as part as an immediate follow up to that public meeting, The ones we are suggesting are.
 - a. To leave the locker and bathroom section on its current piles (doing whatever excavation and regrading is needed to make it compliant) and removing the (non FEMA Compliant) Pavilion section , replacing that with a large deck on pilings with a shaded area and
 - b. Remove all sections of the pavilion and put in a boardwalk/ Long deck with benches in its place with native plantings and several wooden pathways up from the parking lot.

- c. Please include the estimated costs to replace lost flood protection from lowering the Penfield beach height in all options. Penfield beach is a large part of our town's coastal resiliency and flood protection. If we have to lower the beach height up to 3 feet, the town will need to evaluate new measures to protect the citizens. The costs are significant and need to be part of the discussion. If you believe there is no impact from lowering the beach height, please provide a copy of the flood analysis used to make that determination.

We would also like to better understand on what basis the administration has determined that the town retained building, engineering and coastal engineering firms and consultants who worked with the Penfield Building Committee and relevant Town departments as part of the rebuilding of the pavilion and provided engineering drawings and plans that were close to 3 ft above what FEMA is requesting should not be held accountable for their recommendations.

They clearly proposed plans that FEMA did not approve and supported these plans and recommendations during the appeal process. We have seen letters (e mail Sept 14, 2016) from DeStefano and Chamberlain Inc. that showed that they believe and recommended to the town that the natural grade should not be the 8 – 9 Ft that FEMA is supporting but rather the 10 – 11 ft of the existing grade and that the grade beam is therefore placed correctly. These firms provided the technical expertise to rebuild the pavilion as it stands today, and the town clearly followed their advice. The town conducts a formal RFP process and chooses firms that have appropriate expertise but also expects these firms to provide us with the correct factual data and plans to build in a VE zone. We would expect these consultants to be held responsible for this advice and expertise and believe the town should explore what options we have to seek reimbursement from their insurance companies.

The town made the bad decision to continue building rather than stopping to work out the issues with FEMA but that does not absolve the engineers and consultants from providing the incorrect advice in the first place. Or if the town now believes the outside engineering and consultant advice to be correct, then it is our opinion that the town has a fiduciary responsibility to its taxpayers to push for mediation with FEMA rather than just accommodating a plan that is not in the best interests of the town taxpayers and is likely to result in greater flooding of the neighborhood.

The FBRA would like to obtain copies of the legal opinions and/or supporting documents that were used in the determination the engineering firms and consultants provided correct advice and the town officials overrode that advice.

Thank you!

Carolyn Kamlet; President
FBRA Board of Directors