

**(SPECIAL) BOARD OF SELECTMEN MEETING
MINUTES
MAY 2, 2012 – 7:30 P.M.
MEETING ROOM 133 – BROOKFIELD TOWN HALL**

CALL TO ORDER: First Selectman William R. Davidson called the meeting to order at 7:34 p.m.

PRESENT: William R. Davidson, First Selectman; Howard Lasser, Selectman; George Walker, Selectman; Jay Wahlberg, Controller; Members of the public and press; Virginia Giovanniello, Recording Secretary.

PUBLIC COMMENT: There was no public comment.

ANNOUNCEMENTS: Mr. Davidson announced the following:

- The Kids Kingdom Ribbon Cutting and Official Opening will be on Sunday, May 6th at 1:00 p.m. There will be a special guest of honor at the event.
- At the Annual Town Meeting last night, residents in attendance voted to have the Budget Referendum on Tuesday, May 15th and voted to have the town and education as one budget on the ballot.

CORRESPONDENCE: Mr. Davidson reported that Mr. Rich Saluga addressed two letters to the Selectmen dated April 5 and April 21 regarding his concerns with the recent revaluation and consequent property assessments.

MONTHLY FINANCIAL RESULTS: Town Controller Jay Wahlberg reported on the town's revenues and expenditures.

NEW ITEMS

BUDGET TRANSFERS: Mr. Wahlberg reported that Storm Irene generated increase costs in the Highway and Parks & Recreation Departments. FEMA reimbursed the town for costs incurred for Storm Irene in the amount of \$96,117. Also included in the budget transfers were Salary Adjustments and an appropriation from Personnel Contingency. At conclusion of discussion, **Howard Lasser made motion that the Selectmen approve the transfers, as recommended by the town controller, and forward to the Board of Finance. Motion seconded George Walker, and carried unanimously.**

WIRELESS CELL TOWER AT MUNICIPAL CENTER PROPERTY: Homeland Towers, LLC approached the town identifying property at the Fire Department for a wireless tower that would create additional revenue for the Town. Shortly thereafter, Independent Towers Holdings, LLC, also expressed interest in securing a site. Mr. Pete Peterson assisted the First Selectman and volunteered his time in researching two wireless cell tower companies, providing a summary, business components, potential business arrangements and his recommendations on the process.

540 FEDERAL ROAD WATER STORAGE TANK: Attorney Peter Olsen represented the town in the negotiations of the easement for the water tank with the land owners. He highlighted a couple of items in the contract, one of which would give the town the right to access the property as soon as the contract has been signed in order to inspect, test borings and clearing land to get trucks on the site. Attorney Olsen stated you cannot see the tank with the existing trees, and additional screening will be added as necessary on the lower tank. There are still a number of approval steps between Aquarion and the Planning Commission. Prior to the closing, the purchase of the easement and land

will be assigned to Aquarion, who will reimburse everything paid by the town. Mr. Lasser questioned an approval without seeing the contract. Mr. Davidson pointed out that the contract will have to be fulfilled by Aquarion and not the town. At conclusion of discussion, **George Walker make motion that the Selectmen approve the proposed Agreement for Conveyance and Acquisition of Easements and authorize the First Selectman to execute said Agreement, such to such minor modifications as may be necessary to finalize the Agreement; and that the Selectmen refer the acquisition of the easement for the Water Storage Tank and associated facilities to the Planning Commission for review pursuant to Section 8-24 of the General Statutes, seconded by Howard Lasser. Motion carried unanimously.**

SOUTHERN FEDERAL ROAD WATERLINE PHASE 2: Mr. Martin Handshy, Water Consultant to the Selectmen, reported that the Waterline Phase Two is currently before the Department of Public Health who are doing everything in their power to move the process along quickly. The bids were divided by labor and material elements and they received eleven labor bids and four material bids. Originally, they had specified 12-inch water lines and have upgraded to 16-inch waterlines.

Howard Lasser made motion that the Selectmen move to the Del Mar Drive Sewer Extension item on the agenda, seconded by George Walker. Motion carried unanimously.

DEL MAR SEWER EXTENSION: After a brief discussion, the Selectmen decided to schedule a special meeting to discuss the Water Pollution Control Authority's memo dated April 26th. The WPCA submitted a request to the Board of Selectmen pursuant to Section 71-6 of the Code of Ordinances for the proposed sewer extension on Del Mar Drive, and forwarded to the Selectmen for consideration and opinion for an appropriation of \$750,000 to pay for the costs of the project for a term not to exceed 20 years. At conclusion of discussion, **Howard Lasser made motion that the Selectmen table this item, seconded by George Walker. Motion carried unanimously.**

George Walker made motion that the Selectmen move to the Salon Ordinance item on the agenda, seconded by Howard Lasser. Motion carried unanimously.

SALON ORDINANCE: The Selectmen discussed the public comments and opinions received at the Public Hearing held prior to this meeting. Brookfield body care establishments were sent in advance of the Public Hearing a copy of the proposed ordinance and a letter explaining the purpose of the proposed Salon and Personal Care Ordinance. Mr. Lasser stated there seemed to be a general agreement that having a set of guidelines and the inspections are worthwhile. The State Statutes requires the Director of Health (or his/her designee) to inspect all such facilities regarding sanitary conditions annually for a fee of \$100. The compliance standards are already spelled out in the Statute. Since the state does not inspect such facilities, it is left to the individual towns to establish criteria and adopt local ordinances to regulate them. The Town's proposed Ordinance is more comprehensive to ensure the safety and health of all personal care clients. Mr. Lasser was hoping there would be a grace period for the businesses, where there might be two or three inspections before people would get fined. Dr. Sullivan responded that the purpose of repeat inspections is to educate and bring people and businesses up to date of what the current requirements are. He stated the town is going out to inspect these facilities every year. Mr. Davidson responded to the Selectman's concern that additional staff would not be needed and will not increase the town's costs, and that the fee schedule could be frozen for the next five years. At conclusion of discussion, **William Davidson made motion that the Selectmen adopt the proposed Ordinance as presented, seconded by George Walker. At conclusion of discussion, the motion carried by majority, with George Walker opposed.** Mr. Walker explained that he was not

opposed to the inspections, but feels very strongly that in this economy this imposes another regulation on top of businesses that is unnecessary. He stated he has not heard that there have been problems or issues with these fifty or so businesses. Mr. Lasser stated there were two big problems with government, too many laws and the other too few. He had no problem with being proactive in the area of health and not waiting for a problem to come up.

LETTER OF ENGAGEMENT: Howard Lasser made motion that the Selectmen approve the First Selectman co-signing the Letter of Engagement from Grant Thornton, LLP, and forward to the Board of Finance for approval and signature by the Chairman of the Board of Finance, contingent on final version and acceptance by the Board of Finance, seconded by George Walker. Motion carried unanimously.

RETAINER AGREEMENTS: At conclusion of discussion, George Walker made motion to authorize the First Selectman to sign the Retainer Agreement with Attorney Jack Garamella of Collins, Hannafin, Garamella, Jaber & Tuozzolo, seconded by Howard Lasser. Motion carried unanimously.

At conclusion of discussion, Howard Lasser made motion to authorize the First Selectmen to sign the Retainer Agreement with Attorney Anne Peters of Carmody & Torrance, seconded by George Walker. Motion carried unanimously.

FUND BALANCE POLICY AND ORDINANCE FOR COMMITTED AND SPECIAL REVENUE FUNDS: Mr. Lasser explained the need to have a Fund Balance Policy to establish and manage special funds as well as reporting unrestricted fund balance in the General Fund financial statements. An ordinance establishing committed funds and Special Revenue Funds creates a framework for which the fund is established, specification on sources of funding for the special fund, and designation of a management authority. Mr. Lasser explained that one is a policy on how the town is going to manage the fund and the other is to create the fund in the first place. Feedback is needed from the Police Department and Economic Development on how to manage the funds and who is responsible for them. He stated he spoke to the Board of Finance a few months ago regarding the first draft. The Selectmen will forward the draft to the Chairman of the Board of Finance and the Town Attorney

FOOD SERVICE ESTABLISHMENTS ORDINANCE CHAPTER 134: Mr. Davidson stated there are few verbiage changes in the ordinance. The ordinance has been revised to include a Temporary Food Event and Farmers' Market clause into it. At conclusion of discussion, Howard Lasser made motion that the Selectmen schedule a Public Hearing on Monday, June 4th at 7:15 p.m., at the High School Media Center, seconded by George Walker. Motion carried unanimously.

MEADOWBROOK MANOR: Mr. Davidson stated that the CT DEEP is taking positive steps to resolve the water issue in Meadowbrook Manor. Public Works Director Ralph Tedesco has recently responded to their request for a drainage study to analyze the impacts of the increased flows between Hoyt's Pond and Lime Kiln Brook, the pictures of the flooding, and a map of the common property that drains from Hoyt's Pond to Lime Kiln Brook.

POLICE UNION CONTRACT NEGOTIATIONS: Mr. Davidson updated the Selectmen on recent developments.

CONSENT AGENDA