

**BOARD OF SELECTMEN
MINUTES
FEBRUARY 3, 2014 – 7:30 PM
BROOKFIELD HIGH SCHOOL MEDIA CENTER**

CALL TO ORDER: First Selectman William Tinsley called the meeting to order at 7:30 PM.

PRESENT: William Tinsley, First Selectman; Marty Flynn, Selectman; William Davidson, Selectman; William Leverence, Controller; members of the public; Emily Cole Prescott, Recording Secretary

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

MONTHLY AGENDA ITEMS

PUBLIC COMMENT ON AGENDA ITEMS ONLY: The following people addressed the Board:

- Brian Frame of 4 Kimberly Drive
- Teresa Chach of 34 Rollingwood Drive

ANNOUNCEMENTS: Mr. Tinsley made the following announcements:

- For a period of twenty weeks, information about the Solarize Brookfield Program will be available to residents. Brookfield will have an opportunity to get low cost and subsidized solar proposals for their homes. The program is being run in the State of CT with Smart Power.
- Mr. Tinsley will deliver a message about the state of the Town on Thursday night (February 6th) at 7:30 PM.
- Brookfield Matters was published on February 1st.

CORRESPONDENCE: Mr. Tinsley stated that a certificate of achievement has been received for the Town's financial reporting for the year 2012. Mr. Tinsley noted correspondence from the Chair of the Ethics Committee, report from the Director of Health, and the report from the Assessor regarding the October 2013 grand list. Mr. Tinsley also noted correspondence received from Robert Orban and Howard Lasser.

MONTHLY FINANCIAL RESULTS: Controller Leverence reported the monthly financial results.

INFORMATIONAL PRESENTATIONS

Mr. Tinsley mentioned that he would like to start highlighting the volunteer boards and commissions throughout the Town on a monthly basis.

POLICE COMMISSION: Police Commission Chairman Al Sparaco was present to discuss the Police Commission's responsibilities. Mr. Sparaco stated that the Commission meets the first Wednesday of the month at the Town Hall. He noted that the Police Chief addresses the Commission each month regarding the activities that have occurred over the past month. The Police Commission oversees the budget, workings of the Police Department, and personnel issues. There are also ceremonies held for the swearing in and promotion of officers. Mr. Sparaco welcomed residents to come observe the meetings. Mr. Tinsley thanked Chairman Al Sparaco for speaking this evening.

PARKS REVITALIZATION AND STILL RIVER GREENWAY PLANS: Director of Parks and Recreation Dennis DiPinto addressed the audience regarding the Still River Greenway and the Parks Revitalization Projects. Mr. DiPinto presented plans of the Still River Greenway, which is a two-phase project. Phase One was the main parking area and a 1/8 of a mile trail which was completed in Spring 2011. This phase was done first because it did not involve work in a regulated wetland area, and because it made the Town eligible for grant funding. Phase Two is about two miles and is in the upland wetland review area. The trail proceeds from 777 Federal Road, proceeds about a third of a mile along the right-of-way of Route 202, crosses the river via a 165 foot bridge, and continues south close to the existing trail, near Arthur Harris Linear Park. The total length is 2 miles. The complete cost to the Town is approximately \$2.4 million dollars. Mr. DiPinto mentioned that federal grants equal \$1.9 million, which leaves the Town to match approximately \$400,000 to

\$500,000 since this grant requires a twenty percent match; it was an eighty, twenty split of federal to local funds. Mr. DiPinto noted that this trail will be a great asset economically to the Four Corners and also a great asset to Town Hall.

Mr. DiPinto reviewed the next project: Parks Revitalization Project – Mr. DiPinto explained that this project is a two-phase project, and the first phase has to do with the Cadigan Park. Mr. DiPinto stated that the bid will be awarded by mid to early Spring, and the plan is to break ground in the Spring. Mr. DiPinto mentioned that the Municipal Building Committee is overseeing this project as well. Mr. DiPinto stated that for phase two (the Town Beach), the expectation is to award the bid in mid to late Summer, and to commence construction in late Summer of 2014. The completion of Phase Two is planned for late Summer 2015. Mr. DiPinto shared a breakdown of the fund amounts which the Town had previously approved for this project.

Mr. Tinsley asked Mr. DiPinto if he had enough information about project cost, and Mr. DiPinto replied that a more accurate number will be determined in April, based on the review of the Army Corps of Engineers. Mr. Tinsley asked if it would be possible to put a special appropriation request on the budget referendum, and Mr. DiPinto replied that he believes it may be a possibility. Upon inquiry from Mr. Flynn, Mr. DiPinto stated that the Inland Wetlands Commission had reviewed the Still River Greenway Phase Two project, and had approved the project with stipulations. In reply to Mr. Davidson's question about the materials of the trail, Mr. DiPinto replied that the trail will be a multi-purpose, ADA compliant trail throughout, there will be a 165 foot bridge, and the trail will be paved. Mr. Davidson suggested that Mr. Tinsley, Atty. Beecher and Dennis DiPinto review the timeline required to determine if this matter could be added to the budget referendum in May.

NEW ITEMS

2013 FISCAL YEAR FINANCIAL AUDIT: Mr. Tinsley noted that the audit had identified unauthorized spending over a two-year period totaling \$1,175,520. Mr. Tinsley stated that the overspending impacted the fund balance by the \$1,175,520 amount, but that amount will be mitigated by a \$467,000 credit that was mentioned earlier in the Controller's Report. Mr. Tinsley stated that the eventual shortfall in the fund balance will be approximately \$710,000. Mr. Tinsley noted that the Town still needs to have a special appropriation to correct the over expenditure. Mr. Tinsley stated that he has received a memo from the Chair of the Board of Education requesting the special appropriation to cover unapproved expenditures identified in the audit in the fiscal year ending June 30, 2013 as follows: \$703,899 for the period ending June 2012 and \$471,621 for the period ending June 30, 2013 for a total special appropriation request of \$1,175,520. Mr. Tinsley read the email for the record. **Mr. Flynn made a motion to approve the Board of Education special appropriation in the amount of \$1,175,520 and forward it to the Board of Finance. Mr. Davidson seconded the motion.** Mr. Paul Checco of the Brookfield Board of Education stated that this request for the approval of the special appropriation is not a definitive end to the matter, and there have been discussions about how the Board of Education will repay the fund balance; he also noted that the issue of accountability is currently being addressed. Mr. Checco stated that the Board of Education is working with its counsel to discuss personnel matters, and matters in regard to contractual obligations. Mr. Davidson noted that it was his understanding that the issue had resulted over a period of number of years. Mr. Checco stated that the audit had covered both of the years, but that more information may be discovered during review of the matter. Mr. Tinsley asked Mr. Checco if he has an idea of how much over the current budget amount the Board of Education will be this year, and Mr. Checco responded that a better idea of the budget amount will be available around March or April.

Mr. Flynn moved to amend the motion to approve the Board of Education special appropriation in the amount of \$1,175,520 and forward it to the Board of Finance and to schedule a special town meeting on Monday, March 3rd at 6:30 PM in the Brookfield High School Media Center contingent upon approval by the Board of Finance. Mr. Davidson seconded the motion, and it carried unanimously.

STEAP GRANT AND SPECIAL APPROPRIATION FOR FOUR CORNERS STREETSCAPE IMPROVEMENTS: Mr. Davidson moved to recommend that the Board of Selectmen approve a 2011 STEAP Grant and special appropriation in the amount of \$790,000 for Streetscape improvements at the Four Corners, \$540,000 of which is coming from the STEAP grant and \$250,000 from the Town of Brookfield and forward to the Board of Finance for approval. The Town's portion is to be funded by the issuance of notes, temporary notes and/or long term obligation bonds, and also to schedule a special town meeting on March 3rd at 6:30 PM at the Brookfield High School Media Center, contingent upon Board of Finance approval. Mr. Flynn seconded

the motion, and it carried unanimously. Mr. Tinsley stated that this STEAP grant had began in the 2010- 2011 time frame in which the State committed \$250,000 to the Town, which required by contract a \$250,000 contribution from the Town. The State funds were to be used for construction by contract, and the Town funds were to be used as follows: \$120,000 for construction, \$80,000 for engineering work and \$50,000 for project contingency. Mr. Tinsley stated that the Town's \$250,000 share for this grant has never been approved. Since then, the grant has been amended to add \$290,000 of additional state funds from unspent funds from other state grants, which Mr. Tinsley believes were from water projects. The amendment to the contract would have increased the State funding of the contract to a total of \$540,000 from the State with the same \$250,000 contribution from the Town of Brookfield for a total of \$790,000. Mr. Tinsley noted that the motion covers this amended contract, so the Board would be approving a total of \$790,000, of which \$540,000 is from the State and \$250,000 from the Town of Brookfield with the sources and uses as outlined. Mr. Tinsley stated that there has already been some spending against this for engineering work by URS, although it has not yet been approved. Mr. Davidson suggested that the Board should fix what needs to be fixed and move forward, and he wants to make this to the benefit of the people of Brookfield. Mr. Tinsley stated that in many cases appropriations are approved for a project, but this special appropriation would be for part of a project, which will get this project started.

CHARTER REVISION COMMISSION: Mr. Tinsley recommended that the commission be made up of five members, because the State statute requires that no fewer than five members and no greater than fifteen be on the commission. He also noted that State Statutes limit the number of elected or appointed officials are limited to one-third of the total, which for a seven-member commission, is limited to two officials. In a commission of seven, only four from any one party can be on the commission. Upon inquiry from Mr. Davidson, Mr. Tinsley explained that the list of twenty people was generated from recommendations of the Republican Town Committee, from the Democratic Town Committee, from people who volunteered, and by searches of unaffiliated ranks. The Board reviewed the list for names of people that all three Selectmen would be willing to support for addition to this commission. **Mr. Tinsley made the following motion: Be it resolved that the Charter Revision Commission hereby appointed by the Board of Selectmen, be made up of seven members, in accordance with the Town Charter and State Statutes as follows: George Walker, Jon Van Hise, Linda Wagner, Fred Ball, Matt Grimes, Stanley Parker, and Dan Smolinik. And be it further resolved that, in addition to the topics selected for consideration by the commission members, the Board of Selectmen request the commission to consider: 1) the process by which the voters approve budgets for Municipal Operations, Board of Education Operations, Capital Projects, and Special Appropriations, with special consideration given to the bifurcation (i.e. voting separately on) of Municipal Operations, and Board of Education budgets; 2) to evaluate provisions for the recall of officials; 3) to evaluate the advisability of the Zoning Commission and the Zoning Board of Appeals to fill their own vacancies. And be it further resolved that the commission report back to the Board of Selectmen with the commission's draft report no later than Monday, April 28, 2014. Mr. Flynn seconded the motion, and it passed unanimously.**

AQUIFER PROTECTION AREA PROGRAM: Mr. Tinsley explained that there is a new aquifer protection area in Brookfield which is of the class in which one of the existing boards needs to be designated to be the Aquifer Protection Agency. Mr. Tinsley stated that the Zoning Commission has agreed to be this agency. **Mr. Davidson moved that the Board of Selectmen schedule a public hearing on March 3rd at 6:15 PM in the Brookfield High School Media Center to receive comment on the proposed ordinance with regard to the designation of the Zoning Commission as the Town's Aquifer Protection Agency. Mr. Flynn seconded the motion, and it carried unanimously.**

WPCA PAYROLL RESOLUTION: Mr. Tinsley stated that the WPCA has requested to start processing payroll for their own employees. Upon inquiry from Mr. Davidson, Mr. Tinsley responded that there was some question to be clarified about the WPCA employees continuing to receive the Town's post-employment benefits, to which matter this resolution provides for that clarification. Mr. Davidson mentioned that the Town Attorney should review the document. **Mr. Davidson moved to adopt the WPCA payroll resolution as it appears in item 3.e. of the minutes subject to final review by town counsel. Mr. Flynn seconded the motion, and it carried unanimously.**

WPCA INTERLOCAL AGREEMENT WITH DANBURY: Mr. Tinsley noted that this item is informational; the WPCA is pursuing renewal of their interlocal agreement with Danbury.

2014-2015 TOWN BUDGET TIME LINE: Mr. Tinsley reviewed the Town's budget time line. Mr. Tinsley highlighted that the Board of Selectmen will be planning special meeting budget workshops on Tuesday, February 18th, Thursday, February 20th, and Friday, February 21st all at 3:00 PM. Mr. Tinsley noted that he will discuss with the Selectmen with which department heads the Selectmen would like to meet.

Mr. Flynn made a motion to put the uranium arsenic ordinance back on the table. Mr. Davidson seconded the motion, and it carried unanimously.

URANIUM AND ARSENIC TEST OF PRIVATE WELLS: Mr. Tinsley stated that he had asked at the last meeting to table this discussion, so he could have some time to speak with a number of people. Since that time, Mr. Tinsley has spoken with the Director of Health, representatives at the Department of Public Health, the First Selectman and the Sanitarian in Somers, CT. Mr. Tinsley stated that he has also perused websites to find information and fact sheets relative to uranium and private water. He has also spoken with realtors and one developer. Mr. Tinsley also noted that the Town has made great efforts to install the water line. Mr. Tinsley noted that there are really no existing clinical data that says that this is a particular health risk in Brookfield. Mr. Tinsley stated that this particular ordinance as written overreaches in one area, and he thinks that he could support an ordinance that requires uranium and arsenic testing for new wells, but he sees the implementation difficulties with requiring this for existing wells and homes that already have COs. Mr. Davidson noted that the proposal at this point only requires information and not remediation. Mr. Davidson stated that he is strongly in favor of this ordinance, as it will just inform people who may be buying a home here from another state. Mr. Davidson stated that if this ordinance is not passed tonight, he is hopeful that the First Selectman will bring the ordinance back at least for the testing of private wells, as a start. Mr. Tinsley stated that the fact sheets from the Department of Public Health are being given to each homebuyer on a voluntary basis by the realtors. Mr. Tinsley stated that the fact sheets could be posted to the website. Mr. Flynn stated that he would also support the requirement for the testing of new wells. **Mr. Tinsley made a motion to pass the ordinance as amended. Mr. Davidson seconded the motion. Motion failed, with Mr. Flynn and Mr. Tinsley in opposition, 1-2.**

UPDATES

URANIUM AND ARSENIC TEST OF PRIVATE WELLS: This item was discussed above under new business.

4 MURPHY'S LANE/MERWIN BROOK RD – OFFER TO PURCHASE 7.75 ACRE PARCEL FOR OPEN SPACE: Mr. Tinsley stated that the Town has received the appraisal for this property. Mr. Tinsley recommended that the Board take no further action.

Mr. Davidson moved to amend the agenda to give an update of the Meadowbrook Manor and the flooding there. Mr. Flynn seconded the motion, and it carried unanimously.

MEADOWBROOK MANOR UPDATE: Mr. Tinsley stated that a letter had been received on January 16th from the Department of Emergency Services and Public Protection from the Division of Emergency Management & Homeland Security. Mr. Tinsley stated that there was a Hazard Mitigation Grant Program which had a total of \$16 million available, and 23 projects totaling \$45 million have been selected for further review, of which this project for Meadowbrook is included. These 23 projects total \$45 million and are still competing for the funding, and the next step of that review process is a cost-benefit analysis. Mr. Tinsley stated that each resident of the Meadowbrook Manor neighborhood had been asked to provide information about losses which they may have incurred over the years. Thus far, the response has been slow. Mr. Davidson stated that there may not be that many homes, but the losses are concentrated and serious.

CONSENT AGENDA

BOARD OF SELECTMEN MEETING MINUTES: 01/06/14

NEW HIRE REPORT:

New Hires: Lauren Petriccione, Senior/Social Services Program Coordinator (PT); Michelle Rae Berg, Program Coordinator (PT)
Separations: Donald Eirich, Road Foreman

SELECTMEN APPROVALS FOR ROUTINE MATTERS:

- a.) State of CT Homeland Security Resolution
- b.) Residential Lease Agreement – 35 Obtuse Hill Road

DRIVEWAY BOND RELEASES (\$750):

34 Knollcrest Drive

36 Knollcrest Drive
45 Riverford Road
8 Winding Road
117 Long Meadow Hill Road
10 Pleasant Rise
8 Nicole's Court, Lot 4

ZONING COMMISSION BOND RELEASES:

3 Granite Drive - \$4,600 #200900538
50 North Mountain Road - \$3,400 #200200237
20 Vale Road - \$38,197.50 #201200935

Mr. Flynn moved that the Selectmen approve all items a through e on the consent agenda. Mr. Davidson seconded the motion, and it carried unanimously.

ADDITIONAL MONTHLY AGENDA ITEMS

APPOINTMENTS:

- a.) Kevin McCaffrey and Susan Balla [Alternate] – Commission on Aging – Mr. Flynn moved to appoint Kevin McCaffrey and Susan Balla for the Commission on Aging. Mr. Davidson seconded the motion, and it carried unanimously.
- b.) Michelle Kukk, Mark Forlenza & Mark Mulvaney – Inland-Wetlands Commission – Mr. Flynn made a motion to appoint Michelle Kukk, Mark Forlenza, and Mark Mulvaney to the Inland Wetlands Commission. Mr. Davidson seconded the motion, and it carried unanimously.
- c.) Ryan Murphy [Alternate] or Michael Zacchea – Police Commission – Mr. Flynn made a motion to appoint Ryan Murphy to the Police Commission as an alternate. Mr. Tinsley seconded the motion, and Mr. Davidson abstained; motion passed, 2-0-1.
- d.) Leonard Bibbbo [Alternate] – Zoning Board of Appeals – Mr. Flynn moved to appoint Leonard Bibbbo to the Zoning Board of Appeals. Mr. Tinsley seconded the motion, and it carried unanimously.
- e.) Jim D'Entremont [Alternate] – Zoning Commission – Mr. Flynn made a motion to appoint Jim D'Entremont to the Zoning Commission. Mr. Tinsley seconded the motion, and it carried unanimously.
- f.) Mary-Caitlin-Harding – Zoning Citation Hearing Officer – Mr. Flynn moved to appoint Mary Caitlin-Harding as a Zoning Citation Hearing Officer. Mr. Tinsley seconded the motion, and it carried unanimously.

Mr. Davidson made a motion to add to the agenda item 6.c., executive session to discuss a personnel matter. Mr. Flynn seconded the motion, and it carried unanimously.

PUBLIC COMMENT ON ANY TOPIC: The following residents addressed the Selectmen:

- Matt Grimes of 6 Horse Hill Road
- George Walker of 24 Lillionah Drive

Discussion regarding appointments: Mr. Grimes during public comment stated that the Board had not specified which members were appointed as alternates and which members were appointed as regular members. Mr. Flynn moved to reconsider the appointments so as to ratify and approve those appointments and alternate slots where noted. Mr. Davidson seconded the motion, and it carried unanimously.

The Board returned to Public Comment, and the following residents addressed the Selectmen:

- Pamela Kurtz of 154 North Lake Shore Drive
- Ray Lubin of Andover Court

At 9:37 PM, Mr. Tinsley stated that the meeting is adjourned to Executive Session. The three Selectmen left the meeting room to enter into Executive Session, as noted above.

EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER: Mr. Tinsley made motion to enter into Executive Session with the Board of Selectmen at 9:40 p.m., seconded by Mr. Flynn. Motion carried unanimously.

Mr. Tinsley made motion to come out of Executive Session at 9:49 PM. No motions were made during Executive Session.

ADJOURN: Mr. Flynn made motion to adjourn at 9:50 p.m., seconded by Mr. Davidson. Motion carried unanimously.

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