

**MINUTES**  
**SPECIAL BOARD OF SELECTMEN MEETING**  
**4:00 PM, TUESDAY, FEBRUARY 3, 2015**  
**BROOKFIELD TOWN HALL – MEETING ROOM 133**

**CALL TO ORDER:** First Selectman William Tinsley called the meeting to order at 4:03 PM.

**PRESENT:** First Selectman William Tinsley; Selectman Martin Flynn; Selectman William Davidson; Town Attorney Thomas Beecher; Controller William Leverage; members of the public; Recording Secretary Emily Cole Prescott

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.

**PUBLIC COMMENT:** The following addressed the Board:

- Eileen Koch of 10 Hunting Ridge Road
- Eileen Straiton of 9 Wood Creek Road
- Catherine Malek of 4 Apache Drive
- Alia Moudud of 29 Sunset Hill Road
- Jamee Moudud of 29 Sunset Hill Road
- Ron Jaffe of 21 White Pine Drive
- Dr. Chris Kukk of 4 Terry Lane
- Jamie Klavans of 11 Willow Run

**ANNOUNCEMENTS:** Mr. Tinsley made the following announcements:

- On March 20<sup>th</sup> from 7:00 to 9:00 PM, Peter Brady, founder and president of the Handyman Non-Profit Ministry in Brookfield, will be sponsoring a two-hour program to discuss drug abuse and the road to recovery.
- Brookfield Cares is sponsoring a hope and support group which meets every Monday night from 7:00 to 9:00 PM in the Brookfield Senior Center, and is focused on those affected or who have loved ones affected by substance abuse or other at-risk behaviors.
- The updated Plan of Conservation and Development was due June, 30, 2014, but there is now an agreement received from the Office of Policy and Management acknowledging the June 30, 2015 due date.
- Flood certification for Still River Greenway Phase II has been approved.

**CORRESPONDENCE ADDRESSED TO BOS:** Mr. Tinsley noted receipt of the following pieces of correspondence:

- Reportable Diseases Summary for the Board of Selectmen – 2014 from Director of Health Dr. Raymond Sullivan
- Email from Jean Hartnett to the Board of Selectmen dated 01/17/15 Re: Meadowbrook Flooding Mitigation Funding
- Email from C. Burch to the Board of Selectmen dated 01/18/15 Re: Folding [sic] at 12 Hillside Court
- Letter from R. Montgomery of Brookfield Cares
- Memo from K. McPadden of the WPCA to Town Clerk J. Locke dated 01/30/15 Re: Election of WPCA Officers

**MONTHLY (JANUARY 2015) FINANCIAL RESULTS:** Mr. Leverage reported the Monthly Financial Results.

**NEW BUSINESS**

**BOE BUDGET PRESENTATION:** Mr. Tinsley explained that this was originally the only item on tonight's special meeting agenda. However, due to the cancellation of last night's special Board of Selectmen meeting, items from last night's agenda were added to this agenda. Acting Superintendent Ralph Iassogna presented the Board of Education's Budget for the 2015-2016 fiscal year. Interim Business & Finance Director Gregg Miller, and Charles Manos, Director of Special Education, were present to discuss and answer questions regarding the presentation. Acting Superintendent Iassogna stated that this budget resulted from an extensive amount of input from Brookfield's citizens as well as a thorough review of the educational community. Acting Superintendent Iassogna asked that the budget document be judged on the content of the request. Acting Superintendent Iassogna stated that whatever monies are received from the Town will be used in a cost-effective and wise manner, responsibly, as indicated in the initial budget. The request reflects an increase of 5.92%. Acting

Superintendent Iassogna stated that the Brookfield schools shape students for college and ultimately for careers. Programs offered at the Brookfield public schools were discussed, and the rationale for the requested budget items detailed.

Mr. Davidson stated that school buildings are Town buildings, and the burden of the budget for building maintenance/repair should not be part of the BOE's budget planning, but rather should be part of the Town's budget. Acting Superintendent Iassogna replied that large expenditures for repair of school buildings should be a part of the five-year capital plan, which could be funded by a bond, short-term loan, or the general fund, and he noted that the BOE's budget should include small, routine projects, but not capital projects. Mr. Davidson further noted that additional staff required for the maintenance of school buildings should probably not be included in the BOE budget. He mentioned that the Board of Finance and Board of Selectmen, himself included, should educate themselves about special education, and he suggested that the Boards work with Charles Manos to schedule site visits. Upon inquiry from Mr. Davidson about what last year's "status quo" budget would have been, Interim Business & Finance Director Miller mentioned that last year's budget would most likely have been an approximate 2.93% increase, although a completely accurate percentage is not currently available.

Mr. Tinsley mentioned the funds (\$100,000 cash-to-capital in the Municipal budget) set aside for the demographic study phase two. He also asked that if the money is not spent by June 30<sup>th</sup> of this year, if the funds may be used in another year without need for another special appropriation. It was noted that Controller Leverence and Atty. Beecher will discuss this matter.

Mr. Tinsley referenced the BOE budget planning session which had been held last October. Mr. Tinsley mentioned that some budget items will be decreasing in cost while others will be increasing. He referenced the oil-heat portion, the pension contribution, and the health costs as decreasing budget amounts. It was mentioned that for FY15-16, there will be 29 fewer students enrolled within the District. Acting Superintendent Iassogna replied that part of the problem is that last year's budgeted amount was not an accurate figure. Mr. Miller mentioned that enrollment is a moving number, and these projections are based on a snapshot in time.

Mr. Tinsley asked if there is a plan to develop a team for the purpose of planning improvements at Huckleberry Hill School. Board of Education Chairman Mr. Scott McCarthy replied that there is a contract for this study to start the plan for possible improvements, and this is part of phase two of the demographic study.

Mr. Tinsley stated that he has enjoyed working with Greg Miller and with Ralph Iassogna. He noted that the working relationship among Town Hall and the Board of Education has greatly improved. Mr. Tinsley stated that speaking from a Town's perspectives, these two positions are very important, and asked that the BOE Chair speak in regard to replacement of the two positions. BOE Chair Scott McCarthy stated that the position for the Business & Finance Director has been posted. Mr. McCarthy also stated that a firm has been identified to seek a permanent replacement for the position of Superintendent, and the firm will hopefully be engaged tomorrow night at the Board meeting, to which case there will be community involvement and vetting for the Superintendent. Mr. Iassogna mentioned the position for Principal of Brookfield High School for which the Board is also searching.

Mr. Manos stated that part of enrollment consideration should be the student sitting in front of the teacher. He also stated that he would be happy to take any Board members on a tour for further information.

*At 5:45 PM, the Board took a recess. The Board came back into session at 5:55 PM.*

**FY 2014 AUDIT:** Mr. Tinsley stated that under normal circumstances, cities and towns in CT are required to file their fiscal year audits (for years ending June 30<sup>th</sup>) by December 31<sup>st</sup>. An extension was filed due to the fact that expenses could not be reconciled relative to the Board of Education budget. A few days prior to the end of the month, an issue surfaced regarding the Brookfield High School construction project with the State Office of Administrative Services. Final settlements

for the construction of the high school were not completed until 2012. Along the way, as expenses were incurred for that construction, the Town had received reimbursements under the State grant totaling approximately \$7.6 million. The State Office has informed the Town that it has not complied with all of the requirements for reporting, specifically with respect to the contracts between Morganti and its subcontractors. Bid documents and final invoices are being requested by the State Office. Mr. Tinsley clarified that as a result of the audit, there was a preliminary notice from the State notifying the Town it may be liable to repay \$7.6 million to the State for the project, due to the Town's not complying with audit requirements. Mr. Tinsley has signed another extension for the audit on the last day of the month. Mr. Tinsley stated that the Town will need to work in cooperation with the contractor to compile all necessary documentation for the project. The Town has a new deadline of February 28<sup>th</sup> to comply with reporting requirements. The Town Attorney has been notified, and the Board of Education, Municipal Building Committee, and the Town will work together to comply with reporting requirements.

**PETITION TO OVERRULE ACTION OF THE BOARD OF FINANCE (BOE SPECIAL APPROPRIATION REQUEST):** Mr. Tinsley stated that this petition was related to an action of a Board of Education special appropriation request. Mr. Tinsley commented that the Town's Charter determines what action can and cannot be taken by the Town. Mr. Tinsley specifically referenced §C8-5, which had been modified in 2012, which then changed the provision to allow for the first time there to be a potential overrule to a Board of Finance action relative to an appropriation. Prior to that time, there was no provision to override an action of the Board of Finance. Since this petition has surfaced, this is the first time which §C8-5 has been used. After discussion and analysis by the Town Attorney, §C8-5 does not apply to this petition because the special appropriation request exceeded one half of one percent of the total Town budget. Atty. Beecher stated that charter provisions must be viewed as how they relate to one another, and he apologized to the Board for the delayed timing of his opinion. Atty. Beecher's opinion is that the action of the Board of Finance concerning the Board of Education's request for a special appropriation in the amount of \$400,000 is not subject to a town meeting override. This is because the \$400,000 request for a special appropriation was made pursuant to §C8-5(f), and that particular request in the amount of \$400,000 is actually then governed by §C9-4A&B. The \$400,000 request is more than one-half of one percent of the entire Town budget. Therefore, the matter is not something governed under C8-5A, which gives the Board of Selectmen the power to make certain special appropriations without a town meeting. Section C-94b states that no item can go to a town meeting that is outside of the override provision, so reading the Charter as a whole, it is his opinion that this particular provision does not apply to the action taken on January 14<sup>th</sup>.

Mr. Davidson asked what the path would be if the Board of Education requested a special appropriation of \$400,000. Atty. Beecher noted that the Board of Finance has already reduced the request to \$150,000, and this item would then return to the Board of Selectmen as per subsection F [of C8-5] to act on the \$150,000 amount, and the BOS can approve any amount from \$0 to \$150,000. Mr. Davidson asked what the Board of Selectmen should do, and Atty. Beecher clarified that the Board is not required to schedule a special Town meeting or a referendum. The Board of Selectmen must act on the action of the Board of Finance on January 14<sup>th</sup> which was to approve \$150,000. Mr. Davidson stated that this petition has been available for some time, and he is wondering why this opinion is available now. Atty. Beecher replied that he had reviewed the language of the petition with the Town Clerk, which was approved as to form at that time. Atty. Beecher clarified that unfortunately the petition needed to be viewed as a whole with the Charter. Mr. Davidson mentioned that nothing would preclude the Board of Education from making another special appropriation request, if they so chose. Mr. Davidson asked Atty. Beecher if he would be willing to meet with the Board of Education to discuss further clarification of this matter, and Atty. Beecher replied that if the Board of Education requested his attendance at a meeting, he would plan to attend. Scott McCarthy, Board of Education Chairman, commented on the matter. Atty. Beecher's opinion letter regarding this matter is also on file with the Town Clerk's Office.

Mr. Davidson mentioned that he was disappointed in the timing of the legal opinion. It was noted that the petition had been available for ten days.

**Mr. Tinsley moved that the Board of Selectmen approve the Board of Finance action for a special appropriation of \$150,000 to the Board of Education with the source of the funds to be from the Town's un-obligated fund balance.**

**Mr. Flynn seconded the motion.** Mr. Tinsley commented that he would like everyone who participated in signing the petition to view the Town's website and under the tab which has meeting videos, watch the two videos of the Board of Selectmen's December meetings and the video in which the Board of Finance took its action in a special meeting on January 14<sup>th</sup>.

Mr. Davidson reviewed that at the first December meeting where the \$400,000 request was discussed, there were two amounts within that budgeted \$400,000 amount of which did not need to be funded: medical for \$90,000 [payment to reserve fund] and workers' compensation costs of \$33,000 [premium payment], both of which amounts had already been paid by the Town. If these amounts were subtracted from the original request, the remaining amount was \$277,000. Acting Business and Finance Director Mr. Miller reported that the Board of Education has taken actions to close the remaining \$127,000 gap. Acting Business and Finance Director Mr. Miller stated that it was his understanding based on recommendation from the auditors that the Board of Education ascertain something in writing from the Town pertaining to the medical and the workers' compensation. Mr. Tinsley stated that the assurances on the action of this Board have been given, the meeting recorded, and minutes available of previous meetings for documentation purposes. **The motion carried, 2-1, with Mr. Davidson opposed. 2:41**

**REFUNDING BONDS FOR WATER LINE PROJECTS – ISSUANCE PROGRESS UPDATE BY FIRST SELECTMAN:**

Mr. Tinsley explained that in 2010 and 2012, the Town issued tax-exempt general obligation bonds that had funds for some projects which are not tax exempt. The Town has to refund portions of the bonds which were not tax-exempt. The Town will pay \$400,000 additional costs for bond premiums and rates, and a tax penalty with the IRS of about \$400,000 and issuance cost of approximately \$150,000. These amounts will impact the assessments along the waterline which have not yet been made. The assessments will include about \$950,000 which had not been previously anticipated. The Town is in the process of issuing the bonds now. There was discussion with the financial advisor, Town Controller, BOF Chair, and Treasurer, regarding this matter.

**FY 2016 BUDGET CALENDAR:** Mr. Davidson moved that the Board empower the First Selectman to set the budget discussion dates consistent with the Charter. Mr. Flynn seconded the motion, and it carried unanimously.

**BOARD OF ETHICS LETTER DATED 12/03/14:** Mr. Davidson noted that the Board of Ethics had eight recommendations. He noted two items on the First Selectmen expense account, and the suggestion was that the items be passed through and approved by the BOS. Mr. Davidson asked about the current procedure used when the First Selectman submits an expense to be paid. Mr. Tinsley replied that the Controller reviews and approves the First Selectman's expense requests. Mr. Davidson suggested that the request, if rejected by the Controller, be presented to the Board of Selectmen as a rejected request by the Controller. Mr. Davidson asked that this item be added to an upcoming agenda. Mr. Tinsley noted that he would like to have this discussion now.

Mr. Davidson and Mr. Tinsley discussed the matter. Mr. Tinsley asked the Town Attorney to comment on the Board of Ethics recommendations. Atty. Beecher stated the Board of Ethics did not come to a specific conclusion that made a finding that there was unethical behavior in regard to that specific recommendation. Atty. Beecher stated that the Ethics Board can make recommendations of disciplinary actions if there has been a finding of unethical behavior. In this case, some suggestions have been made to the Board.

**OLD BUSINESS**

**2015 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM:** Mr. Flynn moved that the Board of Selectmen schedule a public hearing on Monday, March 2, 2015 [at 7:00 PM] in Meeting Room 133 to discuss the FY 2015 and solicit citizen input. Mr. Davidson seconded the motion, and it carried unanimously.

**MEADOWBROOK MANOR FLOODING MITIGATION:** Mr. Tinsley stated that he has received a call from Senator Blumenthal's office and has started a discussion about a potential partnership to put together the funding to the capital project that would be needed at Meadowbrook Manor.

**SOUTHERN FEDERAL ROAD WATERLINE:** Mr. Tinsley stated that this project is complete, with the exception of the resurfacing of the road from the bank to the Town line.

**PTAK PROPERTY:** Mr. Tinsley briefly reported on the status of the PTAK Property.

**POST-EMPLOYMENT BENEFITS TRUST ORDINANCE:** Mr. Flynn moved to schedule a public hearing for Monday, March 2, 2015 at 6:45 PM in Room 133 for the purpose of receiving public comment and opinion concerning the proposed Post-Employment Benefits Trust Ordinance. Mr. Davidson seconded the motion, and it carried unanimously.

### **CONSENT AGENDA**

Mr. Tinsley reviewed the items on the consent agenda. Upon inquiry from Mr. Davidson about item 4, Vernal Pool Monitoring Program, Mr. Tinsley replied that he has not spoken yet with Sharon Fox, Chairman of the Inland Wetlands Commission, about this matter.

**BOARD OF SELECTMEN MEETING MINUTES:** 01/5/15; 01/14/15

### **NEW HIRE REPORT:**

- Devon Oliver: FT Dispatcher
- Lisa Yu: FT Assistant Sanitarian
- Dian Eng: FT Land use Secretary
- Maria Wallenta: PT Dispatcher

### **SELECTMEN APPROVALS FOR ROUTINE MATTERS**

- 1.) 2014 Tree City USA Application for Certification
- 2.) Adoption of Homeland Security Resolution Request by the Fire Marshal for the State of CT Division of Emergency Management and Homeland Security, Department of Emergency Services and Public Protection
- 3.) Municipal Resolution: Resolution for the Town Treasurer to sign all paperwork for the issuance of a Lost Certificate replacement of Textron stock held in the name of the town for the benefit of the Waidelich fund
- 4.) Vernal Pool Monitoring Program: Agreement to participate in CAWS/Connecticut Association of Wetlands Scientists Vernal Pool Monitoring Program

### **ZONING COMMISSION BOND RELEASE:**

a.) 200 Federal Road #201200055 Zoning Commission has rescinded its decision on 12/1/14 to call the original bond and accepts the \$40,000 bond reduction (This item was tabled at the 1/5/15 BOS meeting). As a result of the recommendation of the Zoning Commission determining that the amount of bonding to be left in place is \$40,000 and based upon the fact that a new bond has been posted in the amount of \$40,000, the Board of Selectmen moves to rescind the Board decision to call the entire \$250,000 bond.

**CONSENT AGENDA MOTION:** Mr. Davidson moved to adopt the consent agenda with the exception of item 4 [Vernal Pool Monitoring Program]. Mr. Flynn seconded the motion, and it carried unanimously.

### **ADDITIONAL MONTHLY AGENDA ITEMS**

#### **APPOINTMENTS:**

- a.) Brookfield Housing Authority: Mr. Davidson moved to appoint Concetta (Connie) Hunt to a Regular Appointment to the Brookfield Housing Authority. Mr. Flynn seconded the motion, and it carried unanimously.
- b.) Water Pollution Control Authority: Mr. Davidson moved to appoint Pat Beccaria from an alternate to a regular member of the WPCA. Mr. Flynn seconded, and the motion carried unanimously.
- c.) Water Pollution Control Authority: Mr. Davidson moved that Matt Brown be named as an alternate appointment to the WPCA. Mr. Flynn seconded the motion, and it carried unanimously.

d.) Library Board of Trustees: Betsy McIlvaine stated that her letter was written on behalf of the Board, and her understanding was that Tammy Coleman was to resign as she is moving out of town. This would be the appointment which Christina Cumberton would fill. Mr. Tinsley asked that this item be added to next month's meeting agenda, or until the person who currently holds the position resigns. No motion.

**PUBLIC COMMENT:** The following person addressed the Board:

- Betsy McIlvaine of 127 Long Meadow Hill Road

**ADJOURN:** Mr. Tinsley made a motion to adjourn at 7:20 PM, which motion was seconded by Mr. Flynn. The motion carried unanimously.

DRAFT