

MINUTES
BOARD OF SELECTMEN MEETING
BROOKFIELD TOWN HALL – ROOM 133
MONDAY, JANUARY 4, 2016
7:30 PM

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

PRESENT: First Selectman Steve Dunn; Selectman Sue Slater; Selectman Marty Flynn; Town Attorney Thomas Beecher; Controller William Leverage; members of the Board of Finance*; Diane Cerasoli, Board of Finance Recording Secretary; members of the BHS Bobcats Football Team – Class M State Champions; members of the public; Board of Selectmen Recording Secretary Emily Cole Prescott

**Note: The Board of Finance was also present at this meeting, for the purpose of viewing and participating in the Streetscape Improvement Project Presentation. Please refer to the BOF Special meeting notes dated 01/04/16 for details of their special meeting.*

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

MONTHLY AGENDA ITEMS

PUBLIC COMMENT: The following residents addressed the Board:

- Rich Saluga, 32 Great Heron Lane
- Ron Jaffe, 21 White Pine Drive

ANNOUNCEMENTS: First Selectman Steve Dunn made a proclamation to the Brookfield High School Bobcats Football Team – Class M State Champions – The team has won the championship, and he commended the Teams on the recent games. He presented a certificate of recognition to the present Team members. No motions.

CORRESPONDENCE ADDRESSED TO THE BOARD OF SELECTMEN: The following pieces of correspondence were noted:

- Email from Howard Lasser dated 12/15/15
- Letter from Richard Sturdevant dated 12/01/15

No motions.

MONTHLY FINANCIAL RESULTS: Controller Leverage reported the monthly financial results. No motions.

NEW ITEMS

HISTORICAL SOCIETY PAYMENT REQUEST: The Historical Society had the museum exterior painted in October, 2015; however, the funds were only allocated from July 2014 to June 2015 and FY 14-15 has been closed out. **Selectman Slater made a motion that the Board of Selectmen recommends that the Board of Finance approve the appropriation amount of \$13,510 from Fund Balance for the completed museum painting work. Selectman Flynn seconded the motion, and it carried unanimously.** Mr. Dunn stated that this had been planned in the budget during the 14/15 FY, but was not painted until this fiscal year.

OPERATIONS AND MANAGEMENT AGREEMENT: Aquarion Water Company of CT (AWC) and Town of Brookfield Agreement to retain AWC to operate and maintain water facilities in Town. **Selectman Flynn made a motion that the Selectmen approve the Operations and Management Agreement between the Town and Aquarion Water Company,**

as reviewed by the Town Attorney, which is attached to tonight's meeting packet. Selectman Slater seconded the motion, and it carried unanimously.

UPDATED TOWN OF BROOKFIELD MUNICIPAL ADMINISTRATION FRAUD POLICIES AND PROCEDURES:

Selectman Flynn made a motion, having taken some comment from the public, and recently received this package, to table this item, and possibly work on it in a workshop to review it before formally adopting it. Selectman Slater seconded the motion, and it carried unanimously.

2014-2015 SHORT TERM FINANCE REQUEST: First Selectman Dunn made a motion that the Selectmen approve the Town Controller's request to enter into a short term financing agreement with Union Savings Bank completed 2014-2015 Projects in the amount of \$365,290, and forward the recommendation to the Board of Finance for approval. Selectman Flynn seconded the motion, and it carried unanimously.

At this time, the Board of Finance Chairman convened a special meeting of the Board of Finance for the purpose of the two Boards to view and participate in the Streetscape Improvement Project Presentation. Please refer to the minutes of the BOF special meeting for full details of the BOF's special meeting.

UPDATES

STREETSCAPE IMPROVEMENT PROJECT PRESENTATION: Mr. Greg Dembowski, Project Manager, thanked the Board of Selectmen and Board of Finance for allowing him to present this project update at tonight's meeting. Also present for this update was Mr. Steve Mitchell, Lead Engineer of AECOM. Mr. Dembowski distributed for review proposed plans of the streetscape as well as the document entitled "Streetscape Project Presentation" dated January 4, 2016. Mr. Dembowski reviewed the document, beginning the presentation with key resources for this project, with information on their involvement.

Steve Mitchell shared some of his background with the Commission. Mr. Dembowski clarified that Mr. Mitchell of AECOM has been hired by the Town to bring the plans ready for bid and into construction-ready documents. Mr. Mitchell explained that the use of Federal Road in this area had been intended to carry cars through the rush hour, and this proposed use in the Town Center District will now include pedestrians, bicycle traffic, and the accommodation of these various uses. Street parking along Federal Road helps to create a buffer between pedestrians and the parking, makes a convenient space for people stopping, and fits well with the normal downtown design. Lanes east and west will be re-aligned according to this proposal, and the operation of the intersection will be improved to be more efficient for traffic and pedestrians. Currently, with this phase, the sidewalks have been proposed to some reasonable stopping point, which coincides with property boundaries, so the sidewalks may be continued upon re-development by other developer(s). Phase two includes more sidewalks as well as connection to the bike path which is currently under construction in the area (Still River Greenway). Mr. Mitchell explained the purpose of the colors on the proposed plan presented at tonight's meeting.

Mr. Dembowski explained that the planning of the project has been broken into phases, due to funding constraints. Mr. Flynn clarified with Mr. Mitchell that diagonal parking is not an option from discussions since had with the State. The plan now shows parallel parking.

M. Mulvaney, BOF member, asked about the spaces on the street, as he noted eighteen. Mr. Mitchell stated that most of the available handicapped parking would be located in the private lots off of the street. Mr. Dembowski noted the location of four buildings on this currently proposed plan which correspond to the Brookfield Village. M. Mulvaney asked if there has been parking taken into account for those walking the street. Allan Rothmann of Brookfield Village LLC clarified that the parking in the lot for Brookfield Village is designed for use by the residents and retail spaces of Brookfield Village LLC. It was also clarified that the proposed parking on the streets is not intended for Brookfield Village.

Mr. Mitchell also pointed out the location of a new crosswalk from the Craft Center to the other side (near the Brookfield Market). An expansion of the small tear drop island on the east side will also be added. The end result would be continuous sidewalk and improved road conditions.

M. Mulvaney clarified that the bridge area is not scheduled to be widened, and Mr. Mitchell clarified that the sidewalk will be connected to the sidewalk currently located in the area of the bridge. M. Mulvaney also clarified that the current sidewalk meets code for width, and Mr. Mitchell replied in the affirmative. Upon inquiry from Selectman Slater, Mr. Dembowski replied that, according to this plan, the proposed sidewalk for phase one will end at the bank, before Panchos & Gringos.

Upon inquiry about general parking and traffic congestion throughout the Four Corners area based on the current as well as proposed uses in the Town Center, Mr. Mitchell replied that AECOM has not been tasked to answer the questions which have just been asked. Mr. Mitchell clarified that if a developer would want to construct a building or development, that developer would be required to show how the proposal would impact traffic in the area. If the Town or the State felt as though the proposed development would impact the intersection, the developer would be required to mitigate that issue.

The Town's proposal has included that the northbound turn lane starts far enough back so that the traffic into Brookfield Village LLC fits better with the design of the intersection. First Selectman Dunn summarized that fewer people may park on the main street, but there would be parking in the rear to accommodate the retail and residential development.

M. Mulvaney stated that his concern is people being able to walk and enjoy the streetscape. Since angular parking will not be permitted, this parallel parking is the next best option. M. Mulvaney expressed concerns of the Town's losing sight of the original downtown center vision. Mr. Dembowski stated that this is just phase one of the project, as this phase one is what the Town may be able to afford now. Mr. Mitchell explained some of the features of the streetscape, which include slightly widening the road to extend the turn lane away from the intersection, shoulders with eight to ten foot walk areas on both sides, and eight foot wide cut outs for the parking spaces. These improvements will create an atmosphere which accommodates a variety of users, and not just vehicular traffic.

Mr. Mitchell reviewed that much input from people in the Town had been received about the type of sidewalks to be constructed; this input included online surveys/studies. Proposed is a concrete walkway with brick pavers to accent the walkway. The concrete surface is easier to maintain and offers a better walking path. A granite curb is proposed which is a strong material without much need for maintenance. The light pole follows the Town's standards for decorative lighting, and the Town is now working on this final design. Because this is a Town road way, the state standards must be followed for lighting in the area as well.

There will also be a new type of traffic pedestrian crossing device known as a rapid flashing beacon, to be installed at the pedestrian crossing near the Craft Center. Mr. Mitchell explained how this system works. Mr. Mitchell stated that there has been high success rates with these types of crossings in other places.

Concerns about the options to repair, replace and replicate light poles were mentioned. Mr. Mitchell clarified that the light poles and fixtures were chosen as the standard for the Town, by Apex Lighting which had produced the lighting standards and had helped with the decision of the light pole. The electricity used to power the lights is also paid by the Town. The estimate for each light fixture, including the concrete to mount it, is \$4,000, which estimate is from Apex Lighting. Loop detectors versus video systems were briefly discussed.

Summary of Phase One: Mr. Dembowski shared construction costs of the proposed project for phase one. He indicated to the Boards that conservative cost estimates have been used. The project now has a five percent contingency; this percentage has been determined appropriate, based on the level of engineering done. There are a number of utility poles that would need to be relocated as part of phase one. The Town has spent \$280,000 to date. The \$106,000 for Dakota

Partners has not yet been reimbursed, and will be reimbursed when the developer has proven that the work has been done according to the streetscape requirements.

Mr. Dembowski noted signage in two places in this project – the business signs and the streetscape signs. The question is whether to relocate existing business signs, or establish a zoning regulation for a standard for signage to make the area feel more like a town center. Mr. Dembowski stated that he is on an upcoming Zoning Commission's agenda to have this discussion.

Mr. Harding, State Representative, spoke regarding the STEAP grant funding. He indicated that the Town should have an answer within the next month or so. Mr. Dembowski noted that for the 2016 STEAP grant application, Steve Harding and Clark Chapin have agreed to co-author a letter in support of the latest application made by the Town.

Phase two would extend the walkways through the rest of the Town Center District. Phase three includes some land acquisition, and possibly more parking.

AECOM's detailed construction costs were briefly reviewed. M. Mulvaney commended Greg Dembowski for his work, and asked some questions of clarifications. M. Mulvaney asked if the entire road must be re-paved, and Mr. Mitchell replied that when the limits of construction and proposed work were evaluated, the road could be patched, but the desire would be most likely to pave the road. The profile is not changing, but the cross slopes are, due to the expansion of the parking. Mr. Mitchell stated that as the Town progressed through the estimates, the plans were more refined, and the estimates then increased. There have been some changes to the scope of the project since the start of the project.

Mr. Dembowski stated that there are grants outside of the OPM (Office of Policy and Management), and although he has not yet applied for other grants, he asked that if anyone knows of grants available, to let him know and he will be happy to complete the application. In the best case, the Town will be short \$296,000. In the worst case scenario, the shortfall would be \$1,727,000. These amounts are based on the assumption that funds originally planned as part of phase two would be moved to phase one.

Mr. Dembowski also shared a picture of the proposed Brookfield Village project, with and without utility poles. Further expenses of underground power were briefly mentioned. First Selectman Dunn stated that he feels as though properties with underground power are more valuable.

First Selectman Dunn noted conversations he had had with either First Selectmen or Mayors of other Towns: Ridgefield, Bethel, and New Milford, and the positive benefits of either underground power or in two cases, the Towns' retroactive desire to have installed underground power.

Mr. Dembowski stated his recommendation is that both Boards schedule a referendum for late February to approve funding for phase one of this project. First Selectman Dunn thanked Greg Dembowski and those who participated for their presentation.

STILL RIVER GREENWAY: First Selectman Dunn reported that as of December 18th the Town is officially in winter shutdown with no work happening until about April 1, 2016. The 170' pedestrian bridge will be installed in April and all timber supported crossings completed by early summer. The goal for project completion is mid to late July 2016.

TOWN BEACH/CADIGAN PARK: First Selectman Dunn reported that all contracted and punch list items have been completed by Hawley Construction. Final project close-out should be completed in the next few weeks.

MEADOWBROOK MANOR: First Selectman Dunn reported that the project is out to bid with a public bid opening date of January 14, 2016.

HOMELAND TOWERS: Homeland Towers LLC has filed a zoning application for the construction of a tower behind the firehouse that is capable of supporting antennas of multiple wireless telecommunication providers including the Town emergency service providers. Homeland Towers has scheduled a Public Information Meeting on Wednesday, January 27 at 7 PM in Meeting Room 133. A Public Hearing was held on 01/06/14 for public comments on the proposed cell tower lease; and residents voted to approve the Option and Ground Lease Agreement at a Special Town Meeting on 02/03/14. No motions.

CONSENT AGENDA

BOARD OF SELECTMEN MEETING MINUTES: December 7, 2015; December 9, 2015

STAFFING CHANGES FOR THE MONTH OF DECEMBER: No changes.

AMENDED BOARD OF SELECTMEN 2016 MEETING SCHEDULE

SELECTMEN APPROVAL FOR ROUTINE MATTERS:

- 1.) 2015 Tree City USA Application for Re-Certification
- 2.) Resolution to approve Union Savings Bank as Bank for municipal accounts and approving First Selectman and Treasurer as signatories.

DRIVEWAY BOND RELEASES IN THE AMOUNT OF \$750:

- 1.) 80 Riverford Road #2121

EXCAVATION BOND RELEASES:

52 Indian Trail #10-13-15, A.T.P. Landscaping, final bond release

INLAND-WETLANDS COMMISSION BOND RELEASE(S):

- 1.) 871 Federal Road #201200837 for planting bond for "Riverview of Brookfield" of \$4,048.35

ZONING COMMISSION BOND RELEASE(S):

- 1.) 901 Federal Road (Newbury Village) #200200697 Bond release of \$17,000 leaving \$3,000 remaining for pending landscape
- 2.) 227-235 Federal Road #201300259 final bond release of \$9,000

CONSENT AGENDA MOTION: Selectman Flynn made a motion that the Selectmen approve all the items on the consent agenda. First Selectman Dunn seconded the motion, and it carried unanimously.

ADDITIONAL MONTHLY AGENDA ITEMS

APPOINTMENTS:

- 1.) Ernest Henninger [R] – Appointment to the Arts Commission – **Selectman Flynn made a motion to appoint Ernest Henninger to the Arts Commission. First Selectman Dunn seconded the motion, and it carried unanimously.**
- 2.) John R. Miller [D] – Appointment to the Arts Commission – **Selectman Slater made a motion to appoint John Miller to the Arts Commission. First Selectman Dunn seconded the motion, and it carried unanimously.**

EXECUTIVE SESSION: At 9:32 PM, Selectman Flynn made a motion to go into executive session to discuss a State Partnership Plan. No second to the motion.

A member of the public asked when the last public comment agenda item is scheduled.

Selectman Flynn made a motion to [amend the order of the agenda] to move [the last] public comment item to just before the first executive session. First Selectman Dunn seconded the motion, and it carried unanimously.

PUBLIC COMMENT: The following resident addressed the Board:

- Ron Jaffe, 21 White Pine Drive

Mr. Flynn withdrew his previous motion, relative to entering into the first executive session. There was no second to the withdrawal of the motion, as there had been no second to the original motion.

EXECUTIVE SESSION: At 9:35 PM, Mr. Flynn made a motion that the Board of Selectmen enter into executive session to discuss the State Partnership Plan and to invite Town Attorney Beecher, Recording Secretary Emily Cole Prescott, and Controller Bill Leverence into the executive session. Selectman Slater seconded the motion, and it carried unanimously. *Members of the public left the meeting room.*

At 9:44 PM, Selectman Flynn made a motion to come out of executive session. Selectman Slater seconded the motion, and it carried unanimously. No motions were made during Executive Session.

At this time, the public was informed that the first executive session had ended, and members of the public could re-enter the meeting room.

EXECUTIVE SESSION: At 9:45 PM, Selectman Flynn made a motion that the Board of Selectman enter into executive session to review an ethics Complaint BOS 2015-4 per General Statutes Sections 7-148h and 1-82a, Charter Article X and Ordinances Chapter 21, and to invite Town Attorney Tom Beecher into the executive session. Selectman Slater seconded the motion, and it carried unanimously. *Staff and members of the public not invited into the session left the meeting room.*

At 10:01 PM, First Selectman Dunn made a motion to come out of the executive session. Selectman Slater seconded the motion, and it carried unanimously. No motions were made during executive session.

At this time, the public was informed that the second executive session had ended, and members of the public could re-enter the meeting room.

Selectman Slater made a motion in relation to the ethics complaint [as noted in the executive session directly above], that the Board of Selectmen conclude that there is not probable cause to continue with the review and investigation of this matter. Selectman Flynn seconded the motion, and it carried unanimously.

EXECUTIVE SESSION: At 10:10 PM, Selectman Flynn made a motion to enter into executive session to discuss the appointment of the Town Attorney. Selectman Slater seconded the motion, and it carried unanimously. *All except the Board left the meeting room.*

At 10:20 PM, Selectman Slater made a motion to exit the executive session. Selectman Flynn seconded the motion. The motion carried unanimously. No motions had been made during the executive session.

At this time, remaining staff members entered the meeting room.

First Selectman Dunn made a motion to hire Attorney Tom Beecher and his firm [Collins Hannafin, P.C.] as legal counsel for the Town. Selectman Flynn seconded the motion, and it carried unanimously.

ADJOURNMENT: At 10:22 PM, Selectman Flynn made a motion to adjourn, and Selectman Slater seconded the motion. The motion carried unanimously.

DRAFT