



MINUTES
BOARD OF SELECTMEN MEETING
MAY 4, 2015 – 7:30 P.M.
BROOKFIELD TOWN HALL – MEETING ROOM 133

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

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

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

MONTHLY AGENDA ITEMS

PUBLIC COMMENT: The following addressed the Board of Selectmen:

- Tatiana Preston of 1 Crestview Drive
- Shari Styranovski of 15 Squire Court
- Greg Dembowski of 28 Greenknoll Dr., speaking as Vice Chair of the Economic Development Commission
- Dennis Preston of 15 Prospect Drive

ANNOUNCEMENTS: Mr. Tinsley made the following announcements:

- The Annual Town Meeting for the FY 2015-2016 Town Operating Budget and Capital Project is scheduled on Tuesday, May 5th at 7:30 p.m. at the Brookfield High School Auditorium (Mr. Tinsley corrected the date listed on the agenda).
- The Memorial Day Parade is scheduled on Sunday, May 24th at 2:00 p.m.
- Mr. Davidson stated that bids have been received for the Still River Greenway. Mr. Tinsley stated that the Committee reviewing the bids is now in the process of determining the lowest, most qualified bidder.

CORRESPONDENCE ADDRESSED TO BOS: None.

MONTHLY FINANCIAL RESULTS: Controller Leverage reported the monthly financial results. Upon inquiry from Mr. Flynn regarding the pension consultation services, Mr. Leverage reported that additional consultation was needed, and the Board of Education had reduced their contributions from \$500,000 to \$475,000.

At this time, Mr. Tinsley mentioned that the agenda items relative to Executive Session must be modified, as the Executive Session is to be scheduled as two separate executive sessions, rather than as one session, as is currently listed on this agenda. Mr. Tinsley noted that the proposed amendment begins at agenda item 5.c.

EXECUTIVE SESSION AGENDA MODIFICATION: Motion to amend the agenda, moved by Mr. Flynn and seconded by Mr. Davidson, as follows:

Amend the agenda starting at agenda item 5.c. to read as follows:

Agenda item 5.c.: Executive Session I: Recommended motion: to enter into Executive Session I to consider pending litigation regarding the Pension Plan and Hooker & Holcombe, Inc.

Agenda 5.d.: Motions/actions regarding Executive Session I (as/if appropriate).

Agenda Item 5.e.: Executive Session II: Recommended motion: to enter into Executive Session II to begin a Probable Cause investigation of Ethics Complaints BOS 2015-1, BOS 2015-2, and BOS 2015-3 per General Statutes Sections 7-148h and 1-82a, Charter Article X and Code of Ordinances Chapter 21.

Agenda item 5.f.: Motions/actions regarding Executive Session II (as/if appropriate).

Agenda item 6.: Adjournment

The motion carried unanimously, 3-0.

Mr. Davidson suggested that the agenda be amended to include a discussion of the AIS bus stop. **Mr. Davidson made a motion that agenda item 2.a. be a discussion of the AIS Bus Stop, and the current agenda items be re-numbered b., c., and d, accordingly. Mr. Flynn seconded the motion, and it carried unanimously.**

NEW ITEMS

AIS BUS STOP: Mr. Flynn noted research he had done regarding the bus stop, including meeting with Major Purcell, Human Resources Director Fern Smenyak, and other Town employees. He stated that he had read fifteen letters from employees who work in the Town Hall regarding activities and near-miss accidents near the bus stop at the Town Hall. Mr. Flynn stated that it seems to him that there are safety concerns. Mr. Davidson stated that his greatest concern was how the change had been implemented; he stated that he does not think the change had been at all implemented with the concerns of the parents and the children. Mr. Tinsley stated that there are two letters distributed to parents which are public record and represent completely why the actions were taken. Mr. Tinsley stated that the Town Hall is a safe place, and like any other parking lot, there are issues with managing traffic and parking violations, which need to be consistently monitored and corrected. Mr. Tinsley stated that the bus stop was an activity that was outside of the normal use of Town Hall, which was deemed to be an imminent hazard, and the change of service location eliminated that hazard. Mr. Tinsley noted that the morning pickup is at Grays Bridge and the afternoon drop off is at the High School.

CHAPTER 83, QUALITY OF LIFE ORDINANCE: Proposed modifications to the former blight ordinance for review and comment – Mr. Tinsley stated that this ordinance is quite old, and this proposed draft has come out of the work of the Development Services Team meetings. The purpose of updating the ordinance was also to have the ordinance pertain to properties, not just blighted buildings. Mr. Tinsley stated that much of the proposed modifications to this ordinance have been revised based on the examples of the Ridgefield and West Hartford ordinances. Mr. Davidson stated that since 2008 onward there have been a number of structures that have been deteriorating the neighborhoods. Upon inquiry from Mr. Davidson regarding who, under section 83-4, may submit a complaint, Atty. Beecher clarified that someone impacted by the complaint would have to submit it, and a question is whether to give anyone in the Town the option to file a complaint about blighted properties. Mr. Davidson suggested the following revisions to the proposed ordinance: a.) 83-4: at the end of the first paragraph, both the timing of the notice relative to the timing of the hearing, as well as the definition of "interested persons" be clarified; b.) 83-6E: per his discussion with Director of Health Dr. Sullivan, Mr. Davidson requested that the word "rats" be changed to "rodents". Upon inquiry from Mr. Davidson regarding vacant, dilapidated, as referenced in the first sentence of the proposed ordinance, Atty. Beecher noted that the proposal should be consistent throughout to apply to structures, buildings and properties. Mr. Davidson stated that he will forward the remainder of his suggested edits to the First Selectman's Secretary, Ginny Giovanniello. Mr. Tinsley stated that this item will be added to next month's meeting agenda for a second discussion of the proposed ordinance.

2015 NEIGHBORHOOD ASSISTANCE ACT (NAA) PROGRAM PROPOSAL: The NAA is a State program whereby those proposals judged to be eligible are able to receive donations from various persons or organizations. The various persons or organizations that make a donation are able to receive a tax credit. The Town is required by State law to hold a public hearing on all programs, and must vote at a BOS meeting to approve the programs, with a deadline of July 1st. There is no impact or expense to the Town of Brookfield. **Mr. Flynn moved that the Selectmen schedule a public hearing on June 1, 2015 at 7:15 p.m. in meeting room 133 for the 2015 CT Neighborhood Assistance Act Proposal, as required by the Department of Revenue Services. Mr. Davidson seconded the motion, and mentioned that his wife is involved with the YMCA, but this matter is only to schedule a hearing. The motion carried unanimously.**

RIGHTS OF WAY ACQUISITION FOR FOUR CORNERS: Letter from Community Development Director Katherine Daniel, regarding Phase I of the Four Corners Streetscape and Access Management Plan. Mr. Tinsley stated that in the BOS meeting packet is the process which has been recommended by the Town Attorney, who was working in conjunction with Dave Hannon. There are budgeted amounts in the grant funds which have foreseen some small portion of property acquisition rights. This would affect approximately fifteen properties. **Mr. Davidson moved that the Selectman authorize the First Selectman to sign the Rights of Way Acquisition Process Plan for Four Corners Streetscape, as developed by the Town Attorney and coordinated with David Hannon of the Western Connecticut Council of Governments (WCCOG).** Mr. Flynn asked for clarification of the attached sample, and it was noted that this is attached for a sample only. Mr. Tinsley noted that the intersection will be narrowed at Four Corners, and sidewalks will be installed north, west, east, and south of the intersection, along with a bike path, benches, and street lights. The current grant funds are expected to cover most of phase one of this project. **The motion passed unanimously.**

UPDATES

49 FEDERAL ROAD: Update of formal offer by R G 49 Federal, LLC to purchase Town property – Mr. Tinsley explained the location of the property. Mr. Tinsley stated that the property owner of 49 Federal Road has currently made an offer to the Town to purchase the property. Mr. Tinsley explained that the Town piece located behind the property known as 49 Federal Road, where the Window-Rama plaza is located, is part of the Arthur Harris Linear Park. However, this property is not accessible from either Federal Road or White Turkey Road, and the only access to the property is to cross the Still River. Currently, the only road access to the property is through the property addressed 49 Federal Road. The property owner of 49 Federal Road had been previously leasing this portion of land from the Town, but that lease has expired since 2011. Although there is a hold-over clause in the lease, there is some argument over whether the hold-over clause is enforceable. Mr. Tinsley presented a comparison sheet of the total amount due for the lease. The total requirements of the lease would have been \$112,000, and the total that would have been paid was \$102,000. The Town could make the argument that the lease has been held-over, and the payments made in the time period since are only \$31,000; thus, the total "rearage" is \$96,000. The property owner of 49 Federal Road has offered to buy this piece of Town property for \$100,000. Mr. Tinsley stated that the Planning Commission had previously approved an 8-24 referral in 2005, and the Planning Chair and Vice Chair did not think it necessary to do another 8-24 referral approval. At the time of the 2005 approval, the Planning Commission had made a recommendation to have an appraisal done of the property to be sold. The 4/10-acre in 2005 was appraised at \$350,000. In the appraisal it is mentioned that there is no access to Federal Road, and the property has a market of one (the owners of the 49 federal Road property). Mr. Tinsley stated that he has not yet scheduled another appraisal. Mr. Tinsley asked the Board for suggestions about how to value and move forward with the offer. Mr. Davidson stated that the Town wants to be kind to the business people; he also noted that the owner of the business has a minimum parking requirement imposed by the Zoning Commission. Mr. Davidson suggested the property should be sold at \$250,000, payable over a certain amount of years with a limited amount of interest. Atty. Beecher recommended outside legal counsel for this matter, as Atty. Fran Collins represents the property owners of 49 Federal Road. Mr. Tinsley stated that the first step is to have the owner present an offer that is reasonable to the Board of Selectmen. Possible outside legal counsel was briefly discussed.

2015 PLAN OF CONSERVATION AND DEVELOPMENT: Draft Plan of Conservation and Development submitted by the Planning Commission for review and consideration as required by CGS Chapter 126, Section 8-23(g)(4) – . Mr. Tinsley noted to the Board that sent via email today was a new executive summary, which is well written. Atty. Beecher stated that the BOS is not required to hold a hearing on this plan, and is not required to comment, but is able to do so. Atty. Beecher stated that the Planning Commission's hearing is scheduled within the next couple of weeks. Mr. Tinsley stated that he does not think there is an absence of feedback for this draft. Mr. Tinsley stated that he has a few notes about the Lake Lillinonah Authority, Candlewood Lake Authority, and the Still River Alliance,

with respect to the water bodies. Mr. Davidson suggested that a meeting be scheduled next Monday at 5:00 PM for discussion of this matter.

CONSENT AGENDA

Mr. Tinsley stated that under the consent agenda, 4e, the bond at 3 Newman Place is an excavation bond, and not a driveway bond.

BOARD OF SELECTMEN MEETING MINUTES: 03/02/15; 04/06/15; 04/15/15

NEW HIRE REPORT: None at this meeting.

SELECTMEN APPROVAL FOR ROUTINE MATTERS AUTHORIZING THE FIRST SELECTMAN TO SIGN THE FOLLOWING ATTACHED ITEMS: Resolved, that William N. Tinsley, First Selectman, is empowered to execute and deliver in the name and on behalf of this municipality a contract with the CT State Library for an Historic Documents Preservation Grant.

ZONING COMMISSION BOND RELEASES:

- 248 Whisconier Road #201300925 partial bond release of \$1,000

DRIVEWAY BOND RELEASE(S) IN THE AMOUNT OF \$750:

- 20 Valley View Road

EXCAVATION BOND RELEASE IN THE AMOUNT OF \$1,000:

- 3 Newman Place

Mr. Davidson moved to approve the consent agenda as modified by the First Selectman. Mr. Flynn seconded the motion, and it carried unanimously.

ADDITIONAL MONTHLY AGENDA ITEMS

APPOINTMENTS:

a.) Lake Lillinonah Authority – Marine Patrol Officers for 2015 – **Mr. Davidson moved that the Board of Selectmen re-appoint the law enforcement personnel Marine Officers and Lake Assistants as enumerated in Jon Puglisi’s memo dated April 27, 2015. Mr. Flynn seconded the motion, and it carried unanimously.**

b.) Zoning Commission – Alternate position – Austin Samuelson – **Mr. Flynn made a motion to appoint Mr. Samuelson for the position. Mr. Davidson seconded the motion, for discussion purposes.** Upon inquiry from Mr. Davidson, Mr. Flynn replied that there are very few people who come into the position with Zoning experience, and the alternate position is ideal for learning. **The motion carried unanimously.**

PUBLIC COMMENT:

- John Lucas of 3 Terry Lane

Controller Leverence reported that the audit is in draft form; the high school audit and forensic audit are still delaying the completion of the audit. There is an extension granted until the end of this month.

EXECUTIVE SESSION I: Agenda Item 5.c.: *Recommended Motion: to enter into Executive Session I to consider pending litigation regarding the Pension Plan and Hooker & Holcombe, Inc.*

Mr. Davidson made a motion to enter into Executive Session I and to invite into Executive Session I: Town Attorney Tom Beecher and Director of Human Resources Fern Smenyak. Mr. Flynn seconded the motion, and it carried, 3-0. The Board entered into Executive Session I at 8:35 PM, and exited Executive Session I 8:45 PM to reconvene the public meeting.

MOTIONS/ACTIONS REGARDING EXECUTIVE SESSION I: Agenda Item 5.d.: Mr. Davidson made a motion to authorize the First Selectman to sign all documents pertaining to the resolution of items discussed in Executive Session I. Mr. Flynn seconded the motion, and it carried unanimously, 3-0.

EXECUTIVE SESSION II: Agenda Item 5.e.: *Recommended motion: to enter into Executive Session II to begin a Probable Cause investigation of Ethics Complaints BOS 2015-1, BOS 2015-2, and BOS 2015-3 per General Statutes Sections 7-148h and 1-82a, Charter Article X and Code of Ordinances Chapter 21.* **Mr. Davidson made a motion to enter into Executive Session II and invited into Executive Session II: Town Attorney Tom Beecher and Rich Saluga, resident of Brookfield. Mr. Flynn seconded the motion, and it carried, 3-0. Mr. Tinsley recused himself and left the room. Executive Session II was entered at 8:55 PM. Mr. Rich Saluga left the Executive Session at 9:07 PM. The Executive Session ended at 9:20 PM and the public meeting reconvened.**
MOTIONS/ACTIONS REGARDING EXECUTIVE SESSION II: Agenda Item 5.f.: Mr. Davidson made a motion, based on executive investigations, to find “no probable cause” in ethics complaints BOS 2015-1, BOS 2015-2, and BOS 2015-3. Mr. Flynn seconded the motion, and it carried, 2-0-1. (Mr. Tinsley abstained based on recusal in Executive Session II).

ADJOURN: Agenda item 6: Mr. Flynn made a motion to adjourn at 9:25 PM, and Mr. Davidson seconded the motion. The motion carried unanimously, 3-0.