

**MINUTES**  
**BOARD OF SELECTMEN MEETING**  
**7:30 PM MONDAY, JULY 6, 2015**  
**BROOKFIELD TOWN HALL – 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; IT Technician Dan Secore; members of the public; Recording Secretary Emily Cole Prescott

**MONTHLY AGENDA ITEMS**

**PUBLIC COMMENT:** There was no public comment at this time.

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

1.) Plan of Conservation and Development – This is the first complete update of the POCD since 2002, which is one year late of being filed. There has been forgiveness to municipalities for filing the POCD one year late, due to the economy. Mr. Tinsley thanked the Planning Commission for their work.

2.) July 18<sup>th</sup> Memorial Service – There will be a Memorial Service at 2:00 PM in the Rotary Memorial Garden at the front entrance at the Town Hall to commemorate the lives and sacrifices of two Brookfield residents (Darren James LaBonte and Jason Dale Lewis) who were killed in action. At 3:00 PM that same day, a Brookstock V Tribute is scheduled, and at 7:00 PM, the Historical Society Museum will also be hosting an event to commemorate veterans.

3.) Brookfield Housing Authority Grant Award – Grant received to pay for the replacement of the sewer system at Brooks Quarry Housing. Mr. Flynn stated that the sewer problem has been ongoing for quite some time.

**CORRESPONDENCE ADDRESSED TO THE BOS:**

1.) Letter from Richard Malek – Mr. Tinsley stated that it has been mentioned at one of the past Board of Selectmen meetings that this item was not listed on the agenda. Mr. Tinsley noted receipt of the correspondence.

**MONTHLY FINANCIAL RESULTS:** Mr. Tinsley presented the Controller's report, in the Controller's absence.

**NEW ITEMS**

**CANDLEWOOD FIRE DEPARTMENT CAPITAL ITEMS:** Request from Candlewood Fire Department to reserve unspent cash to capital funds for one project not completed as of 07/01/15. This project was for footing drains, which were to be completed as part of the 14-15 fiscal year. **Mr. Flynn made a motion that the Selectmen approve and forward a request to the Board of Finance to reserve unspent cash to capital funds from FY 2015-16 in order to be able to complete the projects. Mr. Flynn withdrew his motion.**

**Mr. Davidson made a motion that the Selectmen [approve] and forward a request from the Board of Selectmen to transfer \$24,000 from 2014-15 Cash to Capital account 01195-6001 to 2015-16 account 07144-4003 which [account] is referred to as the Candlewood Footing Drain Replacement Fund. Mr. Flynn seconded the motion, and it carried unanimously.**

**NOISE ORDINANCE:** Mr. Tinsley stated that in some way the current noise ordinance should be reviewed and revised for better noise control and enforcement options. He stated that there should be collaboration with the Land Use Office to revise and re-work the current noise ordinance. Mr. Davidson suggested that the Board of Selectmen host a workshop in

which to discuss the matter, and invite Zoning Enforcement Officer Alice Dew and Major James Purcell to the workshop meeting, for their input about enforcement relative to the noise ordinance. Mr. Flynn stated that he agreed with this suggestion. Mr. Tinsley stated that he will schedule a workshop.

### UPDATES

**STILL RIVER GREENWAY:** Update of bid and construction contract by Dennis DiPinto, Parks and Recreation Director - Mr. DiPinto stated that bids were open for construction on the Greenway on April 15<sup>th</sup>. Grasso Companies LLC out of Norwalk was the apparent low bidder, and has been vetted by the Finance Director, Public Works Director, and the liaison to VHB. The State has also approved the bidder as both responsive and qualified. The low bid amount was \$2,061,773. Mr. DiPinto stated that the next step on which the Town is currently working is to finalize contracts between the Town and the contractor; Mr. DiPinto stated that there could be a signed contract with Grasso Companies as early as this week. Mr. DiPinto stated that the project will be issued a notice to proceed; Mr. DiPinto clarified that the notice to proceed begins the timeline for the project. Mr. DiPinto stated that the inspection contract with Fuss & O'Neill is approximately \$370,000 and the State estimates that \$280,000 will be needed, and the State has agreed to pay 80% of the additional amount needed, with the Town paying the twenty percent, at approximately \$79,000. The contractor should start working in a week or two, and the contract indicates that the project should take approximately 280 days, although there is some potential weather stoppage during the colder months.

**Mr. Davidson moved to accept the bid of \$2,061,773 received from Grasso Companies LLC for the construction of the Still River Greenway and to authorize the First Selectman to sign the contract. Mr. Flynn seconded the motion, and it carried unanimously.**

**Mr. Davidson moved to approve \$370,000 for inspection work to be conducted by Fuss & O'Neill in regard to the Still River Greenway and to authorize the First Selectman to sign the contract. Mr. Flynn seconded the motion, and it carried unanimously.**

**Mr. Davidson moved that the Board of Selectmen recommend to the Board of Finance an appropriation of \$396,000 gross for the balance of the Still River Greenway contract with the knowledge that the State will expend 80% of that money, and the Town will pay the additional 20%. And further, to schedule an August 3, 2015, 7pm, Special Town Meeting to consider the request. Mr. Flynn seconded the motion, and it carried unanimously.**

*The Board moved to discussion of Town Beach/Cadigan Park, agenda item 3.d.*

**TOWN BEACH/CADIGAN:** Mr. DiPinto reported that the tennis and basketball courts are currently being re-surfaced and some grading and drainage issues will be addressed by the contractor, which projects are part of phase one. The timeline is estimated at two weeks from now for architectural approval of the work.

The winter has set phase two behind a few weeks, and the beach has opened this past weekend. The building and the site have remained closed. The buildings should be open by the third week of July. The remainder of the site will most likely be available within three weeks, opened in phases. Mr. Tinsley asked how many trees will be planted, and of what size, and Mr. DiPinto responded that the plan is to re-plant 3-4" caliper trees of 12-20', but he does not have the actual number of trees to be planted available tonight.

Mr. DiPinto reported that phase three is to be substantially completed by mid-August.

*The Board moved back to discussion of agenda item 3b.*

*Atty. Beecher entered the meeting room at approximately 7:15 PM.*

**CHAPTER 83: QUALITY OF LIFE ORDINANCE:** Public hearing held on July 6<sup>th</sup> at 7:00 PM – Mr. Tinsley suggested that this ordinance is entitled the “Blighted Properties Ordinance”. Atty. Beecher recommended the title, “Blighted Buildings and Properties” Ordinance. Atty. Beecher noted that if someone were to search for an ordinance about blight, they may miss this ordinance if it is termed “Quality of Life”. **Mr. Flynn made a motion that the Selectmen approve Chapter 83, Quality of Life Ordinance with proposed modifications, including changing the name to “Blighted Buildings and Properties”.** **Mr. Davidson seconded the motion, and it carried unanimously.**

*Atty. Beecher apologized for being late, as he was next door at a Zoning Board of Appeals meeting.*

**DEBT MANAGEMENT POLICY:** Update provided by First Selectman – Mr. Tinsley stated that he has sought further advice from the Financial Counselor, and he has found additional language for the draft policy. Mr. Tinsley stated that his goal is to have this policy in place before the Town goes through bond rating. Mr. Davidson asked that this policy also be discussed during a workshop.

**TOWN BEACH/CADIGAN:** Update provided by First Selectman – *This item was discussed earlier, and an update was provided by Director of Parks and Recreation, Dennis DiPinto.*

**MEADOWBROOK MANOR:** Update provided by First Selectman – Mr. Tinsley stated that the Town is in the process of drilling four holes in the road, and bids are expected to be out this month.

**49 FEDERAL ROAD:** Update provided by First Selectman – Mr. Tinsley stated that negotiations are underway to attempt to sell the property to the owner of 49 Federal Road. Mr. Tinsley stated that he is hopeful that the legal fees are not too high, and at this point, he is not sure that the Town can sell it; he is willing to listen for an alternative course of action. Mr. Davidson asked that this item be part of the workshop. Mr. Davidson asked if the present occupant has an issue with meeting the Zoning regulations for parking. Mr. Tinsley stated that without this land located behind 49 Federal Road, the operations of this business [49 Federal Road] would be in jeopardy because the business would not meet the parking requirement of the Zoning regulations. Mr. Davidson stated that the owner of 49 Federal Road has not paid the rent owed to the Town. Mr. Flynn suggested that this item be added to an upcoming workshop agenda, and the possibility of hosting two workshops was mentioned. This will be a workshop on a topic held in executive session.

**TOWN CENTER PROJECTS:** Update provided by First Selectman – The Certificate of Occupancy (C.O.) for 24 apartments (The Residences at Laurel Hill) has been issued, and the first tenants were able to move in the next day. There are still some matters with the State DOT in order to start the work for the project known as Brookfield Village LLC. The Town of Brookfield still does not have an encroachment permit from the State to do work in the right-of-way of the State highway, and the developer cannot begin work on site without being granted the OSTA permit to approve traffic flow in and out of the development. Mr. Tinsley stated that the Town's original submission to the DOT for the encroachment permit was dated October 2014, and the Town has been in the process of receiving and revising, based on received comments. The Town sent the last revision to the State DOT on April 16<sup>th</sup>, and another set of questions has since been received on June 10<sup>th</sup>, to which the Traffic Consultant is now in the process of responding.

**LOTICIP GRANT:** On April 6, 2015, the Board of Selectmen authorized the appropriation of \$798,351 for contract purposes sourced from grant funds for the DOT Local Transportation Capital Improvement Program for Route 202 at Route 25 Intersection and Streetscape Improvements. Mr. Tinsley stated that approval to sign the contract has been previously granted. Even though this is a grant, the approval to appropriate the funds has not been done, and the request for the appropriation has not yet been taken to the Board of Finance or to a Town meeting. **Mr. Flynn moved that the Board of Selectmen forward a request to the Board of Finance to approve an appropriation in the amount of \$798,351 for stated contract grant sourced from grant funds, and schedule a Special Town Meeting on August 3, 2015 at 7:00 PM in Meeting Room 133 contingent upon approval of the Board of Finance.**

Mr. Flynn moved to amend his motion to the following: that the Board of Selectmen forward a request to the Board of Finance to approve an appropriation in the amount of \$798,351 for stated LOTCIP contract grant sourced from grant funds, and schedule a Special Town Meeting on August 3, 2015 at 7:00 PM in Meeting Room 133 contingent upon approval of the Board of Finance. Mr. Davidson moved to approve the motion, as amended. The motion carried unanimously.

**FORENSIC AUDIT DISCUSSION:** Mr. Davidson stated that although it was sad that the forensic audit had to be done, it was good that it was done. Mr. Davidson stated that the Board of Selectmen had never approved the contract to hire the forensic audit, and he is unsure of where the appropriation came from. He suggested that the Board work backward to authorize the signing of the contract and to appropriate the funds for the contract amount. According to Mr. Davidson, the contract was upwards of \$100,000. Mr. Davidson also mentioned that a different firm than the audit firm should have been chosen, and he thinks using the same audit firm that had completed the Town's annual audit was a mistake. Mr. Davidson asked if the Board of Education has agreed to pay the \$100,000 expenditure. Mr. Tinsley stated that Board of Finance Chair P. Kurtz, the Acting Superintendent and the Acting Finance Director had met and agreed that this expense would be a Board of Education expense, and under the process of covering it inside their appropriation, there would have been no action required on either the part of the Board of Selectmen or the Board of Finance. Mr. Tinsley stated that the decision to require audits is with the Board of Finance as outlined in the Charter. Mr. Davidson stated that his question was to confirm that there had been input given from the Board of Education relative to this expense. Mr. Davidson also stated that the contract had been signed without the approval of the Board of Selectmen. Atty. Beecher stated that this contract was for an audit service within the confines of an investigation, which was also undertaken with the knowledge of the Chair of the Board of Finance. Atty. Beecher had signed the agreement with the First Selectman, so, according to Atty. Beecher, it was in essence as though Atty. Beecher was signing the contract, to carry out a necessary forensic audit. Mr. Davidson noted that the Charter indicates that the First Selectman cannot sign a contract without the approval of the Board of Selectmen. Mr. Tinsley stated that he has heard many people speak about precedent, and there was no precedent for this matter. Upon inquiry from Mr. Davidson regarding the possibility of signing the contract with the approval of the Board of Selectmen in an executive session, Mr. Tinsley stated that his advice from the Town Attorney was that the contract should not be signed in executive session. **Mr. Davidson made a motion to modify the agenda to add item 3i, which is the forensic contract authorization with McGladrey LLP. Mr. Flynn seconded the motion, and it carried unanimously.**

Mr. Davidson moved that the Board of Selectmen retroactively approve the First Selectman's signing the McGladrey LLP contract dated March 6, 2015. Mr. Flynn seconded the motion, and it carried unanimously.

### CONSENT AGENDA

**BOARD OF SELECTMEN MEETING MINUTES:** 06/01/15

#### **NEW HIRE REPORT:**

- Michelle DiBella (07/01/15) – from P/T to F/T Town Clerk Aide
- Dana Ferraro (06/09/15) – Temporary Seasonal Tax Collector Aide
- Emily Lauri (06/12/15) – P/T Library Shelver
- Ashley Busse (06/04/15) – F/T Temporary Seasonal Town Clerk Aide

#### **SELECTMEN APPROVAL FOR ROUTINE MATTERS AUTHORIZING THE FIRST SELECTMAN TO SIGN THE FOLLOWING ITEMS:**

- 1.) Brookfield Public Schools Master Lease Purchase Agreement for Apple, Inc. products and services
- 2.) Adoption of the amended and restated Pension Plan Trust documents and authorize the submission to the IRS

#### **PLANNING COMMISSION:**

- 256A Whisconier Road #2007000077 - \$1,430

#### **ZONING COMMISSION BOND RELEASES:**

- 250 Whisconier Road #201400635 - \$2625
- 3 Newman Place #201400856 - \$5,000

- 8 Summers Pasture Lane #201400741

**EXCAVATION BOND RELEASES:**

- 403 Candlewood Lake Road - \$1,000

**DRIVEWAY BOND RELEASES IN THE AMOUNT OF \$750:**

- 20 Rabbit Lane
- 3 Manor Road
- 5 Yankee Drive

**CONSENT AGENDA MOTION:** Mr. Flynn made a motion that the Selectmen approve all items A-G on the Consent Agenda. Mr. Davidson seconded the motion, and it carried unanimously.

**ADDITIONAL MONTHLY AGENDA ITEMS**

**APPOINTMENTS:**

**2015 LAKE LILLINONAH AUTHORITY LAW ENFORCEMENT DIVISION MARINE PATROL** (additional officers) – Mitchell Heller and Aaron Blank. Mr. Davidson moved that the BOS appoint Mitchell Heller and Aron Blank to the Lake Lillinonah Authority Marine Patrol for 2015. Mr. Flynn seconded the motion, and it carried unanimously. (These are additional appointments. Appointments to the 2015 Lake Lillinonah Authority Law Enforcement Division Marine Patrol were also made at the regular Board of Selectmen's meeting on May 4, 2015).

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

- John Lucas of 3 Terry Lane

**ADJOURNMENT:** Mr. Flynn made a motion to adjourn at 8:30 PM. Mr. Davidson seconded the motion, and it carried unanimously.

DRAFT