

**BOARD OF SELECTMEN MEETING**  
**MINUTES**  
**MAY 5, 2014 – 7:30 P.M.**  
**BROOKFIELD HIGH SCHOOL MEDIA CENTER**

**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 Martin Flynn; Selectman William Davidson; Controller William Leverage; Town Attorney Tom Beecher; members of the public; Recording Secretary Emily Cole Prescott

**MONTHLY AGENDA ITEMS**

**Public Comment – 3 minutes/20 minutes (priority to agenda items):** The following people addressed the Board:

- o Pamela Kurtz, 154 North Lake Shore Drive
- o Paul Checco, 29 Dorset Lane & Chair of the Municipal Building Committee
- o Ron Jaffe, 21 White Pine Drive & Vice Chair of the Democratic Town Committee
- o Harry Shaker, 87 Long Meadow Hill Road
- o Stephen Harding, 56 Mist Hill Drive
- o Eve Sturdevant, 3 Rajcula Farm Road
- o Rob Gianazza, 3 Spruce Drive
- o Catherine Malek, 4 Apache Drive
- o Stanley Parker, 78 Arrowhead Road

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

- o The Annual Town Meeting is scheduled for Tuesday, May 6, 2014 at 7:30 p.m. at the High School Auditorium. He will be working with the Registrars to be sure that the check-in process is started early enough. Mr. Davidson urged residents to come to the Town meeting, and to come significantly early.
- o *Brookfield Matters* has been published, within the past week. Residents can sign up for the mailing list online.
- o The Annual Memorial Day Parade is coming up.

**Correspondence addressed to the Board of Selectmen:** Mr. Tinsley noted receipt of the following pieces of correspondence:

- o BOS 8-24 Referral Request approved by the Planning Commission for Sewer Expansion-4 Elbow Hill Road;
- o Planning Commission approved 8-24 Referral Request by the WPCA for Sewer Extension-101/103 Laurel Hill Road;
- o Planning Commission approved 8-24 Referral Request by the Police Department for police station parking lot;
- o Email from Howard Lasser

**Monthly Financial Results:** Controller William Leverage reported the monthly financial results.

**NEW ITEMS**

**FY 15 WPCA Budget:** Nelson Malwitz, Chairman of the Brookfield Water Pollution Control Authority, was present to discuss this matter. Mr. Davidson asked Mr. Tinsley to compile the questions of the Selectmen to be asked of the WPCA. Per Chapter 71.5 of the Town Charter, the Board of Selectmen may submit written comments regarding the proposed budget not later than May 20<sup>th</sup>.

**WPCA Sewer Agreement with Danbury:** Mr. Malwitz was also present to discuss this matter. Mr. Tinsley explained that the request is to designate the WPCA as the authority to execute the Danbury-Brookfield Sewer Agreement with Danbury. Mr. Malwitz mentioned that the current agreement with Danbury is to allow Brookfield to use up to 500,000 gallons per day of flow, but the WPCA currently sends about 300,000 gallons per day of flow. Mr. Flynn clarified that Mr. Malwitz would not be asking to negotiate any prices, but just to work to extend the existing agreement. The original agreement was executed in 1974 and amended in 1992. **Mr. Davidson moved that the Selectmen approve the WPCA entering into this extension agreement with the City of Danbury. Mr. Flynn seconded the motion, and it carried unanimously.**

**WPCA Sewer Extension:** Mr. Malwitz was also present for this discussion. This proposed sewer extension would be located east of Four Corners along Route 25 to service initially the Brookfield Market and the Craft Center. Mr. Malwitz stated that Aquarion Water Company had originally approached the WPCA because they will be re-paving the bridge, and the area will be open to add utilities. Mr. Malwitz noted that sewer will be needed in this area to make the businesses viable in the long run. Mr. Davidson suggested that the Town consider an economic development grant option for these properties in the TCD area. Mr. Flynn asked what other properties the line would go by in the area of the Brookfield Market, and Mr. Malwitz responded that the line could potentially serve Pocono

Road, Dean Road and the area near the Brookfield Market and Craft Center. Mr. Malwitz mentioned that a survey had been done of the Dean Road and Pocono Road area property owners to determine if the owners were interested in addition of sewer, but the WPCA had not received many responses from the homeowners. Mr. Malwitz noted that properties can only be assessed for the increase to the property which the sewer provides, which is generally a maximum of ten percent. **Mr. Flynn made a motion to approve the WPCA's 8-24 referral to the Planning Commission for sewer extension to the Brookfield Market and the Craft Center. Mr. Davidson seconded the motion, and it carried unanimously.**

**Health Insurance Costs:** Mr. Tinsley stated that the Town has received some competitive proposals for a self-insured program, which have been reviewed with Segal Consulting. There was a strong consensus based on the proposals reviewed, that the Town would go back to being self-insured, which would significantly reduce the current cost of the health insurance. Mr. Tinsley noted that the three Boards (Board of Selectmen, Board of Education, and Board of Finance) are working on a joint resolution which would put the program of self insurance back in place for Brookfield.

### UPDATES

**Charter Revision Commission:** Mr. Matthew Grimes, Chairman of the Charter Revision Commission, presented an update. Atty. Tom Beecher stated that the Board has 45 days from the date of the filing of the document on May 2<sup>nd</sup> in which to hold the public hearing. Mr. Grimes presented the history of Brookfield's past Charter Revision Commissions. Mr. Grimes also noted charges for the current Charter Revision Commission from the Board of Selectmen. Mr. Grimes stated that the Charter Revision Commission's goal was to determine how the town meeting form of government could be improved. Mr. Grimes stated that Brookfield is the last town in the greater Danbury area to not vote on a bifurcated budget. The current recommendation of the CRC is to bifurcate the budget based on the fact that if bifurcated, both of the budgets would need to pass or both would be failed. Mr. Grimes stated that the CRC has been presented with arguments for both sides of the matter from members of the public. Mr. Grimes also mentioned that there are many other towns with bifurcated budgets due to the fact that they are part of regional school districts. Mr. Grimes stated, in regard to the town meeting moderator position, that the CRC has reduced its four-year term proposal to a two-year term. Mr. Grimes stated that the CRC believes that this position would improve the town meeting form of government, and will work with the other Boards and elected officials and employees throughout the Town. Mr. Grimes explained that the CRC is proposing to include in the Charter that advisory questions be mandated at the budget referendums. Mr. Grimes stated that there were some language updates to Section 10 of the Charter, relative to the Board of Ethics. Mr. Grimes noted that the CRC is also proposing that the Library Board of Trustees is changed to nine regular members; some out-of-date Boards and Commissions have also been removed in the draft proposal (Judge of Probate; Gurski Homestead Commission; Youth Commission; Building Code Board of Appeals). Mr. Flynn asked about the purpose of the Building Code of Appeals, and Mr. Grimes replied that this Commission was not necessary when the Town hired a full-time Building Inspector. Mr. Grimes stated that there is no statutory basis for the CRC to consider the removal of elected officials. Atty. Beecher clarified that when a Charter is created, there must be some basis in State law for the provisions that are to be added to the Charter; there is no provision for the recall of elected officials on a municipal level. Mr. Grimes also reviewed some of the changes, which the Charter Revision Commission had considered, but had not added to the draft document. Mr. Davidson commended the CRC for considering the public comment made at the public hearing. Mr. Flynn and Mr. Tinsley also thanked Mr. Grimes for the presentation. Mr. Flynn acknowledged receipt of the draft document.

**Parks Revitalization - Phase I - Cadigan Park:** Mr. Paul Checco, Chairman of the Municipal Building Committee, presented an update. Mr. Checco stated that on April 30<sup>th</sup> the project kick-off meeting was held. Mr. Josh Flowers, Vice Chair of the Municipal Building Committee, was present. Land Tek is currently securing the building permits for the electrical and plumbing work, and the contractors should be mobilizing within the next week. The paying fields have an August 1<sup>st</sup> target completion date.

*The Board took a five-minute recess; the Board re-convened.*

**Refunding Bonds:** Mr. Tinsley stated that Moodys has reaffirmed the AA1 rating. The S&P rating is expected by Thursday. By Monday, initial pricing for the bonds will be received; final pricing should be received by Tuesday.

**Jumpstart:** Business Incentive Tax Deferral Program, Incubator. Mr. Tinsley stated that in the past couple of weeks, the BOS had a special workshop session to work together to develop an ordinance for an investment and deferral program. The outgrowth of the session is that the notes have been sent to Atty. Tom Beecher. Mr. Tinsley noted that this matter may require one more workshop

with the BOS. Mr. Tinsley stated that he remains hopeful that the Board will have more news about this matter by the end of the month. He is hoping that the BOS will be ready to send the matter to a public hearing by the June meeting.

**Meadowbrook Manor:** Mr. Tinsley reported that the Town is now behind schedule in terms of getting the approval for the DEEP diversion permit for Limekiln Brook, which the Town was hoping to have by the end of March. Mr. Tinsley stated he is hopeful that more news regarding this matter will be received by the end of this month.

### CONSENT AGENDA

**Board of Selectmen Meeting Minutes:** 4/7/14 (see note below), 4/10/14, 4/28/14

**New Hire Report:** Staffing changes:

Andrew Kokinchak – Public Works Driver/Laborer

Michael Hicks – Public Works Driver/Laborer

**Selectmen Approvals for Routine Matters:**

a) Contract for the Town Garage Lighting Retrofit by Efficient Lighting Consultants sponsored by CL&P;

b) Schedule a Public Hearing on June 2 at 7:15 p.m. at the BHS Media Center for the 2014 CT Neighborhood Assistance (NAA) Program Proposal;

c) Attorney Peter Olson Waiver and BOS Consent

**Bonds:** Excavation Bond #07-18-12 for 28 Old Route 7 - \$1,500 (Release)

**Mr. Flynn moved that the Selectmen approve all items, A-D on the consent agenda.** Mr. Davidson asked that the Mitchell Oil Contract be taken out of the consent agenda for the purpose of discussion.

**Mr. Flynn moved to approve the consent agenda with the exception of the Mitchell Oil contract.** Mr. Davidson noted one item of clarification in the minutes of April 7<sup>th</sup> on the second page in New Items, under Parks Revitalization Phase I, in the sixth line, the word "artificial" should be added. The sentence should state: "Ipaluccio submitted qualifications that were not specific to the installation of artificial turf fields." Mr. Flynn agreed with this revision. **Mr. Davidson seconded the motion to approve the consent agenda, as modified. The motion carried unanimously.**

**Mitchell Oil Contract:** Mr. Davidson stated that his concern is that it appears that the Board of Education had received a different and better price on their oil than the Town. Mr. Davidson asked about this pricing, and Mr. Tinsley replied that the Town's price was \$3.15 per gallon, and the Board of Education's price was \$3.10. Mr. Davidson asked Mr. Tinsley if he is willing to ask Mitchell Oil to reconsider this number. Mr. Tinsley replied that he will not consider this question, as this is a traded commodity. **Mr. Davidson moved that the Selectmen approve the signing of the Mitchell Oil agreement. Mr. Flynn seconded the motion, and it carried unanimously.**

### ADDITIONAL MONTHLY AGENDA ITEMS

**Appointments**

a) Rob Gianazza, regular member on the Municipal Building Committee: **Mr. Tinsley made a recommendation that the Board of Selectmen appoint Rob Gianazza as a regular member of the Municipal Building Committee. Mr. Flynn seconded this motion.** Mr. Tinsley noted that he had taken some initiative to reach out to people to participate on the Municipal Building Committee, as there have been some vacant seats. Mr. Tinsley noted that Mr. Gianazza was one of the people he had reached out to, as Mr. Gianazza has a background in information technology, and he remembers his participation in the Huckleberry Hill project, and as a member of the Board of Education with respect to the high school project. Mr. Tinsley stated that he has known Rob Gianazza for a number of years, and he and Mr. Gianazza work together as a team. Mr. Flynn stated that the Republican Town Committee has taken notice of the fact that the Commission needs some help, and the Republican Town Committee will be doing interviews of some other people that have come forward. Mr. Davidson mentioned that there has been an alternate member on the Municipal Building Committee who has been on the Committee for five years, and he is not sure why he [this current alternate] is not being recommended for this position, as he is a craftsman, tradesman, and is in the business of building. Mr. Davidson stated that Rob Gianazza is an IT specialist who has been involved in a tangential way in construction projects, but by no means does he have the skill sets of current alternate, Bill Perrone. Mr. Tinsley replied that his recommendation tonight is to fill one of four vacancies, as three will remain. Mr. Flynn clarified that there are two alternate and two regular vacancies. Mr. Flynn stated that in light of these vacancies, Mr. Perrone has not stepped up to be appointed as a regular member, so he is wondering if Mr. Perrone has the time. Mr. Flynn stated that he would like to interview Mr. Perrone and find out if he interested in being a regular member. Mr. Davidson noted that no resident of this Town must go through the Republican Town Committee or the Democratic Town Committee to be appointed. Mr. Davidson also stated that this potentially is a raw concentration of power; Mr. Davidson stated that he does not want someone on the Board of Finance to also be on the Municipal Building Committee, as there are inherently potential conflicts of interest. Mr. Davidson suggested that this motion be

tabled until next month's meeting. Mr. Flynn stated that he believes the Republican Town Committee does a good job of interviewing people and bringing people forward. Mr. Davidson clarified that he was saying that there is no requirement that any resident of this town go through the Republican Town Committee or the Democratic Town Committee to serve on the boards. Mr. Tinsley stated that appointments are the purview of the Board of Selectmen. Mr. Tinsley stated that he had personally reached out to someone who has a skill set that is missing on the Municipal Building Committee, who has experience with that committee, and who works as a team member with himself, and with whom he has a trusting, working relationship. Mr. Davidson stated that this matter is not personally about Rob Gianazza. Mr. Davidson stated that he believes there are more highly qualified people who can fill these vacancies, which should be filled in order of qualifications. Mr. Tinsley responded that there are other people who are currently being looked at, and there have been other recommendations made for this Committee. *Mr. Josh Flowers, Vice Chair of the Municipal Building Committee, addressed the Board regarding this matter.* **The motion passed, 2-1-0, with Mr. Davidson opposed.**

**Mr. Davidson moved that the Selectmen appoint as a regular member, Mr. William Perrone, to the Municipal Building Committee. Mr. Flynn seconded the motion, for discussion.** Mr. Flynn stated that there are a couple of people who are interested in this position, and the Republican Town Committee would like to talk to Mr. Perrone regarding this position. Mr. Davidson stated that the Republican Town Committee has already brought this member forward as an alternate. **Mr. Tinsley recommended the tabling of the motion [above] until the July meeting. Mr. Flynn seconded Mr. Tinsley's motion, and it carried, 2-1-0, with Mr. Davidson in opposition.**

b) 2014 Lake Lillinonah Authority Marine Personnel Appointment – **The Board was unanimously in favor of the appointments, as listed** [Kevin A. Brooks; Brian R. Flanagan; John G. Puglisi; Christopher Rosado; Kevin J. Seeley; Patrick C. Seeley].

c) Police Commission Members - Hearing Officers for Abandoned or Unregistered Motor Vehicle per State Statute Sec. 14-150. –Mr. Tinsley stated that the Board of Selectmen has been asked to authorize the Police Commission as the hearing officers for abandoned or unregistered motor vehicles. **Mr. Davidson moved that the Selectmen appoint the Police Commission members as hearing officers for abandoned or unregistered motor vehicles per State Statute 14-150. Mr. Flynn seconded the motion, and it carried unanimously.**

**Public Comment** – The following people addressed the Board

- Josh Flowers, 7 Dorset Lane & Vice Chair of Municipal Building Committee
- Paul Checco, 29 Dorset Lane & Chair of Municipal Building Committee
- Nelson Malwitz, 1 Great Heron Lane
- Matt Grimes, 6 Horse Hill Road

**ADJOURN:** At 10:12 PM, Mr. Tinsley stated that the meeting was adjourned.