

**TOWN OF BROOKFIELD
SELECTMEN'S MINUTES
TOWN HALL, BANQUET HALL**

APRIL 8, 2003

PLEDGE OF ALLEGIANCE

The meeting opened at 7:06 p.m. with the Pledge of Allegiance. Beverly A. Lund, Robert S. Phillips, and Joseph J. Klimavich were present.

APPROVAL OF ACCOUNTS PAYABLE WARRANT OF APRIL 8, 2003

Mr. Klimavich moved to approve payment of the accounts payable warrant for April 8, 2003 in the amount of \$21,877.37; Mr. Phillips seconded; so voted.

Mr. Klimavich moved to approve payment of two motor vehicle and trailer excise tax refunds for April 8, 2003 in the amounts of \$86.56 and \$37.50; Mr. Phillips seconded; so voted.

APPROVAL OF DRAFT MINUTES

The Board tabled approval of the minutes until next week's meeting.

1. GENERAL INSURANCE PROPOSALS

Chuck Winn and David Labonte, Massachusetts Interlocal Insurance Association (MIIA) representatives, and Larry Joseph, Metrogard representative, were present.

Mr. Klimavich said the Town received two proposals for the general insurance contract. The general insurance consists of workers' comp, property and casualty, umbrella, professional liability and auto coverage. MIIA submitted a quote of \$75,000 and Metrogard submitted a quote of \$62,000.00. He said it was very difficult to compare the two insurance programs "apples to apples" because the vendors do not use identical terms for same or similar coverage. He asked the representatives to explain the difference in the programs.

Mr. Joseph said there are two policy differences between the MIIA and Metrogard proposals. The first is in the level of coverage for Property and Casualty. Metrogard offers a \$1M event/ \$1M aggregate coverage as compared to MIIA with coverage of 1M/3M. He said Metrogard "catches up" to MIIA by offering \$4M aggregate umbrella coverage. The end results are that each company offers aggregate umbrella coverage of \$5,000,000. The second policy difference is the level of coverage Metrogard offers in back wage claims. Metrogard offers a maximum of \$250,000 to cover legal fees but has a higher back wages coverage than MIIA. MIIA's program offers \$1,000,000 to cover legal fees in an employee back wages claim.

Mr. Joseph said that premium increases have been higher than average due to the economic and insurance impact of September 11th, but overall the insurance industry

would start to see stable premiums. The average increase from Metrogard this year was around 23%.

Mr. Winn stated that the average increase from MIIA was around 11%. He said the premium stands as presented in the proposal, but added the Town can see a premium reduction up to 7% by participating in MIIA's loss control credit program. The Town is also eligible for yearly workers' comp credit and MIIA will offer again this year a 1.5% discount per month for timely payment of premium.

Mr. Joseph said Metrogard is active in promoting loss prevention programs and will offer forty workshops during the year to insureds at no charge. Metrogard does not give a discount for timely payment and the Town would not receive a credit on workers' comp until the Town has a three year history of claims with Metrogard.

Mr. Joseph provided names of neighboring Towns insured with the Metrogard program. The towns are Rutland, Oakham, New Braintree, East Brookfield /Spencer School System, Brimfield and Palmer.

Mr. Klimavich said that the Board would very much like to reduce the insurance premiums especially during these tight economic times. The Board will consider the premium, the coverage, the credits and the good service received from MIIA for many years.

It was the consensus of the Board that no decision would be made at this meeting.

2. MASSACHUSETTS TEACHERS' RETIREMENT BOARD (MTRB)

Barbara Mundell, Treasurer, was present to discuss a letter received by Deborah Boyd, Tantasqua School District Business Manager, regarding non-payment of the retirement contributions for the Brookfield Elementary teachers. The MTRB has unresolved financial data problems and can not post the contribution to the teacher's funds.

Mrs. Mundell explained that the Town has changed vendors twice in the last year. The financial data disk of the teacher's contributions prepared by ADP, the former payroll vendor, for the months of September through December can not be read by the MTRB. She has asked for a new disk from ADP but they will not comply because the Town owes ADP money. Mrs. Mundell feels the services should be rendered complete from ADP before paying the invoice. Mrs. Mundell assured the Board that all teacher retirement fund payments have been sent to MTRB but they can not do the financial posting without the correct information. Ms. Lund assisted the Treasurer by contacting ADP and is trying to effect a solution.

Mr. Klimavich moved to allow the Chairmen to bring this issue to completion; Mr. Phillips seconded; so voted.

3. TOWN ACCOUNTANT - COMPLAINT

Edna Holloway, Town Accountant, and Michele Randazzo, Town Counsel, were present.

Ms. Lund said the Board would consider executive session to hear complaints against Ms. Holloway. Mrs. Holloway stated that she wanted the meeting held in open session.

Mr. Phillips said the Board had prepared a list of items regarding Mrs. Holloway's recent professional and personal performance. The Board was in agreement that Mr. Phillips would read the entire list, including the job description and then Mrs. Holloway could respond.

Mrs. Holloway took exception to two items, #7 – Police vest account and #11 - concerning her appointment to the CIPC and lack of attendance at those meetings. These exceptions are noted in the performance review discussion that follows.

The lengthy discussion revealed that Mrs. Holloway's failure to respond and ask questions to correspondence, directions and meeting notices and failure to report progress on projects has led to misunderstandings and a breakdown in communications.

An outline of the discussion will be prepared for Mrs. Holloway so communication problems may be resolved.

Review of Accountant's Performance – April 8, 2003

Professional Performance

1. The Board requested the Accountant to generate monthly reconciliation reports. Since November, only one has been received.

Ms. Holloway felt that this issue was addressed in the Selectmen's meeting two weeks ago and she is waiting for the reports from the Treasurer to reconcile to her ledger.

2. On February 18, 2003, the Board requested the Accountant to generate a monthly report for the Emergency Squad Donation account. That account is still incorrect and no monthly reports have been produced.

Mrs. Holloway said she has completed the report and is verifying the information before submitting it to the EMS Chief. She will follow up with a copy of the report to the Board upon completion.

3. On February 25, 2003, the Board requested the Accountant to generate detail transaction reports for each Department each month showing its expenses, grants, revolving accounts, etc. No reports have been produced. On March 25, 2003, when the Board asked about the reports, it was evident that that Accountant had done

nothing and was even unfamiliar with the Board's written request, as if she had not read the memo.

Mrs. Holloway said she prepared and distributed the reports to the Department Heads on March 26, 2003, the day after Selectmen's meeting. Mrs. McManus said she received the detailed information and used the report to reconcile the financial accounts. The Board said they would like to have been copied on the report.

4. On March 25, 2003, the Board asked the Accountant to produce a report for each Department whose expense account was low, so the Department might have time to submit an article, to supplement its expense account, on the May Special Town Meeting warrant. The Accountant's reports were unsatisfactory, done mechanically apparently without any thought to the Board's overall purpose. Each such account was listed in a separate memo – the Board of Selectmen received four memos – and the reason for the report and the need for the recipient to take timely action were omitted.

Mrs. Holloway said she prepared the report as the Board requested but did not include a reminder to every department about submitting an article on the Special Town Meeting Warrant to supplement the account.

5. The Accountant is responsible for maintaining a copy of all contracts and grants awarded to Town Departments. On January 21, 2003, the Board asked her to obtain copies these documents. She later indicated that she issued a memo requesting same. But she has not followed up and does not yet have them.

Mrs. Holloway said she sent a memo to the Department Heads requesting copies of all contracts and they are slowly coming in. Mrs. Holloway responded to Ms. Lund's request and said she will make copies of the contracts for the Selectmen's Office. Mrs. Holloway responded to Mr. Phillips that she will contact the School to request copies of their contracts.

6. On January 7, 2003, the Board requested that the Accountant coordinate bringing the Town into GASB 34 compliance. Apparently no action has been taken.

Mrs. Holloway stated that the Town must be in compliance with GASB 34 by the end of FY04. She said she had researched seminars on GASB 34 training but she did not have enough funds in her expense account to cover the cost. She felt that she would be unable to schedule a seminar in this fiscal year.

Mr. Phillips advised Mrs. Holloway that in the future she should communicate her needs to the Board and that she should plan to take a training course to bring the Town into GASB 34 compliance as soon as possible. He mentioned that she could start to acquaint herself on GASB 34 by reading The Practical Guide of Information on GASB 34 written by the DOR. Mrs. Holloway can find this guide on the bookshelf located between the Selectmen and the front room offices.

7. The Police Chief has asked that the Accountant to correct the incorrect transactions posted to the grant account used for purchasing bulletproof vests. The Board is unaware if any action has been taken.

Mrs. Holloway said she was unaware of any incorrect transaction until Ms. Lund refreshed her memory. Mrs. Holloway remembered the vest donation account is a revenue account and she said will follow up with a report for the Board and the Police Chief on the disposition funds in the account.

8. The biweekly Accounts Payable voucher has often contained careless errors: unsigned vouchers, overdrawn accounts, vouchers posted to the wrong account.

Mrs. Holloway said all those errors in posting were done months ago and have been corrected and wondered why this issue was brought up again. She said that when she notices vouchers are not signed by Department Heads, she contacts them to sign the voucher before placing the voucher on the warrant.

9. The Accountant failed to come prepared to the March 13, 2003 Special Town Meeting. She did not acquaint herself with the articles and how they were to be funded. She failed to check the article transfer amounts, which resulted in a \$5,850 error.

Mrs. Holloway stated that no one gave her any financial information regarding the Special Town meeting. Ms. Lund took exception to that remark. She reminded Mrs. Holloway that she did indeed have the Special Town Meeting spreadsheet of funds to be transferred at least two weeks prior to the Special Town meeting because Mrs. Holloway had questioned the balance in one of the accounts. After reviewing the account in question, Mrs. Holloway discovered she had made an incorrect transaction on a previous month's voucher. After Ms. Lund's explanation, Mrs. Holloway stated that she remembered she did have a copy of the spreadsheet.

10. The Accountant missed the Town Meetings in May, June, and October 2002, although her job description specifies that she attend.

Mrs. Holloway did not state the reasons why she did not attend but said she will try in the future. Mr. Klimavich invited her to sit with the Board at the Town meetings and to come prepared with a pencil and a calculator.

11. The Accountant is a member of the Capital Improvement Planning Committee (CIPC) (appointed June 11, 2002) but has failed to attend the meetings even though she has been notified of their dates and times.

Mrs. Holloway stated that she received the appointment slip, meeting notices and minutes from the CIPC but did not think about attending the meetings because she works one night a week and goes to school two nights a week. Mr. Phillips

said it was a requirement of the Town's By-law and the CIPC meets four times a year. Mr. Klimavich said her attendance at the CIPC meetings, as Town Accountant, is critical at budget time to assist with financial information on planning the major purchases. She said she was not aware of the commitment when she was hired and she said she would try to attend.

12. The Accountant has failed to respond to queries by Departments that require research. Instead she has asked the Department Head to call the pertinent authority such as the Department of Revenue.

Mrs. Holloway said she was never approached by Chief Lafleur to ask her about the EMS billing receipts and, in fact, Chief Lafleur asked Mrs. McManus for the telephone number of DOR.

Ms. Lund said that Chief Lafleur contacted the DOR regarding the disposition of funds remaining in the Ambulance expense and salary accounts. DOR said that there is no need for an article to transfer these funds because the funds are returned to the billing receipts account. Mrs. Holloway asked questions about the accounting procedures of the billing receipts account.

13. The Accountant has made payments on contracts, services, supplies, etc. without verifying that the procurement law has been followed by, for example, requesting copies of quotes.

Ms. Randazzo said she will send the most recent information on the procurement law and forward it to the Board and the Town Accountant. Mrs. Holloway was asked to obtain quotes from the Department Heads on purchased items that require compliance to the procurement law and attached them to the voucher prior to placing the voucher on the accounts payable warrant.

14. The Accountant appears ignorant of the responsibilities and liabilities of a Municipal Accountant specified by state law; for example, not understanding which accounts can have a negative balance, and assuming the right to permit accounts to be overspent as she thinks appropriate.

Mr. Phillips asked questions concerning Mrs. Holloway level of municipal accounting experience. Mrs. Holloway said this is her first year of municipal accounting. She was asked about accounting manuals and training material. She responded that there is no accounting manual and that accounting instructors use accounting forms and pamphlets to teach accounting courses. She was asked if she knows what accounts can be overdrawn. Mrs. Holloway sounded confused on what accounts could be overdrawn stating that Chapter 90 can be overdrawn then corrected herself by saying that Chapter 90 is a revolving account and then said Snow and Ice could be overdrawn. She did not respond to Mr. Phillips inquiry as to why she knew that snow and ice account could be overdrawn. She wondered how Chapter 90 was funded. Ms. Lund explained that Chapter 90

funds require funding by the Town in advance and an article has been placed on the Town Meeting Warrant to fund the account.

Mr. Klimavich made reference to the partially paid fuel bill and was concerned that by not paying this bill the Town could lose the contract price of 95 cents from the vendor. Mrs. Holloway said she decided not to pay the entire fuel bill because the account would be overdrawn and the Board had told her not to overdraw any account. Mr. Phillips said that the Board asked her to know what accounts can be overdrawn. She said she knew that there was an article on the Special Town Meeting Warrant and that the remaining fuel invoices would be paid within the month of May. Mrs. Holloway said she contacted DOR and DOR explained that municipal heating can be overdrawn when the public at large is at risk. Mrs. Holloway informed the Board and the Treasurer that the municipal fuel is out of funds, per the advice of DOR.

Personal Performance

15. The Accountant was rude to the Board of Selectmen in a public meeting, interrupting the Selectmen as they spoke and interjecting sarcastic remarks.

Mrs. Holloway said that she felt the Board was trying to embarrass her at the meeting two weeks ago and if the Board felt that they were embarrassed from her comments then “we are even”.

16. She attempted to embarrass the Selectmen by surprising them in a public meeting with the facts regarding the erroneous transfer amount, facts that she had determined earlier in the day and could have presented then.

Mr. Klimavich said he was surprised at Mrs. Holloway’s actions at an earlier meeting and felt she was deliberately trying to embarrass and scold the Board and felt that this was contrary to acting as a member of the team. Mrs. Holloway said that she wasn’t trying to embarrass the Board but was reacting to Mr. Phillips laughing at her. Mr. Phillips said he laughed at the Town Accountant’s excuse that she did not have a pencil and that is why she could not help calculate figures at the Special Town Meeting. Mrs. Holloway said she was embarrassed because Mr. Phillips questioned her about whether she had the authority to overspend an account. Ms. Lund felt that Mrs. Holloway could have handled informing the Selectmen of the error in another manner such as waiting to inform the Selectmen in the morning rather than at a public meeting.

17. She blamed the Board for this error and publicly requested an apology, though the error was through her own negligence, as per point 9 above. See above comments.

The Board should review the Accountant’s job description with her – section by section – in case she never requested a copy and was never given one by the former Board, which hired her.

Mrs. Holloway said she was given a copy of the job description before she was hired. She had one exception to the description and that was to attend the Selectmen's Tuesday night meeting.

The Town Accountant job description reads: General Duties and responsibilities – Is available on Tuesday evenings to present warrants to the Selectmen and is available to Town department personnel as needed.

She said Mrs. McManus had hand written a note on her copy of the job description indicating that she was not required to attend. Mr. Klimavich responded that there have been a few incorrect warrants but overall he saw no reason to have Mrs. Holloway at the Tuesday night meetings. The other Board members agreed.

Ms. Lund had a concern regarding another section of the Town Accountant's job description.

The Town Accountant job description reads: General Duties and responsibilities - Provides final figures to the Advisory Board in writing exactly as they will be presented at town meeting unless the Advisory Board approves changes prior to the town meeting.

Ms. Lund said that in some towns the Town Accountant has an active part in preparing the Town's budgets and that the Town Accountant's computer may have a budget program to be used to draft the annual budget.

Mrs. Holloway said she also did not understand what that section of the job description meant. She said she was not aware of any budget type program on her financial software program.

Mr. Phillips said the Town Accountant does not need to get involved in the budget process until the Advisory Committee budget hearings get closer to completion.

The Board should discuss with the Accountant the question of compensatory time: the need to provide it (for example, due to her attendance at evening meetings), and the approval procedure for taking it.

Mr. Phillips stated that the Board should institute a written compensatory policy. However, until the policy is in place, Mrs. Holloway should request the time from the Board, in advance, with the dates and times to be used as compensatory time. He said Mrs. Holloway should no longer use salary funds to pay herself for attendance at meetings. The funds she used to pay herself for the extra hours were budgeted in the Town Accountant's salary expense for vacation but Mrs. Holloway was not eligible in her first year for the vacation benefit.

Mr. Klimavich moved to provide Mrs. Holloway with a follow up letter outlining the out come of the discussion; Mr. Phillips seconded; so voted.

4. **APPROVAL OF THE SPECIAL TOWN MEETING WARRANT**

Mr. Klimavich moved to approve the May 9, 2003 Special Town Meeting Warrant pending review by Town Counsel; Mr. Phillips seconded; so voted.

5. **APPROVAL OF THE ANNUAL TOWN MEETING WARRANTS**

The Board tabled further discussion until next week's meeting.

6. **APPROVAL OF CHAPTER 90**

Mr. Klimavich moved to sign the Chapter 90 project request form to purchase a backhoe and attachments in the amount of \$104,000.00; Mr. Phillips seconded; so voted.

7. **DISCUSS ZONING BY – LAW - SIGNS**

Letter read from Gary Simeone, Zoning Enforcement Officer, requesting approval to remove signs from utility poles around the Town. The signs posted to the utility poles are in violation of the Town's By-laws. The Board agreed to allow Mr. Simeone to remove the signs. Mr. Phillips will advise Mr. Simeone.

8. **ADVISORY COMMITTEE MEETING MINUTES**

Mr. Phillips moved to acknowledge receipt of the March 20 and 27, 2003 Advisory Committee meeting minutes; Mr. Klimavich seconded; so voted.

9. **TAX COLLECTOR MONTHLY REPORT**

Mr. Klimavich moved to acknowledge receipt of the March 2003 Tax Collector monthly report; Mr. Phillips seconded; so voted.

10. **CERTIFICATE OF COURSE COMPLETION – NANCY LEE FINNEY**

Mr. Klimavich moved to acknowledge receipt of Nancy Lee Finney's Certificate of Completion of Introduction to Microsoft Excel and to send her a congratulatory letter; Mr. Phillips seconded; so voted.

11. **PLANNING BOARD PUBLIC HEARING**

Notice read by Ms. Lund advising that the Planning Board will hold a public hearing on Wednesday, May 7, 2003 at 7:15 p.m. to hear public comment on amending two Zoning By-laws. The first Zoning By-law change is to amend Section 5.B.3.c. concerning Accessory Uses in the Residential District to allow a sign not larger than six square feet. The second Zoning By-law change is to amend Section 4D.1. to correct the reference Prohibited Uses to read Section 4.B.

Mr. Phillips moved to acknowledge receipt of the public hearing notice; Mr. Klimavich seconded; so voted.

12. WHITE'S LANDING - COMMON VICTUALLER'S LICENSE

Mr. Klimavich moved to approve the Common Victuallers License for White's Landing; Mr. Phillips seconded; so voted. Mr. Klimavich also commented that the owner of White's Landing has worked hard to improve the facility and deserves the community's support.

13. TANTASQUA - DISCLOSURE OF FINANCIAL INTEREST

Mrs. Lund read a letter received from Deborah Boyd, Tantasqua School District Business Manager, in response to an inquiry from the Board of Selectmen regarding a possible conflict of interest issue. The issue involved a Brookfield School Committee member, Christine Hurley, signing approval of wages for School Committee Recording Secretary, Kristen Kemp, Mrs. Hurley's sister in law.

Mr. Phillips moved to send a letter to Ms. Boyd to obtain a disclosure of financial interest form from Mrs. Hurley; Mr. Klimavich seconded; so voted.

14. MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY (MEMA) – INCIDENT COMMAND SYSTEM COURSE

A letter was received from MEMA regarding training courses on Incident Command System to assist agency heads on setting up and implementing incident management.

Mr. Phillips moved to forward the information to the Director and Deputy Director of EMA, the Chiefs of the Fire, Police and Emergency Squad; Mr. Phillips seconded; so voted.

15. UPDATE FROM THE ALCOHOLIC BEVERAGE CONTROL COMMISSION (ABCC)

Ms. Lund advised that the ABCC will be requiring new documentation at time of renewal and for other changes made to existing liquor licenses. These changes will place more responsibility on the local licensing authorities.

Mr. Phillips moved to acknowledge receipt; Mr. Klimavich seconded; so voted.

16. MASSACHUSETTS MUNICIPAL ASSOCIATION (MMA)– URGENT FY04 BUDGET SURVEY REQUEST

Mr. Phillips moved to acknowledge receipt; Mr. Klimavich seconded; so voted.

17. TOWN CLERK REQUESTS CHANGE IN THE MAY ELECTION HOURS

A letter was received from the Town Clerk requesting that the polls be opened from 12:00 p.m. to 7:00 p.m. instead of 7:00 a.m. to 7:00 p.m. at the May 5, 2003 Town election because all candidates are running unopposed. She prepared a cost analysis of expenses and salaries and determined that the decrease in hours would save the Town \$350.00.

The Board discussed whose purview is it to decide on the hours of the polls. Ms. Lund advised that since the Board prepares and signs the Annual Town Meeting Warrant that is in its purview to decide on the hours of the polls except when the hours are set by the State as is the case in State elections. The Board appreciated Mrs. Lincoln analysis but decided that the polls should be open from 7:00 a.m. to 7:00 p.m. for the convenience of the public and that longer hours might generate a greater volume of voters.

Mr. Klimavich moved that the polls be opened from 7:00 a.m. to 7:00p.m.on May 5, 2003; Mr. Phillips seconded; so voted.

18. MEMORIAL DAY SCHEDULE

The Cultural Council has prepared a program on the events of Memorial Day, Monday May 26, 2003. The parade will commence at 10:00 a.m. from the Elementary School with services being held at the Cemetery and the Common. The Board agreed to lead in the Pledge of Allegiance.

19. AUDIT

Ms. Lund advised that the Advisory Committee approved a \$500.00 reserve fund transfer to the Audit Account to bring the account to \$8,000.00. Ms. Lund further stated that she contacted Mr. Tom Scanlon, CPA, regarding the fiscal year audit. He will accept the audit engagement and the fee is set at \$8,000.00.

Mr. Phillips moved to allow the Chariman to hire Mr. Tom Scanlon to begin the audit at the end of April or the begining of May; Mr. Klimavich seconded; so voted. A commitment letter will be sent to Mr. Scanlon advising him of the Board's decision to engage his firm to perform the audit.

21. TOWN REPORT AND WARRANT BOOK QUOTES

Six printers were contacted to bid on printing the Annual Town Report and the Warrant Book. Shamrock Printing of Brimfield submitted the lowest prices. Mrs. McManus will contact the printers and advise the Advisory Committee on the results of the bids.

22. TOWN HALL OFFICE SPACE RENOVATIONS

Mrs. McManus advised that a few months ago she walked four builders through the Town Hall to discuss space changes to the front office, the kitchen, the Assessors' office

and the Banquet Hall. Only one builder has responded with a verbal quote. Mrs. Lund suggested that Mrs. McManus draft the verbal quotes for review by the Board for the purpose of taking action.

ADJOURNMENT

Mr. Phillips moved to adjourn the meeting at 10:52 p.m.; Mr. Klimavich seconded; so voted.

Respectfully submitted,

Christine McManus, Administrative Assistant

April 23, 2003

Date approved by Board