

TOWN OF BROOKFIELD
SELECTMEN'S MEETING
ELEMENTARY SCHOOL, OUTREACH ROOM

MINUTES OF JANUARY 12, 2010

REGULAR SESSION

Chairman Rudy Heller called the meeting to order at 7:00 pm and led the group in the Pledge of Allegiance. Other members present: James Allen and Peter O'Connell.

Camera Operator: John David Holdcraft

Press: David Dore, Ruth Lyon, Karen Trainor

Public: Acting Police Chief Christopher Welsh, Adam Cameron, Philip Peirce, Daniel Leahy, Michael Seery, Keith Karrmann, Matthew Bansfield, Gerald Johnson, Ronald Couture, Barbara Clancy, Kathleen Wild, Timothy Simon, Kenneth Lacey, Barbara Wilson

APPROVAL OF WARRANTS:

Mr. O'Connell moved to approve the Payroll Warrant of January 12, 2010 in the amount of \$159,693.28; Mr. Allen seconded; so voted.

APPROVAL OF MINUTES:

Mr. Allen moved to approve the minutes of Selectmen's meetings of December 23, 2009 and January 6, 2010; Mr. O'Connell seconded; so voted.

ANNOUNCEMENTS:

Mr. Heller read various announcements which included:

Public Hearing: 1/26/10 at 7:15 pm as part of the Selectmen's Meeting to review the Fiscal Year 2010 Community Development Block Grant Application.

ACKNOWLEDGEMENT OF MONTHLY REPORTS & MINUTES

Mr. O'Connell moved to acknowledge the receipt of the following monthly reports and minutes; Mr. Allen seconded; so voted.

Planning Board: 8/5/09; 9/2/09; 10/7/09; 11/4/09; 12/2/09 and 12/23/09

Town Hall Barrier Removal Committee: 5/11/09; 6/3/09; 6/24/09; 9/9/09; 11/24/09; 12/7/09; 12/21/09

Some items were taken out of original agenda order:

New Business:

1. POLICE UNION CONTRACT

Mr. Heller announced that the full-time members of the Police Department had signed the Police Union Contract and entertained a motion from the Selectmen to also approve the contract with the provision that the Board authorize Selectman. O'Connell to act as liaison and work with Adam Cameron to deal with certain typographical errors; Mr. O'Connell so moved; Mr. Allen seconded; so voted.

Mr. Heller briefly reviewed the key issues in resolving the contract and expressed the Board's appreciation for the professionalism of the officers and thanked Attorney Brian Maser of Kopelman and Paige for his assistance throughout the process.

Photographs were taken of this "first" for Brookfield.

2. TOWN OFFICIAL'S CONCERN

Mr. Gerry Johnson, Chairman of the Advisory Committee, attended the meeting to express his concern to the Selectmen regarding his committee's last meeting, held on January 7, 2010. It seems that he found out after the fact that this meeting was not legal as someone had taken down the posting. They were posted for the first Thursday of each month. He had not been made aware that he should have re-posted the first of the year and was not made aware by the Town Clerk that this meeting was illegal, even after it was brought to her attention on Monday morning, January 11th. He felt that he should have received an official notification and that all departments should be made aware of this.

Mr. Johnson said that he had spoken with the Ethics Commission and to the Assistant District Attorney. He had e-mailed all members of the committee that have e-mail (two do not) to make them aware that the meeting was illegal and that all action taken must be revisited and re-voted.

Mr. Johnson said he wants the answers to the following in writing along with what resolutions will be made:

- 1) Who is responsible to notify departments and boards of the need to re-post their meetings the first of the year and why was this not done; and
- 2) Once the violation was uncovered, why wasn't he notified immediately?

Mr. Allen stated that maybe the Board of Selectmen should issue a memo at the end of the year to all departments.

The Selectmen will investigate and ask the Town Clerk to send out a notice to all Boards and Committees regarding their general postings.

Mr. Heller thanked Mr. Johnson for calling this to the Assistant District Attorney's attention and bringing it to the Selectmen's attention.

3. 7:23 pm APPOINTMENT TO BOARD OF HEALTH

The joint meeting with the Board of Health began with the Board of Health calling their meeting to order. The purpose of this meeting was to fill the position on the Board of Health recently vacated by Ms. Kim Longe.

The Board of Health presented their recommendation of Mr. Daniel Leahy who is also the current Chairman of the Planning Board and also presented a letter of

recommendation from Mr. Lee Jarvis, Board of Health Agent for the Town of Spencer. Mr. Leahy read a statement that he was willing to serve

Mr. O'Connell, member of the Board of Selectmen, moved that the Mr. Daniel Leahy be jointly appointed to the Board of Health to serve until the May 2010 Annual Town Election, Mr. Karrmann, member of the Board of Health, seconded; so voted.

Mr. O'Connell also moved that a letter of appreciation be sent to Kim Longe; Mr. Allen seconded; so voted.

4. 7:30 pm PUBLIC HEARING – CLASSIFICATION HEARING

Mr. Philip Peirce, Chairman of the Board of Assessors was present to explain that, before the tax rate can be set, the Selectmen needed to vote on whether or not to have a single tax rate. He explained the differences and ramifications of each and said that the Assessors recommended the single rate, one rate for residential and commercial.

Mr. O'Connell moved that the Board of Selectmen adopt a single tax classification rate for all business and residential properties for the current fiscal year.

Old Business:

5. CDBG-R PROJECT ON COMMON AND LINCOLN STREETS

Kathleen Wild, Barbara Clancy, Matthew Bansfield, and Ronald Couture, all members of the Bannister Common & Mall Committee (BCMC) (formerly known as the Common/Mall Committee) were present to hear the report of Mr. Kenneth Lacey, Arborist, contracted by the Selectmen to review trees on Common and Lincoln Streets that could be removed as part of this project.

First the BCMC was assured that no trees on the actual Common would be affected by this project.

Mr. Lacey reviewed his report, which had been handed out to all interested. Several trees should be removed. There were a couple of trees though that he felt needed further explanation.

He explained that the white ash tree was in a confined space with not enough room for growth, had some decay and rot, and its root system was not doing well. He said that sidewalk work would further destroy the roots. Roots had been cut when National Grid put in their new gas lines. There was evidence of poor pruning cuts and he felt this tree could be hazardous in four or five years. He said that if the Town was not doing this street project, he would recommend leaving the tree but the project will affect the life span of the trees.

The Norway maple on Lincoln Street had breakage, damage present in the tree, and the root zone would be removed as part of the project.

Mr. Lacey was put in touch with the project engineer earlier today. He presented information to the Board regarding “set back planting” which, if adopted, could plant trees on the homeowner’s property. Of course, property owner permission would need to be acquired. There was some discussion of not planting in the green strip but exchanging the places of the sidewalk and the green strip and planting in the new “green strip”. In this case the tree would still be on Town property.

Mr. Lacey noted that National Grid had matching grant money for tree placement.

Mr. Allen moved to allow others in attendance to speak; Mr. O'Connell seconded; so voted.

Mr. Bansfield discussed a "petition" of the residents and their opposition to curbing. He debated Mr. Lacey's review of the White Ash and claimed that there was no yellow at the top of the tree. He felt that the Town should try to keep the tree healthy and modify the road project, giving the trees room, rather than take down the trees. He believed that the sidewalk can be installed without hurting the root system of the trees; he wanted the street left the same width with no curbstones.

Mrs. Clancy said that if the green strip is moved, curbing would be needed for safety for people using the sidewalk.

Mr. Heller said that the Selectmen will work to retain the character of the Common and the historic beauty while progressing to straighten the road with well-defined sidewalks.

Mr. Couture spoke as a member of the local Historical Commission. He wondered if the project had received the appropriate local, state and federal Historical Commission's approvals. He talked about the mall having been "decimated" and street improvements were "overdone" with green areas "cut in half", losing aesthetics and preserved history. This project should be looked at in a historical way. Parking on the other side (Route 148) is not used very much.

There was some discussion as to whether or not another public hearing would have to be held on this project before it continues.

Mr. Lacey suggested making part of Common Street (from Central to Lincoln) a one-way street; he felt this could allow for more green space on both sides of the street. It was agreed that making the street one way would be the Selectmen's decision and did not need to be part of the project.

Mrs. Wild said she felt it was "a shame to rush into the project without seeing the design; we could do irreparable harm to the area"

Mr. Allen said that if compromises had to be made the CDBG Advisory Committee would be conservative.

Mr. O'Connell asked for the required width of a one-way street.

Mr. Heller thanked everyone for their input.

The Selectmen reminded everyone of the public hearing scheduled for January 26, 2010 regarding the new grant application and the scheduled discussion and approval of the Community Development Strategy (CDS).

First Public Access Period:

John David Holdcraft said that he was the person who brought to the Town Clerk's attention that the January 7th meeting of the Advisory Committee was not posted. He again commented that notices of Selectmen's meetings were "being put up and taken down"; "sometimes Linda Lincoln does it; sometimes Donna Neylon does it"; the meeting notices "have to be posted and stamped"; the "Open Meeting Law is being broken"; "no minutes of the Advisory Committee have been turned in yet"; the "DOR states that the Selectmen are not to prepare the budget"; "it is to be done and presented to the townspeople by the Advisory Committee"; he has "spoken to the Board at the last two meetings and nothing has happened".

Donna Neylon rebutted by stating that the only time she posts meetings is when authorized and that was only once when both the Town Clerk and her Assistant were out of town; she said that she does not take down meeting notices.

Old Business:

6. BROWNFIELD SITE NOMINATION

The deadline for filing this grant application, through Central Massachusetts Regional Planning (CMRPC) is Thursday, January 14, 2010. Several letters of recommendation were received. Mr. Allen moved to endorse the Brownfield site nomination of the Finney property on Post Road and authorize the Chairman to sign the necessary documents; Mr. O'Connell seconded; so voted.

7. POPULATION ESTIMATE FOR ALCOHOL LICENSE COMMISSION

Mr. O'Connell moved to set the seasonal population of 800 and to send the required form to the Alcoholic License Commission; Mr. Allen seconded; so voted.

8. REQUEST USE OF LEGAL COUNSEL – HOME LOAN 2000

Mr. O'Connell moved that the Board authorize the Administrative Assistant to research the status of the loan repayment & default, to consult with town counsel for the appropriate action and to then report back to the Board; Mr. Allen seconded; so voted.

9. CDBG APPLICATION WITH TOWN OF WARE AS LEAD TOWN

Mr. Allen moved that the Town take part with the Town of Ware as the lead town to apply for a FY 2010 CDBG grant for housing rehabilitation and adult education and to authorize the Chairman to sign any necessary documents; Mr. O'Connell seconded; so voted.

10. ENGINEERING APPROVAL FOR FY 2010 CDBG APPLICATION

Mr. Allen moved to approve the quote from Stantec for engineering services for infrastructure plans for Hayden Avenue and Hyde Street, said plans to be used in the local CDBG FY 2010 grant application with funding to come from the Program Income Account and once the grant is received, to be paid for from the grant; Mr. Heller seconded; so voted. Mr. O'Connell abstained because he lives on Hayden Avenue and felt this could be a conflict of interest.

11. APPOINTMENT OF ELECTION WORKERS

Mr. O'Connell moved to appoint the following five individuals as election workers with terms to begin immediately and expire on June 30, 2010 as requested by the Town Clerk; Mr. Allen seconded; so voted.

Marlaine Burbank – Unenrolled
Lindsay Holm – Unenrolled
Geraldine Pisarczyk - Republican

Sarah Custer – Democrat
Annette Lazili – Unenrolled

12. COMMON/MALL COMMITTEE CHARGE

Mr. O'Connell moved to accept the name change of the Common/Mall Committee to Bannister Common & Mall Committee as recommended by the committee and to include the text of their January 6, 2010 memo in the minutes of this meeting; Mr. Allen seconded; so voted. The Administrative Assistant will modify the original Charge of this committee to reflect the recommended changes and give it to the Selectmen for review and final vote.

Text of the memo:

“Gentlemen:

At our last meeting on December 21st, the Common/Mall Committee discussed the possibilities of a formal title for this newly formed Town committee. We were informed by member Ron Couture that when the area was put on the National Register as a Historic District, it was designated at the Bannister Historic District. In keeping with that designation, it was unanimously voted that we henceforth be known as the Bannister Common & Mall Committee.

At our inception we were given a Charge from your Board and from that Charge we have detailed the scope of our responsibilities and duties with regard to the Common & Mall areas.

- 1. Develop a Historic Landscape & Preservation Plan utilizing in part the Preservation Guidelines for Municipally Owned Historic Commons developed by the Massachusetts Department of Environmental Management with items including but not limited to flora/trees. Monuments, benches and other such structures deemed to be consistent with this space.*
- 2. Review and consider all requests for infrastructure changes.*
- 3. Work in tandem with the Board of Selectmen, Brookfield Cultural Council, Highway Department, Brookfield Community Club and other Town departments so that communication remains open and decisions are consistent with the Preservation Plan and mutually acceptable.*

4. *As designated by your Board at its August 11, 2009 meeting, the day to day management of Common & Mall usage will continue to be left with the Brookfield Cultural Council while this Committee will work together with the Council, to determine appropriate types of usage that will not have a significant negative effect on the physical landscape or plan for the Common or Mall areas.*

We hope that these items meet with your approval.

Sincerely, the Bannister Common & Mall Committee

Kathleen Wild, Chair

Jeanne Lytle

Jennifer Cipro

Peter Masuzzo

Barbara Clancy

Kris Casucci

Ron Couture

Dick Spence (Alternate: Diane Oliver-

Jensen)"

13. TIF CONSIDERATION

It was agreed to table this until the Wednesday, January 20, 2010 meeting.

14. SNOW AND ICE ACCOUNT

A request was received from Herbert Chaffee, Highway Superintendent, that the Selectmen increase the balance of the Snow & Ice Account by \$40,000. There is a balance of about \$3,800 once the current invoices are paid. This account started with \$50,000.

Mr. O'Connell moved to increase the deficit spending of the Snow and Ice Account from \$50,000 to \$90,000; Mr. Allen seconded; so voted.

Mr. Allen will write a letter to Senator Brewer and Representative Gobi to ask for their help with budget costs for snow and ice removal.

The Selectmen will invite the Highway Superintendent to attend their next meeting and submit a report of the current spending of this account.

The Administrative Assistant brought to the Board's attention a proposed bill that would create a new lottery ticket where, if passed, each of the \$2.00 received from tickets sold would be placed in a fund to go directly to communities for their Snow & Ice Account.

Old Business:

15. REVIEW OF SNOW RELEASE POLICY

Mr. Heller reported that input had been requested and received from the employees regarding proposed changes to the “Snow Release Policy” and many changes had been incorporated. He said that the goal of the re-write was to make the policy clear but not too explicit, that equity is paramount”. Mr. O’Connell said that two additions were made to the second draft and dealt with clarification between full-time and part-time employees. Part-time employees may make up their time.

Mr. O’Connell moved to accept the new policy as amended and to review it at the end of the fiscal year; Mr. Allen seconded; so voted.

16. APPOINTMENT OF CABLE ACCESS COMMITTEE MEMBERS

Mr. Heller reported that he had requested a review of expenditures of the Cable Access Committee and had received it from the Town Accountant. Mr. Heller asked to table any appointments until he had a chance to review the document. Mr. Seery reported that they had no formal Charge, just the “Procedures” as earlier sent to them by the Administrative Assistant.

Mr. O’Connell moved to send a letter to all standing committees to see if they would like to have a representative on the Cable Access Committee; Mr. Allen seconded; so voted. Mr. Heller will write the letter.

17. CLASS II AUTO DEALER LICENSES

Mr. Heller summarized the Class II Auto Dealer laws and stated that the Board had not been looking at certain details as prescribed by the law. The Board will need to study the laws before taking any action.

Mr. Heller will draft a letter to be sent to all holders of Class II licenses.

Second Public Access Period:

John David Holdcraft said that the Board’s policy regarding closing the Town Hall was “still not clear”; “who will put up the sign and who will get paid”; “why did you close the Town Hall down but still have a meeting”; the “tree policy is in limbo”. He also said that the Town Hall Barrier Removal Committee is going to propose to spend \$300,000 “to put the police in the cellar”. He recommended “buying the building for that same price” and “use it or sell it after five years”; “paying a big huge lease is troubling”.

Mr. Heller said that the Town Hall had not been closed at all; the policy gives the Chairman of the Board or designee authority to close or not and the policy addresses payment of employees. It is very rare to formally close the Town Hall.

Mr. Allen said that the Board should talk with BEMA (Brookfield Emergency Management Agency) to make sure there is a clear plan in case of an emergency. The Administrative Assistant will ask Mr. Keith Karrmann, BEMA Director, to either attend a future meeting or supply a copy of the plan.

ADJOURNMENT:

At 9:32 p.m. Mr. O'Connell moved adjourn the meeting; Mr. Allen seconded; so voted.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: _____