

TOWN OF BROOKFIELD
SELECTMEN'S MEETING
TOWN HALL, SELECTMEN'S OFFICE

MINUTES OF JANUARY 20, 2010

SPECIAL SESSION

Chairman Rudy Heller called the meeting to order at 9:00 am and led the group in the Pledge of Allegiance. Other members present: James Allen and Peter O'Connell.

Camera Operator: Michael Jones

Press: David Dore

Public: John David Holdcraft, Linda Lincoln, Gary Lincoln, Herbert Chaffee

APPROVAL OF WARRANTS:

Mr. O'Connell moved to approve the Expense Warrants of January 20, 2010 in the amounts of \$408,115.48; \$6,514.59 and \$21.08 (wire transfer); Mr. Allen seconded; so voted.

APPROVAL OF MINUTES:

Mr. Allen moved to approve the minutes of Selectmen's meetings of January 12, 2010; Mr. O'Connell seconded; so voted.

ANNOUNCEMENTS:

Mr. Heller read various announcements which included:

Public Informational 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.

Cultural Council: 1/14/10

CDBG Advisory Committee: 12/17/09; 12/29/09; 1/7/10

Public Access Period:

John David Holdcraft spoke of the "so called Chair of the Advisory Committee" being the "little puppet" of the Selectboard; complained that the agenda was "mixed up" and that he wasn't given his time to speak until the middle of the meeting (January 12th).

At this point, Mr. Holdcraft was chastised by the Chairman for speaking disrespectfully and warned him that he would be asked to leave or would be removed if that continued.

Mr. Holdcraft said that the Board could not “badger my name, if I want to speak that way, I can”. He complained that the Selectmen had “gutted the board” referring to the Advisory Committee; that it was just a “rubber stamp board”; that the “DOR states you three can’t do the budget for the town”; ending with “you’ll be hearing from my attorney”.

New Business:

1. 9:15 A.M. MEETING WITH THE TOWN CLERK REGARDING POSTING OF MEETINGS

Linda Lincoln, Town Clerk, attended the meeting in response to a fact-finding request from the Selectmen resulting from comments made by the Chairman of the Advisory Committee at the January 12th Selectmen’s meeting relative to meeting postings. It was the Board’s intent to clarify what the posting procedure is.

Mrs. Lincoln began with charging the Selectmen with “breaching her integrity”; that they “went over her head” by asking her and her assistant these questions and she felt insulted. Mrs. Lincoln charged that the Selectmen had already decided who will be the new Town Clerk. Mrs. Lincoln accused Selectman O’Connell of violating the Open Meeting Law by sending an email from his home email account to the Office of the Selectmen, which was then forwarded to Town Clerk Linda Lincoln, Assistant Town Clerk Sheila Frangiamore and the other Selectmen. Mrs. Frangiamore then responded with answers. Mrs. Lincoln said that the Board of Selectmen should be communicating only with her and not with her assistant. Mrs. Lincoln said that her Assistant answered the questions without her knowledge and she should not have done that.

Mr. Heller said that it was not the Board’s intent to insult, just to gather information to clarify a situation. Each of the Selectmen denied having made any decision with respect to the appointment of a new Town Clerk. Mr. Heller said that the Board does have to start the process of locating a new Clerk now. Mr. O’Connell said that if a member of the Board writes an e-mail and sends it to the Board of Selectman’s Administrative Assistant it is not a violation of the Open Meeting Law and does not constitute a deliberation of the Board. It was his intent to be prepared for the meeting and to identify for her what he would be asking her when she came to the meeting. Mr. O’Connell said he would call Assistant District Attorney Patricia Smith to determine answers to questions raised by Mrs. Lincoln. The Administrative Assistant looked at her e-mail chain and determined that it was she that forwarded the Town Clerk Assistant’s response to the Board, thus, if there was a violation, it was she that committed it.

Meeting Posting:

Mrs. Lincoln explained that the current procedure for posting a meeting is for the committee member to bring the notice to her; she then posts it on the board and logs it into her book. She admitted that a notice could have been taken down accidentally but that she was not the “meeting police”; it is the responsibility of the person doing the posting to make sure their meeting is posted. She said that the notices do not have to have her stamp but do need her signature, time and date; she began using the date stamp recently out of convenience. She said that she usually does send out a notice at the end of the year to remind committee members to re-post their meetings but didn’t do that this year.

Mr. Heller asked her if it was legal for a committee to post for the “first Thursday of every month” and she replied that “was legal”.

The topic of who has the authority to do the physical meeting posting was raised by Mr. O'Connell. Mrs. Lincoln replied that was up to her and her assistant. The last time that they were both out of town at the same time, she had given authority to the BOS Administrative Assistant who posted the meetings on the outside of the Board. Only the Town Clerk has the keys to the posting board. She does not have a written policy at this time (regarding posting) but is leaving the position in five months and with changes in the Open Meeting Law on July 1, felt that such a policy should be the responsibility of her successor.

Mr. O'Connell said that it is important that meetings be posted legally and a good procedure is needed whether for 10 days or 10 years.

Mrs. Lincoln said that Boards and/or Committee members should not ask others to post for them; they should do it themselves and then follow-up to make sure it is done. The Selectmen asked about the requirements of a committee regarding submittal of their meeting minutes. Mrs. Lincoln replied that she should be receiving copies of minutes of all boards and committees but she isn’t receiving them.

Mr. O'Connell asked Mrs. Lincoln if she would be willing to review the posting procedure; summarize it and send it out to all committees. She replied that she would do that and invited Mr. O’Connell to send her his suggestions.

Mr. Allen expressed his feeling that too much was being made of the issue of the posting of the Advisory Committee meeting. If mistakes were made, they should be corrected and we should keep our focus on getting the work done for the good of the Town. He suggested that the Advisory Committee should discuss the matter and let the Selectmen know if they want any further action.

2. **BOSTON POST CANE**

Mrs. Lincoln said that Mr. Leon Terry, holder of the Boston Post Cane, had passed away and that she believed her own mother was the oldest person in Brookfield and should receive the cane next. She said that she had been asked several years ago to draft a policy for determining who should receive the cane but had not yet done so. However, Mr. Donald Faugno had agreed to help her draft such a policy.

Mr. Allen said that there may already be such a policy and Mrs. Lincoln said that she would check her records.

Mr. Heller asked Mrs. Lincoln to create the policy and submit it to the Board and thanked her for coming.

2. **TAX TITLE DISCUSSION WITH TREASURER**

James Dunbar, Treasurer, was in attendance to discuss how properties get into tax title. He explained that the process starts when the Tax Collector puts a lien on the property and then if taxes are not paid, advertises in the newspaper and submits a list of such properties to the Treasurer's office. This process puts the property on the Treasurer's books and makes him responsible for collecting the taxes through foreclosure, if necessary. The Treasurer must wait six months to allow the property owner to pay back taxes, fees, and interest.

The Treasurer charges 16% interest on all unpaid balances and, he thought, that the Tax Collector may charge 14% but these rates are according to MGL. The Tax Collector then files documents with the Land Court to foreclose on the property and the Town then takes title to the property. The property owner then has one year to purchase the property back from the Town. After that date, the town either owns the property or can put it up for auction and keep the proceeds.

In cases where the property in tax title has an assessed value of \$25,000 or less, called "land of low value," the Treasurer can use an alternative process to foreclosure in land court which is quicker and cheaper.

There is a considerable amount of property in tax title currently. The largest amount of back taxes involves Lakeside Campground; Town Counsel has just initiated foreclosure proceedings through Land Court, which usually takes 6-8 months before a decision is reached. Mr. Dunbar proposed handling some of the remaining tax title properties in land court and others by declaring them land of low value. He will come back to the Board at their February 17th meeting with a draft policy for their approval and will give an update on the status of all tax title properties.

Mr. Heller suggested that West Brookfield asks the property owners to donate their property to the Town rather than incur legal costs for both parties in land court foreclosure proceedings. This would also protect the property owner from the foreclosure procedure affecting his/her credit rating and give them a tax deduction. Mr. Dunbar will investigate this.

The Administrative Assistant was asked to invite the Tax Collector to attend their Wednesday, February 3rd meeting to discuss the collection of back taxes and the need to put some additional properties into tax title.

3. WOOD POLICY

A draft “wood policy” as submitted to the Selectmen by the Tree Warden was reviewed and discussed.

It was noted that this policy could affect how the bid specifications are written for tree removal for the CDBG-R project on Common and Lincoln Streets. After some discussion, Mr. O'Connell moved that the CDBG specifications should indicate that the successful bidder should remove all wood and brush; Mr. Allen seconded; so voted.

The draft wood policy proposes that the immediate abutter should first be allowed to remove wood from a tree taken down by the Town; if no one else comes along while the tree is being removed and requests the wood then the Tree Warden will have the option of taking the wood for himself.

Mr. Allen felt the policy should be as general as possible. Mr. O'Connell felt that the policy was “too vague” and “put the Tree Warden in the middle”. Herb Chaffee, Tree Warden, said that he usually talks with the abutter first, if the tree is within the village. If the abutter doesn't want the tree, he takes it away immediately because of safety reasons. If the tree is outside the village, he often will leave it at the edge of the road for someone to claim and pick up.

4. SNOW AND ICE ACCOUNT

Mr. Allen asked Mr. Chaffee, who is also the Highway Superintendent, for the current balance in the Snow and Ice Account and learned that there is about \$3,000 left from the original \$50,000. He does still have a stock pile of salt and sand. The report requested of him will be supplied on Thursday as his clerk was out sick on Tuesday.

5. **FY07 HOMELAND SECURITY GRANT**

Mr. Allen moved to authorize the Fire Chief to proceed with this grant application with the understanding that the application be reviewed by the Chairman of the Selectman, and to authorize the Chairman to sign the application at his discretion; Mr. O'Connell seconded; so voted.

6. **BANNISTER COMMON & MALL COMMITTEE (BCMC) GRANT APPLICATION**

Mr. Heller indicated that Kathleen Wild, Chairman of the BCMC, was preparing a grant application that was due on February 1st. It was a matching grant that would require \$1500 for matching the grant and another \$300 for other miscellaneous items. It was their intent to use this grant, if received, to hire a consultant to assist in a formal plan for the Common.

Mr. Allen and Mr. O'Connell agreed to endorse the application. The question of where the matching funds would come from arose. The Greater Worcester Community Foundation was mentioned and also that the BCMC could ask for donations. Mr. Allen moved that the BCMC proceed as far as they can with the grant with the understanding that the money may not be available; and to authorize the Chairman to sign the grant application; Mr. O'Connell seconded; so voted.

7. **APPOINTMENTS**

Bannister Common & Mall Committee:

Mr. O'Connell moved to appoint both Matthew Bansfield and Diane Oliver-Jensen as members of the Bannister Common & Mall Committee with terms to expire on June 30, 2010 and to expand the membership to nine members; Mr. Allen seconded; so voted.

Cultural Council:

Mr. Allen moved to appoint Tina K. Lesord and Janet Seery as members of the Brookfield Cultural Council with terms to expire on June 30, 2010; Mr. O'Connell seconded; so voted. The question arose as to how many members the Cultural Council could have and the Administrative Assistant will research this.

At about 11:20 a.m., Mr. O'Connell moved to adjourn to Executive Session to discuss strategy to conduct strategy sessions in preparation for negotiations with nonunion personnel and to reconvene in open session to continue the agenda; Mr. Allen seconded. Vote: Allen "aye"; Heller "aye"; O'Connell "aye".

At the conclusion of the Executive Session and at about 11:40 a.m. the meeting reconvened. Mr. O'Connell left the meeting because of another commitment.

Correspondence:

8. **HIPAA LAW CHANGES** - The Board acknowledged receipt of correspondence from Town Counsel regarding these changes and a copy will be distributed to all town boards.
9. **CMMPO** – An information letter was received from Central Massachusetts Municipal Planning Organization.
10. **THANK YOU LETTER** – Mr. Heller read aloud the thank you note written by Faith O’Keefe to Officer Kelly for his recent assistance. A copy of this letter will be put in his personnel folder.
11. **RESIGNATION OF PART-TIME POLICE OFFICER** – The Selectmen reviewed a letter from Acting Police Chief, Christopher Welsh, who indicated that he would like to replace the officer that left recently with one who had previously been with the department and had considerable experience. Mr. Allen moved that the Police Chief be authorized to replace the part-time Patrolman who recently resigned with another who has experience; Mr. Heller seconded; so voted.
12. **INFORMATIONAL LETTER FROM SENATOR BREWER** – Senator Brewer wrote recommending a group health insurance consulting firm
13. **PROPOSED LEGISLATION REGARDING “SNOW BANK”** – The Board agreed to take no action at this time relative to this proposed legislation that could create additional funding for municipal Snow & Ice Accounts.
14. **OPEN SPACE & RECREATION PLAN** – Notice was received that this phase of the Master Plan has received approval.
15. **SUPREME JUDICIAL COURT DECISION REGARDING EDUCATION** – An information letter regarding this decision was received and a copy will be given to the School Committees.

Public Access Period:

John David Holdcraft offered his input on tree cutting saying the Town should give the townspeople more than a day in which to speak up if they want the wood; he suggested a week or so. He complained about the Board holding morning meetings and said they were the only town around doing this. These meetings are “no good” and should be held in the evening. He said that the Board should “do away with the 3 minutes” (public access period); “people should have a right to give their input at any time; relative to National Grid, he said that they had a form for private property owners to sign if they want the wood or not.

ADJOURNMENT:

At noon time. Mr. Allen moved to adjourn the meeting; Mr. Heller seconded; so voted.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: _____