

TOWN OF BROOKFIELD
SELECTMEN'S MEETING
ELEMENTARY SCHOOL, LIBRARY

MINUTES OF JANUARY 26, 2010

SPECIAL 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: Michael Jones

Press: David Dore, Karen Trainor

Public: John David Holdcraft, Herbert Chaffee II, Barbara Clancy, Arthur Jay, Bruce Clarke, Kathleen Wild, Ronald Couture, William Scanlan, Kristen Casucci, Peter Martell, Timothy Simon, Harold Chesson, Mike Meyerdik (of National Grid); Shannon Williams (of National Grid)

APPROVAL OF WARRANTS:

Mr. O'Connell moved to approve the Payroll Warrant of January 26, 2010 in the amount of \$173,775.61; Mr. Allen seconded; so voted.

APPROVAL OF MINUTES:

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

ACKNOWLEDGEMENT OF MONTHLY REPORTS & MINUTES

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

Conservation Commission: 8/18/09; 9/15/09; 10/20/09; 11/12/09; 11/17/09; 12/16/09
Police Department: December 2009

ANNOUNCEMENTS:

Mr. Heller read various announcements.

Public Access Period:

John David Holdcraft questioned the vote taken at the Special Town Election on January 19, 2010 regarding the change of the Town Clerk position from elected by the voters to appointed by the Selectmen. He said the vote “is null and void”, according to Chapter 41, Section 1B of the Mass. General Laws. He said, “I am throwing that in your lap” and want an answer “sometime soon”.

Mr. Heller responded that the Board was already looking into this and in the future if Mr. Holdcraft had questions, he should submit them in writing as he often asks many questions during his 3 minute periods of public access.

Mr. Allen said that he felt the intent of the voters was obvious because of the very large voter turnout.

Barbara Wilson said that there certainly was a good turnout of voters but she felt it did not reflect “on the Town Clerk”; the Selectmen shouldn’t “try to go over the heads of the voters” and should “do this the right way”.

Old Business:

1. POLICE STATION LEASE DRAFT CONTRACT

The Board had reviewed the draft lease which is based upon the current lease and revised by Mr. O'Connell and Mr. Kermit Eaton. Mr. Allen wondered if something should be added to the draft that the Board’s commitment depends upon the voter appropriation at the Annual Town meeting; and that perhaps six months of rent should somehow be held in escrow in case of a funding problem.

Mr. O’Connell and Mr. Eaton will negotiate the amended lease with Mr. Bourdeau as previously authorized by the Board.

2. PRESS RELEASE

Mr. Heller asked the other Board members if they were in favor of the press release as revised by Town Counsel and they agreed that they were. Then the following press release was read aloud to those present:

“As was previously announced, Police Chief Ross Ackerman has been on a medical leave of absence since June, 2009. Although the Chief had hoped to return to duty, the Board understands that the Chief is not able to do so. The Board has attempted to deal with all matters concerning the Chief’s employment in a fair and fiscally responsible manner, and to ensure the orderly transition in the Police Department, particularly in light of the uncertainty over the Chief’s ability to return to full duty. The Chief has been and is currently in an unpaid leave status, as the Board understands that he will be pursuing a retirement.

Sgt. Welsh will continue to serve as Acting Chief of Police, while the Board determines how it will fill the Police Chief’s position. While there have been several inquiries over the past several months about the Chief’s status, it was not appropriate

for the Board to make any public comment on the situation, until this time. The Board wishes to thank Chief Ackerman for his years of service to the Town.”

3. **7:15 pm** **PUBLIC HEARING – CDBG APPLICATION**

At 7:15 pm, Chairman Heller called the Public Hearing to order and entertained a motion to turn the Hearing over to Grant Writer, William (Bill) Scanlan; Mr. O'Connell so moved; Mr. Allen seconded; so voted.

Mr. Scanlan had handouts for the public which included an overview of the CDBG program (Community Development Block Grant) and Mr. Heller interrupted him to read the following e-mail from Christopher Dunphy of Pioneer Valley Planning Commission:

I'm sorry I cannot join you for this evening, but I would like to report the following.

On Tuesday, January 12, 2010, the Ware Board of Selectmen approved with moving forward with the FY2010 Ware River Valley CDBG application, which includes \$200,000 allocated to the Town of Brookfield. The allocation will provide for approximately 5 or more Brookfield households to be rehabilitated as well as continue to offer adult learning services for Brookfield residents and in Ware and Warren. Attached are some adult learning flyers and the housing rehabilitation brochure.

I would encourage any Brookfield resident to inquire about either one of these services. Call Laurie Foley for Housing Rehab (413-781-6045) or Carl Coniglio at Ware Adult Learning (413-967-9902).

Thanks,

Christopher J. Dunphy

FY 2010 APPLICATION:

Mr. Scanlan explained that the application that was about to be filed included infrastructure work (drainage, water lines, sidewalks, curbing, etc.) to Draper Street about from the intersection with High Street to the intersection with South Maple (a/k/a Route 9); infrastructure work (full reconstruction) to the length of High Street (about 400 ft); curbing and drainage infrastructure work to about 400 ft of Hayden Avenue; and to rehabilitate the two housing units owned by the local Housing Authority and located on Hayden Avenue.

Mr. Heller entertained a motion to allow those in attendance to speak on the topic of the CDBG grant proposal. Mr. O'Connell so moved, Mr. Allen seconded and the

motion passed unanimously. Mr. Heller instructed those in attendance to raise their hands if they had any questions or comments.

Bruce Clarke, a member of the CDBG Advisory Committee and the Water Department Superintendent, reminded those present and watching via cable TV that the committee still needed letters of support describing the problems in their neighborhoods. These letters of support are included in the grant application and are extremely import as they may help to show the need, thus get the grant.

Ron Couture said that he had sent an e-mail a couple of years ago relative to drainage problems on Draper Street and he will submit another copy for the application.

John David Holdcraft asked how far up Draper Street the work will go and Bruce Clarke responded that the work will extend past High Street far enough to direct surface water into drainage ditches. Bill Scanlan estimated that it would extend about 50 feet. Mr. Holdcraft commented that National Grid was taking down some trees on his property (Draper Street). Since there was a Public Hearing scheduled at 7:45 pm this same evening regarding National Grid taking down trees in Town, the matter was not discussed any further. Mr. Holdcraft stated that Draper Street was ledge and asked if this had been taken into consideration; Mr. Scanlan also assured Mr. Holdcraft that the contract would first do a blast survey and inspect the abutting home basements, etc.

Mr. Heller commented that the grant application did not include any increase of public housing units but only improving those already in existence. He requested that the CDBG Advisory Committee (CDBG AC) consider increasing the number of low-to-moderate income housing units in the Town in the future. He was assured by other members of the CDBG AC that were present at this meeting that they have already discussed this several times and had this as a future goal.

Since there were no more questions from those present, Mr. Scanlan reviewed the Community Development Strategy Document with the members of the Public Hearing

COMMUNITY DEVELOPMENT STRATEGY (CDS):

There were minimal comments and suggestions for revision so after the review, Mr. Scanlan asked the Board for their approval.

MOTION:

Mr. O'Connell moved to approve the CDS, as amended; Mr. Allen seconded; so voted.

MOTION:

Mr. Allen moved to approve the Fiscal Year 2010 CDBG grant application and to authorize the Chairman to sign it; Mr. Heller seconded; so voted. Mr. O'Connell abstained as he lives on Hayden Avenue.

4. 7:45 pm **PUBLIC HEARING – NATIONAL GRID TREE CUTTING & TRIMMING**

Mr. Heller called the National Grid Public Hearing to order at 7:45 pm and again reminded those present that they should raise their hands for recognition if they had any comments or questions.

Present were Mr. Meyerdik and Mr. Williams, both arborists from National Grid. They noted that they had identified twenty (20) trees on Town property that should be removed due to various diseases, decay and dying and two (2) that they would trim. There were many other trees in Town that they planned to remove or trim but they were on private property and they were addressing each tree with the appropriate property owner. They explained that their project was “asset driven”, i.e. to prevent the power going out due to a tree problem.

There was much discussion as to how a tree that appeared to be healthy could be on this list to be removed. Many of the trees have a “co-dominant stem structure” which in turns creates a structural weakness where the two stems join and may allow water, insects and bacteria to create a hollow area causing decay. Even without decay, these co-dominant branches are very vulnerable to wind forces, particularly when fully leafed out.

Mr. Chesson, who owns property on the corner of Central and Prouty Streets, asked about the trees abutting his property and then stated that he agreed with National Grid’s assessment of those trees.

Mr. Heller reviewed the list of trees and requested those present leave the three trees on the Town Common until last.

During the extensive discussion, it was learned that:

- 1) National Grid has people/companies working for them that will do the tree work; these companies have successfully bid to be on this list;
- 2) They will take all wood and brush away and cut the tree as flush to the ground as they can; their “super crew” will also chip smaller branches;
- 3) They will stockpile the wood for the Town or deliver it to land owners in log; the site will be left clean and neat.
- 4) They need to find a “home” for the wood chips also;
- 5) They would make the Town eligible for a \$5,000 grant through a program with the state, which is given out two times a year. This grant would give the Town funding for re-planting under a specifically approved plan. The grant is administered by DCR and National Grid will indicate how to access these funds. The Town may want to request that this grant be deferred at time. National Grid recommends replanting with appropriate sized trees that will not grow up into the wires (“right tree, right place”).
- 6) The Town must have a 25% in-kind donation of services, etc. in order to receive the above grant.

7) National Grid expects to begin the process within the next two months

MOTION:

Mr. O'Connell moved to accept the recommendations of National Grid for the removal and trimming of all trees in their report excluding the three trees on the Common; Mr. Allen seconded; so voted. It should be noted that all Selectmen reluctantly voted aye on this motion.

In the discussion of the trees that are located on the Common, the following points were raised:

- 1) Cabling methods could be used to “save” these trees; however, cabling is becoming frowned upon as inserting the metal cable causes another spot on the tree where disease and decay can settle;
- 2) Filling cavities “has been taboo for quite a while now”.

Mr. Heller pointed out that now that National Grid has told the Town that these trees are hazardous, it makes the town liable if it ignores their recommendations.

Mr. O'Connell asked for comments from the members of the Bannister Common & Mall Committee. Mrs. Kathleen Wild, Chairman of the committee, stated that she was not in favor of taking the trees down initially but had realized that taking these trees down would leave the committee with a “clean slate” with which to work. Members Ron Couture, Kris Casucci, and Barbara Clancy agreed with Mrs. Wild.

Tim Simon agreed that two of the weaker trees should be removed, but argued that the largest tree be retained. He added that if two trees were removed, those left would receive more sunlight and nutrients and would have more room to grow. Mr. Meyerdik replied that the Town would have to be prepared to invest funds in cabling that tree and taking other measures to prevent further deterioration. He was doubtful that these measures would improve the health of the tree.

Mr. Couture explained that when the Common was originally planted in 1775 there were 60 trees planted too close together. Most of these trees are now gone. A different kind of layout was needed that “could bring back the essence of the Common”. He didn't want to see the trees “go” but agreed there wasn't much that could be done.

MOTION:

Mr. O'Connell moved to accept the recommendations of National Grid for the removal of the three trees listed in their report as located on the Town Common; Mr. Allen seconded; so voted. It should be noted that all Selectmen reluctantly voted aye on this motion.

It was agreed that wood from these Town-owned trees would be available to the public on a first-come, first-served basis and persons interested in either the logs or chips should call the Selectmen's office to get on the list.

5. **APPOINTMENT – COUNCIL ON AGING**

A letter of intent was received from John Wild asking to be appointed to the Council on Aging. Mr. Allen moved to appoint Mr. Wild for a term to expire on June 30, 2010; Mr. O'Connell seconded; so voted.

6. **MISSION STATEMENT**

Mr. Heller explained that a "Mission Statement" was needed for a grant application that Kathleen Wild and the Bannister Common & Mall Committee were applying for. If received, the grant would give them about \$1500 toward having a design/plan drawn up for the Common and Mall.

Mr. Heller presented three options for a Mission Statement. Mr. O'Connell moved to accept all three options as the Statement since they complemented one another; Mr. Allen seconded; so voted.

The Mission Statement for the Town of Brookfield's government now will read:

- 1) To provide a safe and pleasant environment in which residents of the Town of Brookfield can prosper and live in peace and harmony;
- 2) To provide the services needed for the enjoyment of life by the citizenry of Brookfield; and
- 3) To provide the best, most efficient government for Town residents now and in the future.

7. **NAME OF COMMON/MALL COMMITTEE**

There was discussion about the name of this committee. Eventually, Mr. Allen moved to rescind the name Bannister Common and Mall Committee and to rename the Committee the Brookfield Banister Common and Mall Committee; Mr. O'Connell seconded; so voted.

Correspondence & Other:

It was agreed that both the letter regarding sidewalks and the matter of the term of Council on Aging appointments would be passed over to the next meeting, Wednesday, February 3, 2010.

Public Access Period:

John David Holdcraft protested that he should not have to put his questions in writing; it is "up to you guys"; "you can't have a search party until this is resolved" referring to the question of whether or not the Town's Special Election on January 19, 2010 to have the Selectmen appoint a Town Clerk was legal or not.

Mr. Heller again said that the Board was looking into the matter and would do what it needed to do. The Board acknowledged that there was the possibility of an inappropriate action relative to the election but the Board was in contact with Senator Brewer's office. When there was a determination, Mr. Holdcraft would find out at the same time as the rest of

the community. He told Mr. Holdcraft that when he had multiple questions, he should submit them in writing.

Mr. O'Connell moved to take no action on the question of the ballot vote on the Town Clerk position until having discussed the matter with the Secretary of State's office; Mr. Allen seconded; so voted.

ADJOURNMENT:

At 9:48p.m. Mr. Allen moved adjourn the meeting; Mr. O'Connell, Mr. Allen seconded; so voted.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: _____