

TOWN OF BROOKFIELD
SELECTMEN'S MEETING
TOWN HALL, BANQUET ROOM

MINUTES OF MARCH 1, 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: None
Public: Jerry Johnson, Chair of the Advisory Committee, Cultural Council
Members: William R. Simpson, Barbara Wilson, John David Holdcraft

New Business:

1. USE OF TOWN HALL

Mr. Heller reported on a telephone conversation that he had last Wednesday with Mr. Jeffrey Dougan, Assistant Director, Americans with Disabilities Act (ADA) Coordinating Office in Boston. Mr. Dougan made it clear that the use of the second floor of Brookfield's Town Hall was out of the question under any circumstances as long as it is not accessible. Use would be a violation of the Open Meeting Law, ADA and Civil Rights laws. Mr. O'Connell asked if the use of two-way video feed would make the use of the second floor legal. Mr. Heller said that Dougan said the concept of "separate but equal" was not valid.

Special Town Meeting – March 18, 2010:

Mr. Heller asked the Board to consider changing the location of the upcoming Special Town Meeting (March 18, 2010) to the Elementary School. Mr. Allen moved to change the location of the 7:00 pm, March 18, 2010 Special Town meeting from the Town Hall to the Elementary School; Mr. O'Connell seconded; so voted.

Cultural Council 50's Dance – May 1, 2010:

Mr. Heller reminded the Board that they had previously given permission to the Cultural Council for a May 1, 2010 dance in the Town Hall and that vote should be reconsidered given the decision of Mr. Dougan. Mr. Heller had invited the Cultural Council to attend this meeting.

Mr. O'Connell moved to allow the members of the Cultural Council to speak; Mr. Allen seconded; so voted.

Bill Simpson, member of the committee, was present to represent his father who is the Chairman of this committee. He said that the council had already advertised this dance and felt they should be allowed to hold the dance. Mr. Allen said that now that the Town has Mr. Dougan's decision, it has no choice and cannot allow the use of the

second floor of the Town Hall as such allowed use would lead to serious legal consequences. Mr. O'Connell said that steps are being taken to renovate the Town Hall so that it will be fully compliant but use in the meantime could force the shut down of the ENTIRE building. He felt that the Selectmen had no choice but to rescind their earlier vote regarding the dance location unless the Town could acquire a waiver.

Barbara Wilson said that other towns get waivers and that the Town had received a waiver for the use of the second floor at the time of the Town's last anniversary.

Mr. Heller stated that he felt it was the Selectmen's greatest desire to bring the community together and have committees do what is good for the Town.

After some discussion, Mr. O'Connell moved that Mr. Heller and Mr. Simpson together call Mr. Dougan to request the waiver; Mr. Allen seconded; so voted.

2. SPECIAL TOWN MEETING WARRANT

The Administrative Assistant told the Selectmen that she had received two requests from the Police Department to transfer funds from one account to another which need to go on the Warrant. They agreed and instructed her to also include two other articles to transfer funds to Legal Services and to Unemployment Insurance.

There was some discussion of a by-law change to allow the Selectmen to change the date of the Annual Town Meeting; Mr. O'Connell will look into this.

Public Access:

Mr. Holdcraft spoke about the use of the Reserve Fund and of the process for the FY 2011 budget.

ADJOURNMENT:

At 9:42 a.m., Mr. O'Connell moved to adjourn the meeting; Mr. Allen seconded; so voted.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: _____