

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

MINUTES OF MAY 4, 2010

REGULAR SESSION

Chairman Rudy Heller called the meeting to order at 6:30 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: Karen Trainor, David Dore, Ruth Lyon

Public: Adam Rundell, James Cooke, Paul Page, Barbara Wilson, Tammy Dupree, Christopher Welsh

REORGANIZATION OF THE BOARD:

The Annual Town Election was conducted on Monday, May 3, 2010. Mr. Rudy Heller was elected to another three years as a Selectman. Mr. Heller stated that it was the tradition of the Board for the Selectman serving in his/her last year of the three year term to serve as Chairman and asked if Mr. Allen would accept the Chairmanship. Mr. Allen said that he would like to be but, for personal reasons, he could not do it. Mr. Allen then nominated Mr. Heller as Chair. Mr. O'Connell seconded; so voted with Mr. Heller abstaining.

At the end of the meeting, the Board realized they had not continued with the re-organization and, at that time, Mr. O'Connell nominated Mr. Allen as Vice Chairman; Mr. Heller seconded; so voted with Mr. Allen abstaining. Mr. Allen nominated Mr. O'Connell as Clerk; Mr. Heller seconded; so voted with Mr. O'Connell abstaining.

APPROVAL OF WARRANTS:

Mr. O'Connell moved to ratify the Expense Warrant of April 15, 2010 in the amount of \$4,500.00; and the Expense Warrant of April 27 for \$183,727.40 and \$23.36 (wire) and to approve the Payroll Warrant of May 4, 2010 in the amount of \$154,559.52; Mr. Allen seconded; so voted.

APPROVAL OF SELECTMEN'S MINUTES:

Mr. Allen moved to pass over approval of the Selectmen's minutes; 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.

Recreation Committee: 2/1/2010; 2/22/1010; 3/1/2010; 3/15/2010; 4/5/2010
Cultural Council: 3/8/2010 Treasurer's Cash Reconciliation as of 1/31/2010

Mr. O'Connell complimented the Recreation Committee on all of their work on their summer programs. Mr. Heller asked the Board's permission to be excused from this meeting at 7:45 to attend the Recreation Committee's meeting for a short time; approval given.

ANNOUNCEMENTS:

Mr. Heller read various announcements which included Certificates of Achievement for Acting Police Chief Christopher Welsh, an invitation to veterans to attend a breakfast and Memorial Day service in their honor at Tantasqua Regional Junior High School and notice of the availability of the Annual Consumer Confidence Report of the Water Department to be in the May issue of *The Brookfield Citizen*.

Public Access Speakers:

Mr. Peter Lescord, Boy Scout Troop 159 Leader: asked permission for his troop to camp one night on the Common June 12th. After discussion, Mr. Heller entertained a motion to give initial approval pending confirmation of the Cultural Council, Common/Mall Committee and a review of the process by both the Chiefs of the Police and Fire Department; Mr. O'Connell so moved; Mr. Allen seconded; so voted.

Mr. Paul Page: asked why there was no place to dump brush and branches. The Board explained why the previous policies had been cancelled and Mr. O'Connell agreed to explore the option with the Board of Health of leaving such materials at the Transfer Station. Mr. Allen agreed that a policy and/or comprehensive solution was needed and suggested chipping the materials and selling it.

Mr. John David Holdcraft: asked numerous questions relative to what the Board was doing to protect the safety of the employees in the Town Hall and promised to put his questions in writing.

Ms. Tammy Dupre: handed written complaints to the Selectmen about a town employee. In her explanation of why she was there, she gave the employee's name but she was stopped from explaining the matter and the employee's rights of Executive Session were explained to her. She left the room and returned with other complainants who also had the Executive Session process explained to them. Those individuals were Justin McDonald, Kristine Krikorian, Shianne Mason, and Cory Darrah. All, including Ms. Dupre, left following this discussion.

Old Business:

1. CEMETERY CONTRACT ADDENDUM #1:

The addendum signed by the Selectmen at an earlier meeting needed to be re-signed due to a change in project completion date. Mr. Allen moved to sign Addendum #1; Mr. O'Connell seconded; so voted.

2. CSX MEETING AND PROJECT REPORT:

Mr. Allen reported on a meeting in Worcester at the District 3 MassDOT office and relative to the impending CSX bridge reconstruction on Route 148 in Brookfield that he had attended along with Water Department Superintendent, Bruce Clarke, Highway Department Superintendent Herbert Chaffee and Police Chief Christopher Welsh. This meeting was on Friday, April 30th and followed a “brainstorming” meeting of various departments held earlier that week at the invitation of the Board of Selectmen.

At the Friday meeting in Worcester, it was learned that there are as yet no final plans although it is the contractor’s intent to begin re-construction in September and work through the winter on the project. Brookfield’s bridge is the newest of those to be re-constructed and it will be done first. The re-construction consists of jacking up the bridge about 21 inches. There was no discussion of how this would affect the abutting intersections and those attending were told there would be no change in the alignment of the bridge.

A point of contact with the contractor (E.P. & L.J.F White Joint Venture) was given to the Mr. Allen, who was assured that there would be several meetings in Brookfield before the project will be started.

Mr. James Cooke was present to discuss this project and gave the following request and recommendations:

- 1) Requested a “Bailey Bridge” so that Route 148 (the most expedient and most used N<>S connection in Brookfield) would not be shut down;
- 2) Recommended there be a bond in favor of the Town for 5 to 7 years because he was concerned about how the jacking up would affect the stability of the bridge;
- 3) Recommended having CSX hire and pay for a consultant who would inspect the bridge before and after the reconstruction;
- 4) Recommended the Selectmen contact legal counsel so that they would know the town’s legal recourses so that “we don’t get pushed around”.

Mr. Heller assured Mr. Cooke that the Selectmen are looking out for the Town in this matter and thanked him for his constructive suggestions. The Board will keep Mr. Cooke advised of any public hearings.

3. **STURBRIDGE NOTICE OF INTENT:**

The Board acknowledged receipt of a copy of the Notice of Intent (NOI) filed by the Sturbridge Conservation Commission relative to impending work on Quacumquasit Pond (South Pond) by the QQLA (Quaboag Quacumquasit Lake Association)

4. **RESULTS OF DHCD AUDIT ON 2007 CDBG PROJECT:**

The Board reviewed the audit results conducted by the Department of Housing and Community Development (DHCD) on the 2007 CDBG project (Community Development Block Grant) on River Street. There was one finding and three recommendations. As this grant had been administered by CMRPC (Central Massachusetts Regional Planning Commission), the Administrative Assistant asked for them to draft the initial response. This letter was received and accepted by the Selectmen. Mr. O'Connell moved that said response letter be sent to DHCD and that it be signed by Chairman Heller; Mr. Allen seconded; so voted.

New Business:

5. **SET DATE FOR SPECIAL TOWN MEETING:**

Mr. O'Connell moved to set the date and time of June 18, 6:30 pm for a Special Town Meeting to be held if needed; Mr. Allen seconded; so voted. The location will be the Elementary School.

It was agreed that since the Warrant must be posted 14 days ahead of a Special Town Meeting that it would have to be posted by June 4th, the warrant would be closed on June 1st; the deadline for article submission will be May 27th and the purpose of this warrant will be "routine, end-of-year business".

6. **MUNICIPAL TRANSFER PROCESS AND DEADLINES:**

May and June are the months when municipal transfers may be processed. The Administrative Assistant was instructed to get the deadlines from the Town Accountant, to inform Department Heads of the procedures and to request them to submit any accounts that they expected to overspend, and to get from department heads an estimate of their end-of-year balances.

7. **TIRE SERVICE DISCOUNT:**

An area tire dealer who is on the State Contract Bid List had verbally offered a discount to the Town's employees. The Board agreed not to take any action on this.

8. RESIGNATIONS AND APPOINTMENTS:

Jeffrey Edwards: Mr. Allen moved to accept with regret Mr. Edward's letter of resignation as Acting Chairman and as member of the Recreation Committee; Mr. O'Connell seconded; so voted. The Board will send Mr. Edwards a letter of appreciation.

Adam Rundell: Mr. O'Connell moved to appoint Mr. Rundell to the Personnel Board for a period to end on June 30, 2013; Mr. Allen seconded; so voted. Mr. Rundell had also volunteered to be part of a Website Development Committee but since there is no such committee he will work with Mr. Heller on this project.

9. VACATION EXTENSION REQUESTS:

Donald Herbert: Mr. O'Connell moved to authorize Mr. Herbert to use his remaining Fiscal Year 2010 vacation time during the first quarter of Fiscal Year 2011; Mr. Allen seconded; so voted.

Adam Cameron: Mr. O'Connell moved to authorize Mr. Cameron to use his remaining Fiscal Year 2010 vacation time during the first quarter of Fiscal Year 2011; Mr. Allen seconded; so voted.

Donna Neylon: Mr. Allen moved to authorize Ms. Neylon to use her remaining Fiscal Year 2010 vacation time during the first quarter of Fiscal Year 2011; Mr. O'Connell seconded; so voted.

10. BROWNFIELD GRANT APPLICATION:

Correspondence was received indicating that the Brownfield Grant Application submitted to CMRPC by Mr. and Mrs. Richard Finney and encouraged by the Selectmen had been granted. It is understood that the grant is for Phase I which consists of a paper review of the status and a site visit. Although the letter sounded like the grant was coming to the Town of Brookfield that was not the case. All work will be done by and through CMRPC with no Town participation.

11. INTER-MUNICIPAL AGREEMENT:

Mr. Heller announced that the Town of West Brookfield had already signed the inter-municipal agreement for purchasing services and it had been approved by their Town Counsel. After discussion it was agreed that the \$500 cost of this program will come from an article on the Special Town Meeting Warrant which would transfer this amount from another source.

Mr. O'Connell moved to authorize the Chairman to sign the contract, contingent upon approval by the voters at the Special Town Meeting on June 18th; Mr. Allen seconded; so voted.

12. CDBG-R PROJECT SCHEDULE

The project announcement was read aloud into the minutes by Mr. Heller and the Board agreed to hold a question and answer session as part of their May 18th meeting and this Q&A session would start at 7:00. Announcement below:

“We are sure that you remember hearing about the \$600,000 grant that the Town received last fall for infrastructure work to be done on Common Street (from Central Street to Lincoln Street) and on Lincoln Street, including Lincoln Street Extension. “Infrastructure work” means that new water and drainage lines will be installed and there will also be new curbing and a new top put on the streets. The Engineer in charge of this project is STANTEC and the contractor who will be doing the work is PLOPPI CONSTRUCTION. The Town has worked successfully several times with Stantec but this is our first opportunity to work with Pioppi. We expect to experience an excellent working relationship with Pioppi as they have an excellent reputation. A sign will be installed near the work area that will give the names of the companies involved, etc.

IT IS EXPECTED THAT THIS WORK WILL BEGIN THE WEEK OF MAY 10th and will continue until completion (about 15 weeks). During that time, the Community Development Block Grant Advisory Committee (CDBG AC), along with Brookfield's Highway, Water and Police Departments, will be working together to ensure that the residents of those streets experience the least amount of inconvenience possible. The plan is to work on one section of the street at a time; the section being worked on will be closed to through traffic during the work day only. It is expected that people living in the area where the work is being done will have some access but might have to wait a couple of minutes to get either in or out (during the work day only). Hopefully, no one will experience much of a problem. ALSO, the plan is to work on Lincoln Street Extension at a time when school is out of session to cause the least amount of interruption as possible for the students, teachers, and bus drivers.

People should be aware that parking for the Library will be affected during the project work hours. Any St. Mary's church activity outside of the project work hours should not be affected.

The Board of Selectmen and the CDBG AC expect to hold a question and answer session as part of an upcoming Selectmen's meeting where you can express your concerns and learn more details of the work that is planned. Please feel free to pass the word to all of your friends and neighbors who may live on either Common or Lincoln Street or Lincoln Street Extension or may use these streets. If you have any questions or concerns in the meantime, please feel free to contact the Selectmen's office. You should receive notice of the above Q&A session very soon.”

13. ANNUAL TOWN MEETING ARTICLE REVIEW:

The Administrative Assistant, Donna Neylon, had prepared a draft Warrant for the Board's review. Each member took a copy and will review it prior to the May 12th meeting.

14. RENEWABLE ENERGY TRUST GRANT

Article 31 in the current draft Annual Town Meeting Warrant would fund the Town's mandated share of the cost for this grant. Mr. William Scanlan had submitted his contract for the position of grant project director, as requested by the Board. It was agreed to notify Mr. Scanlan that the contract would be signed once the article was approved.

15. CLASS II AUTO DEALER LICENSE AMENDMENT REQUEST:

Correspondence has been received from Mr. and Mrs. James Manzano to remove Mrs. Manzano's name from the Dealer License. The Board agreed to sign the amended license and to not charge for the service.

Correspondence:

16. LETTER OF APPRECIATION

A letter of appreciation was received from Ms. Ana Afton to the Police Officer that responded to Easter Service at St. Mary's Catholic Church. As Mr. Heller had just left to attend the Recreation Committee's meeting, Mr. Allen read the letter aloud. A copy will be given to the Police for inclusion in the officer's personnel file.

17. CERTIFICATE OF APPRECIATION

The Board received a Certificate of Appreciation from the United States Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau for use of the Banquet Room for four sessions of testing for the 2010 Federal Census.

18. NOTICE OF PUBLIC HEARING

A notice of a Public Hearing to be held in Boston on June 8th involving Charter Communications was received. A copy will be given to the Cable Access Committee and notice will be placed on the Town's web page.

19. CVS DRUGSTORE CHAIN OFFER OF \$25 MILLION TO FUND CHILDREN'S DISABILITY PROGRAM

Since this grant announcement had already been sent to the Elementary School, it was agreed that a copy should also be sent to the Tantasqua Superintendent's office.

20. CHARTER COMMUNICATIONS FINANCIAL BALANCE SHEET

The Board acknowledged receipt of Charter Communications Financial Balance Sheet and Statement of Ownership for 2009. These documents are available in the Selectmen's office if the public should want to view them.

21. CLEAN WATER ACTION

The Board received a request to support House Bill 4374 – “An Act to require Producer Responsibility for Collection, Reuse, and Recycling of Discarded Electronic Products” and House Bill 726 – “An Act Relative to Producer Responsibility for Mercury Added Lamps”. A copy will be given to the Board of Health.

Other:

22. POSSIBLE REPEAL OF CHAPTER 40B:

An e-mail, received today from Tim Simon, member of the Conservation Commission, was reviewed. Mr. Simon had attended a meeting of a group working toward the repeal of Chapter 40B (housing). Petitions are being circulated to get this on the ballot in the fall. The Board agreed to place this matter on the agenda for their May 12th meeting.

23. POSSIBLE VIOLATION OF SPECIAL PERMIT

Mr. Allen asked the Board's permission to investigate to see if there was a possible violation to a Special Permit issued for a property on Route 9. Permission was granted.

24. INCIDENT BETWEEN TWO TOWN EMPLOYEES

Mr. Allen said that in the matter of the incident between two town employees that was alluded to at the beginning of the meeting, he would like the Board to try to get he two parties together and resolve the matter.

Public Access Speakers:

Mr. John David Holdcraft first spoke to Mr. Allen's comments about the Special Permit governing his use of his property on Route 9. Mr. Holdcraft said he was simply operating a tag sale and if forbidden at that site, he would simply move it to one of his other properties in Town. Mr. Holdcraft subsequently made accusations against the Board and was asked to leave the meeting.

Mrs. Ruth Lyon asked the Board if they had re-organized. The Board realized it had failed to complete reorganization and rectified the situation (see beginning of meeting minutes).

ADJOURNMENT:

At about 8:45 pm, Mr. O'Connell moved to enter into a series of Executive Session for Exemptions #2, #6 and #7 (given below) and to return to open Session only for the purpose of adjournment; Mr. Allen seconded; so voted with Mr. Allen voting aye; Mr. O'Connell voting aye; and Mr. Heller voting aye.

(2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual.

(6) To consider the purchase, exchange, lease or value of real property, if an open discussion may have a detrimental effect on the negotiating position of the governmental body with a person, firm, or corporation.

(7) To comply with the provisions of any general or special law or federal grant-in-aid requirements. (General privacy)

At about 10:15 pm, the Board returned to Open Session; Mr. O'Connell moved to adjourn the meeting; Mr. Allen seconded; so voted.

Respectfully submitted,
Donna L. Neylon, Administrative Assistant

Date approved by Board: _____