

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

MINUTES OF MAY 18, 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, Tara Johnson

Public: William Scanlan, Herbert Chaffee II, Arthur Jay, Barbara Clancy, Brenda Metterville, Christopher Welsh, Donna Sullivan, Kathleen Wild, Eileen Perron, Joseph Perron

Mr. Heller immediately entertained a motion to adjourn to the Selectmen's Office for an Executive Session, citing Exemption #2 and to return to Open Session immediately thereafter;

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

Mr. O'Connell so moved; Mr. Allen seconded; so voted.

At 7:02 pm, the Selectmen returned to Open Session and opened the Question and answer session which was co-sponsored by the Community Development Block Grant Advisory Committee (CDBG AC).

1. QUESTION & ANSWER SESSION REGARDING CDBG-4 PROJECT

Chairman Heller turned the Q&A Session over to the CDBG AC. Mr. William Scanlan, who is the grant administrator, first explained the process of applying for and receiving the grant of \$661,100, where the funding came from, gave information on who the Town had contracted with to engineer the project (Stantec) and who was contracted to conduct the project (Pioppi). The project is comprised of water and drainage lines, replacement of sidewalks and curbing and re-paving of Common Street from Central to Lincoln and of Lincoln Street from the intersection with Common to the end, including Lincoln Street Extension.

CDBG AC members present: James Allen, Arthur Jay, Herbert Chaffee, Donna Neylon.

Below are some of the facts that were discussed:

- The contract is for a 15 week period.
- The road will be blocked during actual work hours only and open in the evenings and weekends; the contractor will work with the residents so that they can have access to their property even during the actual work hours.
- Only the immediate area where the work is being performed will be closed to traffic.
- The Library should let their patrons know that they should seek alternative parking; the library employees will use the Town Hall parking.
- The drainage work on Common Street will take up to two weeks; then the work will begin on Lincoln Street.
- The normal work day for the project will be 7 to 5, Monday through Friday.
- 35 residents will be directly affected and all received a flyer advertising the work to be done and this Q&A session.
- The sidewalks will be done last.
- The stakes on the Common now will be pulled out; they are there to help locate other structures.
- For the most part, the Common will not be touched.
- Pipes will be stored at Mill Street and are scheduled to arrive a week before they are needed.
- The Police Chief said that there will be leniency for parking as long as room is left for emergency vehicles.
- It is possible that Lincoln Street may be a one-way during the project and/or making Common Street a one-way across Lincoln Street to River Street (Route 148).
- August 7th is Brookfield Historic Day and part of the event will include the Common. The contractors will make the area as presentable as possible.
- Concerts on the Common, which are Friday evenings in July and parking at the Unitarian Universalist Church and the Congregational Church on Sunday, will not be affected.
- Some parking has already been lost but it was learned that this is due to a State Law mandating no parking within 15 feet of an intersection.
- There was some concern about curbing and the residents were assured that the Town and the contractor would work with them to give them the best curbing.
- The green belt between the street and the sidewalk would remain.
- The slope would be toward the road so that water will drain from Town property to Town property.
- Residents will be able to tie into drainage units with their sump pumps.
- The Water Department will notify abutters when their water will be shut off.
- Lincoln Street will not be widened; Common Street may be widened by one foot at one end and narrowed by one foot at the other end to end up 20 feet wide.
- Six trees will be planted as part of this grant project.
- The Town will supply the loam.

- Contact for the Catholic Church, corner of Lincoln & Howard, is through the Sacred Heart Church Office in West Brookfield.
- At the end of the project, the pulverizing and paving of the entire project will be done and there will be no parking in these area. Residents will receive a one week notice.
- If anyone has any questions during the project, they are encouraged to call the Selectmen's office, 508-867-2930 x 10.
- Mr. Allen said he was proud of the way that Bruce Clarke, Water Superintendent and Herb Chaffee, Highway Superintendent have worked with the neighbors and contractors on similar CDBG projects and expected the same excellent service on this project.
- Chairman Heller thanked all for attending and thanked Grant Administrator, Mr. Scanlan, Mr. Chaffee, Highway Superintendent, and Acting Police Chief Welsh for their assistance in answering questions.

At 7:40, the Selectmen proceeded with the rest of their agenda:

APPROVAL OF WARRANTS:

Mr. O'Connell moved to ratify the Expense Warrant of May 11, 2010 in the amount of \$316,362.13; and to approve the Payroll Warrant of May 18 for \$171,777.94; Mr. Allen seconded; so voted.

APPROVAL OF SELECTMEN'S MINUTES:

Mr. Allen moved to approve the Selectmen's minutes of April 6, 2010; April 20, 2010; April 27, 2010; April 28, 2010 and May 4, 2010; 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.

Town Hall Custodian: April 2010	EMS: April 2010
Tax Collector: April 2010	Fire Department: April 2010
Recreation Committee: 4/26/10; 5/4/10	Cultural Council: 5/10/10
Cemetery Commissioners: 4/3/10	Library Trustees: 4/12/10
Treasurer's Cash Reconciliation: 2/28/10	
Advisory Committee: 2/11/10; 2/18/10; 3/11/10; 3/18/10; 3/22/10; 4/22/10	
Quaboag 350 th Plantation Anniversary Committee: 3/18/09; 4/15/09; 5/13/09; 6/10/09; 7/8/09; 8/12/09; 9/16/09; 10/26/09; 12/23/09; 1/6/10; 3/8/10	

ANNOUNCEMENTS:

Mr. Heller read various announcements which included the Memorial Day schedule.

Public Access Speakers:

Passed over.

Old Business:

2. ARTICLES FOR ANNUAL TOWN MEETING – JUNE 18, 2010:

Mr. Heller indicated that in order to proceed with the planned solar project, an additional article would be needed, that is a “right-to-site” and “expediting permit by-law” and he would have it for the Board to consider at their Wednesday, May 26th meeting.

The Board reviewed the articles and agreed to send the Warrant, as is, to the Town Counsel for review. They will ask for a particular review of two articles only, Article 12 and 13 in the draft warrant. Both articles deal with the Cemetery Commission; Article 12 asks for a transfer and the Accountant is concerned that tax dollars could be mixed with donated dollars; Article 13 asks for approval of 2009 Rules & Regulations. The Board wonders if the article should be so specific.

3. DHCD RESPONSE RE FY 2007 CDBG AUDIT:

Mr. Heller reported that the Town had heard from the Department of Housing and Community Development (DHCD) and that the Town’s response to their audit findings was accepted with no “black mark” for the Town.

4. FINAL APPROVAL OF CEMETERY FORMS:

Mr. O’Connell moved to approve the Cemetery Commission’s new forms “Memorandum of Repurchase” and “Deed to Right of Burial” which have been approved as to form by Town Counsel; Mr. Allen seconded; so voted.

5. INTER-MUNICIPAL TRANSFER MEMO:

Mr. O’Connell noted that the Town Accountant wants assistance in drafting her notice to town departments regarding deadlines for inter-municipal transfers and asked the Board’s permission to assist her. Permission was given.

New Business:

6. LETTER OF NON-APPOINTMENT:

Mr. Heller entertained a motion to not re-appoint Police Chief Ross B. Ackerman and to allow his term to expire on June 30, 2010; Mr. O’Connell so moved; Mr. Allen

seconded; so voted. Mr. Ackerman will be notified by mail. There was no discussion at the recommendation of Town Counsel.

7. CHAPTER 90 PROJECT REQUESTS:

Mr. Heller entertained a motion to approve two requests for Chapter 90 spending as received from the Highway Superintendent; Mr. O'Connell so moved; Mr. Allen seconded; so voted.

The two projects that were approved are:

- \$19,000 which will be part of Brookfield's in-kind service (CDBG-R project); resurfacing/reclamation with bituminous concrete overlay and lane markings to Lincoln and Common Streets (1,850 feet x 20 feet).
- \$75,000 to be used on Devil's Elbow Road for resurfacing/reclamation with bituminous concrete overlay and lane markings (3,152 feet x 18 feet).

8. CULTURAL COUNCIL REQUEST

Correspondence was received from the Cultural Council indicating they intended to purchase a series of banners (long and rectangular) and they requested permission to hang the banners along River Street (Route 148) and along Route 9. They would need the assistance of the Fire Department to hang the banners.

The Selectmen gave their support to the concept but left the mechanics to the Cultural Council. The Council must communicate with Verizon, National Grid and MassDOT for permission and copy the Selectmen with their correspondence.

9. STRAP GRANT MEMO:

An alert was received from Senator Brewer that a new round of applications will be expected for a STRAP (Small Town Road Assistance Program) grant and it is anticipated that the deadline will be the end of June. It was noted that the Highway Department (Herb Chaffee, Superintendent and his assistant, Lucinda (Cindy) Thompson) are already working on this application. The Board asked Mrs. Neylon to let Herb and Cindy know that they are willing to help with the application in any way.

10. GRANT ANNOUNCEMENT – BANISTER COMMON & MALL COMMITTEE:

Notice was received that the Banister Common & Mall Committee had received approval of their grant application to the National Trust for Historic Preservation's Johanna Favrot Fund in the amount of \$1,450.00. This amount, along with funding expected to be authorized at the June 18, 2010 Annual Town Meeting.

11. CASINO MEETING REPORT:

Mr. Heller reported having attended a forum hosted by the Town of Warren regarding community impacts of a large scale casino development project. Each Town was encouraged to do their pre-planning so they don't experience difficulties 15 years afterward that many communities in Connecticut are experiencing after the casinos were built there. He reported that investors have purchased large tracts of land in speculation to sell to the casinos. The Towns of Warren and Palmer are being seriously considered as sites for casinos and they are very close to Brookfield. West Brookfield has already adopted some by-laws relative to casinos.

The question arose as to which department should take the lead in this matter and it was agreed that Mr. Heller would forward his information (from Warren and West Brookfield) to the Planning Board.

12. SOLAR MEETING REPORT:

On May 12th, Mr. Heller and Bruce Clarke attended a seminar in Hadley. The topic was "Solar Energy – A closer look at medium and large scale solar projects". Mr. Heller promised a more extensive report but gave these key points:

- Energy conservation is the most cost effective action we can take. We should start by ensuring that there are no incandescent bulbs in town buildings. The notion that "I will replace them when they burn out" is erroneous and just means more expenditures and more waste.
- The lights behind the exit signs in the Town Hall should also be changed to LED's or fluorescent, if they are now incandescent.
- Is the roof in the Highway barn strong enough to hold the load of the proposed solar arrays? A structural study should be completed before we go any further. It may suffice to send the "as built" documentation to an expert, such as who was the first speaker of the day. Structural analysis and possible settling is important.
- We should talk with DEP about our landfill cap. We should determine if we can use this site for solar arrays. We should also look with care at the site where the Town wells are located.
- We need to consider solar access laws and site-ing by-laws so that when the projects do come on board, we are ready to receive them. A study of the Green Communities Act must be undertaken so that we can perhaps have an article ready for the June 18 Annual Town Meeting.
- It is not wise to have the company doing the project prepare the RFP (Request for Proposal).

Mr. Heller will contact the Water Commissioners to get their approval of Bruce Clarke working with the Selectmen on the solar issues.

13. CSX BRIDGE RE-CONSTRUCTION MEETING REPORT (ROUTE 148):

The minutes of the most recent CSX Bridge re-construction meeting (held May 13th) as written by Donna Neylon were reviewed. Others representing Brookfield and attending this meeting were Chief Welsh, Chief Martell, Herb Chaffee, Cindy Thompson, and Bruce Clarke.

The Board was concerned to learn that the “only one weekend shutdown” had changed to a shutdown of “up to three weeks”. They agreed that this is not acceptable for many health and safety reasons and will send a letter to Senator Brewer and Representative Gobi asking them to intercede. Mr. Heller will draft the letter.

14. POLICY & PROCEDURE FOR COLLECTION OF DELINQUENT TAXES:

Mr. O'Connell presented the Policy & Procedure which he had drafted and which had been reviewed by both the Town Treasurer and Tax Collector; there were a few minor changes from when the Board had review this document last. The purpose of the form is to inform, to work with delinquent taxpayers to come up a payment plan, if needed. Both the Tax Collector and the Treasurer have agreed to the timeline.

Mr. O'Connell moved to adopt the Policy and Procedure for Collection of Delinquent Taxes; Mr. Allen seconded; so voted.

The Administrative Assistant will send the explanatory paragraphs in a Press Release to the local newspapers, especially the Brookfield Citizen.

The computer software currently used only shows the current year; a demand notice is needed for the current year and for prior years; this is a requirement of the law that the Tax Collector has not done.

15. FACILITIES USE REQUEST:

Mr. O'Connell moved to approve the request of the Brookfield Quaboag Plantation 350th Anniversary Committee to use the Banquet Hall, kitchen and lobby of the Town Hall on August 7th from 11:00 am to 6:00 pm for Brookfield Historic Day; Mr. Allen seconded; ; so voted.

16. SELECTMEN'S MEETING SCHEDULE:

The Board agreed to maintain the Wednesday morning meeting throughout the month of June and to place this on the agenda for June 15th to review.

Correspondence:

17. CMRPC PLANNERS FORUM:

There will be a Planners Forum on May 27th hosted by CMRPC (Central Massachusetts Regional Planning Commission) and Mr. Heller plans to attend. Planning Board and Master Plan Committees have been notified.

18. SPECIAL ELECTION REIMBURSEMENT FROM STATE:

The Town received notice that it will receive State reimbursement of \$4,445 for expenses related to the Special Election for State Senator held in January of 2010.

19. MMA MEETING JUNE 12th:

CMRPC sent notice of a meeting of the Brownfields Steering Committee to be held on Wednesday, May 19th.

20. MASSACHUSETTS MUNICIPAL ASSOCIATION (MMA) MEETING NOTICE:

MMA will hold their annual Statewide Leadership Conference for Selectmen on Saturday, June 12th in Sturbridge. Mr. Heller plans to attend.

21. TRSD/UNION 61 SCHOOL CHOICE FUNDS LETTER:

Correspondence was received from Tantasqua Regional School District/Union 61 (TRSD) indicating that the Brookfield School Committee voted a new FY 2011 Budget request of \$2,774,330 and will use \$45,000 of school choice funds toward their operational budget. This was done at the request of the Board of Selectmen.

Other:

22. TOWN HALL ROOF

Correspondence was received from Town Counsel with recommended strategy and this will be reviewed in Executive Session.

23. POLICE STATION LEASE

Mr. O'Connell announced that there is now full agreement on the new police station lease which will be for three years with the option of the Town renewing for four or five years. The only thing left to do before signing is the physical walk-through of the building.

Public Access Speakers:

There were no speakers from the floor recognized but Mr. Heller read aloud the State law that indicates that the Selectmen do not have to recognize any speakers at their meeting.

Mr. Allen chose this time to tell the other Selectmen that he had received several telephone calls from residents indicating that they did not like “being painted with the same brush” and stating that Mr. Holdcraft did not have the authority to speak for them when he would put “we the people” or “the people of Brookfield” or something similar on his sign along Route 9.

ADJOURNMENT:

At about 9:07 pm, Mr. O'Connell moved to enter into Executive Session citing MG. 39, Section 23B and Exemption #3, (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.

(3) - "To discuss strategy relating to collective bargaining or to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel."

a. To determine whether a governmental body may discuss collective bargaining or litigation strategy in executive session, the test is whether the discussion is directly related to the governmental body's collective bargaining position in ongoing or imminent negotiations. If challenged, the governmental body must show that an open meeting might have a "detrimental effect" on its bargaining or litigating position.

b. For purposes of the Law, "collective bargaining sessions" include not only the bargaining sessions but also any grievance hearings that are called for under the terms of a collective bargaining agreement.

At about 9:28 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: _____