

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

MINUTES OF July 21, 2010

SPECIAL SESSION

Vice Chairman James Allen called the meeting to order at 9:00 a.m. Other members present: Peter O'Connell; Rudy Heller was excused.

Camera Operator: None

Press: David Dore, Ruth Lyons

Public: Tim Simon

1. LICENSE AGREEMENT – CONSERVATION COMMISSION/ROUTE 148

Mr. Tim Simon attended the meeting to represent the Conservation Commission (ConComm) and answer questions regarding the proposed license agreement between the Town and the Department of Fisheries and Game (F&G). Said agreement would allow the town to use an area along Fiskdale Road (Route 148) belonging to the F&G to store materials. The Selectmen had understood that the proposed license agreement was the result of a request by the ConComm to facilitate the installation of a walking path along 148 between the bridge and Town Farm Road. Mr. Simon reported that the agreement was “old” and that the proposal came from the Highway Department, supported by the ConComm but will need a sketch first where the wetlands will have to be delineated.

Mr. Allen will talk to Mr. Herb Chaffee, Highway Superintendent, and ask Mr. Chaffee to make the necessary sketch and to bring a proposal to the Board of Selectmen. The ConComm will then work to get the necessary permits from the Department of Environmental Protection (DEP) and Natural Heritage for endangered species.

It was agreed that there is a serious and solid safety issue in this area for pedestrians and a pathway would certainly be a big step in resolving the matter. Mr. O'Connell said there was a similar issue in the area along route 148 from Green Street along Main to the intersection with East Main Street. He suggested that there should be a similar pathway alongside the road in that area and asked if there would be enough “grindings” for both areas. Mr. Allen will ask the Highway Superintendent this also.

2. APPOINTMENTS

Conservation Commission: Mr. O'Connell moved that Michael LaRocca be appointed to the Conservation Commission to a term to expire on June 30, 2011; Mr. Allen seconded; so voted.

Zoning Board of Appeals: After noting that Mr. David Holm had agreed to participate in training necessary to understand the law related to duties and procedures of the a Zoning Board of Appeals, Mr. O'Connell moved to appoint Mr. Holm as a full member of the Zoning Board of Appeals with a term to expire June 30, 2012; Mr. Allen seconded; so voted. This makes a full board; however, the three alternate positions are still vacant.

Police Chief Search Committee (PCSC): It was agreed by Mr. Allen and Mr. O'Connell that the official appointments would be made on July 27th when Mr. Heller would be present at the meeting. In the meantime, the Board authorized Ms. Neylon to post the first meeting for the PCSC for 7 pm on Wednesday, July 28th in the Town Hall.

Mr. Allen announced that the Board had received to-date notice from three individuals indicating their willingness to serve as the at-large member. Those persons, in order of receipt of their request, are: Mr. Kermit Eaton, Mr. James Cooke, and Mr. John (Jay) Ferrarone.

Mr. O'Connell stated that the West Brookfield Police Chief has indicated that he will not be able to serve on the Committee so he (Mr. O'Connell) will ask other area Chiefs about their availability and willingness to serve if appointed.

A teenager will be recommended by the Library Director and Mr. O'Connell will contact the school principal for his recommendation.

3. COMPUTER REPLACEMENTS, ETC.

Since this is "Rudy's project" the other members of the Board agreed to pass over this until July 27th. Mr. O'Connell asked if all computers were being backed up and how could this be verified. Mr. O'Connell moved to authorize Donna Neylon to ask Larry Von Cott from Xibexa to have all of the municipal computers backed up during the month of July; Mr. Allen seconded; so voted.

4. COMPUTER USE POLICY

Mr. O'Connell noted that the Board already has a policy on computer use, maintenance, etc. It also received an extensive policy, recommended by Mr. Von Cott and has a memorandum from Town Counsel indicating what should be included in such policy. The Board asked the Administrative Assistant to check

her files to see what she has from STAM (Small Town Administrators of Massachusetts) and to ask the school for a copy of their policy. The Board asked Mr. Heller if he will integrate all of this information into one document.

5. BRUSH POLICY

Mr. Allen reported that Mr. Chaffee, Highway Superintendent, agreed that they will take responsibility for accepting “brush” at the Town’s property on Herbert Road on one or two Saturdays during the fall and spring, taking compensatory time for the hours worked. Brush will be burned. The Highway Department will acquire necessary permits from the Town of East Brookfield.

This agreement closely follows the last proposed brush policy except for the number of times the brush area will be open. The definition of “brush” and “wood” will be part of the regulations and will be published at a later time. This item will be placed on the July 27th agenda for formal approval.

6. CHARTER COMMUNICATIONS – NOTICE OF CHANGE TO CHANNEL LINE UP

The Selectmen understand that the changes that will take effect on August 3rd will also be mailed to Charter’s customers.

7. SETTING BOARD PRIORITIES

Each member will nominate his own priorities for projects, etc. and this will stay on the agendas until resolved. There was no action at this meeting because of an incomplete Board.

8. WAGE AUTHORIZATION FORM

There was a question resulting with no action at the last meeting regarding a Wage Authorization form for an employee of the Cemetery. The Cemetery Superintendent indicated to the Administrative Assistant that the hydraulics license (the basis for the change in grade) was necessary to work at the cemetery.

Mr. O'Connell moved to approve the change from grade 2, step 12 to grade 4, step 12 (\$13.01/hour) for Cemetery Groundskeeper, Herbert Foley, effective July 27, 2010 contingent upon sufficient funds in the Cemetery budget; Mr. Allen seconded; so voted. It was agreed that if the Cemetery Commissioners had a problem with this vote, they could come back to the Selectmen.

9. CHAPTER 90 REIMBURSEMENT REQUEST

The document that needs to be signed in order to get reimbursement from the Commonwealth for the road work done on Devil's Elbow Road was presented to the Board for their signatures. Mr. O'Connell moved to sign the reimbursement request in the amount of \$69,114.39; Mr. Allen seconded; so voted.

10. FINANCIAL MANAGEMENT REVIEW OF TOWN BY DEPARTMENT OF REVENUE

At a previous meeting, the Board had voted to ask the Department of Revenue (DOR) to conduct a general financial management review of the Town's records. A reply was received indicating that this is scheduled for February of 2011. The review is not an audit; the DOR will look at town policies, etc. and make recommendations to the Selectmen and the financial team. The Administrative Assistant was asked to advise the members of the financial team of the anticipated February review.

11. ZONING JURISDICTIONAL ISSUES

In e-mail correspondence, Gary Simeone, the Zoning Enforcement Officer (ZEO), suggests that Town Counsel define the boundaries of the different departments relative to Special Permits for Whites Landing and Rehabilitative Resources Inc. (RRI) (aka Elm Hill Farm).

The Board agreed to ask Mr. Heller, as liaison to the ZEO, Zoning Board of Appeals (ZBA) and the Planning Board, to come back to the Board with his recommendation of how to proceed with the RRI issues (traffic, noise, permits, what can they do as a non-profit, etc.) and to have Ms. Neylon let the ZEO that the Board wants the ZEO, ZBA and Planning Board to resolve the Whites Landing Special Permits issue themselves.

12. REQUEST FOR CIGARETTE "BUTT" CAN

Ms. Neylon reported that the Sunday Morning Club, which has permission to use the Town Hall every Sunday morning from 10 am to 12 noon, has requested they be allowed to use a "butt can" so that their smokers are leaving the grounds of the building clean. Ms. Neylon said that neither she nor the Town Hall Custodian want the can stored on Town property and suggest that the can be brought to each meeting and removed afterward. She reported having asked fellow STAM members if they have any policy or comments regarding a similar request. No policies were sent to her but one member questioned why an exemption to the "No Smoking" police was being considered for one group.

The Board appreciated that the group wants to keep the area clean and asked Ms. Neylon to convey to the Club's representative that they can't smoke on Town property, that smoking should be off the sidewalk and preferably in a private vehicle and they need to keep the property free of cigarette butts. If they use a "butt can" it must be removed from the area.

Other:

13. REQUEST TO USE SOUTH POND BEACH

The Board of Health Chairman passed along an emergency request by the YMCA to use the South Pond (Jeppson) Beach the remainder of the current week and all of next week for swimming lessons. Their usual location has been closed due to poor water test results.

Since the Board received adequate proof of liability and indemnity insurance, Mr. O'Connell moved to authorize the use of the beach for swimming lessons through July 30, 2010 on the condition that the swim program will not interfere with residential use of the beach area during those same hours; Mr. Allen seconded; so voted.

Mr. Allen noted that the Recreation Committee members and the Highway Department had worked hard to clean up the beach area and suggested that a letter be sent to both departments complimenting them on their work. Ms. Neylon will send the letter.

14. UPDATE BY TAX COLLECTOR ON TAX TITLE

Lois Moores, Tax Collector, came before the Board to report on her progress with collecting back taxes from 2002. So far, 124 demand letters have been sent out, 62 of those recipients have paid their bill in full, 15 are making payments and 47 have not responded in any way. It is not clear how many delinquent taxpayers have yet to be notified as required by law, but Mrs. Moores estimated that it was less than 150.

Mrs. Moores said that she would like to hire Municipal Management, a company that she said "most towns use" as they "don't do their own tax title". She said that Brookfield's Treasurer, James Dunbar, was in agreement that this firm should be hired.

She explained that there is a "prep fee" charged by this company. She charges a "prep fee" only if there is no payment and the delinquent is turned over to the Treasurer for taking. The company charges "per account" and each account represents a piece of property. If one owner has four pieces of property with unpaid taxes that would represent four separate accounts and fees would be assessed on each property collection. It appeared that fees could be as much as \$30 to \$45 per account and these fees are automatically added to the tax bill.

The Board agreed that if they should at this time contract with Municipal Management, or a similar company (Town Counsel also offers this same service), that they would be treating the first 124 delinquent property owners differently from the group yet to be notified and they didn't want to do this.

Mr. Allen asked Mrs. Moores that if she had no additional help, could she get this project completed by the December 31st as she originally said she could. Her response was: "No, I don't believe so". She was then asked if she had clerical help, can she meet the December 31st deadline and her response was: "possibly". There was then discussion of how much help was needed and how many hours per week. Mrs. Moores accused Mr. O'Connell of purposely making extra work for her with the intention of making her job more difficult and removing her as Tax Collector. Mr. O'Connell assured her that was not so, noted that he had previously committed himself to assisting her in meeting clearly stated goals, including providing additional clerical assistance, and that the Board's concern was that the delinquent tax payers be brought up-to-date.

Mr. Allen indicated that he could make no decision about whether to hire an outside firm to do the tax title work until he had a chance to review the proposal from Municipal Management and to compare it to the proposal from Kopelman and Paige. Mrs. Moores will find out: (a) if it is allowed to a temporary employee for this specific project, to be paid the Tax Title Account, and to add the charge to the delinquent taxpayer's bill as would be the case if an outside firm were to be hired, (b) the actual cost per account, (c) whether the firm would do all the necessary research on deed boundaries and ownership to complete the tax-taking form, and (d) whether other Town collectors use this firm for the Tax Collector tax title work and/or for the tax title work of the Treasurer as well. The Board will have to review the documents that Mrs. Moores brought to the meeting before this can be determined. After some initial resistance, she agreed to provide the Board with a copy of Municipal Management's presentation and her documents that were discussed at this meeting.

At this time, Mrs. Moores announced that she will be away on the 17, 18, and 19 at school and her office will be closed and she still has bills to send out in August. She wants to be in the office when letters go out to remaining delinquent taxpayers because although her assistant, Mrs. Lee Finney would be able to answer questions regarding new tax bills, old ones are on a different computer program that she is not familiar with. Mrs. Moores indicated that Mrs. Finney is not bonded and therefore her only formal back-up would be the representative of the Department of Revenue.

After further discussion, it was agreed that the Tax Collector's priorities would be to accomplish the following by the end of August 2010:

1. Move the 47 "no response" delinquent taxpayers over to tax title. This means a second letter warning of imminent tax-taking, then advertisement in a local newspaper, and finally registering the lien with the Registry of Deeds. The Collector's prep fee, cost of the legal ad, and a filing fee will then be added to the amount owed by the property owner. The collection of the debt then becomes the responsibility of the Treasurer.
2. Send out the first letter to the remaining 140 or 150 property owners.

Once #1 above is completed, Mrs. Moores will let the Selectmen know if she can get #2 accomplished by the end of August. If, after reviewing proposals from tax title firms, the Board agrees to hire one, the priorities might change. This item will remain on the agenda until resolved.

ADJOURNMENT:

As there was no further business before the Board, Mr. O'Connell moved adjourn the meeting at 12:29 p.m.; Mr. Allen seconded; so voted.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: _____