

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

**MINUTES OF JULY 27, 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:** Sarah Heller

**Press:** Karen Trainor, Ruth Lyons, M. Catherine Bysyd

**Public:** John David Holdcraft, Barbara Wilson, Jeanne Lytle, Ronald Dackson, Jonathan Church (CMRPC), Brenda Metterville, Douglas Blood (Interim Police Chief)

**APPROVAL OF WARRANTS:**

Mr. O'Connell moved to ratify the approval of the Expense Warrant for 7/21/2010 for \$97,441.22 and the Motor Vehicle and Trailer Excise Abatements for: FY 2008 of \$234.06; 2009 for \$44.48.84; 2010 for \$1,423.38 and \$244.26 and to approve the Payroll Warrant of 7/27/10 for \$99,459.72; Mr. Allen seconded; so voted.

**APPROVAL OF MINUTES:**

There was no action relative to Selectmen's minutes.

**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.

Assessors: 7/7/10; 7/14/10/ 7/21/10

Treasurer's Cash Reconciliation

**ANNOUNCEMENTS:**

Mr. Allen read various announcements to which Ms. Neylon added the following announcement which will be in the Telegram & Gazette on July 28 and August 3<sup>rd</sup>:

Brookfield CDBG Grant Performance and  
Community Development Strategy

On Tuesday, August 10, 2010 at 7:00 P.M. in the Selectmen's meeting room at the Brookfield Town Hall, 6 Central Street, Brookfield, MA, the Brookfield Board of Selectmen will hold a public hearing on the Town's current FY 2008 Community Development Block Grant (CDBG) Program. The Town received a grant of \$661,100 from the Mass.

Department of Housing and Community Development to make road and infrastructure improvements on Common St., Lincoln St., and Lincoln St. Extension in Brookfield Center. Construction of the project is now underway and work will be completed in the fall. All interested persons are invited to attend and offer comments on the project to improve the Town's performance. Residents are also encouraged to offer suggestions for future CDBG projects and to comment on the Town's Community Development Strategy that guides the CDBG program. For information, please call Donna Neylon, the Administrative Assistant at (508) 867-2930 x10.

Other:

**1. REPORT ON POLICE CRUISERS**

2004 Ford: Interim Police Chief, Douglas Blood, attended the meeting to let the Board know that the 2004 Crown Victoria Police Cruiser is temporarily out of commission due to a leak in the fuel tank, leaving only one police cruiser and the administrative vehicle available for duty. Chief Blood explained that he had recently had to have a lighting module replaced costing about \$400 because the headlights kept going out and that the cost of a new fuel tank could be as much as \$600. Since the vehicle has 108,000 miles on it, he sought advice from the Selectmen about the wisdom of spending about \$1,000 on a vehicle scheduled for replacement in a year. Mr. O'Connell moved to authorize the Chief to have the fuel tank on the 2004 Police Cruiser replaced; Mr. Allen seconded; so voted.

2010 Ford: Chief Blood reported that he is still working with the insurance company and MHQ toward the replacement of the 2010 Crown Victoria that was "totaled" in the June 21<sup>st</sup> accident on Route 9. The new replacement car should be in service within the next 3 to 4 weeks. Ms. Neylon indicated that she had spoken with the Town's Insurance Agent earlier that day and he had indicated that if there was a between the actual cost to put the vehicle back into service and what we receive from our insurance company the Town would file a claim for the difference with the insurance company of the individual who caused the accident.

**2. REPORT ON POLICE INVESTIGATION**

The Selectmen asked Chief Blood if he could report on his investigation of the flag burning and vandalism to lights in the Gazebo on the Town Common. He reported that they were still investigating and following leads but did not expect an early wrap-up of the investigation.

*New Business:*

**3. PROPOSED WRTA-SPONSORED BUS SHELTER**

A presentation by Jonathan Church from Central Massachusetts Regional Planning Commission (CMRPC) on behalf of the WRTA (Worcester Regional Transit Association) took place at its scheduled time of 6:45 pm. Mr. Church explained that the Route 33, the route to Brookfield from Worcester through Leicester, Spencer and East Brookfield, was a growing route with four round-trips to Brookfield each weekday. He further explained that the WRTA wanted to place a bus shelter in Brookfield somewhere along the route. They would pay for the shelter, install it and maintain it if the Town installs a cement pad for the shelter. In his overhead presentation, he showed several styles and sizes of shelters, all of which were metal frame with glass. Two possible locations were mentioned: the corner of Central and Prouty Street and somewhere on the Common or the Mall. The problem with the first location is that this may be private property and an easement would have to be acquired. Mr. Heller reported that the Banister Common & Mall Committee was not in favor of the shelter being placed on either the Common or the Mall. The matter was taken under advisement by the Selectmen.

*Sign-In Sheet/Public Access:*

As part of its new Public Access procedure, the Selectmen reviewed the sign-in sheet where those attending the meeting signed their name and stated if they wanted to address the Board and, if so, the topic. They then agreed that the following would be allowed to speak for a short period of time:

- William Simpson: Mr. Simpson, Chairman of the Cultural Council, read a letter encouraging the Selectmen to appoint Mr. John David Holdcraft to the Cultural Council. Mr. Simpson asked to be on the agenda for the next meeting “and all others until the matter is resolved”. He stated the Council has 10 members and can have up to 22.
- Barbara Wilson: Mrs. Wilson added her voice to Mr. Simpson’s plea stating that “they need men on this committee” and that she felt (the non-reappointment) was “a personal thing” and that the Selectmen were “not responding to the voters of the Town”.

*New Business:*

**4. POLICE CHIEF SEARCH COMMITTEE APPOINTMENTS/CHARGE:**

Appointments:

Ms. Brenda Metterville, Library Director and candidate for appointment to the Police Chief Search Committee spoke on behalf of Kyle Koslowski, local teenager, to be appointed by the Board to this committee. Mr. O'Connell reported that Mr. Koslowski was also recommended by Mr. Lucas, Tantasqua Principal.

Mr. O'Connell moved to formally appoint Peter Martell, Fire Chief and Paramedic (representative of the Fire and EMS), Brenda Metterville, Library Director (representative of the Board of Library Trustees), and Kathleen Hosterman, Principal

(representative of the Elementary School) to the Police Chief Search Committee; Mr. Allen seconded; so voted.

Mr. O'Connell noted that he had reached out to Tyler Latour, a high school student who is about to become an Eagle Scout. Tyler was interested in the appointment but he will be away on vacation for the next two weeks and when the committee will be conducting most of its work. Mr. Allen moved to appoint Kyle Koslowski to the Police Chief Search Committee to represent the youth of the community; Mr. O'Connell seconded; so voted.

Mr. O'Connell moved to appoint Mr. Peter Lembo to the Police Chief Search Committee; Mr. Allen seconded; so voted. Mr. Lembo is a resident of Allen Road, Brookfield and who worked for over 40 years at the Sudbury Police Department, with over 20 years as the Police Chief of Sudbury.

Mr. O'Connell reported that he had been trying to recruit a "sitting Police Chief" but had been unsuccessful. Mr. Allen and Mr. Heller noted that because Acting Chief Doug Blood and former Acting Chief Welsh were acting as resources to the Search Committee, that it was not essential to have a sitting chief on the committee.

Four individuals had volunteered to fill the remaining two positions on the seven member committee. Mr. O'Connell moved to appoint Mr. Kermit Eaton; Mr. Allen seconded; so voted. Mr. Eaton was a member of the Police Station Facility Committee and worked with Mr. O'Connell on finalizing the Police Lease. The Board agreed to draw a name from the three remaining individuals who had expressed interest in serving on the Committee - James Cooke, John (Jay) Ferrarone, and Cheryl Fisher. Mr. James Cooke's name was drawn. Mr. Allen moved that he be appointed; Mr. O'Connell seconded. So voted.

Mr. O'Connell moved that, contingent upon the decision of the Police Chief Search Committee, Mrs. Fisher and Mr. Ferrarone would also be appointed as members of this committee; Mr. Allen seconded; so voted.

Mr. O'Connell agreed to attend the Committee's first meeting, already been posted for Wednesday, July 28<sup>th</sup> at 7:00 pm in the Town Hall. Because of the short notice, at this point in the meeting the Administrative Assistant was excused to go to call each person who was appointed to let them know of their appointment and to tell them of the meeting posting. Mr. O'Connell took the following notes:

Charge for the Police Chief Search Committee:

After a short discussion, Mr. O'Connell moved and Mr. Allen seconded the motion to approve the Charge to the Police Chief Search Committee as edited and with the following phrase added as number seven in the criteria a finalist should demonstrate:

7. Have and/or is able to demonstrate experience in a supervisory capacity.

The motion passed unanimously.

*Old Business:*

**5. TAX TITLE UPDATE/STATUS:**

Mr. O'Connell noted that he in response to a question from Mrs. Moores, he had researched the law requiring the Tax Collector to notify delinquent taxpayers of all Past Due Taxes. Mass General Laws Chapter 59 section 57 and 57 C require municipal real estate tax bills to include a statement that there are past due amounts whenever any tax or charge that constitutes a lien on the property is overdue more than 90 days. DOR notified town officials of this requirement in the January 2008 City and Town Newsletter. The Law was effective for the actual tax bills issued in the winter and spring of 2008, 2009 and 2010.

Mr. O'Connell reported on a conversation with Christopher Hinchey, long-time member of the legal department at the Massachusetts Department of Revenue:

- The fact that the DOR software does not automatically provide this notice except for the most recent tax year does not excuse the Town from meeting the requirement of the law. Therefore, Brookfield needs to take steps to comply with the law as soon as possible.
- The Tax Collector can meet this requirement simply by sending out a basic form letter informing long-delinquent taxpayers that they owe taxes for the years 2002-2009. He said that the content of the letter does not have to include detailed information about years for which taxes are owed, amounts, demand fees and/or interest. The more detailed information would be required for the subsequent letter the Tax Collector issues, which warns the taxpayer of an imminent tax-taking should the delinquency not be cleared up.
- There is no legal reason why Brookfield shouldn't put up a Lock Box for the convenience of Taxpayers.

Mr. O'Connell noted also that Mrs. Moores had informed the Board that should she be injured and unable to work, she had no back-up except for the Department of Revenue. Mrs. Finney is not bonded and is unfamiliar with the software and data files for delinquent taxpayers. Mr. O'Connell said that there were other issues that the Board needed to discuss with Mrs. Moores including her back up, whether or not to hire a firm to assist her in the collection of the back taxes. He suggested that Mr. Dunbar, Treasurer, be invited to this meeting. It was agreed to move the Wednesday meeting for August 4<sup>th</sup> to Tuesday, August 3<sup>rd</sup>. The following would be the agenda:

9:00 am	Discussion of CSX Bridge reconstruction with Highway, Water, Fire, and EMS
9:30 am	Discussion of Tax Collection issues with Tax Collector and Treasurer
10:30 am	Discussion of computer issues with Larry Von Cott

Mr. O'Connell urged the Board to address this issue and proposed the Board meet with Mrs. Moores and Mr. Dunbar on Tuesday, Aug. 3<sup>rd</sup> to discuss

**Lock Box:**

Mr. O'Connell reported that the Tax Collector had agreed to the suggestion of a "lock box" and he then moved to authorize the Administrative Assistant and the Tax Collector to work together to investigate lock boxes, possible styles, location (handicap-accessible), costs, etc. and come back to the Board with their recommendations; Mr. Allen seconded; so voted.

Mr. Heller reported that he is making progress with the website update and it is his goal to have the website secured to allow payments of taxes, etc. on-line.

**6. BRUSH POLICY**

Mr. Allen reviewed his conversation with the Highway Superintendent and moved to adopt the brush policy as reviewed and revised; Mr. O'Connell seconded; so voted. Ms. Neylon will re-type the policy for the Board to sign and was asked to send a copy to Mr. Paul Page who had attended the June 1<sup>st</sup> meeting to request the Selectmen re-instate the brush policy.

**7. SETTING BOARD PRIORITIES**

The Board has been working individually on their list of priorities for the coming year. At this meeting they discussed how to prioritize the list contents. Mr. O'Connell suggested that they grade by:

- What must be done
- What will be done
- What is important to get started
- What can be deferred

This seemed to be agreeable to the other members and this item will go back on a future agenda.

**8. COMPUTER REPLACEMENTS, ETC.**

It was agreed that this should be placed on the next agenda for further discussion. Before the matter was closed, however, Ms. Neylon asked to Board to make a decision regarding a request from Mr. Bryan Griffing, Veteran's Agent, to be able to use the spare laptop computer. Mr. Allen moved that the laptop be made available to the Veterans Agent for his increasing workload; Mr. O'Connell seconded; so voted.

Mr. Griffing had also asked for a location where he could meet with his clients and the Board authorized Ms. Neylon to work with him. They suggested that he be allowed to use the office currently used by the Building Inspector and Zoning Enforcement Officer (ZEO) two nights a month. For privacy reasons, the Veteran's

Agent should schedule his use of this office at a time when the Building Inspector, the ZEO or the Town Accountant use that room and/or the adjoining office.

**9. POSSIBLE NEW WALKWAYS/PATHWAYS ALONG ROUTE 148**

Mr. Allen reported that he had talked with Herb Chaffee, Highway Superintendent after the Board's last meeting. Mr. Chaffee said that he was not taking the initiative on the walkway but had enough materials that could be used for the walkway closest to the river bridge. There are several opinions as to which side of Route 148 the future pathway should be and where it would cross.

Mr. Allen agreed to pursue this further so this will be placed on a future agenda. It was agreed that the walkway would be added to the list of priorities.

**10. WAGE AUTHORIZATION FORMS**

The Wage Authorization Form for Mr. Herbert Foley, Cemetery employee had been approved at the last meeting but the Board had neglected to sign it. This was corrected.

**11. CSX BRIDGE RECONSTRUCTION**

(Bridge No. B26-003, Fiskdale Road over CSX, Project File No. 605461)

Since the last meeting a letter was received from Mr. Paul Harrington, Vice President of FST Inc. (Fay, Spofford & Thorndike, LLC) the company who will be doing the Fiskdale Road bridge reconstruction over the CSX Railroad tracks. Mr. Harrington's letter gave an update of their plans for this project. The Administrative Assistant wrote back to ask how the closing of the bridge to all traffic would be handled so that emergency vehicles and their operators would still have access.

Mr. Harrington's response indicated that they were aware of the Town's concerns regarding the emergency vehicle access during the temporary closure and they were still finalizing the details. At this time "we anticipate that one lane on the bridge will be available to allow emergency vehicles to cross the bridge throughout the closure. During the actual jacking operation, we will utilize blocking to the ensure that the beams have sufficient support at all times and we will shim up the approaches with temporary gravel fill as needed to maintain access up to the bridge. Access to the bridge during periods when the contractor is not on site will be controlled with locked gates on either side of the bridge."

**12. ZONING ISSUES**

Mr. O'Connell reported that the Zoning Enforcement Officer (ZEO), Planning Board and Zoning Board of Appeals will work together on the Whites Landing permits but the ZEO wants the Board to consult with Town Counsel to define actual duties.

Since Mr. Heller was not present at the last meeting he was told that the Board wanted him, as liaison, to work with these departments regarding their concerns (permits, noise, traffic, etc.) for the non-profit business (RRI) on East Main Street. It was agreed that that if Mr. Heller determines counsel is needed he would consult them. Mr. O'Connell said that he believed that the Town would have a role in issuing permits, etc. for non-profit businesses.

*Other:*

**13. REPORT FROM JOINT SELECTMEN'S MEETING**

Mr. O'Connell's report from the last Joint/Regional Selectmen's meeting indicated that several things needed to be done by each Town signing the inter-municipal purchasing agreement: Those items included:

- Centralizing or decentralizing the purchasing
- Adopt MGL Chapter 40A

Mr. O'Connell moved that that Board adopt MGL Chapter 40A; Mr. Allen seconded; so voted.

The Board agreed that purchasing would stay with the department heads and not be centralized. They then authorized the Administrative Assistant to call a meeting of all major departments (at least Library, Fire, EMS, Police, Highway, Cemetery, Board of Health, and Town Hall departments) to explain the new procedure and acquire a listing from each department of the office and cleaning supplies that they normally order.

*Correspondence:*

**14. DHCD GRANT APPLICATION DENIAL**

It was announced that the Board has received notification that the grant application submitted last February by the Community Development Block Grant Advisory Committee (CDBG) to the Department of Housing and Community Development (DHCD) for \$800,000 was denied. The Town had applied for funding for infrastructure work to be done at the corner of Draper and High and to Hayden and Hyde Streets and for a renovation of the Housing Authority's two-unit house on Hayden Avenue. The CDBG AC will hold a meeting next Thursday, August 5<sup>th</sup> when it will review the scoring and learn why their application was not chosen even though the application received 96 points from a possible 100.

*Public Access Period:*

Mr. John David Holdcraft protested the Board's decision not to reappoint him to the Cultural Council.

Mr. O'Connell moved to enter into Executive Session under the below listed exemptions and return to open session only to adjourn; Mr. Allen seconded; so voted with Mr. Allen voting aye; Mr. Heller voting aye and Mr. O'Connell voting aye:

3. **Exception Three** - "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."

6. **Exception Six** - "To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation."

**ADJOURNMENT:**

As there was no further business before the Board, Mr. O'Connell moved to adjourn at 9:54 pm; Mr. Allen seconded; so voted.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: \_\_\_\_\_