

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

MINUTES OF AUGUST 10, 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: William Simpson, Jennifer Cipro, Herbert Chaffee, Bruce Clarke, John David Holdcraft, Barbara Wilson, Lucinda Thompson, Philip Peirce, Kelly Landine, Ronald Couture, William Scanlan

APPROVAL OF WARRANTS:

Mr. O'Connell moved to ratify the approval of the Expense Warrant for 8/03/2010 for \$47,876.64 and to approve the Payroll Warrant of 8/10/10 for \$89,453.63 and special Expense Warrant of \$582.32 (same date); Mr. Allen seconded; so voted.

APPROVAL OF MINUTES:

The approval of the minutes of 5/18/10; 6/1/10; 6/9/10; 6/15/10; 6/23/10/ 7/7/10; 7/13/10; 7/21/10; 7/27/10; 8/4/10 were passed over until the next meeting.

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: June 2010; July 2010	Tax Receipts: July 2010
Fire Dept: July 2010	EMS Dept: July 2010
Conservation Commission: 7/1/10	Assessors: 7/28/10; 8/4/10
Recreation Committee: 6/21/10	Board of Health: 7/6/10
Treasurer's Cash Reconciliation (correction): 5/31/10	
Banister Common & Mall Committee: 6/7/10; 7/9/10	

Mr. Allen moved to accept the Town Clerk suggestion that the Town Clerk take over the custody of minutes and monthly reports. Those departments/individuals reporting directly to the Selectmen will continue to come to the Selectmen first and others will go directly to the Clerk; Mr. O'Connell seconded; so voted.

ANNOUNCEMENTS:

Mr. Heller read the announcements. Mr. Allen suggested sending a thank you note to those on the 350th committee for their work on History Day; Mr. Heller will supply the list of individuals.

Other:

Items in this category were added after the meeting was posted on Thursday, August 5th or were brought up during the meeting.

1. HIGHWAY TRUCK PURCHASE:

At the November 2009 Special Town Meeting, \$45,000 was transferred from the Stabilization Fund to a Used Truck Purchase Account. Highway Superintendent Herb Chaffee asked the Board for permission to proceed with the purchase at this time.

Mr. Chaffee explained that there is a problem with the steering box on the 1977 truck and it is difficult to get replacement parts. This truck has about 600,000 miles on it and is used as a dump/plow/sander combination. Mr. Chaffee asks Board permission to go out to bid for a truck year 2000 or newer with less than 150,000 miles. He will use in-house labor to scavenge parts from the 1977 Mack to use on the 1980 Mack; leftover parts of no use to the Department will be sold for scrap.

Mr. O'Connell moved that the Board authorize the Highway Superintendent to begin the process of acquisition for a used truck, purchase price not to exceed \$50,000 or the balance in the truck-purchase account, whichever is greater; Mr. Allen seconded; so voted.

New Business:

2. 6:45 PM APPLE COUNTRY FAIR:

Mr. Philip Peirce attended the meeting to ask the Selectmen if the Town could provide and pay for police details for the Apple Country Fair to be held October 9th. He said they would like the on-duty officer to be there for the entire day (8 to 4) and a second officer from 8 am to noontime to help with parking, etc. He asked, assuming the first officer would be paid for by the Town, what would be the cost of the second officer. Mr. O'Connell said that the minimum charge (per union contract) was for four hours and would probably be at the town's overtime rate.

Mr. O'Connell moved to authorize the expenditure of overtime to provide two officers for Apple Country Fair for the duration of the fair (8 am to 4 pm) if Acting Chief of Police and Mr. Peirce determine that two officers will be needed for the whole date to manage traffic; Mr. Allen seconded. Mr. Allen asked for an estimate of the cost and how this would affect the Police Department's budget; Mr. O'Connell said he thought there was room in the overtime account to absorb the costs. The motion passed unanimously.

3. **7:00 PM PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT – RECOVERY (CDBG-R):**

Chairman Heller introduced William (Bill) Scanlan and turned this part of the meeting over to him. Bill explained that the current CDBG project included infrastructure improvements to Common Street, Lincoln Street and Lincoln Street Extension and that the purpose of this meeting was to give the public the opportunity to comment on the “performance” of the project and to express any concerns they may have on the construction work, communications, etc.

On May 18th a public informational meeting was held and the CDBG Advisory Committee tried to respond to concerns of the neighbors before the project began. They have kept the neighbors up-to-date on the project schedule as it progresses.

Bill said that the contractor was Pioppi Construction from Southbridge; their contract is for \$369,975 and that includes drainage, water mains, and sidewalk work. The total cost of the project is \$661,100 with \$83,840 for engineering and construction supervision, \$60,400 for administration. The construction budget is \$516,860 of which about 48% has been spent.

The switching over of water lines is expected to be completed this week and all service connections will also have taken place by then. Lincoln Street Extension reclamation will take place on August 19th and 20th and the binder will be put down on the 23rd. Curbing and sidewalk will not be done by the time that school starts and the second coat of paving will be done after the curbing is installed. Next will be the driveway approaches, loaming and seeding and tree planting. Curbing on Common Street will be removed and replaced after the binder is done. There is funding for the planting of six trees but the location of the trees has not been decided. The project is expected to be complete in October and the final close out will be in November or December. It was agreed that Bill will draft the time-line and give to the Selectmen who will have this distributed to the neighbors.

The last storm caused a branch to come down (Lincoln Street) and broke wires to the abutting property. If the Tree Warden declares this tree to be hazardous, it can be removed without a Hearing. Mr. Chaffee, Tree Warden and Highway Superintendent, said that the tree had split two times already and that he would declare it “hazardous” so that it can be removed. He also said that the neighbors are in favor of the tree being removed.

Mr. Heller spoke as a resident (Common Street) and said that the workers have been accommodating. Although they start early in the morning, they have “closed all holes” by the end of the day. He was grateful that they were operating that way. Pioppi Construction had made accommodations for the band concerts and for History Day last Saturday. There was a wedding at the Catholic Church that they had not been told about until the last minute and they made special arrangements for that

day. Pioppi works daily to keep the dust level to a minimum. There has been some inconvenience for the residents but they have been patient and understanding.

Mr. Holdcraft asked about the granite curbing and was told that the curbing would go down Lincoln Street as far as there is money to pay for it; the price of granite is going up. He asked if the granite curbing on the Common would be re-used. He was told it would not as it is the wrong size (not consistent with the size along the rest of the Common). Mr. Chaffee will take the used granite and palletize it for use at a future Town project. Mr. Holdcraft, who owns property on Lincoln Street, also asked about driveway entrances and learned that all driveway entrances will be expanded to twelve feet. Mr. Holdcraft inquired about additional parking at the south end (Lincoln Street) of the Common. Mr. Heller responded was that there would be some additional parking but that none of the green area of the Common would be taken for this purpose. Bill Scanlan noted that the sidewalks will be bituminous, 2 ½ inches thick

Common Street resident Sarah Heller asked who decides the location of the trees that are to be planted and learned that the CDBG Advisory Committee will make their recommendations to the Selectmen.

Mr. O'Connell asked about the grading of Common Street in front of the Bull home. Bruce Clarke, Water Superintendent and member of the CDBG Advisory Committee said that no change order would be needed for this as it would probably be done by the Town and would not affect the project.

As there were no additional questions or comments, the Public Hearing was closed at about 7:30 pm.

4. DISCUSSION OF PROPOSED CDBG APPLICATION FOR FISCAL YEAR 2011:

Mr. Allen, Selectman and Chairman of the CDBG Advisory Committee said that the Committee had brainstormed ideas but would like some suggestions to come from the citizens of the community. He explained that projects must meet either an income criteria, be removal of slum and blight and/or be an urgent community need. The CDBG AC had wanted to include the Town Hall Barrier Removal project in this grant application but final plans are needed and this cannot be ready by early December.

Two projects submitted in the last round are still viable - the infrastructure projects for Draper/High Streets and for Hayden/Hyde Streets. Mr. Scanlon said that the Town lost two points in the last round because we did not submit bid-ready engineering plans for these projects and because we did not have sufficient resident input in shaping the proposal. The Committee will attempt to get an estimate of bid-ready documents and will then ask the Selectmen for the approval to use the Program Income Account to cover these costs.

Jennifer Cipro suggested a sidewalk along the Route 148 causeway (Fiskdale Road) from the river bridge to Long Hill Road. She learned that both the Selectmen and the CDBG AC have also given favorable consideration this project.

Bill Scanlan informed the Selectmen and the residents present that another project that was included in the last grant application was rehabilitation of the Hayden Avenue 2-unit property owned by the Housing Authority. The CDBG AC has voted to ask for re-consideration of this project because the reviewers had mistakenly believed the application was lacking support letters from the Director of the Housing Authority and from the tenants.

Nanatomqua Cooperative

Although this is listed later on the agenda, it came up during this discussion. Donna Neylon, Selectmen's Administrative Assistant and member of the CDBG AC, had a conversation with Dianne Crook, President of Nanatomqua. Ms. Crook had indicated that the Board of Directors would send a letter to the Selectmen for review at tonight's meeting and asking the Selectmen to sign a loan or grant in their favor. Ms. Neylon had also put Ms. Crook in contact with Mr. Scanlan.

Bill reported that that the deadline that Nanatomqua was concerned about was with the DEP (Department of Environmental Protection), State Revolving Fund. As a result of their conversation, the Nanatomqua Board of Directors will do more research and try to be ready for the next loan deadline. It is probable that the Board of Directors from Wagon Wheel will also ask the Town to apply for them. If the Town applies, it will be responsible for the re-payment of the loan, using payments from the residents. The loan has a 2% interest rate over 20 years.

Mr. Allen acknowledged the efforts of Mr. Scanlan on the CDBG AC's and the Town's behalf. The discussion was completed at about 7:40 pm.

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:

- Ms. Kelly Landine expressed her support for the re-appointment of John David Holdcraft to the Cultural Council. She reported that a check with the Massachusetts Cultural Council indicated that Mr. Holdcraft should have not been appointed for one year when he was first appointed to the Cultural Council. Had he been appointed for three years and then reappointed for three years, his appointment should expire in 2012. She said that the Board should not be turning away volunteers and that the current council works well together. Mr. Heller explained that the Board is not trying to stop anyone from volunteering and that volunteering is different from an appointment. Ms. Landine also said that she was concerned that the Board's access policy might allow some people

to speak and to keep others from speaking. Mr. Heller explained that the meeting agenda is posted under the Open Meeting Law and it is posted on Thursday for a Tuesday or Wednesday meeting. The access policy allows the Board to accomplish a full agenda, but that the Public Access period at the end of the meeting allows anyone to speak for three minutes on any subject, as long as they speak in a civil, constructive manner.

- Ms. Jennifer Cipro added details of the Tag sale and Chili contest to be held by the Cultural Council.
- Barbara Wilson spoke to support Mr. Holdcraft's re-appointment to the Cultural Council. She said that she was present at the Selectmen's meeting when Mr. Holdcraft was appointed for one year and she objected stating that the term had to be for three years. She charged the Selectmen with "using personal reasons to keep people off boards".

New Business:

5. APPOINTMENTS:

Open Space & Master Plan Committee: Mr. O'Connell moved to appoint Mr. Ronald Starcher to the Open Space Master Plan Committee effective on October 1, 2010 and to expire on June 30, 2011; Mr. Allen seconded; so voted.

Local Cable Access Committee: Mr. O'Connell moved to increase membership to the Local Cable Access Committee from five to seven members and to appoint Kathleen Hosterman, Elementary School Principal, to the committee with a term to expire on June 30, 2013; Mr. Allen seconded; so voted.

Harbor Master: Acting Chief Douglas Blood called the Selectmen's office to ask that they appoint him as the town's Harbor Master. He explained in his phone call that he holds that position in two other Town's already. Since it is understood that he will send a letter to the Board with this request and explaining the duties of the position, etc., no action was taken on this appointment.

Old Business:

6. PROPOSED WRTA BUS SHELTER:

Mr. Allen said he was in favor of the shelter being located on Central Street near the TipTop Country Store.

Ron Couture, Chairman of the Historical Commission and member of the Banister Common & Mall Committee (BCMC), reported that at the last BCMC meeting, none of the members were in favor of the shelter being located on either the Common or the Mall. He said this was historic landscape and the first marching area and it shouldn't "be attacked". He also noted that the Central Street and Prouty Street areas were also "historic".

Other possible locations mentioned were:

- Various area on Route 9 (near Gavitt's or Finney's old gas station);
- On Main Street at Lewis Field;
- A shelter on the Common could be used by students waiting for the school bus;
- A shelter on Lewis Field could be used by students waiting for parents.
- Area behind Cumberland Farms (on Central Street).

Mr. Allen said that there was no pedestrian sidewalk on most of Route 9 so walking along Route 9 should not be encouraged.

Mr. O'Connell felt that the CDBG Advisory Committee should make their recommendation to the Selectmen making sure that there is reasonable public access (parking and walking) was available for the site but Mr. Allen felt this was not in the scope of that committee who is supposed to deal with grants and grant applications.

It was agreed that the Board would continue to accept ideas and comments from the public and that Mr. Allen will take the lead in making recommendations to the Board.

7. SETTING BOARD PRIORITIES:

Mr. O'Connell suggested that the Board make this topic the primary agenda item for Wednesday, September 1st agenda from 9:00 – 10:30. The Board agreed to ask Mr. David Foss of the engineering firm of Fuss and O'Neill to attend the September 1 meeting at 10:30 to review their recommendations on the Finney Brownfield site and to invite both the Finney's and the Hopes to attend.

8. TAX TITLE UPDATE:

Mr. O'Connell informed the Board that about \$20,000 of back taxes for the years 2002 through 2009 had been collected during the month of July. About 120 property owners who have not been informed of their tax delinquency in recent years will receive a delinquency letter before the end of August. It will be their responsibility to either pay up or arrange a payment plan within two weeks of receipt. The properties will then be advertised with the intent to do tax title taking; as of October 2nd those who have not paid will be turned over to the company recently hired by the Selectmen.

About 40 properties will be in the issue of the New Leader due to come out this week. If the advertisement does not result in payment, the interest rate will change from 14% to 16% and the property will be turned over to the Treasurer.

The Tax Collector will be out of the office from Tuesday on next week to attend classes. Mr. Allen asked if arrangements had been made for back up. Mr. O'Connell

said yes, that taxes can be paid to the Assistant Collector, the Assessors, etc. Progress is being made on the lock or drop box to be mounted inside the Town Hall lobby also.

9. COMPUTER REPLACEMENTS, ETC.:

Mr. Heller reported that a replacement computer has been ordered for Tax Collector, whose computer is the most vulnerable to crashing. The computer is expected by the 17th of August.

The Highway Department has expressed a need for a laptop that they can use at their August 30th STRAP grant meeting and for other purposes. They can also use the Tax Collector's old computer (once "cleaned") for their gasoline computer system. Mr. Heller will discuss the laptop computer matter with the Highway Superintendent.

10. CSX BRIDGE RECONSTRUCTION:

Mr. Heller reported that the letter had been sent to ETL, the engineering firm that is to perform the bridge reconstruction, with copies to Senator Brewer and Representative Gobi. We have already received a telephone response. The anticipated construction start date has moved from September to November. They have submitted 25% complete design plans for MassDOT approval. Once approved, ETL will schedule a meeting with the Board of Selectmen and safety officers and a subsequent Public Hearing when details will be explained to the townspeople and comments solicited.

Sen. Brewer and Rep. Gobi also responded by sending a copy of their letter to MassDOT. Mr. Heller said that he is scheduled to meet with Herb Chaffee, Highway Superintendent, and the Assistant Superintendent of Tantasqua later this week to discuss school bus routes while the construction is underway.

The Selectmen agreed that the following three questions will be asked of our contact with ETL:

- How long will each phase be; especially how long will the bridge be out of service;
- Will the bridge over the Quaboag River (at the Brookfield/East Brookfield Town Line) be done at the same time?
- Who makes the final decisions?

Mr. Heller said that the Board of Selectmen has received comments and concerns from many residents and wanted to remind all that the Board is trying to protect the best interests of the residents and, although this is not an easy process, the Board is being vigilant.

11. ZONING ISSUES:

This was passed over at this meeting.

12. ANNUAL AUDIT:

This was passed over at this meeting.

13. BROWNFIELDS:

See the discussion in Agenda Item #4 above.

New Business:

14. SCHEDULE OF A SPECIAL TOWN MEETING:

Mr. Heller suggested that the Board schedule a Public Hearing for Friday, October 1, 2010. He said that this date was okay with the Assessors, Town Accountant and the Town Clerk. If this date is chosen, the Warrant would have to be posted by Friday, September 17th so the warrant should close on or before September 15th. The purpose is to finalize the Fiscal Year 2011 budget, pay previous year bills, etc.

It was agreed to send out a note to department heads telling them that this date was under consideration and that articles must be submitted by September 8th at 3:00 pm. If they have a particular objection or concern about that date, they must express them quickly. The Selectmen plan to finalize this date at their next meeting.

15. CLOSING OF TOWN HALL ON ALL BUT ONE EVENING N THE WINTER OF 2010 – 2011:

Mrs. Neylon will poll the department heads and check with the school to see if arrangements such as made last year would be considered again this year.

16. FRIDAY CLOSING OF TOWN HALL:

Mr. Heller entertained a motion to make the Friday closing of the Town Hall if not “permanent” then at least for another year. Mr. O'Connell moved to continue closing the Town Hall on Fridays though June 30, 2011; Mr. Allen seconded; so voted.

Mr. O'Connell said that he believed that efficiency of the Town Hall employees has improved by eliminating the Friday half-day schedule.

Other:

Items in this category were added after the meeting was posted on Thursday, July 22nd or were brought up during the meeting.

17. USE OF TOWN COUNSEL:

Mr. O'Connell moved to authorize the use of Town counsel to represent the Town at a scheduled Retirement Board Hearing later this month and to seek copies of reports relevant to the hearing; Mr. Allen seconded; so voted.

Mr. O'Connell volunteered to attend the Hearing if a representative of the Board is needed. All agreed.

18. AGENDA:

Mr. O'Connell suggested that it is useful to keep items on agendas that have not yet been accomplished simply to keep the matter before the Board. All agreed.

19. SCHEDULES:

Mr. O'Connell will be away on vacation and will not attend the August 18th meeting; Mrs. Neylon will be away on vacation the following week and will miss the August 24th meeting.

20. NANATOMQUA:

See agenda item #4 above. At this time, the Board agreed that notice of the impending Special Town Meeting should be sent to both Wagon Wheel and Nanatomqua mobile home parks in case they had an article to present to the voters.

21. POLICE CHIEF SEARCH SCHEDULE/PROCESS:

Mr. O'Connell reported that the Search Committee expects to have their recommendation to present to the Board by the end of August. He asked if the Board wanted to do the interviews as part of a regular meeting or to have a meeting devoted only to interviews. All agreed that the latter was best and authorized the Administrative Assistant to proceed to set up the interviews and the meeting as soon as she could.

CORI checks will have to be conducted on at least the finalists and this will take a couple of weeks. Mr. O'Connell moved to authorize the Chief of Police to conduct advanced CORI checks on the finalists as soon as the Search Committee submits them; Mr. Allen seconded; so voted.

Correspondence:

There was no correspondence for this meeting.

Public Access Period:

Police Chief Search Committee:

Mr. John David Holdcraft said that he had attended the second meeting of the Police Chief Search Committee (PCSC) for two hours and he was concerned about the process and the members on the committee. He “didn’t want (the Town) to get into a situation like in the past”.

Mr. O’Connell responded stating that the Town didn’t have a Search Committee when past Chiefs were chosen and there wasn’t any competition. This time there is both and if the Selectmen don’t like the recommendations of the Search Committee, they can re-advertise the position. He stated that each member of the committee has his or her own perspective and he felt confident in them. There was no sitting Chief on the committee due to scheduling but they are available for consulting, if necessary.

Mr. Heller added that the individuals appointed to the PCSC were competent and had the best interest of the town in mind.

School Playground:

Mrs. Kelly Landine announced that the elementary school’s new playground equipment would be ready to install and that volunteers would be needed on Friday, August 20, 2010 and Saturday, August 21, 2010 at 8:30 am. There would be no heavy labor. Only individuals 18 and over would be allowed on the construction site. Mrs. Neylon volunteered to send out the information to her email lists to help recruit volunteers.

Mr. Heller noted that the Highway Department will not be available on either day because they will be “grinding” (reclaiming) Common Street, Lincoln Street and Lincoln Street Extension. However, they will do their backhoe work ahead of time.

Filling of Pool Trucks:

Mrs. Barbara Wilson asked the Selectmen to find out how much per gallon and per truck load the Water Department charges for swimming pool water taken from the Highway Garage. When it was suggested that she should ask the Water Department directly, she said that she had done so but had not received an “adequate” answer.

Definition of Reckless:

Mrs. Wilson also asked Mr. Heller to have for her at a future meeting, his definition of the word “reckless” as relating to Public Access.

Appointments:

Mr. Holdcraft asked Mr. O'Connell how many committees he was on. Mr. O'Connell responded only one, the Town Hall Barrier Removal Committee, in addition to the Board of Selectmen.

Brookfield History Day:

Mrs. Ruth Lyon, reporter for the Quaboag Current, reported that she had been very impressed by the range of activities and the turnout for the History Day sponsored by the Brookfield 350th Anniversary Committee. Barbara Wilson responded that everyone had a "super good time" that day. Mr. Allen took part as a tour guide and Mr. O'Connell helped staff the history exhibit and slideshow in the Banquet Hall.

At about 9:23 pm, 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. Allen moved to adjourn at 10:02 pm; Mr. O'Connell seconded; so voted.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: _____