

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

MINUTES OF AUGUST 24, 2010

REGULAR SESSION

Chairman Rudy Heller called the meeting to order at 6:36 pm and led the group in the Pledge of Allegiance. Other members present: James Allen and Peter O'Connell.

Camera Operator: Sarah Heller & Sharon Mahoney

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

Public: John David Holdcraft and Barbara Wilson

MOMENT OF SILENCE: Mr. Heller noted the recent death of Peter Bull, expressed the condolences of the Board to his wife, Mary Desi Bull, and requested a moment of silence.

APPROVAL OF WARRANTS:

Mr. O'Connell moved to ratify the approval of the Expense Warrant of 8/17/2010 for \$189,298.35, the Motor Vehicle and Trailer Excise warrant of 8/17/2010 in the amount of \$349.78, the Wire Transfer Warrant of 8/1/2010 in the amount of \$19,035 and the Payroll Warrant of 8/24/10 for \$102,397.66. Mr. Allen seconded; so voted.

APPROVAL OF MINUTES:

Mr. Allen moved and Mr. O'Connell seconded the motion to approve the minutes of regular meetings of the Board of Selectmen for 5/18/10 and 6/1/10 as edited; 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: 8/2/10

Historical Commission 6/10/10

Local Public Access Committee 7/9/10

ANNOUNCEMENTS:

Mr. Heller read the announcements. In addition to the announcements listed on the agenda, Mr. Heller noted that the Recreation Committee invited the public to attend its Family Fun event scheduled for August 28 from 10:00 AM to 4:00 PM

Old Business

1. APPOINTMENTS AND RESIGNATIONS

Mr. O'Connell reported on his conversation with Jennifer Lawless of the Local Cultural Council Office of the Massachusetts Cultural Council. She referred to MGL Chapter 10 Section 58 that states that Local Cultural Council appointments are for a three-year term and that a member may be appointed for a second three-year term. By Massachusetts Cultural Council policy, the member then has to take a break for a year before any reappointment is considered. Mr. O'Connell noted that Mrs. Wilson, Mrs. Swanson, and Mr. Holdcraft at various times had been appointed for only one year terms in violation of state law. When informed that Mr. Holdcraft had been appointed for one year and reappointed for a three-year term, she said she felt the Board should correct its earlier mistake and have Mr. Holdcraft's term expire in 2012. Mr. O'Connell so moved and Mr. Allen seconded.

Ms. Lawless emphasized the legal importance of ensuring that members take the required one-year break in service. Otherwise, their votes on grant funding requests, if challenged, would render the Board action null and void. Mr. O'Connell noted that his review of the Town Reports raised uncertainty about whether Mrs. Wilson and Mrs. Swanson had taken the required break in their recent service and volunteered to check with Cultural Council Chairman Bill Simpson. Mrs. Wilson noted that the Cultural Council's minutes would be a more accurate record than the Town Report since members taking their break continued to participate in meetings as volunteers without voting on grants, so they could be perceived, mistakenly, as being official members of the Council.

In discussion, Mr. Allen noted that he would be voting in favor of the motion to correct the Board's mistake in appointing Mr. Holdcraft only for one year, but that he still held to his stated opinion that Mr. Holdcraft did not exhibit the behavior of a good citizen. Mr. Heller said at least a dozen people had told him that they would not serve on Town committees or had resigned from Town committees because they were concerned about Mr. Holdcraft's uncivil public attacks on people he disagreed with. Mr. Heller said that any benefit the Cultural Council would receive from Mr. Holdcraft's membership on the committee would be outweighed by the negative effect on other citizens. The motion carried with Mr. O'Connell and Mr. Allen voting "Aye" and Mr. Heller voting "No."

2. WRTA BUS SHELTER

Mr. Allen reported that he had talked with Highway Superintendent Herb Chaffee and learned that the cost of pouring a concrete pad for the bus shelter proposed by the WRTA would be about \$1,000 and that the Highway Department could do it in spring. Five possible sites were mentioned including two on the south side of Central Street (across from the Town Hall and in front of the Video Barn, one at the corner of Central Street and Route 9 in front of the Elementary School, one on the North side of Central Street across from the Elementary School, and one in front of Lewis Field. The Board agreed to make a walking tour of the possible sites after its next meeting.

Mr. Allen noted in passing that Cumberland Farms is seeking approval to add onto the back of its building and urged Town Officials to require Cumberland Farms to build something that is more in keeping with the historic neighborhood, given that a few years ago; they had torn down a perfectly good historical family home. No action was taken.

3. **SETTING BOARD PRIORITIES**: This discussion has been scheduled for September 1. Mr. Allen has added his list of priorities to the folder for the members to read.

4. **TAX TITLE UPDATE**

Mr. O'Connell reported that Tax Collector Lois Moores had been away to attend certification classes, but that Mrs. Moores would be sending out letters notifying taxpayers owing back taxes by the end of August as previously agreed. He noted that although the press had applied the term "scofflaws" to people owing back taxes, the Board recognized that many of these people would have paid their taxes had they been informed that they owed back taxes as the law requires the Town to do. On the other hand, Mrs. Moores did publish the notice of tax taking in the Spencer New Leader for 40 property owners who owed taxes for several years and have not responded to several notices.

Mr. O'Connell distributed a copy of the contract proposed by Municipal Management Association (MMA) in response to the Board's vote to enter into such a contract once Mrs. Moores, Mr. Dunbar, and Mr. O'Connell had determined whether the cost of doing so would be under the financial ceiling approved by the Board (which will be dependent on the number of properties turned over to MMA). Mr. O'Connell reiterated that all costs of MMA services would be passed along to the delinquent taxpayer. Mr. Allen asked whether it was legally permissible for the Town to absorb the costs of MMA services and moved to authorize Mr. O'Connell to ask Town Counsel to inquire about this. Mr. O'Connell seconded; so voted. Mr. O'Connell will meet with the Treasurer and Tax Collector to estimate the cost of MMA services and report back to the Board.

5. **COMPUTER REPLACEMENT**

Mr. Heller reported that the Local Cable Access Committee (LCAC) to whom the Board of Selectmen has delegated the task of revising the Town Website and its email structure, has reached agreement to change the email host from the one set up by former Selectman Joe Klimavich to a new host who will change approximately \$100 per year to maintain the site. Mr. O'Connell asked Mr. Heller to check with the LCAC to bring a contract or memorandum of understanding to the Board of Selectmen for approval. Mr. Heller presented a draft letter to be sent to all Town employees and members of committees that provides instructions for setting up their Brookfieldma.us email addresses and passwords. Mr. O'Connell moved and Mr. Allen seconded a motion to approve the sending of the letter as edited. The only change in the letter was to inform recipients that it is the policy of the Board of Selectmen that all town email should be done on the Brookfieldma.us email; so voted.

6. CSX BRIDGE RECONSTRUCTION

Mr. Heller reported that he had met with Tantasqua Assistant Superintendent Deb Boyd and the bus scheduling coordinator McCarthy Bus Company to discuss the impact of the CSX railroad bridge closure. They noted that during the closure, some students would be required to ride the bus for approximately one hour and that some teachers may have to stay later after school. The Board asked Mr. Heller to alert our School Committee members, both elementary and Tantasqua to these issues and to ask the school officials to put their concerns in writing and to estimate unbudgeted costs directly associated with each day of the bridge closure.

7. **ZONING ISSUES**: Discussion of this issue was deferred to a future meeting. Mr. Allen questioned the Planning Board's approval of common driveways for two or more properties because it seems to lead to disputes when the properties later change hands. Mr. Heller suggested that he talk with the Planning Board about his concerns.

8. ANNUAL AUDIT RESULTS

Mr. O'Connell reported on the results of his meeting with Dan Haynes, lead auditor for Scanlon and Associates. Two issues have been resolved and will be deleted from the draft audit report: (1) EMS abatement procedures and (2) the suggestion that the Assessors adopt a procedure for checking the accuracy of their field cards. Mr. Haynes strongly urged the Board to make a formal response to both the single audit of federal funds and the management letter relating to the audit generally. He recommends that one of the Selectmen be authorized to meet with him and department heads for whom auditors identified management recommendations, propose appropriate actions, and then draft a response to the audit for discussion by the Board of Selectmen. Mr. Allen moved and Mr. Heller seconded the motion to authorize Mr. O'Connell to work with the auditors and to accept their offer of help in addressing the issue of cash, payroll, and accounts payable reconciliation between the Treasurer and the Town Accountant; so voted. Mr. Allen expressed a concern that he and Mr. Heller needed to keep abreast of all the financial issues facing the Town.

Mr. O'Connell reminded the Board that the Town must address the issue of the GASB requirement to include post retirement benefit costs in the Town's annual financial statements and suggested that it might be something to raise at the regional Selectmen's meeting. Mr. Heller will put it on the agenda.

9. **FINNEY BROWNFIELD**: Discussion of this topic is scheduled for Sept. 1 at 10:30.

10. **SPECIAL TOWN MEETING**: Mr. Heller announced that the STM is scheduled for October 29th in the Banquet Hall of the Town Hall.

11. **FALL/WINTER CLOSING OF TOWN HALL**: Mrs. Neylon has requested information on the availability of the school again this year, but has yet to receive an answer. Discussion on this topic will await that information.

12. LAKE STREET SAW MILL DAM REPORT

Mr. Heller summarized the report and noted that Fuss & O'Neil, the consulting engineers, estimated a cost of between \$300,000 and \$600,000 to address all the issues. The Board asked Mrs. Neylon to send the report to Highway Superintendent Herb Chaffee for his comments and suggestions. The Board will then decide whether to invite a representative of Fuss & O'Neil to a future meeting, perhaps with a representative from DCR, who required the dam inspection.

New Business

13. ACCEPTANCE OF CHAPTER 40 SECTION 4A

Although the Board recalled already voting to accept this provision of MGL, Mr. O'Connell moved and Mr. Allen seconded the motion to accept the provisions of Chapter 40, section 4A allowing towns to form inter-municipal agreements; so voted.

14. ACCEPTANCE OF THE EPA BROWNFIELD GRANT FOR MILL STREET

Mr. Allen moved and Mr. O'Connell seconded a motion to authorize Chairman Heller to sign the EPA grant agreement, which acknowledged that the Town accepted the terms of the grant; so voted.

Other: Mr. Heller volunteered to attend the Broadband workshop focusing on increasing the availability of broadband to rural communities in center and Western Massachusetts.

Public Access Period:

Mrs. Barbara Wilson expressed dismay at the way the Town is being run by Board of Selectmen, which she believes is making its decisions on the basis of personalities.

Mr. Holdcraft, as usual, was accusatory of the Selectmen individually and as a Board. He attempted to rebut the reasons given by Mr. Heller and in a previous meeting by Mr. Allen for not reappointing him to the Cultural Council. He repeated his usual accusations that the Selectmen have a personal vendetta against him because he holds them accountable.

At about 8:30 pm, Mr. O'Connell moved to enter into Executive Session under the below listed exemption 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:

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 9:14 pm; Mr. O'Connell seconded; so voted.

Respectfully submitted,

Peter S. O'Connell, Clerk

Date approved by Board: _____