

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

MINUTES OF September 1, 2010

SPECIAL SESSION

Chairman Rudy Heller called the meeting to order at 9:00 am and led the group in the Pledge of Allegiance. Other members present: James W. Allen and Peter O'Connell.

Camera Operator: None

Press: Ruth Lyon

Public: Bruce Clarke; Richard & Nancy Lee Finney; Richard & David Hope; Jonathan Church, Megan DiPrete, Ryan Lundergan (all of CMRPC), David Foss of Fuss & O'Neill; William Scanlan; Philip Peirce

Agenda Business:

1. SETTING BOARD PRIORITIES

The Board agreed to use Mr. O'Connell's draft of priorities as the baseline and added the following items:

Mr. Allen's additions (in no particular order of priority):

- Louis XIV desk
- Burglar and fire alarm for Town Hall
- Siren for Town as emergency alert
- Lights in back parking area
- Front door repair of Town Hall (currently on hold as carpenter is too busy)
- Prouty Street exit
- Removal of telephone pole by handicap ramp @ Town Hall
- Possible disposal of Cooley Hill property
- Library expansion
- WRTA shelter
- South Pond beach parking
- CSX Bridge -- additional school expense; sidewalk issue, intersection problem and signage
- Brownfield project @ Mill Street
- 40B Housing
- CDBG projects need to be further defined
- Town Administrator

- Help for Administrative Assistant
- Sidewalks on Route 9 (from intersection of 148 to intersection with Mill Street)
- Mill Street reconstruction
- Route 148 bike route/pathway along causeway
- Route 9 Willows area
- Intersection of Route 148 & 9 (“Mall” area)

Ms. Neylon added the need for a manual for employees.

Mr. Heller’s list included many of Mr. Allen’s and Mr. O’Connell’s suggestions but he also added:

- Geothermal heat/AC for Town Hall
- Update of municipal computers
- Consideration and passing of Community Preservation Act

It was agreed that Mr. O’Connell would integrate into the base document the items added today and add categories of low, medium and high after each. The list will be circulated to the other members and the discussion of priorities will continue at a future meeting.

Other:

2. CHANGE ORDER – CDBG-R

Change Order #1 (CO) relating to curbing on Lincoln and Common Streets was discussed by the Board. The Community Development Block Grant Advisory Committee (CDBG AC) had wanted to have 6” granite curbing on both streets, but the increased price of granite required a change. Instead, 5” curbing removed from along Common Street would be used on Lincoln Street Extension, 6” curbing used to be replaced along Common Street on the Common side and 5” granite curbing will be purchased for Lincoln Street and the residential side of Common Street. The Board was assured that the cost change was legitimate and that the Change Order had been approved by the Grant Administrator, Bill Scanlan.

Herb Chaffee, Highway Superintendent, had already committed some of the Chapter 90 funding to this project and this has not changed. The Board was assured that the cost change was legitimate and that the Change Order had been approved by the Grant Administrator, Bill Scanlan.

Mr. Allen moved to approve and authorize the Chairman to sign the Change Order, pending confirmation by the appropriate authority; Mr. O’Connell seconded; so voted.

Mr. Clarke brought up a question that had just come up on the jobsite. The question was whether or not the Town needed to install special plates, called “dotmats,” at each cross walk for sight-impaired pedestrians. Mr. Clarke said that, if these are required, they would cost an additional \$200 per plate, not including labor for setting the plates in concrete. About 12 or 13 would be needed. Mrs. Neylon was asked to press the project engineer for an immediate answer.

Project update:

Mr. Clarke reported that he and Herb Chaffee, Highway Superintendent, were on the jobsite every day and believed that Pioppi Construction was “more than thorough”, that he (Mr. Pioppi) works “for the next generation”, and does “the best construction possible”.

He asked that the Selectmen view three sites on their site visit today:

- Cross walk at the corner of Common and Central streets;
- Green Strip at the Library – This area is adjacent to the library and is always a muddy or dirt area with no grass. The Board needs to decide if this should be paved over or not.
- Sidewalk at the South side of Lincoln Street (East of St. Mary’s Church) – part of this sidewalk is elevated and, if replaced, needs to meet the ADA standards (Americans with Disabilities Act). Other than extensive renovations, the other solution is to eliminate the sidewalk.

Mr. Heller and Mr. O’Connell said that they had received phone calls from residents of both Common and Lincoln Streets who were concerned that the curb cuts for their driveway would result in a too-narrow entrance. Bruce Clarke explained to the Board how the width was determined but stated that the entrance widths could be revised.

3. POLICE DETAILS FOR APPLE COUNTRY FAIR

Although he was not on the agenda, the Board took questions from Mr. Philip Peirce regarding the requested police details for the October 9th Apple Country Fair sponsored by the Brookfield Community Club. In the discussion, it was noted that the new Police Union Contract had a one rate for a town “detail” and a different (higher) rate for paid “details” for a non-town contractor. The Community Club, because it is not part of a municipal organization, technically falls in the latter group. All agreed that it was best for the Community Club to remain private. The original motion, from the August 10, 2010 Selectmen’s meeting was reviewed and it was determined that it was the intent of the vote to provide the detail services at no cost to the Community Club because their work benefits the Town in many ways.

Excerpt from minutes of 8/10/10:

“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); further that the coordination of the traffic flow & parking, etc. be coordinated with the Acting Chief of Police; Mr. Allen seconded; so voted. 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.”

Agenda:

4. BROWNFIELD REPORT - 15 POST ROAD PROJECT

As scheduled, at 10:30 am, the Board began their discussion with representatives of Central Massachusetts Regional Planning Commission (CMRPC) and Fuss & O’Neill (engineering firm). Richard and Nancy Lee Finney (property owners of 15 Post Road) and Mr. Richard and Mr. David Hope (brothers) and heirs of owners of 13 Post Road, an abutting property, were present.

Mr. Bill Scanlan had worked with the Finney’s to apply for a Brownfield Phase I grant through CMRPC who had awarded the grant. The Town contracted with the engineering firm of Fuss and O’Neill to perform the assessment.

Megan DiPrete gave a brief overview of CMRPC’s part in this project and noted that their goal was to put this property back in the economic mainstream.

Mr. David Foss of Fuss & O’Neill presented the results of their investigation as summarized below:

- Phase I – an environmental site assessment – is equivalent to a 21E report - a snapshot of the current situation with a plan for the future including site inspection and review of documents supplied by the Finney’s and the State. There were no surprises as a result of Fuss & O’Neill’s report.
- This property “has an environmental history”. Used in the mid-1940’s as an auto repair and gas station, etc. About 1998 there was a documented gasoline release which required environmental clean up. In the year 2000 the state Department of Environmental Protection (DEP) determined that the Finney’s had a financial inability to pay for clean-up. In 2002 the DEP hired a contractor to remove underground storage tanks, closed two in place, and installed monitoring wells on both the Finney property and on the Hope property next door. This removed the immediate source of contamination but was not a permanent solution. The DEP placed liens on the Finney property.
- Risk is calculated in tiers; this is a Tier 1C. Certain environmental conditions have been recognized:
 - Documented the release of gasoline to the soil and ground water at levels above the MassDEP criteria

- The contamination extends beyond the Finney’s property line
 - Historical site use included petroleum and chemical storage with floor drain discharge.
- GW2 (Ground Water 2) – there are protective vapors in indoor air – evidence of a potential risk. Levels found in 2002 were found to be consistent with the background levels of what would normally be found indoors.
- Testing was also done at 13 Post Road by the Hope’s consultant and data was shared with Fuss & O’Neill. Comparison of tests taken in 2002 and 2010 shows significant improvement but some vapor still exists in one test well. The risk of GW2 to the 13 Post Road property warrants further research as there is still some contamination. It is unlikely that a deed restriction will be necessary for this property although the fact of the clean up could affect future financial backing (i.e. mortgage) in some way.

Next Steps:

- Further testing is needed to determine the extent to which the underground contamination “plume” has spread. This requires drilling more wells on the west of the Hope property and to the north of the Finney property. The information from the Hope’s 2010 tests would be used as well.
- Once the data has been collected and analyzed, the engineering consultant would propose a treatment plan that would lead to a “closing” of the site for its anticipated uses. The extent of clean up of property depends upon the end use. i.e. property to be used for a school, home, or daycare will have a more extensive clean up than that to be used for a business or parking lot.

Megan DiPrete and David Foss indicated that the Town could submit a new grant for the next steps to CMPRC, which has money to fund a limited number of Phase II/III projects. They agreed that a public (Town)-private (Finney’s) partnership proposal could be very competitive. Fuss & O’Neill and CMRPC can take the lead in the next grant application and work toward putting the property back into use. The EPA could be a funding source for the final (Phase IV) treatment implementation project.

The Town can show its support and ask CMRPC to help. The Town can offer “staff time” to make sure the application for the next phase is both thorough and complete.

Mr. Foss stated his willingness to work with prospective purchasers of the Hope property and with their financial institution to reassure them they would not be responsible for clean up even if some were determined to be needed on their property. The Phase II/III report will be helpful to the loaner. The Selectmen expressed their desire to see this property returned to commercial use. Fuss &

O'Neill will make an estimate of the number of hours and cost needed to complete the next phase for CMRPC.

Ms. DiPrete asked the Board to think of other properties that could benefit from this same process and assured the Board that the Town would not be competing against itself in securing funds for the Phase II/III Finney project if it sought funding for Phase I clean-up grants for other sites in town.

Mr. Heller expressed his and the Board's gratitude to everyone from CMRPC, to Mr. Foss of Fuss & O'Neill, and to Bill Scanlan for assisting the Finney's in this process.

At about 11:55 am, Mr. Heller entertained a motion to enter into two very brief Executive Sessions citing Exemptions 3, and 6, (given below) and to return to Open Session for the purpose of continuing the meeting with a walk of the CDBG-R project and proposed WRTA bus shelter sites; Mr. O'Connell so moved; Mr. Allen seconded; so voted with Mr. Allen voting aye; Mr. O'Connell voting aye; and Mr. Heller voting aye.

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."

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."

At about 12:30 pm, the Board returned to Open Session took a short recess prior to setting off on its scheduled site visits to consider sites for a WRTA bus shelter and to visit the CDBG-R project.

5. WRTA BUS SHELTER

Given the lateness of the hour, the heat of the day, and the priority to make decisions about the CDBG-R project, Mr. Heller asked Mr. Jonathan Church of CMRPC whether the Board could delay a decision on the location of the WRTA bus shelter and inquired about possible changes in the bus route should one be needed to make a shelter location work. Mr. Church graciously agreed that the Board could defer the decision and noted that the bus route would be flexible as long as minimum turning requirements and sight lines were met. Mr. Heller thanked Mr. Church and said that the Board would reach a decision quickly.

6. CDBG-R PROJECT

Crosswalk at Common and Central Streets: After discussion of alternatives, an agreement was reached to ask the Common and Mall Committee to meet and reach agreement with the Highway Superintendent about the best alternatives that met ADA requirements and aesthetic considerations. Mr. O'Connell agreed to contact Mrs. Wild to schedule a meeting at their earliest convenience.

Driveway Curb Cut widths: Mr. Chaffee and Mr. Clarke were able to satisfy the requests of residents on Common and Lincoln Streets for appropriate Curb cut widths.

Library site: After discussions with Director of the Library Mrs. Metterville, the Board, Mr. Chaffee, and Mr. Clarke agreed:

- To bring the sidewalk out to the curb on Common Street and around the corner, where it would taper back along Lincoln Street to create a green strip between the sidewalk and the curb;
- To locate a crosswalk on Lincoln street that began at the end of the handicapped access ramp and crossed at that point.
- Despite the fact that there would be no formal crosswalk at the intersection of Common and Lincoln streets, to insert a curb cut for clients coming from the Common and wishing to access the Library steps facing west.
- To put a retainer (curbing) in place of the bricks that serve as a garden border on the south side of the Library.

Lincoln Street Southside Sidewalk: After explanations of the impossibility of meeting the ADA slope/tilt requirements for a sidewalk on the South side of Lincoln Street that would not create steep driveways and potential "bottoming out" of cars entering the driveways, Mr. O'Connell moved and Mr. Allen seconded a motion to eliminate the sidewalk on the south side of Lincoln Street from a point near the east side of St. Mary's Church to Pleasant Street with the following conditions:

- The contractors would grade, provide topsoil and seed the area from the property lines of the owners to the top of curbing to conform as nearly as possible to the grade of the existing lawns
- With agreement from each owner, the contractor would construct a walkway from the curbing to the property line of individual owners in alignment with their front doors. Property owners would be responsible for constructing the sidewalk from their front doors to the property line.
- A Selectman would contact each of the owners to inform them of this decision and obtain their decision about a front walk.

In discussion, Mr. Clarke noted that the removal of the sidewalk would remove the need to have a curb cut and crosswalk where the sidewalk previously crossed Pleasant Street, which could increase safety. All

children walking to school along Lincoln Street would now cross on the north side of the street where it connects to the only sidewalk on Lincoln Street extension. The motion passed unanimously. The Board asked Mr. O'Connell to contact the neighbors and to report their decisions about front walks to Mr. Chaffee or Mr. Clark.

ADJOURNMENT: At approximately 1:40 pm, Mr. Allen moved to adjourn the meeting and Mr. O'Connell seconded the motion; so voted.

Respectfully submitted,
Donna L. Neylon, Administrative Assistant

Date approved by Board: _____