

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

**MINUTES OF OCTOBER 19, 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:** Sharon Mahoney

**Press:** Karen Trainor, Jennifer Grybowski

**Public:** John David Holdcraft, Peter Masuzzo

**APPROVAL OF WARRANTS:**

Mr. Heller entertained a motion to ratify the approval of the Expense Warrant of 10/12/2010 for \$279,870.99 and the Wire Transfer for \$1,344,900.00 dated 9/14/10 and to approve the Payroll Warrant of 10/19/2010 for \$175,555.24; Mr. O'Connell so moved and Mr. Allen seconded; so voted.

**APPROVAL OF MINUTES:**

Mr. Allen moved to approve the Selectmen's minutes of 9/21/10; 9/22/10; 9/24/10; 9/29/10 and 10/5/10; Mr. O'Connell seconded; 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.

Joint Historical Commission and Cemetery Commission meeting of 09/01/10

Open Space & Master Plan Committee: 06/30/10; 08/11/10

Town Hall Custodian: August 2010; September 2010

Treasurer's Cash Reconciliation of 07/31/10, adjusted on 10/05/10

**ANNOUNCEMENTS:**

There were several announcements including the following:

**Grant Applications:** Pioneer Valley Planning Commission is accepting applications for grants to help fix up your home or septic system. The property must be occupied primarily by the applicant and meet certain generous low to moderate income guidelines. Contact the Selectmen's office (508-867-2930 x 10) for further details or call Ms. Laurel Foley at 413-781-6045. Note this is a first come, first serve program and is part of a CDBG grant that Brookfield shares with Ware, Warren and Hardwick.

**Brush Collection Dates:** 8:00 AM-12:00 PM Brookfield Town Property, End of Herbert Road, Brookfield, MA - No Charge Brush Collection Days: Oct 9, 16, 23, 30 from

8AM – 12 PM at the Town’s Herbert Road property. The Highway Department will staff and supervise but you must unload your brush yourself. Only your own, household brush (2’ and smaller in diameter) will be accepted. Leaves and grass clippings are accepted at the Transfer Station with a permit. Sponsored by: Highway Department and Board of Selectmen. For more information, e-mail [dneylon@brookfieldma.us](mailto:dneylon@brookfieldma.us) or call 508-867-2930x10.

**Special Town Meeting Reminder:** The Special Town Meeting will be at the Elementary School on Friday, October 29, 2010 and will begin at 7:00 pm.

Chairman Heller also announced:

**Police Chief Employment Agreement:** An agreement has been reached with Michael Blanchard of Sturbridge and he will begin his employment on November 1<sup>st</sup> as Brookfield’s new Police Chief.

**“STRAP Grant”:** On Monday, October 18<sup>th</sup>, the Town received a visit from Lt. Gov. Murray, Secretary of Transportation Mullen, Sen. Stephen Brewer and Rep. Anne Gobi to formally present to the Town notice of receipt of a \$500,000 grant for road reconstruction. The grant has a new name but we know it as STRAP (Small Towns Road Assistance Program). The money will be used on Town Farm, Rice Corner and Gay Roads. The Selectmen were pleased with the efforts of the Highway staff in acquiring this grant for the Town.

*Old Business:*

**1. BY-LAW COMMITTEE CHARGE**

The By-Law Charge, as revised and approved at the last meeting, was signed by the Selectmen who then announced they were looking for volunteers for this committee.

**2. TAX TITLE UPDATE**

Mr. O’Connell said that the Board received a letter from Attorney Neal who asked that his letter be considered a demand that the Town repay interest that had accrued and that he had recently agree to pay along with the principal on his delinquent 2002 tax bill. He said that the Town ought to repay the interest because the Town had not notified him of past due taxes as required by law. Mr. O’Connell called Attorney Murphy at the Department of Revenue and was told that although the Town is required to provide such notice, there is no basis for redress if the Town doesn’t comply. Mr. O’Connell will respond to Attorney Neal.

The Tax Collector has ordered a stamp that will be used to notify everyone of any tax delinquency so that the Town will, be in compliance with the 2008 law mandating notice to the tax payers of overdue tax payments.

**3. COMPUTER REPLACEMENT AND POLICY**

Mr. Heller reported that the old computer, formerly used by the Tax Collector, has now been “cleaned” and reformatted for use by the Highway Department with their GasBoy® computer program. This will replace a computer that they had gleaned

from the Transfer Station! The hard drive in the computer formerly used by the Police Chief will be removed and retained in the evidence locker. A new hard drive will replace it and the machine will be readied for the new Police Chief.

**4. SELECTMEN'S AGENDA**

Chairman Heller said that the new Open Meeting Law requires the Board be able to present every document relative to an agenda item so the Board would require this of anyone who wants to be on the agenda.

**5. PERSONNEL MEETING**

At the last meeting, it was agreed to hold a meeting of the personnel who report to the Selectmen and this meeting was set for Tuesday, November 9<sup>th</sup> at 9:30 am in the Town Hall. The purpose of this meeting is to discuss compensatory time, rest and meal break time and other personnel issues. Mr. O'Connell suggested that he represent the Board at this meeting and the Board agreed.

*New Business:*

**6. AWARD CEMETERY IRON GATE CONTRACT**

At 2:00 pm on Thursday, October 7<sup>th</sup>, the Procurement Officer, the Cemetery Commissioners and their architect, Martha Lyon, were present for the bid opening. Only three bids were received:

Cassidy Bros. Forge, Inc., Rowley, MA	\$49,400
All Star Historical Cast Iron Restorations, Ipswich, MA	\$41,700
DeAngelis Iron Work Inc., South Easton, MA	\$32,700

Mr. Masuzzo, Chairman of the Cemetery Commissions was present and recommended that the Town award the bid to DeAngelis Iron Work, whose qualifications are excellent. Mr. O'Connell moved to accept the recommendation of the Cemetery Commissioners and award the contract for the cemetery gate iron work to DeAngelis Iron Work Inc. of South Easton, MA and to authorize the Chairman to sign the contract when it is ready; Mr. Allen seconded; so voted.

**7. APPOINTMENTS AND RESIGNATIONS**

Full-Time Police Officer: Matthew Baird's letter of resignation from the Police Department, effective October 30, 2010 was read aloud by Chairman Heller. Mr. O'Connell moved to accept the resignation with regret and volunteered to send a letter of appreciation on behalf of the Board; Mr. Allen seconded; so voted. Mr. Heller reported that Acting Chief Blood was able to fill shifts to continue 24-7 coverage. Mrs. Neylon reported that the ad for full time officers had been sent to the newspapers with an early November deadline to file applications.

Cultural Council: Jeanne Lytle's letter of resignation effective September 30, 2010 from the Cultural Council was also read aloud. Mr. Allen moved to accept her resignation with regret and send a letter of appreciation for her service; Mr. O'Connell seconded; so voted. Mrs. Lytle indicated that she will continue to work with the Council but will not have voting privileges.

**8. FACILITIES USE REQUEST**

The Brookfield's Mother's Group requested use of the Banquet Room on Monday's from 3:30 pm to 5:30 pm for the months of January through April and September through November, 2011 for community outreach programs. Mr. O'Connell moved approval; Mr. Allen seconded; so voted.

**9. WINTER PARKING BAN**

Mr. Heller entertained a motion to put the parking ban back into effect from November 15, 2010 through April 1, 2011 from 11:00 pm to 6:00 am; Mr. O'Connell so moved for discussion purposes; Mr. Allen seconded. During discussion Mr. O'Connell suggested that instead of a \$15 fine for the first offence, there be only a warning. No vote was taken and it was agreed that this would be placed on the October 27<sup>th</sup> agenda so Chairman Heller could seek input from Acting Police Chief Blood and incoming Chief Blanchard.

*Correspondence*

**10. AMBULANCE SERVICES**

A letter was received in support of the ambulance service having access to cross the railroad bridge at all times during the CSX bridge reconstruction. Since CSX has now promised that all emergency vehicles (including school busses) will have access to the bridge during construction, the matter seems to be moot.

**9. HOUSE BILL 5028**

An e-mail was received from EMS Chief, Donna Lafleur, asking the Board to write in support of House Bill 5028. If passed this bill would keep insurance reimbursement for ambulance services coming to the ambulance service rather than being sent to the patient in hopes that they would forward it. Mr. Allen moved to support House Bill 5028; Mr. O'Connell seconded; so voted. Mr. O'Connell will draft the letter.

Chief Lafleur will be asked to attend the October 27<sup>th</sup> meeting and the topic of House Bill 5028 will be brought before the Joint/Regional Selectmen at their October 21<sup>st</sup> meeting.

**11. CMMPO MEETING NOTICE**

This passed over as it turned out that the notice of this meeting was sent to Brookfield by mistake.

**12. “JUNK” CRUISER**

Ms. Neylon reported that since the value of the old police cruiser was under \$5,000 she needed only get quotes for the removal of the vehicle from three junk/salvage yards. Mr. O'Connell moved to rescind the Board's earlier vote to sell the cruiser to the highest bidder and instead to authorize the Administrative Assistant to dispose of the vehicle as junk; Mr. Allen seconded; so voted.

Mr. Allen said he wanted to bring up at the Regional Selectmen's meeting the creation of an inventory of “spare parts” for regional use.

**13. PLOWING PRIVATE WAYS**

Based on the recommendation from Herbert Chaffee, Highway Superintendent, Mr. Allen moved that the Town would plow the private ways of Herbert Road, Brunnell Avenue, Draper Street, Forest Street, Joe Goddard Road, Lakeside Avenue, Oak Ave, Wart Street, Off Allen Road (Lane 21), Chestnut Street and Lane 21A; Mr. O'Connell seconded; so voted. Mr. Allen asked for a list of the private ways that are not plowed by the Town and why. He expressed his opinion that the Town should not plow any private ways as he felt this was competing with private business.

**14. SPECIAL TOWN MEETING FUNDING**

Mr. O'Connell reported having met with Gerald Johnson, Chairman of the Advisory Committee and Betty Benoit, Town Accountant to locate possible funding sources for the articles on the October 29<sup>th</sup> Special Town Meeting Warrant. These included \$2000 in unspent Selectmen's stipends and \$5,000 in projected savings resulting from the new Transfer station contract with Casella. Mr. Allen said he didn't want to use the Board of Health/Transfer Station money or the Selectmen's Stipend at this time so the Board agreed to try not to use either.

Other available sources of funds included \$28,864 in “unused tax levy”, \$16,881 in a lowered Tantasqua Regional Transportation assessment, new growth (the assessors expect to have a new growth figure soon), lower insurance costs and a lower regional retirement cost. On the expense side, the \$5,000 for tax title is already on the recap sheet so this article could be passed over and the \$15,000 for Unemployment is only an estimate that may be able to be lowered or passed over until the Spring.

Legal Services (Article 19) -- Mr. Heller is still checking with Town Counsel for this estimate.

Prouty Street property purchase (Article 8): Treasurer, Jim Dunbar, is researching whether or not taking the money from Stabilization or borrowing would be the most cost-effective option.

Mr. Allen pointed out that there is about \$20,000 left in the Brownfield project (56 Mill Street) account and \$1,000 in the Tax Collector's Certification account. It is not yet known if the Collector has passed the last Certification exam so that money will not be touched at this time. The Board agreed to leave the Brownfield account as is until the project is completed.

Town Hall Roof: (Article 18): The Board reviewed correspondence from Town Counsel with his recommendation that the Town appropriate at least \$40,000 for roof repairs. It appears that there is no option to recover costs unless the Town decides to sue the insurance company.

Mr. Allen moved to seek \$40,000 for roof repairs; Mr. O'Connell seconded; so voted. The Board agreed that they would use \$10,430.26 from the project fund, \$15,000 from Town Hall Improvement and the balance (\$15,000) from either Stabilization or Raise and Appropriate.

Mr. O'Connell promised to revise his worksheet in time for the Board's October 27<sup>th</sup> meeting.

***Public Access Period:***

Mr. David Holdcraft told the Board that they were violating State Law by not appointing the Tax Collector and having her in the "holdover" position. He claimed to have spoken with two attorneys and someone at the DOR who, according to him, agreed with him that the Tax Collector shouldn't be collecting taxes without being sworn in. At about this time, Mr. Holdcraft's allotted three minutes was up and Mr. Allen moved and Mr. O'Connell seconded to allow him another three minutes; so voted. He then said that the Town Clerk should make sure that a Constable collects the taxes; that the Assistant Tax Collector should be bonded, etc.

Mr. Heller replied saying that the current Tax Collector is sworn in. By opinion of Town Counsel her oath continues from her original appointment as long as she is in that position. No where in the law is it required that the oath be taken upon each new re-appointment and he further rebutted that the Tax Collector's bond is still in force.

At about 8:42 pm, Mr. Allen moved to enter into Executive Session under the below listed exemption and return to open session only to adjourn; Mr. O'Connell so moved; Mr. Allen seconded; so voted with Mr. Allen voting aye; Mr. Heller voting aye and Mr. O'Connell 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."

**ADJOURNMENT:**

As there was no further business before the Board, Mr. Allen moved to adjourn at 9:04 pm; Mr. O'Connell seconded; so voted.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

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