

**TOWN OF BROOKFIELD**  
**SELECTMEN'S MEETING**  
**ELEMENTARY SCHOOL, LIBRARY**

**MINUTES OF NOVEMBER 16, 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:** James Sniffen

**Press:** Jennifer Grybowski, Karen Trainor

**Public:** Stephen Comtois, John David Holdcraft

**APPROVAL OF WARRANTS:**

Mr. O'Connell moved to ratify the approval of the Expense Warrant of 11/09/2010 for \$264,633.83, Real Estate Abatements for FY 2010 for \$1,860.90 and to approve the Payroll Warrant of 11/16/2010 for \$171,843.91 and a pre-paid Warrant for \$50.00 dated 10/14/2010; Mr. Allen seconded; so voted.

**APPROVAL OF MINUTES:**

Mr. Allen moved to approve the Selectmen's minutes of 11/3/10 and 11/10/10 as edited; 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.

Recreation Committee: 10/04/2010

Historical Commission: 10/14/2010

Library Trustees: 9/20/10; 10/18/10

Treasurer's Cash Reconciliation: 8/31/10

**ANNOUNCEMENTS:**

**Public Hearing:** At 6:30 pm on Tuesday, November 30th as part of the Selectmen's meeting. The purpose of the Hearing is to finalize the application for the FY 2011 Community Development Grant application for housing rehabilitation to the Housing Authority's 3 Hayden Avenue property and for final design plans for part of Draper, High, and Hyde streets and for and Hayden Avenue. Additionally, the Community Development Strategy will be finalized. Comments from the public are requested either in person at this Hearing and/or in writing to the Selectmen prior to the Hearing.

*Old Business:*

**1. SAW MILL POND DAM REPORT**

Mr. Heller said that he had not yet invited Mr. Moreschi of Fuss & O'Neill to attend a Selectmen's meeting but would contact him for the November 30<sup>th</sup> meeting. The priority would be to get the "significant" designation reduced to "low". Mr. Allen will talk with Mr. Chaffee, Highway Superintendent, about cleaning up around the dam.

**2. TAX INCREMENT FINANCING (TIF)**

Mr. Heller reminded the Board that a local resident/business owner & operator had earlier approached the Town about the possibility of receiving a TIF grant, which forgive real estate taxes for a given time period on the increased assessed value of a business resulting from the owner's investment in that property. A TIF is given when a business owner shows how the TIF will encourage business growth and keep jobs in the community, especially in an area of a community designated as an "economic opportunity area" It was agreed that the town needs to designate such "economic opportunity areas" before granting a TIF; Mr. O'Connell suggested that the Board appoint an Economic Development Committee as a first step. The Administrative will ask the Planning Board for a copy of the Zoning Map and place the further discussion of an Economic Development Committee and TIFs on a December agenda.

**3. INITIATIVE PETITION/SPECIAL ACT FOR ELECTED TAX COLLECTOR**

Mr. Heller said that the Board received by e-mail earlier today a copy of the proposed Special Act of the Legislature, filed now as Senate Bill 2651 (S2651) by Senator Brewer's office. A website was also included for those interested in following the progress of S2651.

Mr. O'Connell pointed out that the wording of the proposed Act differs significantly from the motion put before the people at the October 29<sup>th</sup> Special Town Meeting in that (1) vacancies in the position can be filled only by a special election and (2) that the act would require that the tax collector in the position at the time of the effective date of the act be retained until the election can be held; there was no provision for an interim appointment by the Selectmen as is the case with other elected officials. Mr. Heller read the e-mail he received from Mr. Stephen Comtois, on the previous Friday, providing the wording Mr. Comtois had sent to Sen. Brewer's office for filing as the official language of the proposed Act.

Mr. O'Connell moved to authorize him to draft a letter to the Joint Committee on Municipalities and Regional Government to call to their attention issues relative to this proposed Act; Mr. Allen seconded; so voted. Mr. O'Connell will get the letter ready and leave it on the office table for the other members to review and revise if necessary.

4. **PERFORMANCE REVIEWS**

Only a few Performance Reviews have been completed. The Board agreed to place this on their agenda for January 5, 2011 and to have all reviews completed by that time.

5. **TOWN HALL ROOF**

Mr. Allen reported on his discussion with Town Counsel regarding the repairs and possible litigation relative to the slate roof and listed the following options:

- a) Replace the entire roof (over \$300,000)
- b) Replace tiles that have already fallen off;
- c) Conduct preventive work over the entrances to the building (\$20,000 depending upon amount of supervision by Town Counsel and Consultant), and
- d) Install gutters to catch falling tile to prevent injury to those below (\$20,000).

Mr. Allen recommended options “b” and “c” above with the proviso that the Administrative Assistant contact the Town’s insurance carrier to see what impact there would be on the Town’s premiums if the Town does not install gutters. Since the roofing contractor (Pinnacle) appears to be out of business, there is no use in initiating litigation against them nor against the engineering company (Reinhardt Associates), given the expense and low chance of success.

Mr. Allen will consult with Town Counsel about an estimate of costs to have consultant Susan Knack-Brown write the bid specifications for the Request for Proposals and inspect the work that is done and for K&P for any future role they would play related to the Town Hall roof repair. The Board agreed that the Custodian shall be asked to do a weekly inspection of fallen slate and keep a log of his findings.

6. **SNOW AND ICE – SIDEWALK LIABILITY**

The Board received a memorandum from Trident (the Town’s insurer) indicating certain liabilities regarding the failure to adequately clear sidewalks of snow and ice. Unlike Brookfield, some towns have by-laws mandating the homeowner clear sidewalks in front of their properties, but they have enforcement problems. Ms. Neylon was asked to (a) review the K&P memo and consult with the Town’s insurance agent, (b) contact the Highway Department to see which sidewalks they plow and which aren’t plowed and (c) make a note to include the purchase of a new sidewalk plow in the FY 2012 budget. Mr. Allen wondered whether the Board should adopt a policy asking homeowners to clear their own sidewalks but he added that he, personally, did not like the idea.

7. **TOWN HALL BARRIER REMOVAL PROJECT (THBR)**

Mr. O’Connell reviewed his conversation with Donald Faugno, Chairman of the Town Hall Barrier Removal Committee. Mr. Faugno believes that there will likely be as

much as a 5-10% reduction in school and state aid for fiscal year 2012. Also, the Town's share of the Tantasqua School District budget is expected to increase because of Brookfield's growing enrollment. Mr. Faugno believes it will be unwise to bring full renovations of the Town Hall back to the voters in the coming year. Instead, he suggested that the Selectmen define several discrete projects that would demonstrate the Town's commitment to bring the Town Hall into ADA compliance.

- Make one bathroom ADA-compliant, fix thresholds, and change hardware on doors.
- Address inadequate office space needs including privacy for customers.
- Remove the salt shed from the Town Hall yard and construct a salt shed at the Highway Barn.
- Install a septic system.

These projects could be funded from the operating budget, Stabilization Fund or Free Cash (or a combination) and could be performed by local self-employed contractors. Such a strategy stays below the threshold in which a project amounting to 30% of the value of the building triggers the need to install a whole-building sprinkler system. In addition, the Town could seek CDBG grant funding for renovation of the basement for use as a Senior Center (no elevator required) and later (FY 2013) to partially fund the construction of an elevator. Mr. O'Connell said that the elevator would come about the same time that the Highway Barn, Fire Truck, school, etc. will be paid off.

Mr. O'Connell moved that the Board authorize him to approach the State ADA office for the up-to-date compliance requirements and estimate of the costs to make the main floor of the building ADA-compliant; Mr. Allen seconded; so voted. The Board agreed that the Town Hall Barrier Removal project would be placed on the December 22<sup>nd</sup> agenda.

Mr. O'Connell will attend the CMRPC Brownfield Steering Committee meeting to represent the Board and address any questions they may have regarding the Board's request for a Phase II/III grant for testing of the G.L. Finney property and a request for a Phase I assessment grant of the Prouty Street property.

## **8. TAX TITLE UPDATE**

Mr. O'Connell had nothing new to report at this meeting.

## **9. OTHER FOLLOW-UP FROM SPECIAL TOWN MEETING**

There was no other follow-up.

*New Business:*

## **10. MASSACHUSETTS MUNICIPAL ASSOCIATION – JANUARY MEETING**

It was agreed that Mr. Heller and Mr. O'Connell would attend and would make their own reservations.

## 11. APPOINTMENTS/RESIGNATIONS/COMMITTEE CHARGES

**Local Cable Access:** The Board received a request for appointment to this committee from Ms. Lindsay Holm but the committee already has the allowed seven members.

**Agricultural Commission:** Mr. Heller has met with a group interested in finding people to be on the Agricultural Commission that was formed at the June 2010 Annual Town Meeting. They plan to come to the Selectmen in January with a recommendation of five members and five alternates.

**Capital Improvement Planning Committee (CIPC):** Mr. O'Connell reported that he would be the member from the Selectmen and Barbara Wilson will represent the School Committee. The Planning Board and the Advisory Committee each must still designate their representative. The Treasurer, James Dunbar, will be a full member; the Town Accountant will be an ex-officio member. There must also be three members-at-large that are not currently serving on any other town committee. Mr. Heller requested that interested people call the Selectmen's office.

**By-Law Committee:** Mr. Heller reported that the Town Clerk agrees that the committee should be five members, that he has received information from the Attorney General's office defining by-laws approved by their office from 1998 to the present, and that by the end of the month, he'll be ready to recommend individuals to serve on the By-Law Committee. He will, in the meantime, try to find out the best way to present the changes to the voters (individually, in groups, or the entire new by-law). Mr. Seery, Town Clerk, prefers that a Special Town Meeting be called primarily to approve by-law changes. Ms. Neylon was asked to add the appointment of the By-Law Committee to the December 5<sup>th</sup> agenda.

**Housing Authority:** There are two vacancies on this elected committee. One can be appointed by the Selectmen (jointly with the Housing Authority) until the next election and the other must be appointed by the State. Mr. O'Connell moved to submit Ms. Porter's name to the State for that position on the Housing Authority and to ask her for a letter of intent and resume. Mr. Allen seconded; so voted.

**Conservation Commission:** Ms. Carrie Worthington, clerk to the Conservation Commission, submitted a letter requesting to be appointed as a full member of the Commission. Mr. O'Connell suggested tabling the appointment until it could be determined if she could serve as both a member and paid clerk.

Mr. O'Connell asked if the Board of Selectmen was the hiring authority for the Town and if so, shouldn't the Board have been consulted with the recent appointments of clerks to the Conservation Commission, the Planning Board, Zoning Board of Appeals, etc.? Were Wage Authorization Forms completed? Should the Board ratify these appointments? It was agreed that Ms. Neylon would seek advice from the STAM group about hiring authorities for elected and appointed boards.

## 12. CONTRACTS

**Cemetery Gate Iron Work:** The contract between the Town, the Cemetery Commissioners, and DeAngelis Iron Works was awarded at an earlier meeting and the Chairman was given authority to sign the contract. The contract, as presented at this meeting, had a place for signatures of all three Selectmen so they all signed.

**Banister Common & Mall Design Work:** Mr. Heller entertained a motion to sign the contract for landscape design services for the Banister Common and Mall Committee with Martha Lyon; Mr. O'Connell so moved; Mr. Allen seconded; so voted.

### *Correspondence:*

There was no correspondence received at the time of posting of the agenda.

*Other: (matters that came up after the agenda was posted)*

## 13. BUDGET PROCESS

Mr. Heller reported a conversation with Mr. Gerald Johnson, Chairman of the Advisory Committee wanted to know if the Board was satisfied with the budget process as in the past with a modified zero-based budget or did the Board think that the budgets should be calculated more tightly so that the departments would have to come to the Advisory Committee when their budgets become "short".

Mr. Allen felt that most departments were already very careful with their budget calculations, that he was not an advocate of a zero-based budget for all departments simultaneously, but favored beginning such an approach with a single department.

Mr. O'Connell felt the current process required each department head to justify their proposed budgets. He noted that about \$150,000 was turned back in unspent budgets last year, somewhat higher than the \$100,000 usually turned back, in part because the Elementary school had lower Special Education costs. This suggests that if necessary, budgets could be trimmed a little without sacrificing services, though departments have made cuts in the last two years. He noted that the Town Accountant will be involved in sending out FY12 budget forms that include accurate expenditure figures from prior years.

Ms. Neylon will check with the Assessors to find out when they want to hold their Tax Classification Hearing.

## 14. CHARTER COMMUNICATIONS TV CHANNEL LINE UP CHANGE

This will be posted in the Town Hall lobby and on the website.

**15. MASS. REHAB. COMMITTEE SEEKING COUNCIL MEMBERS**

Mr. Heller briefly reviewed the request for members and advised the audience that they can contact the Selectmen's office for more details.

**16. DHCD CLOSE OUT DOCUMENT**

The Selectmen received correspondence from the Department of Housing and Community Development (DHCD) asking them to sign the closeout of 2007 CDBG grant. The Board was reluctant to do this as the document included wrong information indicating that no audit was done. Ms. Neylon will contact the grant administrator, William Scanlan, and ask for his guidance in having the mistake corrected.

**17. POLICE CHIEF GOALS & OBJECTIVES**

Mr. Heller entertained a motion to authorize the Chair to sign Police Chief Michael Blanchard's probationary period goals and objectives and to place them in Chief Blanchard's personnel folder. Mr. O'Connell so moved; Mr. Allen seconded; so voted. A copy will also be put into the "tickle" file for an early February meeting and again for an early May meeting for the Selectmen to conduct the performance reviews.

**18. PERMISSION TO USE TOWN COUNSEL**

Mr. Allen, as chairman of the CDBG Advisory Committee, said that the committee might need to seek use of Town Counsel in a matter relating to the Lincoln Street project. Mr. O'Connell moved to authorize Mr. Allen to act as liaison to secure the needed advice; Mr. Heller seconded; so voted.

***Public Access Period:***

Mr. Stephen Comtois who was not present when Board discussed the legislative act regarding the Tax Collector position earlier in this meeting, was present to answer questions. He said that there was little difference between what was intended in the initiative petition, what he filed, and what was voted by Town Meeting. They all shared the same intent which was "to make the position elected". He said he had added language to allow the Board of Selectmen to clarify that the Board of Selectmen shall have the ability to appoint a new Tax Collector in the period before the 2011 election should a vacancy occur. He argued that if the Board had questions regarding the language, they should have gotten in touch with Senator Brewer's office on Friday after they received his e-mail and "worked it out".

Mr. O'Connell said that they could not take actions as a board without a publicly posted meeting and therefore, today's meeting was their first opportunity to discuss the matter since the legislation had been filed.

Mr. Heller told Mr. Comtois that the Board had voted to express their concerns because the wording of S2651 presents financial impacts to the Town with a mandated Special Election whenever a vacancy should occur and did not in fact allow the Selectmen to appoint a tax collector should a vacancy occur. Mr. Comtois said that there would be opportunity to change the wording "through amendments on the floor".

Mr. David Holdcraft complained about the lack of microphones at the Special Town Meeting and the CSX meeting and he blamed the members of the Cable Access Committee for this. Mr. O'Connell agreed that microphones were needed for people speaking at Town meeting, but did not agree that it was the fault of the cable access committee whose responsibility it is to ensure good audio for their cable programming. He suggested that the Board discuss microphone set-up with Elementary principal Mrs. Hosterman.

At about 8:58 pm, Mr. Heller entertained a motion to enter into Executive Session citing exception six (below listed) and to 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 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 about 9:20 pm; Mr. Allen seconded; so voted.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

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