

TOWN OF BROOKFIELD
SELECTMEN'S MEETING
ELEMENTARY SCHOOL RESOURCE ROOM

MINUTES OF NOVEMBER 30, 2010

REGULAR SESSION

Vice Chairman James Allen called the meeting to order at 6:30 pm and led the group in the Pledge of Allegiance. Other members present: Peter O'Connell. Chairman Rudy Heller was excused.

Camera Operator: James Sniffen

Press: Jennifer Grybowski, Karen Trainor, Mary Catherine Byzek

Public: William Scanlan, Ronald Couture, John David Holdcraft, Barbara Wilson, James Correia

APPROVAL OF WARRANTS:

Mr. O'Connell moved to ratify the approval of the Expense Warrant of 11/23/2010 for \$329,805.12 and Wire Transfer (same date) for \$18.09 and to approve the Payroll Warrant of 12/01/2010 for \$176,335.17; Mr. Allen seconded; so voted.

APPROVAL OF MINUTES:

Mr. O'Connell moved to approve the Selectmen's minutes of 11/30/10 as edited; Mr. Allen seconded; so voted.

ACKNOWLEDGEMENT OF MONTHLY REPORTS & MINUTES:

Mr. O'Connell moved to acknowledge the receipt of the following monthly reports and minutes; Mr. Allen seconded; so voted.

Local Cable Access: 8/16/10; 9/16/10 Cultural Council: 10/18/10

Tax Collector Receipts: October 2010

Town Hall Custodian: October 2010; November 2010

ANNOUNCEMENTS:

There were several announcements including the following:

A reminder of the winter parking ban and two public hearings:

Public Hearing: December 14 at 7:15 pm as part of the Selectmen's meeting, regarding a petition for a new pole location at Fiskdale Road.

Assessor's Tax Classification Public Hearing: December 8th at 10:00 am as part of the Selectmen's meeting.

Items listed below are in the order of their appearance at the meeting:

New Business:

**1. 6:30 pm COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PUBLIC HEARING**

Mr. Allen called the Hearing to order at 6:31 pm. After introducing William Scanlan to those present, he turned the meeting over to Mr. Scanlan.

Mr. Scanlan explained that the purpose of the Hearing was to receive input from the public on the 2011 CDBG application about to be filed on December 10th. The maximum amount the Town can apply for is \$1,000,000. Brookfield's share of the CDBG application with the Town of Ware as the lead town is about \$200,000. This leaves about \$800,000 that the Town could apply for on its own. Since the committee was not ready with other projects, mostly because of a lack of funding for plans, etc., the committee agreed to submit a \$150,000 grant application to pay for:

- Final engineering plans for Draper/High Streets, and for Hayden and Hyde Streets (\$78,000)
- Rehabilitation to the Housing Authority's 2-unit property on Hayden Avenue (A new roof, gutters, doors, electric fixtures - \$60,000), and
- Administrative costs (About 8% of grant funds approved or \$8,000)
-

Mr. Scanlan explained that although final engineering plans are not mandatory, the town lost points in their application last year because it did not include bid-ready engineering plans. If funds are awarded to pay for bid-ready documents, the Town must complete the street projects within five years. .

Vice Chairman Allen stated that previous CDBG projects included infrastructure to River, Lower River, Common, Lincoln, Lincoln Street Extension, Sherman, and Pleasant streets and a new 500,000 gallon water tank) had saved Brookfield taxpayers huge amounts, set a standard of quality for both the grant proposals and project implementation. He thanked Bruce Clarke of the Highway Department, Herb Chaffee and the staff of the Highway Department, and especially our consulting planner, grant writer and grant administrator Bill Scanlon for their excellent work.

Audience questions answered:

- Mr. Scanlan explained that because the town's population is under 5,000 a project could focus on any area of town. However, an income survey must be done to show that the proposed project location serves a low-to-moderate income population of at least 51%;
- Because of the income requirements, a CDBG project could not focus on the improvement of road primarily through state land since not enough qualified residents would benefit;

As there were no more questions, Mr. Allen declared the Hearing closed at about 6:50 pm and returned to the regular agenda.

Community Development Strategy: Mr. Scanlan asked the Selectmen if they had received or had any comments about the draft and updated Community Development Strategy (CDS). As no comments had been received; Mr. O'Connell moved to give final approval of the CDS; Mr. Allen seconded; so voted.

Old Business:

2. **FOLLOW-UP FROM SPECIAL TOWN MEETING**

Mr. Allen read the draft letter for the Board to send to the members of the Joint Committee on Municipalities and Regional Government in opposition to Senate Bill 2651, a bill which was filed as a result of the town's Special Town Meeting held on October 29, 2010. Mr. O'Connell moved to send the letter to the respective Chairs and members of the Joint Committee on Municipalities and Regional Government. Mr. Allen seconded; so voted. Written testimony must be received by the Committee no later than December 3, 2010. The Committee intends to take up the bill during the week of December 6.

3. **SAW MILL POND DAM REPORT**

Mr. O'Connell reported his conversation with Philip Moreschi, Vice President, and to Christopher Cullen, engineer, both of Fuss & O'Neill. If we can show that the pipe is totally encased in concrete, this could lower the "significance" rating and, in turn, perhaps forestall the likelihood that the Office of Dam Safety might require the Town to contract for a Phase II assessment estimated to cost between \$20,000 and \$40,000. Mr. Allen reported having talked with the Tree Warden, Highway Superintendent, Herb Chaffee. Mr. Chaffee has agreed to do some "tree work" at the dam but will not touch the pipe as he doesn't feel qualified.

Mr. Moreschi recommended that before sending any report to the State Office of Dam Safety the Town should contact Mr. Philip Hughes of the Office of Dam Safety to begin a discussion of the Town's next steps.

Fuss & O'Neill were unable to locate the design plans in the State Office of Dam Safety where "they are supposed to be." Efforts are underway to locate the plans in the Town Hall and at the Highway garage Army Corps of Engineers, and the Worcester Registry of Deeds. It was agreed that the efforts to find these plans will continue and that the matter will be placed on the December 8th agenda.

4. **CSX BRIDGE RECONSTRUCTION – ROUTE 148**

After a check with a representative of ET&L, the administrative Assistant determined that the Route 49 CSX Bridge in East Brookfield will not be closed at the same time as the Brookfield, Route 148 bridge. The Brookfield bridge will be closed to all except school buses and emergency vehicles from December 10 through 17. Thereafter one lane will be open and controlled by overhead traffic lights.

5. **INTER-MUNICIPAL PROCUREMENT CONTRACT**

The Board has received a copy of the bid documents for the inter-municipal purchasing contract from Johanna Barry, Town Administrator, Town of West Brookfield, which is the lead town in this multi-town project (Brookfield will join East Brookfield, New Braintree, North Brookfield, Warren and West Brookfield) to jointly purchase office and cleaning supplies. Ms. Neylon will draft a preliminary memo to be sent to the department heads to let them know that this is scheduled to take effect on January 1, 2011 and they will be using Purchase Orders for their supplies thereafter. The draft memo will be reviewed at the Board's December 8th meeting.

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. Mr. Allen said that the Town plows the sidewalks; in some towns they have by-laws mandating the homeowner to do it but they have enforcement problems. Ms. Neylon was asked to review the memo again and consult with the Town's insurance agent. She will also contact the Highway Department and find out which sidewalks are being plowed by the Highway.

7. **CDBG-07 CLOSE OUT**

Mr. O'Connell moved that the Board sign the CDBG – 2007 close-out documents; Mr. Allen seconded; so voted.

New Business

8. **CONTRACT - HOUSING REHABILITATION SPECIALIST**

Mr. O'Connell moved to approve the contract with Richard J. Barus, Housing Rehabilitation Specialist for work relative to the FY 2011 CDBG application (Housing Authority section) and to authorize Vice Chairman Allen to sign; Mr. Allen seconded; so voted.

9. **ALCOHOL LICENSE RENEWALS**

Mr. O'Connell moved to allow Mr. James Correia, owner/operator of Whites Landing, to speak; Mr. Allen seconded; so voted.

Mr. Correia said that the building at the location that his beer and wine license is issued for) is currently under construction and he could not get the sign off from the Building Inspector for probably another 3 – 4 months. He had submitted a letter to the Board asking them to issue but hold his license until he has all necessary approvals.

The Board questioned whether or not they can approve his license conditionally and hold the license until the Building Inspector and Fire Chief sign off on the required

forms so Mr. Correia voids going through the entire licensing process again. Ms. Neylon will call the Alcohol Licensing Commission and will report back at the December 8th meeting.

After review, Mr. O'Connell moved to approve the license renewals for 2011 for Carmella's Italian Kitchen and the Original Clam Box (both restaurant-style), Bay Path Spirits and Central Package (both package store-style), and Brookfield Rod & Gun Club (Club-style); all renewals are contingent upon the receipt of required inspections and that the owners are current with all taxes, etc.; Mr. Allen seconded; so voted.

10. **APPOINTMENTS AND RESIGNATIONS**

Resignation: Mr. O'Connell moved to accept with regret the resignation of Linda Baron from the Local Cable Access Committee, effective immediately and to send a letter of appreciation for her service; Mr. Allen seconded; so voted.

Appointments:

Local Cable Access Committee: The Board having received a letter of intent, Mr. O'Connell moved to appoint Lindsay Holm to the Local Cable Access Committee for the unexpired term of Linda Baron; Mr. Allen seconded; so voted.

Conservation Commission: Having received notification from the Ethics Commission that there is no conflict of by Ms. Carrie Worthington in serving as both a member and paid clerk for the Conservation Commission, Mr. O'Connell moved to appoint Carrie Worthington as a member of the Conservation Commission with a term to expire June 30, 2011; Mr. Allen seconded; so voted.

Mr. Allen asked at this time if the various committees have to adhere to the by-laws when hiring clerks. Mr. O'Connell said that he will be attending the Personnel Board meeting this week and would discuss the matter with them.

Capital Improvement Planning Committee (CIPC): Mr. O'Connell moved to appoint the following representatives of Committees as indicated in the by-law creating the committee: Barbara Wilson to represent the School Committee; Peter O'Connell to represent the Board of Selectmen; James Dunbar to represent the Treasurer's office; Heather Lemeiux as an at-large member; Betty Benoit, Town Accountant, as an ex-officio member and (conditional on the vote of the Planning Board at its December 1 meeting), Bruce Clarke. Mr. Allen seconded; so voted. It is also anticipated that the Advisory Committee will choose their representative at their upcoming meeting. That would leave only two at-large vacancies, for which the Board seeks volunteers.

Housing Authority: Mr. O'Connell moved to appoint Mrs. Bonnie Porter for a term to expire on June 30, 2011; Allen seconded; so voted. In June, with agreement from Mrs. Porter, the Board intends to nominate Mrs. Porter to be the state appointed member of the committee.

11. BROWNFIELD STEERING COMMITTEE:

Ms. Neylon noted that the appointment of a Mill Street Brownfield Advisory Committee was a requirement of grant funding, and asked the Selectmen to think about who to appoint. Ms. Neylon has completed and forwarded to the Department of Environmental Protection (DEP) the Request for Proposals (RFP) for review. It is anticipated that the Town will issue the RFP and go out to bid sometime in January for a completion of the entire project sometime in 2011. Advisory Committee appointments will be made in December or early January.

12. CEMETERY LOT RE-PURCHASE

Mr. O'Connell moved to approve the Cemetery Commission's repurchase of a particular lot for zero dollars; Mr. Allen seconded; so voted.

Correspondence:

13. CHARTER COMMUNICATIONS

A letter from Charter indicating upcoming rate changes was received and acknowledged. Residents can view this letter in the Selectmen's office.

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

14. UPDATE ON POLICE OFFICER HIRING

Mr. Allen said that he had spoken recently with Police Chief Blanchard who said that he would be ready by next week to begin the interview process.

Public Access Period:

Mr. David Holdcraft complained about the Selectmen's letter to the Senators and Representatives regarding S2651. He also complained about the "shortage" of vehicle access to the Town Common and suggested that additional curb cuts be added to the Common to provide additional handicapped access. Mr. Allen stated that Mr. Holdcraft direct his comments to the Banister Common and Mall Committee.

Ms. Barbara Wilson spoke as a member of the Cultural Council in an attempt to avoid any issue regarding the Christmas lights on the Common. She said they were going to stay on "24/7" and that Mr. Holdcraft will pay the bill.

At about 7:55 pm, Mr. Allen entertained a motion to enter into Executive Session citing exceptions three and 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 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."

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 8:48 pm; Mr. Allen seconded; so voted.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: _____