

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

MINUTES OF DECEMBER 8, 2010

SPECIAL SESSION

Chairman Rudy Heller called the meeting to order at 9:00 am. Other members present: James Allen and Peter O'Connell.

Camera Operator: None
Press: Jennifer Grybowski
Public: Joseph Gadbois, Bruce Clarke, Diane Chamberland, Sheila Lemay, Philip Peirce, James Fritz

Agenda Items:

1. APPOINTMENTS AND RESIGNATIONS

Before any appointments were made Mr. Allen said that he wanted to make sure that appointments made by boards and committees were following the correct procedure. It is the understanding of the Personnel Board that all committees and boards, whether elected or appointed, must abide by the town's by-laws. Mr. O'Connell moved to send a memo to all departments and committees, elected and appointed, to remind them that if they hire anyone (i.e. clerk) they need to confirm the appointment with the personnel by-law and the wage and salary schedule; Mr. Allen seconded; so voted. Mr. Heller and Mrs. Neylon will draft the letter.

Resignation: Mr. O'Connell moved to accept with regret the resignation of part-time Police Officer Thomas Motyka, effective December 8, 2010 and to send him a letter of appreciation for his services; Mr. Allen seconded; so voted.

Appointments – Capital Improvement Planning Committee (CIPC):

Mr. O'Connell to appoint Gerald Johnson as the representative from the Advisory Committee; Bruce Clarke as the representative from the Planning Board; and Harrison "Archie" Achilles as a member-at-large; all appointments to expire on June 30, 2011; Mr. Allen seconded; so voted. This leaves one at-large vacancy. Mr. O'Connell will schedule the first meeting in January.

Appointments – Agricultural Commission: Mr. Heller reported that he had met with a group of interested people who have agreed to place an announcement in the next *Brookfield Citizen* that they are sponsoring a meeting in January. Once this committee has met, they plan to come to the Selectmen with recommendations of the appointments to be made.

Appointments – By-Law Committee: It was agreed to send the Town Clerk a reminder that the Board is waiting for a list of his recommendations. No appointments were made at this meeting.

2. ALCOHOL LICENSE RENEWALS

Mrs. Neylon reported having received a telephone call from a representative of the Alcohol Beverage Control Commission who told her that the Board could issue and hold the license for Whites Landing until all permits and approvals were received. Mr. O'Connell then moved to renew the Beer and Wine Alcohol Pouring License for Whites Landing, James Correia as owner/operator, contingent upon the appropriate sign-offs by the Building Inspector, Tax Collector, etc.; Mr. Allen seconded; so voted. Mr. Heller noted that the alcohol licenses, pouring, package and club, represents about 46 local full- and part-time jobs.

3. WAGON WHEEL SEPTIC SYSTEM

Two members of the Wagon Wheel Board of Directors, Joseph Gadbois and Sheila Lemay, their office clerk, Diane Chamberland, and James L. Fritz, III, Area Loan Specialist, for the United States Department of Agricultural (USDA) Office of Rural Development, attended this meeting to discuss the possibility of the Town backing Wagon Wheel for a loan to build a new septic system.

Ms. Chamberland, speaking for the Park, gave the following information:

- The Park has 144 units and about 280 residents.
- Because the Park's septic system was "under designed" with about half as many units per leach field as they should have, the Park has been in non-compliance since 1975, but neither the Board of Directors nor the local Board of Health has any documentation of the notice(s) to this effect.
- The park has signed a consent decree with the Department of Environmental Protection (DEP) requiring the Park to repair any systems that fail in the next two years, to initiate construction of a sewage treatment facility by July 1, 2012 and to complete construction by July, 2015.
- Jalbert Engineering, Inc. of Sturbridge, MA is designing the interim septic systems repair plan and Onsite Engineering, Inc. of Franklin, MA is designing the new septic system. Engineering costs are estimated to be about \$180,000, but only \$104,000 had been collected thus far in assessments to the residents. The remaining amount will be sought through short-term borrowing.
- Only 35 residents completed the income surveys to determine whether the Park could be eligible to participate in a CDBG grant proposal, demonstrating to the leadership that the residents are not interested in pursuing this option;
- About thirty septic systems threaten the Park water supply. Apart from that issue, the Park's volume of water supply is fine and their water is tested monthly. Their water pipes are old and have some leakage problems. Mr. Gadbois, President of the Board of Directors, expressed the Park's interest in having Town Water extended to the Park. The Selectboard encouraged the

Board of Directors to send a formal written request to the Water Commissioners asking that they consider extending the water line as far as their location on Rice Corner Road.

Mr. James Fritz III of the USDA Office of Rural Development explained that the Wagon Wheel project could be funded either through a combination grant & loan to the Town of Brookfield, which, in turn, would bill the cost of debt service to Wagon Wheel Park. Alternatively, the Park could borrow the money for the project from a bank and apply to have USDA Rural Development guarantee 80% of the principal, which would ensure a lower interest rate. Mr. Fritz made the following points.

- If financed through the Town, the Town is eligible for a grant of 25% of the project cost with a loan at an interest rate of approximately 2.25% (actual interest rate is determined at the time a project is approved for funding);
- The town would seek short term bond anticipation notes to pay for construction costs, which would be paid back by USDA Rural Development when construction is complete.
- The Town would be responsible for negotiating an agreement with Wagon Wheel Park to repay interest and principal (plus legal and other Town expenses); and
- That Towns could apply for approval of multiple projects with USDA Rural Development.

The Selectmen asked the representatives of Wagon Wheel to present a full proposal to the Town that included the proposed financing, a timeline, and the wording of a legal agreement between Wagon Wheel and the Town of Brookfield. Mr. Heller noted that the proposal would require a 2/3 vote at a Special Town Meeting, which could not be scheduled 2-3 months. The Park group agreed and thanked the Selectmen for the opportunity to come before them.

At this time a 5 minute break was agreed upon.

3. PUBLIC HEARING – TAX CLASSIFICATION - ASSESSORS

Mr. Philip Peirce, Assessors was present to conduct the Tax Classification Public Hearing. Mr. Peirce provided a handout entitled “Residential to CIP Shift Calculator – Tax Impact” (attached). He explained the differences and ramifications of having different tax classifications for commercial and residential properties and recommended that the Selectmen approve a single tax rate. Mr. O’Connell moved that the Board of Selectmen, having conducted the public hearing, adopt a single tax classification rate for all business and residential properties for the fiscal year 2012; Mr. Allen seconded; so voted. Mr. Heller declared the Hearing closed.

4. REQUEST FOR PROPOSALS FOR DLTA

The Board received notification that Central Massachusetts Regional Planning Commission (CMRPC) is looking for proposals for DLTA funds to support projects

involving inter-municipal land use and cooperation to “improve delivery of services to the population”. The Board had many questions and suggested projects including:

- Are these grants in the form of help from CMPRC staff or is cash available to fund a portion of the Town’s costs for and Inter-municipal Personnel Agreement and to revise our wage and salary schedule;
- Development of a regional approach to EMS services;
- Assistance in setting up economic opportunity areas and a TIF program along route 9.
- Feasibility studies for uses of properties that will become Town property under tax title, including the use of Lakeside Campground/Resort;
- Could the Quaboag River project be a “land use” project?
- Could the QQLA (Quaboag Quacumquasit Lake Association) use this in their anticipated project with the Spencer Water Treatment Plant?

The Board agreed to forward a copy of the notice to the QQLA. Mr. Heller will contact Megan DiPrete at CMRPC to get questions answered.

Other:

5. INSURANCE LIABILITY QUESTION

Mr. Bruce Clarke came to the meeting to ask the Board to make sure that he will not be liable for any damages that may occur to the Fire Trucks that will be parked in his garage for the week that the CSX Bridge will be closed to all except emergency vehicles. Mr. O’Connell moved to authorize the Administrative Assistant to confirm with the insurance carrier that the Town will cover any liability while the Town trucks are garaged in Bruce Clarke’s garage; Mr. Allen seconded; so voted.

Wagon Wheel: The Board informed Mr. Clarke, who is the Water Department Superintendent that he may be receiving a letter from Wagon Wheel requesting that Town Water be extended to the Park.

Agenda Items, continued:

6. DRAFT PROCUREMENT MEMO

The Selectemen approved the wording of a memo alerting all Town Departments and Committees (copy attached) advise them that as of January they must purchase all office and cleaning supplies from the contracted supplier.

7. REQUEST TO USE TOWN COUNSEL

A request was received from Gary Simeone, Zoning Enforcement Officer, for permission to consult with Town Counsel regarding enforcement of the Planning Board’s decision not to allow the operation of a repossession business on Rice Corner Road. Mr. Heller entertained a motion to allow the use; Mr. Allen so moved; Mr. O’Connell seconded; so voted.

8. SAW MILL POND DAM REPORT

Lucinda Thompson (Cindy) has done extensive searching of records in the Town Hall, at the Highway Garage and other locations and had learned that the dam was originally built by the WPA in the 1930's. The plans for WPA projects are archived in Waltham. Mr. Heller said that Cindy should be compensated for time spent researching the federal archives and he volunteered to assist in the search.

Mr. O'Connell moved to authorize Mr. Heller to make a verbal request for an extension of our deadline to submit a dam inspection report to the Office of Dam Safety, and to talk with the Highway Superintendent (Cindy's employer) to see what funds may be available to pay her for her extra time; Mr. Allen seconded; so voted.

9. SENATE BILL 2651 (S2651) UPDATE

Mr. Heller announced that S2651 has been referred to Senate Counsel to address the Selectmen's concerns.

10. TAX COLLECTOR COVERAGE

This was passed over.

11. SCHOOL BUDGET LIAISON

The Superintendent of Brookfield Elementary School and Tantasqua Regional School District (TRSD) Superintendent requested that the Board to appoint liaisons for the development of the FY12 school budgets. Mr. O'Connell volunteered to attend the TRSD meetings as long as it was understood that he would reserve the right not to attend a given meeting. Mr. Allen agreed to fill in if so requested. Mr. Heller volunteered to attend the BES budget meetings. The offers were accepted.

12. LEGAL MEMO – UPDATE ON OPEN MEETING LAW

An update on the Open Meeting Law was received from Town Counsel Kopelman & Paige and a copy will be given to each town department.

13. GREEN REPAIR PROGRAM

This was notice that Mr. Durgin, Superintendent of TRSD, would take the lead on this project which is to replace the windows at the Brookfield Elementary School. Mr. O'Connell volunteered to work with Mr. Durgin and Mr. Donald Faugno, Chair of the BES to draft the preliminary overview of available and projected funding.

Other:

14. PROPOSED MEETING SCHEDULE CHANGE

Mr. O'Connell asked the Board to consider changing their Wednesday morning meetings to either Tuesday or Thursday when the Tax Collector, Treasurer, and Town Accountant would normally be available. It was agreed to discuss this at the December 14th meeting.

At about 12:08 pm, Mr. Heller entertained a motion to enter into Executive Session citing (and reading aloud) Exemptions two, three and six and to return to open session only to adjourn; Mr. Allen so moved; Mr. O'Connell seconded; so voted with Mr. Allen voting aye; Mr. O'Connell voting aye; and Mr. Heller voting aye.

Exception Two - "to discuss strategy in preparation for negotiations with non-union personnel or to conduct collective bargaining session or contract negotiations with non-union personnel"

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 1:40 pm; Mr. Heller seconded; so voted.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: _____