

TOWN OF BROOKFIELD
SELECTMEN'S MEETING
ELEMENTARY SCHOOL, RESOURCE ROOM

MINUTES OF DECEMBER 14, 2010

SPECIAL SESSION

Chairman Rudy Heller called the meeting to order at 6:30 PM. Other members present: James Allen and Peter O'Connell.

Camera Operator: None
Press: Jennifer Grybowski, Karen Trainer
Public: John David Holdcraft, Barbara Wilson, Daniel Durgin, Scott Burns

APPROVAL OF WARRANTS:

Mr. Allen moved to ratify the approval of the Expense Warrant of 12/07/2010 for \$54,708.28 and to approve the Payroll Warrant of 12/14/2010 for \$171,559.35 and an Expense Warrant in the amount of \$8,678.46 for the same date; Mr. Heller seconded; so voted.

APPROVAL OF MINUTES:

The approval of the minutes for 11/30/10 and 12/08/10 were passed over to the 12/28/10 meeting.

ACKNOWLEDGEMENT OF MONTHLY REPORTS & MINUTES:

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

Fire Department: November 2010	EMS Department: November 2010
Police Department: November 2010	Conservation Commission: 10/19/10
Board of Health: 8/17/10; 10/18/10	

It was announced that this monthly report was the first one from our new Police Chief, Michael Blanchard. Mr. Allen noted that he didn't see Brookfield's Police Logs in the local paper anymore and volunteered to mention this to Chief Blanchard.

ANNOUNCEMENTS:

Announcements were read aloud by Chairman Heller including an announcement that earlier this day the 148 bridge was reopened to one lane of traffic controlled by overhead lights. The bridge had been closed to all except emergency vehicles and school busses since Saturday morning. The closing was about three days shorter than advertised.

Mr. Heller also announced that the Assessors had received confirmation that the Tax Rate for Fiscal Year 2012 has been set at \$14.51 per \$1,000 of assessed valuation (real estate).

This is a \$.23 increase over Fiscal Year 2011 and is lower than the 2.5 % increase allowed under “Proposition 2 ½”.

Old Business:

1. TIF – TAX INCREMENT FINANCING

Mr. Heller had nothing new to report so this was passed over.

2. SIDEWALK PLOWING LIABILITY POLICY

The Board discussed the question of whether to adopt an ordinance requiring homeowners with land abutting town sidewalks to clear and sand their sidewalks as allowed by the Acts of 2010 Chapter 26. In Brookfield, the Town plows the sidewalks and without an ordinance or by-law stating otherwise, the Town’s insurance company has advised that the Town would be legally liable for injuries due to unsafe sidewalks.

Sample ordinances or by-laws have been requested from STAM members. Mr. Allen said that he was not in favor of such a by-law as it is hard to enforce. Mr. O’Connell suggested that if the Board has the authority to pass an ordinance, that it first draft an ordinance and then hold a public hearing to solicit public input before making a decision. Mr. Heller pointed out that the town doesn’t have the proper equipment for plowing or sanding of sidewalks. Mr. Allen volunteered to meet with Herb Chaffee, Highway Superintendent, to discuss a policy for sanding when conditions merit. The Board will discuss this topic again at its next meeting.

3. SAW MILL POND DAM REPORT

There is nothing new to report but Mr. Heller plans on going to the WPA Archives this week to research the records and will call the Office of Dam Safety to request an extension to our December deadline.

4. CSX ROUTE 148 BRIDGE RECONSTRUCTION

The one-lane of traffic will continue through the winter.

5. BROWNFIELD STEERING COMMITTEE

Ms. Neylon reported that she had been working on filling this committee according to the charge indicated in the grant application and the following positions can now be filled:

1. Administrative Assistant – Donna Neylon
2. Highway Superintendent – Herbert Chaffee
3. Abutter – Michael Dean
4. Rep. from Fish & Boating –
5. Rep. from Fish & Wildlife – Mr. Cameron

6. Rep. from RI: - Richard Magwood
7, 8, 9. and three “neighbors”

The Selectmen suggested the “neighbors” be selected from the following groups of individuals: Historical Commission, Rod & Gun Club, Recreation Committee, QQLA and/or a resident of Pleasant and/or River Streets. Mr. Heller and Ms. Neylon will work together to fill those three slots.

6. REQUEST FOR PROPOSALS FOR DLTA FUNDS

Mr. Heller reported that he had not yet contacted Megan DiPrete at CMRPC (Central Massachusetts Regional Planning Commission) to get the answers to the Board’s questions about possible Brookfield uses of District Local Technical Assistance (DLTA) funds. Mr. O’Connell reported that Donna Lafleur felt there was no need to seek DLTA assistance in coordinating regional EMS services at this time since Spencer, Ware, Brookfield and West Brookfield Advance Life Support services are meeting the demand She also told Mr. O’Connell that Dispatch holds Brookfield’s EMS in reserve for the most serious calls as they are the most qualified.

7. TAX TITLE UPDATE

Mr. O’Connell reported that the Tax Collector is expected back to work on Monday, December 20th after her extended illness. Mr. O’Connell requested that the Board meet with the Tax Collector and Treasurer at its December 21st meeting to ensure that all delinquent taxpayers are notified of their delinquency on their December tax bills (as required by law), to discuss coordination with Municipal Management Associates relative to the collection of back taxes, and to agree on the information presented to the Board from the Tax Collector and Treasurer on progress in collecting back taxes.

Mr. O’Connell moved to change the scheduled Wednesday, December 22 meeting from 9:00 am on Wednesday to 1:00 pm on Tuesday, December 21 and to have the Treasurer and Tax Collector attend. Mr. Allen seconded; so voted.

8. APPOINTMENTS TO THE BY-LAW COMMITTEE

Since the Town Clerk has requested that he receive more time on this, the Board took no action. The Town Clerk needs to confirm with those on his list of possible By-Law Committee members that they are indeed willing to serve and he is reconsidering whether or not he will also serve. This will be placed on the 12/28 agenda.

New Business:

9. 7:15 pm POLE PETITION PUBLIC HEARING (FISKDALE ROAD)

At 7:15 pm, Chairman Heller called the Public Hearing to order. Mr. Scott Burns was present to represent both Verizon and National Grid and discuss the possible placement of one new pole on Fiskdale Road.

This is a pole replacement with the pole to be removed and a new one placed further up the street. The new pole location has been approved by the Highway Superintendent and all abutters were notified of the Hearing by Certified Mail. No abutters were in attendance.

Mr. O'Connell moved to approve the pole petition contingent upon removal (with the Tree Warden's approval) of the tree to ground level if it is on town property and that the guy-wire and hardware be removed; Mr. Allen seconded; so voted.

Also given to Mr. Burns for removal was a list of five "double poles". The double poles are: Main Street: Pole #1; Prouty Street, Pole # 5; Rice Corner Road, Poles #'s 144 and 57; and on Central Street, Pole #9. Ms. Neylon was directed to work with Verizon to get the double poles removed.

The Hearing was declared closed at 7:27 pm.

10. ISSUE ENTERTAINMENT, COMMON VICTUALLER, CLASS I & II LICENSE RENEWALS FOR 2011

Note: Issuance of all permits/licenses is contingent upon the applicant being up-to-date on all fees, taxes, etc. due to the town.

Class I – Auto Dealer License Renewal (Brookfield Motors): Mr. O'Connell moved to approve the renewal of the Class I license for Brookfield Motors, Route 9, Brookfield to expire on January 1, 2012; Mr. Allen seconded; so voted.

Class II – Auto Dealer Renewal Licenses (QuaziMOTOS; B&R Coachworks): Mr. O'Connell moved to approve the renewal of the Class II license for James and Darlene Manzano d/b/a QuaziMOTOS, 134 Long Hill Road (internet business) and for Richard A. Ross d/b/a B & R Coachworks, 62 Long Hill Road to expire on January 1, 2012, contingent upon receipt of evidence of purchases and sales during 2010; Mr. Allen seconded; so voted.

Common Victualler, Entertainment (includes Sunday) and Juke Box Renewal Licenses: Mr. O'Connell moved to approve the renewal of the Common Victualler, Juke Box and Entertainment licenses for the Brookfield Rod & Gun Club, 56 Webber Road, to expire on January 1, 2012; Mr. Allen seconded; so voted.

Common Victualler Renewal Licenses: Mr. O'Connell moved to approve the renewal of the Common Victualler license for the Brookfield Congregational Church, 8 Common Street; Cumberland Farms, Route 9; Central Package Store of Brookfield, Inc, corner of Central & Pleasant Streets, Lenny Paul Giguere, Manager; and Bay Path Spirits, Inc., corner of Maple Street and Route 9, Peter McKearney, Manager, all to expire on January 1, 2012 and for no cost; Mr. Allen seconded; so voted.

Common Victualler Renewal Licenses: Mr. O'Connell moved to approve the renewal of the Common Victualler license to Sarah Heller d/b/a Tip Top Country Store, 8 Central Street to expire on January 1, 2012; Mr. Allen seconded; so voted with Mr. Heller abstaining.

Common Victualler, Entertainment License Renewals: Mr. O'Connell moved to approve the renewal of the Common Victualler and Entertainment Licenses for Carmella's, Inc. d/b/a Carmella's Italian Kitchen, 55 South Maple Street, Martin E. Fitzpatrick, Manager; The Original Clam Box, Inc., 53 South Maple Street, Daniel Saad, Owner/Manager and Whites' Landing, 7 Fiskdale Road (Route 148), James T. Correia, Owner/Manager, all to expire on January 1, 2012; Mr. Allen seconded; so voted. The Whites Landing License will be held until the Building Inspector and Fire Chief complete all necessary inspections and all fees are paid.

11. SET SELECTMEN'S MEETING DATES FOR DECEMBER, 2010 AND JANUARY, FEBRUARY, MARCH

Regularly Scheduled Meetings: After some discussion, Mr. O'Connell moved that the Board schedule all meetings on Tuesdays during the first quarter of 2011; that the evening meetings begin at 6:30 pm and the alternating daytime meetings begin at 1:00 pm as listed below; Mr. Allen seconded; so voted.

(Tuesdays, 6:30 pm at the Elementary School)

January	4, 18
February	1, 15
March	8, 22

(Tuesdays, 1:00 pm at the Town Hall)

January	11, 25
February	8, 22
March	1, 15, 29

Specially Scheduled Meeting:

Mr. O'Connell moved to post a special meeting to start at 9:00 am on Wednesday, December 29th at the offices of CMRPC; Mr. Allen seconded; so voted.

December 21, 2010 meeting agenda:

It was agreed to request the Chairman of the Advisory Committee and the Town Accountant to attend this meeting at 2:30 pm to discuss various budget-related questions.

12. 2010 TRAFFIC VOLUME SUMMARY FROM CMRPC

This is an annual report about traffic in Brookfield sent by CMRPC. No action is necessary as a copy has already been sent to the Highway Superintendent and the Police Chief.

13. APPOINTMENTS AND RESIGNATIONS

This was passed over.

Correspondence:

14. FFY2009 EMERGENCY MANAGEMENT PERFORMANCE GRANT

Ms. Neylon had forwarded this to the BEMA Director, Keith Karmann but had not yet received a response. She will follow up.

15. CHARTER COMMUNICATIONS CHANGES RE: PAYMENTS, COMMUNICATIONS. ETC.

Charter requests that the Town approve direct deposits of any fees Charter owes to the Town. The Board delegated the response to the Treasurer.

Other (Items not on the agenda but that arose after the initial posting):

16. MEETING RE: POSSIBLE PROPERTY PURCHASE

This was passed over.

17. TAX RATE FOR FISCAL YEAR 2012:

This was passed over because it was taken care of under Announcements.

Public Access:

John David Holdcraft requested information about a rumored effort by a group of to buy the Prouty Street land and sell it to the Town, which he objected to, and further alleged that the original price of the property had been only \$125,000 rather than the \$150,000 purchase price presented to voters at the Special Town Meeting.

Mr. Allen rebutted said that if a group of people want to pursue a piece of property and offer it to the Town, that is a private matter and subject to approval by voters. He felt that voters turned down the property purchase at the October 29, 2010 Special Town Meeting because of unanswered questions and not because of the cost.

Mr. O'Connell said that the original price for purchasing all four properties was \$155,000. If purchased separately, the selling price for 7 Prouty Street (land and dwelling) was \$125,000. The Town proposed to buy the property at 3, 5, and & 7 Prouty Street for \$150,000, but did not propose to purchase the lot located at 14 Central Street. Further he said that the Selectmen can legally bring the offer back to the voters after the required wait of 90 days and this is not unusual for a town to make a proposal to the voters more than once.

Barbara Wilson announced, on behalf of the Cornerstone Café at the Tantasqua Regional High School, the sale of certain baked goods for Christmas. She also said that the School Committee is going forward with the window replacement in the spring of 2011. They expect to receive between 54 and 60% reimbursement from the State School Building Assistance and will use "school choice" money for the balance.

At about 8:15 pm, Mr. Heller entertained a motion to enter into Executive Session citing (and reading aloud) Exemptions two and three 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."

ADJOURNMENT:

As there was no further business before the Board, Mr. O'Connell moved to adjourn at about 8:45 pm; Mr. Heller seconded; so voted.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: _____