

TOWN OF BROOKFIELD
SELECTMEN'S MEETING
ELEMENTARY SCHOOL LIBRARY

MINUTES OF JANUARY 4, 2011

REGULAR SESSION

Chairman Rudy Heller called the meeting to order at 6:30 PM and led the Pledge of Allegiance. Other members present: James Allen and Peter O'Connell. Ms. Neylon was on vacation.

Camera Operator: James Sniffen

Press: Jennifer Grybowski, Karen Trainer

Public: Gerald Johnson, John David Holdcraft, Barbara Wilson, Donald O'Clair, Tim Simon

APPROVAL OF WARRANTS: Mr. O'Connell moved and Mr. Allen seconded a motion to ratify the expense warrant of 12/21/10 in the amount of \$108,567.49, the wire transfer of the same date in the amount of \$17.39 and the payroll warrant of 12/28/10 in the amount of \$182,562.45. So voted.

APPROVAL OF MINUTES: Mr. Allen moved and Mr. O'Connell seconded a motion to approve Selectmen minutes for regular meetings on 11/30/10, 12/8/10, 12/14/10, 12/21/10. 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:

Tax Collector Receipts for 12/10

EMS December, 2010

Banister Common/Mall Committee 11/15/10

Conservation Committee 11/16/10

ANNOUNCEMENTS: Announcements were read aloud by Chairman Heller. Mr. O'Connell announced that the Department of Revenue certified free cash in the amount of \$262,300. He noted that the relatively large amount of free cash was due to about \$150,000 in unspent FY10 budgets by departments and committees, including about \$35,000 from the Elementary School, and due to increased collection of back taxes, interest and fees through June 30, 2011 by Tax Collector Lois Moores.

With the agreement of the Board, Mr. Heller took up two items of new business seeing that Mr. O'Clair and Mr. Johnson were present.

O'CLAIR APPLICATION FOR CLASS II AND III LICENSES

Mr. O'Clair reviewed his multi-year effort to obtain permits to operate storage, towing and used car businesses at property he owns adjacent to the Town Transfer station. He said he was now considering selling the property because he needed the money and felt that if he obtained Class II and III licenses, he would increase the value of the property. Mr. Heller pointed out that Class II and III licenses were issued to an individual and not to a place of business. In response to other questions from the Board, Mr. O'Clair said:

- He currently leases a property in Auburn, where he operates a towing business. He has no experience operating a used car repair and sale business.
- He has never had difficulty from regulatory officials in Auburn;
- His primary business at the Quaboag location will be used car repair and sales; he will have a small sign at the fenced entrance and would plan to display a couple of vehicles at the front of the property and the remaining vehicles at the rear of the property.
- He was unaware that he has not complied with all the conditions of the Planning Board's special permit including the development of a construction timeline and the presentation of a construction bond;
- He has not yet applied for a building permit to construct a building as allowed by the Planning Board; he noted that the proposal to build an office, proposed in early plans, was not part of the approved plans.
- He has cleared a path for a well-drilling truck to get to the back of the property and drilled a well; he has not yet seen whether the water is of sufficient volume or quality to meet standards.

Mr. O'Connell moved and Mr. Allen seconded a motion to take Mr. O'Clair's application under advisement, to consult with Town Counsel, and to respond as soon as possible to Mr. O'Clair. So voted. Mr. O'Connell volunteered to draft questions for Town Counsel to be reviewed by the Board at its next meeting.

FY12 BUDGET DEVELOPMENT PROCESS

Mr. Johnson, Chairman of the Advisory Committee, said that his committee would meet later in the week to discuss the FY12 budget development process. Mr. Johnson and the Selectmen proposed several changes in a draft FY12 budget development worksheet proposed by Town Accountant Betty Benoit; Mr. O'Connell volunteered to summarize the items in question for Mrs. Benoit and as the basis for discussion by the Advisory Committee. Mr. Johnson said he would discuss with the Advisory Committee their view on delaying the Annual Town Meeting until June and email the results of their discussion to the Board.

Old Business:

1. **SIDEWALK PLOWING AND SANDING POLICY**

The Board deferred any consideration of an ordinance or by-law relative to the responsibility of the Town and/or property owners to clear and sand sidewalks (as authorized by MGL Chapter 26, Section 40U) and of the purchase of a sidewalk sander until Ms. Neylon can inquire of the Town's insurance company whether the Town's current policy of plowing only designated sidewalks and not sanding most sidewalks (except in the case of an ice storm when it must borrow a sidewalk sander) places the Town at greater liability than in the past. Mr. Allen will ask the Highway Superintendent for a list of sidewalks that are not plowed and the reasons for that.

2. **SAW MILL POND DAM RESEARCH**

Mr. Heller reported that the Highway Department and Librarian were seeking further information on the contract issued in 1940 for the reconstruction of Mill Pond Dam to determine whether the low level outlet pipe is fully encased in concrete as well as other design and construction specifications. Mr. Heller agreed to work with Ms. Neylon to coordinate the research and to move it along quickly so we can meet the Office of Dam Safety February 15 deadline.

3. **TREASURER REPORT ON PAY STUB DOCUMENTATION OF LEAVE:**

Passed over until the next meeting.

4. **BOARD PRIORITIES**

The Board agreed that it needed a coordinated plan to make progress on a limited number of projects, beginning with those issues that have a deadline and must be accomplished. The Board agreed to spend the majority of time at its January 11 meeting to accomplish this task.

5. **UPDATE ON INTERMUNICIPAL PURCHASING CONTRACT:** Passed over.

6. **HIRING OF FULL-TIME POLICE OFFICERS**

Mr. Heller reported that Chief Blanchard will make recommendations at the next meeting.

7. **UPDATES ON S2651: ELECTED TAX COLLECTOR**

Mr. O'Connell reported that S2651 had been enacted by the House and Senate and was on the desk of the Governor, who has ten days to sign it. Mr. Heller noted that Tax Collector Lois Moores continues to serve as a holdover employee until a qualified replacement is designated (by election at the 2011 Annual Town Election if S2651

passes) and that he had spoken with Mrs. Moores. Her bond has been renewed for 2011 and remains in force.

8. PERFORMANCE REVIEWS

Mr. Heller and Mr. Allen noted that they are completing their assigned performance reviews. The Board will approve them at its January 18 meeting.

9. CIPC CHARGE AND APPOINTMENTS TO THE BY-LAW COMMITTEE

Mr. O'Connell proposed a Charge to the CIPC committee taken primarily from the By-Law and moved that it be approved; Mr. Allen seconded. So voted.

The Board has received no recommendations from the Town Clerk on appointments to the By-Law committee, so the Board took no action. Mr. Heller will talk with Mr. Seery to move this along.

10. ORIGINAL PROUTY STREET PROPERTIES LISTING PRICES

At a previous meeting, Mr. Holdcraft had suggested that the original listing price for all the Prouty Street properties has been \$125,000 rather than the \$150,000 the Board had proposed to the Town Meeting. Mr. O'Connell, after talking with the realtor and consulting listing documents said that # 7 Prouty Street (house and lot) had been listed for \$125,000, but that the other properties had been listed for a total of \$175,000 if purchased separately or \$155,000 if purchased together. Mr. Holdcraft disputed this and presented copies of MLS listings which purported to support his assertion. The Board took no action.

New Business:

1. **O'CLAIR APPLICATION FOR CLASS II AND III LICENSES** (see above)
2. **FY12 BUDGET PROCESS DISCUSSION WITH ADVISORY COMMITTEE**
(See above)
3. **DESIGNATION OF POST ROAD AS NATIONAL REGISTER HISTORIC ROAD**

Mr. Couture called the Board's attention to the publication on Historic Road designations and suggested that such a designation for that section of Post Road/East Main Street that goes from Route 148 to the North Brookfield line could aid in securing funds for the restoration of that Road. He requested that the Board read the report in preparation for a future discussion about an article to designate Post Road as a National Register Historic Road.

4. **REGIONALIZATION REPORT:** The Selectmen acknowledged receipt by email of a report on state regionalization efforts.

5. **MIAA VOTING DESIGNATION**

Mr. O'Connell moved and Mr. Allen seconded a motion to authorize the chair to cast a ballot for the two nominated candidates for the MIAA Board of Directors, either in person at the MMA annual meeting or by proxy. So voted.

6. **REQUEST TO OVERSPEND SNOW AND ICE ACCOUNT AND TO PURCHASE A SIDEWALK SANDER:**

Action was deferred on the purchase of the sander (see old business). The Board discussed the Highway Superintendent's request to deficit-spend the Snow and Ice Account. Mr. O'Connell noted that this request comes a little earlier than last year, but that is due in part to the need to retrofit the used truck acquired by the Department and partly because the Department has just ordered 100 tons of sand. They decided not to wait until the account was depleted to make the request to deficit spend. Mr. Allen moved to authorize the Highway Superintendent to deficit-spend the snow and ice account and to notify the Department and the Town Accountant of that action; Mr. O'Connell seconded a motion. So voted.

7. **POSSIBLE MEETING WITH WATER COMMISSIONERS**

The Board authorized the Chair to send a letter to the Water Commissioners asking them if they would be willing to meet with the Selectmen at a convenient date to discuss Wagon Wheel Park's request to extend the water line and a possible reorganization of Town Hall offices.

Correspondence:

1. The Board was notified of the formation of a Brookfield Meadows Tenants Association.
2. The Board acknowledged receipt of a legal memo from Kopelman and Paige about the procurement steps required to lease property.
3. The Board received a copy of a letter from Brookfield Elementary Principal, Kathleen Hosterman, to ET&L, contractors for the CSX bridge raising to thank them for the very short interruption in school bus traffic.
4. The Board acknowledged a letter to the Historical Commission from Rehabilitative Resources, Inc. thanking the Historical Commission for their support at a recent event.

Public Access:

John David Holdcraft asked for a definite decision from the Highway Department whether a tree he deems to be a hazard is a town tree or not. He indicated that he felt the Tree was on town property. Since the Tree Warden has said that the tree is not on Town property, the Board asked Mr. Holdcraft to provide to the Tree Warden copies of information from his deed or other documents to support his contention that the tree is on Town property. Mr. Holdcraft said that because he feels the tree is a "dangerous tree," he would be willing to take the tree down at his own expense, but needs the Tree

Warden to give him permission to do so if the tree is on Town Property. Mr. O'Connell moved and Mr. Allen seconded the motion to ask the Tree Warden to determine whether the tree is a hazard, whether it is on town property and to take appropriate action either to remove it or to authorize Mr. Holdcraft to remove it. So voted.

Barbara Wilson asked why the Selectmen refer to Mrs. Moores as a holdover employee rather than by her title as Tax Collector. Mr. Heller clarified that the Board does use her title, but that her status is as a holdover employee – Tax Collector - that has not been appointed to a fixed term.

At about 8:26 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:

The Board returned to open session at 9:19 at which Mr. O'Connell moved to adjourn; Mr. Allen seconded; so voted.

Respectfully submitted,

Peter S. O'Connell, Clerk

Date approved by Board: _____