

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

MINUTES OF JANUARY 25, 2011

SPECIAL SESSION

Chairman Rudy Heller called the meeting to order at 1:00 pm. Other members present: James Allen and Peter O'Connell.

Camera Operator: None
Press: Jennifer Grybowski
Public: None

Agenda Items:

1. SAW MILL POND DAM STATUS

Mr. Heller reported that he had submitted a Freedom of Information Act request for records relative to work done on this dam in 1939, 1958 and recently to clarify discrepancies in the height in the dam and to answer questions about its construction. He has also sent a request to Central Massachusetts Regional Planning Commission (CMRPC) to see if they have anyone that can review the report and is trying to locate a private engineer for this same purpose. The Office of Dam Safety (ODS), says there is some flexibility in the deadline of February 15, 2011 to submit the Town's report. The Board agreed to invite Fuss & O'Neill engineers to its February 8th meeting.

2. CDBG-R – REPORT AND RECOMMENDATION

Chairman Heller read aloud the recommendations of the Community Development Block Grant Advisory Committee (CDBG AC) adopted at its meeting of January 24th:

“The committee unanimously recommends to the Board of Selectmen that they send a letter to the Director of Massachusetts DHCD, drafted by Bill Scanlan and reviewed by Town Counsel. Said letter would be from the Board of Selectmen and the CDBG AC and would request a meeting with the Director to ask for reconsideration of their decision not to pay for the use of granite curbing and to include all of our supporting information and reasoning for the change.

“It is hoped that the letter alone, with all of the documentation, would result in an overturn of OCD's current opinion but, should the letter result in an actual meeting, the Committee would send its own representatives and would like at least one Selectman present along with Town Counsel, Senator Brewer and Representative Gobi.”

Mr. Allen explained that there is a lack of explicit parameters that would give guidance to a town and that this committee didn't believe that Project Staff did anything wrong. He explained that the amount of additional cost to the Town could be \$50,000 but the grant administrator, Bill Scanlan, believes it will be about \$35,000 since approximately \$15,000 needed for the extra asphalt will be approved.

Mr. O'Connell moved to authorize Mr. Scanlan, Project Director for the CDBG-R project to draft a letter requesting a meeting of the Director of DHCD, the Board of Selectmen and the CDBG AC to sign to ask that the DHCD reverse its decision to disallow of the purchase of granite curbing; Mr. Allen seconded; so voted.

3. DOR - FINANCIAL MANAGEMENT REVIEW

The Board has learned that the Financial Management Review they had requested be conducted by the Massachusetts Department of Revenue (DOR) for the Town will occur at the end of February. Mr. O'Connell reviewed the types of recommendations made in these DOR Financial reviews in other communities. The Board authorized Mr. O'Connell to send a memo to all department heads to remind them that this review is coming. Mr. Heller will copy DOR reports written for area towns and leave them in a folder in the office for department heads to review.

4. EMPLOYEE PERFORMANCE REVIEWS

Mr. Heller turned in three Performance Reviews (Building Inspector; Zoning Enforcement Officer; Administrative Assistant) and Mr. Allen has one for Highway Superintendent. It was agreed that they would be re-submitted in the proper format in time for approval at the next meeting. The Board discussed placing a copy of the job description, grade, and current wage and salary step in each person's personnel folder.

Mr. O'Connell made a motion that the Board join the MMPA (Massachusetts Municipal Personnel Association) and pay the \$200 annual year dues from the Selectmen's Expense Account; Mr. Allen seconded for discussion purposes. Mr. O'Connell explained that the organization is part of the Massachusetts Municipal Association and keeps an extensive, sortable data base on job descriptions and salary ranges that the Town could use. After discussion it was agreed to address this issue as part of the FY12 budget and Mr. O'Connell withdrew his motion; Mr. Allen withdrew his second.

5. CLASS II & III AUTO DEALER LICENSE APPLICATION

Mr. O'Connell moved and Mr. Allen seconded the following motion:

Given that (1) Mr. O'Clair stated to the Board in a public meeting that his financial situation is such that he intends to sell the property at 11-13 Quaboag Street and seeks a Class II license to increase the attractiveness of the property to potential buyers, which raises the Board's concerns that Mr. O'Clair will not bring his site into a "suitable condition" as referenced in MGL Chapter 140 Section 59, to operate a

Class II Used Car business, and that (2) Mr. O'Clair has not presented to the Board any supporting documentation that he is a "proper person" to operate a used car business as referenced in MGL Chapter 140 Section 59, therefore I move to deny Mr. O'Clair's application for a Class II license and to direct the Board's Administrative Assistant to inform Mr. O'Clair of that decision and to tell Mr. O'Clair that if he wishes to pursue an application for a Class III license, he must submit a separate application and support materials demonstrating that:

1. He is a proper person to operate such a business and
2. He is able to bring the site to a suitable condition to operate the business.

Upon receiving an application for a Class III license, the Board of Selectmen will schedule the required public hearing and notify abutters as required by MGL Chapter 140, Section 59. The motion passed unanimously.

6. BUDGET PROCESS

The Town Accountant provided the Board a listing of unspent funds over the last few years as requested. Mr. O'Connell also announced that the budget memo and spread sheets supplied by the Town Accountant were placed in mailboxes of each department yesterday; the deadline for budget submission is February 25th.

The Board agreed to submit items for a "budget checklist" that would be discussed during the FY12 budget process.

- a) Should funding be increased for the Tree Warden and Shade Tree Accounts because of a backlog of dangerous trees to be removed?
- b) Can legal expenses for tax title work be charged to the Tax Title Account?
- c) Given STRAP grant funding, can we eliminate money for road construction? Should this money be put into a Stabilization Account designated "road reconstruction" instead?
- d) Can one of our capital debts be paid off early? Would the savings merit doing so?
- e) Review inter-department capital purchases - is there redundancy in equipment?
- g) Review plowing of private ways and how it is budgeted.
- h) Should the Town change the town's share of health insurance for retirees from 60/40? Require eligible employees to switch to medicare for their primary health insurance?

7. APPOINTMENT OF ALTERNATE CUSTODIAN

The Administrative Assistant asked the Board if they wanted to change the Alternate Town Hall Custodian to the current Library Custodian. The position is currently held by the former Library Custodian. The Board agreed to first find out if the current Alternate Town Hall Custodian wants to maintain his position. If he doesn't wish to retain the position, a new Alternate could be appointed.

8. MEETING WITH WATER COMMISSIONERS

Mr. Heller has spoken with the Water Commissioners, who are willing to attend a joint meeting. Some topics that the Board would like to discuss are: possible relocation of the Water Department office; audit report suggesting their clerk shouldn't handle both billing and receiving; priorities in extending the water lines, and limits of flexibility with Town's use of Water Department Superintendent.

The Board received a letter from the Commissioners in response to a letter they had received from the Board of Directors of Wagon Wheel Mobile Home Park asking them to extend the water lines to the Park. The Commissioners' letter to the Selectmen indicated that they could not fund such an ambitious project, and while they were in support of the idea, it would have to be a town project.

The Board of Selectmen ask the Administrative Assistant to forward a copy of the Water Commissioners' letter to the President of Wagon Wheel park to advise them that if they still wanted to pursue the matter, they should come before the Selectmen.

9. TOWN HALL ADA PROJECTS AND ROOF

The subject of the eligibility for CDBG funding for Town Hall renovations was discussed at the Jan. 24, 2011 meeting of the CDBG AC. Mr. O'Connell said that he received the impression from reading the draft minutes of that meeting that the Committee feared that such an approach might not qualify the Town for an \$800,000 CDBG grant to help fund the Town Hall renovation. Such a proposal would have to focus on barrier removal and be based on bid-ready design development.

Mr. O'Connell said that he had learned at the MMA meeting that we MIGHT be able to apply again for funding for engineering specifications if the proposed project is substantially different from the last application (circa 1999 – 2000), but that the Board needed to talk with the CDBG project director at DHCD. Given the CDBG's perspective, Mr. O'Connell suggested that the Selectmen hold a conversation with an group of involved citizens, including members of the CDBG AC, to define a barrier removal project that would cost substantially less than the project turned down last year at the Special Town Meeting and to see if the group would support an article to seek funding to develop bid-ready specifications.

Mr. Allen agreed with the need to get the discussion started. Mr. O'Connell volunteered to speak with Donald Faugno, Chairman of the last Town Hall Barrier Removal Committee, to explore next steps.

10. POSSIBLE GIFT OF LAND

The Board had requested the recommendation of both the Water Department Superintendent and the Highway Superintendent relative to the donation of a small piece of land bordering Quaboag Street. The Water Dept. Superintendent recommends the acquisition of the property as does the Treasurer. Ms. Neylon was asked to follow up with the Highway Department Superintendent when he has a break from snow storms and to place the matter on the next agenda.

11. UPDATES FROM TREASURER (PAY STUBS)

This was passed over.

12. LEGAL MEMORANDUMS FROM TOWN COUNSEL

The Board acknowledged receipt of the below listed legal memorandums which they will review for relevance to the Town of Brookfield:

- a) Green Energy Projects Located on Municipal Land - Procurement & Contracting Issues
- b) Private Nuisance Claims Brought Against Municipalities

13. THANK YOU NOTES

Two thank you notes were received and acknowledged; copies will be placed in each person's personnel file:

From George Dellomo: Complimenting Police Officers Nick Abair and Sean Marino and Fire Department members Herb Chaffee and Jeff White for their quick response when his CO2 detectors malfunctioned and Administrative Assistant, Donna Neylon for her "outstanding" work for the Town.

From Douglas Powers: Complimenting the Conservation Commission for expertise and prompt and professional handling of his recent business with them.

EXECUTIVE SESSION:

At about 3:02 pm, Mr. Heller entertained a motion to enter into Executive Session citing (and reading aloud) Exemptions three and six 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. O'Connell voting aye; and Mr. Heller 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."

As there was no further business before the Board, Mr. O'Connell moved to adjourn at about 3:28 pm; Mr. Heller seconded; so voted.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: _____