

**TOWN OF BROOKFIELD**

**SELECTMEN'S MEETING**  
**ELEMENTARY SCHOOL**

**MINUTES OF MARCH 1, 2011**

**REGULAR SESSION**

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

**Camera Operator:** James Sniffen

**Press:** Jennifer Grybowski, Karen Trainor

**Public:** Judith Hitchcock, Donald Yenovkian, Barbara Wilson, John David Holdcraft

**APPROVAL OF WARRANTS:**

Mr. O'Connell moved to ratify the Payroll Warrant of February 22, 2011 for \$172,198.75 and to approve the Expense Warrant for March 1, 2011 for \$145,363.37, Wire Transfer of \$139,035.00; Mr. Allen seconded; so voted.

**APPROVAL OF SELECTMEN'S MINUTES:**

Mr. Allen moved to approve the Selectmen's minutes of: 2/08/11; 2/25/11 as amended; and 2/22/11; Mr. O'Connell seconded; so voted.

**MONTHLY REPORTS & MINUTES OF OTHER DEPARTMENTS:**

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

Police Department, February, 2011

Treasurer's Cash Reconciliation for 10/31/2010

**ANNOUNCEMENTS:**

Mr. Heller read the announcements, which included the schedule for the Annual Town Election and the date of the Annual Town Meeting. The Selectmen encouraged voters to come forward and take out nomination papers to get their names on the ballot.

New Business:

**1. MEETING WITH REPRESENTATIVES OF NANATOMQUA**

Ms. Judith Hitchcock and Mr. Donald Yenovkian, members of the Board of Directors of Nanatomqua Mobile Home Park, Lake Road, Brookfield, attended this meeting to ask the Town to assist them by applying for CDBG grant funds and/or assist them with USDA Rural Development for a long term loan for the well replacement as mandated by DEP. Nanatomqua is a non-profit mobile home co-op with

approximately 111 residents aged 55 or over. To demonstrate that Park residents qualify to be included in CDBG grant in December, 2011, the Nanatomqua Board has completed an income survey. The park has 85 homes. Since there are some vacancies, the survey went to 80 homes, about 101 replies were received out of 111 residents, and the Park does meet CDBG income guidelines.

Final costs could be as much as \$450,000 for both projects but the well replacement would probably be in the range of \$100,000 to \$150,000. The preliminary engineering plans, which include the percolation tests, are completed and final engineering plans could be completed prior to the submission of the Town's CDBG grant proposal.

Ms. Hitchcock stated that Nanatomqua did NOT want the Town of Brookfield to incur any costs but just to act as their partner Ms. Hitchcock indicated that their first preference would be to obtain CDBG grant funding for the well replacement and a long-term grant and loan from USDA Rural Development. However, they asked the Town for assistance in arranging a conversation with the Office of Rural Development. Should the Town agree to include their well project in the next CDBG application, Nanatomqua would need an extension from the DEP as the funding would not be available until mid-2012.

When asked if the Directors had considered requesting an extension of the water lines as a solution, Ms. Hitchcock said they had, but concluded that extending the water lines could not happen in time.

Board members praised the Nanatomqua leadership for its progress to date and asked that they send a written proposal by April of 2011 to the Board requesting that their well project be included in the December, 2011 CDBG proposal. The Selectmen would ask its CDBG Advisory Committee for its advice. The Board also agreed to organize a meeting with USDA Rural Development representatives.

*Old Business:*

**2. REPORTS/UPDATES RE:**

**A. FISCAL YEAR 2012 BUDGETS & BUDGED SCHEDULE FOR 3/2/11 WORK MEETING**

Budgets are still being received. The schedule for tomorrow afternoon's budget review will be the Fire Department at 1:00 pm; the Town Accountant at 2:00 pm and the Police Chief at 2:30 pm.

The Selectmen agreed to hold the next budget work meeting beginning at 1:00 pm on Tuesday, March 15<sup>th</sup>. They will start at the Highway barn and come back to the Town Hall to meet with the Treasurer about 2:00 pm. The Board agreed that they will adjourn by 3:30 pm.

**B. CAPITAL PLANNING**

The Selectmen have received Capital Planning forms that need to be completed and returned to the Capital Improvement Planning Committee (CIPC) with a requested deadline of March 3. The following were items that were mentioned and it was agreed that Ms. Neylon would draft the Capital Planning forms for the Board's review at their March 15<sup>th</sup> meeting.

Town Hall Roof repairs	A handicapped accessible bathroom
Police Station	Repairs to Saw Mill Pond Dam
Computers and Server	Senior Center
Septic System for Town Hall complex	Town Hall Elevator and Code Work

**C. TOWN HALL ROOF**

A schematic drawing was received on February 15<sup>th</sup> from Susan Knack-Brown of Simpson Gumpertz & Heger and reviewed at this meeting. Following a discussion, Mr. O'Connell moved, Mr. Allen seconded, and it was voted that Mr. Allen ask Ms. Knack-Brown to estimate costs for:

- replacement of the estimated 100 slates
- snow guard over the entrances (one option) and snow guards across the entire front and back of the building
- (slate catcher) gutters over just the entrance and around the entire building

**D. BARRIER REMOVAL PROJECT – ADA BATHROOM**

Mr. Allen reported that he is working with Mr. Taylor, Building Inspector and the Plumbing Inspector related to specifications and estimates for making the first-floor bathroom ADA compliant. Mr. O'Connell reminded the Board that they had agreed to gather a group of citizens to discuss the options on the Town Hall. Mr. Allen will pick the date and recommend it to the Board at their March 22<sup>nd</sup> meeting.

**E. SAW MILL POND DAM REPORT:**

Mr. Heller reported having received a verbal approval to submit its Phase I assessment about April 22<sup>nd</sup>. He still has to send a formal letter requesting this extension. For its March 15<sup>th</sup> meeting, Mr. Heller will prepare a draft of requested changes to be sent to Fuss & O'Neill. In anticipation that a Phase II study will be required, the Board must include an article on the June 2011 Annual Town Meeting Warrant. Mr. Heller will try to determine whether the Phase II project costs will be separate from the \$300,000-\$500,000 costs estimated to repair the dam.

**F. TAX COLLECTION REPORTS/PAYMENT PLANS FROM TREASURER AND TAX COLLECTOR**

The Treasurer's report was received and reviewed at the two previous meetings but the report has not yet been received from the Tax Collector because she first had to respond to Excise Tax matters. Copies of Tax Title Payment Plans have been requested from both the Treasurer and the Tax Collector. The Treasurer has indicated that his will be submitted by the end of this week; the Administrative Assistant was asked to request of the Tax Collector, both the Tax Title report and the Tax Title Payment plans by end of the day, March 8<sup>th</sup>.

Mr. O'Connell moved that the Selectmen amend their policy on the payment of delinquent taxes to mandate a minimum initial payment of 20% of all back taxes, interest and fees for a delinquent taxpayer to be eligible to participate in a payment plan, replacing the word "significant". Mr. Allen seconded. So voted.

**G. SEVERE WEATHER POLICY**

Mr. O'Connell submitted a written amendment to the section of the policy relating to employee payment if the Town Hall is closed or if in bad weather the employee decides that for his/her own personal safety they would not come to work. Mr. Heller entertained a motion to adopt the policy as amended; Mr. Allen so moved; Mr. O'Connell seconded; so voted. Ms. Neylon was asked to distribute a copy to all employees after the policy is signed.

**H. MEETING WITH THE WATER COMMISSIONERS:**

This was placed on the agenda only as a reminder that Mr. O'Connell will be attending this meeting next week and both Mr. Allen and Mr. Heller are to give Mr. O'Connell a list of topics that they would like discussed.

**I. PERFORMANCE REVIEWS:**

Mr. O'Connell submitted the review of the Tax Collector and indicated that the Collector wanted one change made and the Selectmen to sign before it was returned to her for her signature. It was agreed that Mr. O'Connell would make the change and submit it to the Board for their signature at the budget meeting tomorrow. Mr. Allen indicated that the review for the Highway Superintendent was now complete but had not been reviewed with the employee.

**4. APPOINTMENTS AND RESIGNATIONS:**

Mr. Heller read aloud both the cover letter from Chief Michael Blanchard and the letter of resignation from full-time Police Officer Nicholas Abair effective March 6<sup>th</sup>. Officer Abair had recently been promoted from part-time to full-time officer. He asked to be allowed to continue to serve the Town as a part-time officer.

Mr. O'Connell moved that the Board accept Officer Abair's resignation as full-time police officer with regret and to send him a letter of appreciation for his services especially those that he provided during the period of acting chiefs and during the first weeks of Chief Blanchard's term; Mr. Allen seconded; so voted.

Mr. O'Connell noted that the Board and the Chief had wanted to promote from within for this position but none of the part-time officers were Academy-trained. The next Academy will be during the summer, leaving the Chief short one officer all summer and well into the fall. It will be up to the Chief to determine how to proceed to fill this position and Mr. Allen said that the Board hired Mr. Blanchard because of their respect for his judgment. He further commented that the morale of the Police Department is high in spite of this recent resignation. The Selectmen agreed that they must find some other way to recognize the part-time staff with training, etc. so that they would be ready for the next opening.

5. **ANNUAL TOWN REPORT – DEDICATION AND 2<sup>nd</sup> CALL FOR COVER PHOTOS**

Several suggestions were received from town residents for this honor. That list included:

Barbara Clancy (honored in 1992)	Ronald Couture
James Hansen	John Jeppson
Linda Lincoln	Philip Peirce
Wilfred & Barbara Steadman	Reta Warman
Robert Wilder (honored in 2008)	John Woodward

After a discussion which included a review of a list made by Mr. O'Connell of people had been honored over the past 20 Annual Town Reports, the board discussed whether or not the person that they choose to honor should be announced or kept a secret. It was agreed that they would make their announcement as it would be a surprise to the individual(s) if it was announced now or when the Report is published. The Board then discussed the difference between "in memoriam", "recognition" and "dedication".

Mr. O'Connell moved to dedicate the 2010 Annual Town Report to Philip Peirce in recognition for his work on the *Brookfield Citizen*, Appleseed, keeping the Apple Country Fair going, the Community Club, and his years as Assessors, Selectman, and the Personnel Board; Mr. Allen seconded; so voted. Mr. O'Connell will acquire a photograph and will draft a story to accompany the photograph.

The Board placed a second call for color, historical-type photographs that could be used as the cover for the 2010 Annual Town Report. All photos must be submitted for the March 15<sup>th</sup> meeting. Also discussed was the possibility of a contest to be conducted for the cover for the 2011 Annual Town Report.

*Other, continued:*

**6. INTER-MUNICIPAL CLEANING SUPPLIES CONTRACT AWARDED**

At the February Regional Selectmen's meeting, the inter-municipal contract for cleaning supplies was awarded to Kellco Products of 232 Albany Street Springfield, MA 01105. Kellco representative, Francis Mahoney will meet with those responsible for purchasing cleaning supplies for the municipal buildings.

**7. PUBLIC RECORDS REQUEST**

A public records request was received by the Town Clerk from Cindy Mundell, Brookfield resident, and forwarded to the Selectmen's office and the Highway Department. As the request is quite extensive and as the Board had been asked before for certain public records and then the requestor refused to pay, the Board will not make the copies until there is an up-front payment. One part of the request is for photo copies of certain invoices from Town Counsel and the other for invoices relative to "the wing plow." As there are two wing plows, clarification is needed as to which plow and how much detail is wanted.

**8. NON-PROFIT ORGANIZATIONS**

Mr. O'Connell reported on advice received at no charge from Town Counsel Patricia Cantor relative to Town regulatory authority over non-profit educational and religious organizations. Such advice can guide the Board in working with such organizations as Rehabilitative Resources, Inc. (RRI) at Elm Center, East Main Street. Town Boards do have certain powers and responsibilities over non-profit organizations under MGL 40A, Chapter 3. This includes areas of alcohol and food serving permits, approval of site plans by the Planning Board, etc. The purpose of the regulations is not prevent programs of non-profit agencies but to reasonably regulate them.

Mr. O'Connell will create a memo explaining the Town's responsibilities and it will be sent to the Planning Board, Board of Health, Zoning Enforcement Officer, Fire Department, Building Inspector, etc.. Mr. O'Connell suggested that one of the Board members meet with the Director of RRI with a representative of the Brookfield Institute to discuss this. Mr. Allen volunteered.

**9. PEDESTRIANS CROSSING THE CSX BRIDGE ON ROUTE 148**

The lack of a pedestrian walkway through the construction and over the bridge has been a source of at least two complaints. Mr. Allen reported having learned from one of the ET&L workers that no pedestrians are supposed to be using this bridge while they are working there. However, there is no signage to educate the pedestrians. ET&L will try to acquire a sign. He was also told that the bridge work will be done in June of 2011. Ms. Neylon was asked to reach her contact at MassDOT about creating a safe walkway for pedestrians.

**10. HIGHWAY TRUCK ACCIDENT ON FRIDAY, FEBRUARY 25, 2011**

Mr. Heller reported that while the Town was carrying out its responsibility to keep the traffic lane open on the bridge on Route 148 over the CSX tracks, one of the plow trucks hit an expansion joint damaging the plow, truck and injuring the driver who was taken to the hospital in the ambulance as a precautionary measure.

The accident was immediately reported to the insurance company and reports, including the Police Officer's report, are in the process of being completed. The driver returned home later that same day with, apparently, no serious injuries.

*Public Access:*

Jennifer Grybowski: Asked as a resident that the sidewalks near the Elementary School be a Town priority in snow and ice removal. Her offer to edit the Annual Town Report was gladly accepted by the Selectmen and the Administrative Assistant. She also had a question about the Saw Mill Pond Dam Report process.

Barbara Wilson: Echoed Mrs. Grybowski's concern over the sidewalks around the school; asked "what's happening to public access - some shows run over and over and other events are not being shown"; the "public is being shut out of the Selectmen's meetings"; the Selectmen "are being rude" in the way the room was set up; she is still waiting for copies of the Selectmen's minutes.

John David Holdcraft: Complained about Selectmen's daytime meetings; added his complaints about public access (Channel 12 and 13); said that he had conducted his own investigation of the highway/plow accident, claimed the operator was at fault, and threatened to be involved legally if the Town "tries to blame CSX"; argued that Advisory Committee members should not be charged for any public records request.

**ADJOURNMENT:**

At about 9:40 pm, Mr. Heller entertained a motion to enter into Executive Session citing (and reading aloud) exemptions three (collective bargaining and litigation) and six (purchase, exchange, leave of real property) 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.

As there was no further business before the Board, Mr. O'Connell moved to adjourn at about 10:15 pm; Mr. Allen seconded; so voted.

Respectfully submitted,

Donna L. Neylon, Administrative Assistant

Date approved by Board: \_\_\_\_\_