

**Town of Brookfield  
Board of Selectmen - Special Meeting  
Town Hall, Selectmen's Office  
Tuesday, November 3, 2011 – 8:30 am**

Members present: Peter O'Connell, Rudy Heller and Stephen J. Comtois II.

Chairman Peter O'Connell called the meeting to order at 8:30 am.

**Camera Operator:** None  
**Press:** None  
**Public:** Michael Seery, Town Clerk

This meeting was posted with the following agenda:

- *Review recommendations from Town Counsel and finalize Warrant for 11/18/11 Special Town Meeting.*

**1. DISCUSSION OF SPECIAL TOWN MEETING ARTICLES:**

The draft Warrant had been sent to Town Counsel for her review and this e-mail was reviewed by the Board and the following changes to the Warrant were made:

(See vote[s] at end)

**Article 1 – Change to by-laws of Tantasqua Regional School District:**

Patricia Cantor, Town Counsel recommended that the word “bylaws” be changed to read “Agreement” as in Tantasqua Regional School District Agreement. After some discussion, this change was made and the Administrative Assistant will so advise the school superintendent.

**Article 2 – Change to Town's By-Laws regarding the Capital Improvement Planning Committee (CIPC)**

Counsel gave two alternative changes and felt that either one would make the by-law changes more clear and easier to understand so they were accepted by the Board. She pointed out that a change to one part of the by-law could trigger a total review by the Attorney General. The Article will now read:

**“ARTICLE 2:** To see if the Town will vote to amend the Town Bylaws Chapter V “Financial Affairs”, Section 7, by making the following change to paragraph one:

In the first sentence, deleting the phrase “one member of the Planning Board” and “One member of the Treasurer's office” and inserting in its place “the Treasurer” and deleting “holding no appointed or elected office in the town”;  
Deleting the fourth sentence and replacing it with the following “The community members shall serve staggered three-year terms. For the first fiscal year after the adoption of this bylaw as amended, the Board of Selectmen shall appoint one

community member for a one-year term, one community member for a two-year term and one community member for a three-year term.”;

In the original fifth sentence, changing 3) by deleting “cost over \$10,000” and replacing it with “cost over \$5,000”, or take any action relative thereto.”

**Article 4 – Proposed sale of Cooley Hill Reservoir property**

The Board had asked Town Counsel to draft this article so that there could be deed restrictions that would allow residents of Brookfield access to this property for recreational purposes even after the property is sold. Counsel’s article included those provisions but also included sections that still had to be researched, such as former deed holders and the book and page of these deeds being filed at the Worcester Registry of Deeds. It was agreed to adopt Town Counsel’s wording and Mr. O’Connell and Ms. Neylon would fill in the blanks prior to having the warrant posted.

Mr. Seery joined meeting and voiced his concern that this property would be transferred without deed restrictions. The Board explained that the article and motion would include the deed restrictions. He was concerned that fishing would not be allowed. Mr. O’Connell said that the Town could not put a restriction on the property that mandates the new owner keep the reservoir and that if the Town were to maintain ownership, the dam would have to be removed causing an end to the body of water and the fishing.

Mr. O’Connell entertained a motion to adopt the changes to Articles 1, 2 and 4 as recommended by Town Counsel; Mr. Heller so moved; Mr. Comtois seconded; so voted.

**Article 6 – Transfer from Stabilization to lower the tax rate**

This article has previously been identified as “Snow & Ice” and the amount in the article reflects the deficit spent on Snow & Ice during the prior fiscal year. Town Counsel noted that the explanatory condition (to return these funds to Stabilization at a later time) is not binding on the voters. No action is needed here by the Board.

**Article 22 – Transfer to Unemployment Account**

Town Counsel reminded the Board that since the explanation of the Article appears to concern a particular individual, the Board should be mindful of privacy considerations during any discussion. She also pointed out that, even though other articles have amounts in them, this one did not and the articles should be consistent. The Board agreed to insert the \$4,000 here as they had already intended these amounts be in the articles and the omission here was in error.

**Articles 4, 6 & 11:** Town Counsel pointed out that both Articles 4 and 6 require a 2/3rds vote and that Article 11 requires a 9/10’s vote.

This concludes actions on recommendations from Town Counsel.

Mr. O'Connell told the Board that Betty Benoit, Town Accountant, had spoken with Daniel Haynes, Auditor, regarding the Cemetery Bond article. She was told that this article is not necessary. Mr. O'Connell then entertained a motion to remove Article 24 from the Warrant; Mr. Heller so moved; Mr. Comtois seconded; so voted.

There was discussion about whether or not to add an article that would transfer any "leftover" monies to a special account to be used for storm emergencies. At the conclusion of the discussion, it was agreed not to.

At this point in the meeting, Ms. Neylon gave the Board four Warrant signature pages. It was agreed that when she returned from the 9:00 am Brownfield Steering Committee meeting, she would make the voted changes to the Warrant and prepare it for Mr. O'Connell's review. Following that, the four original Warrants would be given to the Town Clerk for posting today.

*Other:*

Mr. O'Connell informed the Board that Herbert Road would be open for storm related brush only.

**ADJOURNMENT:**

Mr. Comtois moved to adjourn at 9:23 am; Mr. Heller seconded; so voted.

Respectfully submitted

Donna L. Neylon, Administrative Assistant

Approved: December 20, 2011