

**Town of Brookfield  
Selectmen's Meeting  
Town Hall  
Tuesday, December 20, 2011**

Chairman O'Connell called the meeting to order at 6:00 pm in the Banquet Room of the Town hall and entertained a motion to adjourn to the Selectmen's office for Executive Sessions. Mr. O'Connell declared Exemptions 3 and 4 (see below); Mr. Heller so moved, Mr. O'Connell seconded; so voted.

**3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;**

**4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;**

Following the Executive Sessions, the open session part of the meeting was re-convened in the Banquet Room at 6:45 pm and Chairman O'Connell led the group in the Pledge of Allegiance. Other members present: Rudy Heller and Stephen J. Comtois II.

**Camera Operator:** James Sniffen

**Press:** Karen Trainor

**Public:** John David Holdcraft, James Correia, Sharon Mahoney

*Note: The minutes of this meeting reflect the order of the printed agenda NOT the order of the actual meeting.*

**APPROVAL OF WARRANTS:**

Mr. O'Connell entertained a motion to approve the Warrants as listed on the agenda; Mr. Heller so moved; Mr. Comtois seconded; so voted.

Ratify Payroll Warrant for 12/13/11: \$178,661.28  
Approve AXA Expense Warrant for 12/11/11: \$150.00  
Approve Expense Warrant for 12/12/11: \$407.92  
Approve Boston Mutual Expense Warrant for 12/10/11: \$88.44  
Approve Lincoln Expense Warrant for 12/09/11: \$160.82  
Approve Expense Warrant for 12/20/11: \$156,867.19  
Approve Motor Vehicle Refund for 12/20/11 \$401.80

**APPROVAL OF SELECTMEN'S MINUTES:** Mr. Heller moved to approve the minutes of 11/3/11; 11/8/11; 11/17/11; 11/18/11; 11/22/11; and 11/29/11; Mr. Comtois seconded; so voted.

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

Mr. Heller moved to acknowledge receipt of the following Monthly Reports and Minutes of other Departments; Mr. Comtois seconded; so voted.

Municipal Facilities Planning Commission: 11/7/11; 11/21/11

Brownfield Steering Committee: 8/8/11; 8/11/11; 8/25/11; 11/3/11

**ANNOUNCEMENTS:**

Chairman O'Connell read the announcements which included the following:

**Award:** The Town will be recognized at the Annual MMA Meeting and Trade Show in Boston on Jan. 21, 2012 with an award certificate for placing among the top three municipalities in Category 3 (4,999 and under) of the MMA'S Annual Town Report Contest. The Town received a letter indicating the award and with congratulations on an outstanding annual report. Mr. Heller said that he would attend the presentation and accept the award for the Town; Mr. Comtois is still uncertain at this time as to whether or not he will be available to attend; Mr. O'Connell will be out of town and unable to attend.

**Announcement:** The Board of Assessors is happy to announce that the 2012 Tax Rate has been set. The values have gone down an average of 10% across the board for dwellings and land. The new tax rate is \$16.45/thousand. The average residential lot in 2011 was worth \$238,200 with a tax bill of \$3,456.30. This same average residential lot in 2012 is worth \$215,400 with a tax bill of \$3,543.30. The average increase is about \$90.00.

Following the announcements, Mr. O'Connell clarified the change in policy regarding the use of the Town Hall on Tuesday evenings. He explained that, on the evenings when the Selectmen are meeting in the Town Hall, others will also be able to meet. Committee and Board Chairs who continue to meet at the Elementary School should be certain to remember to complete the appropriate form for school permission.

Mr. Comtois announced that Peter Lescord is back in town from his tour of duty and thanked Mr. Lescord for his military service. He was welcomed home with a round of applause from those present at the meeting.

**Public Access Period:**

John David Holdcraft, asked the Selectmen to consider a deed restriction of no structures on the Cooley Hill Reservoir land when the property does change hands. He was concerned that a non-profit agency might put a dwelling on the property and said that was not the intent of the townspeople.

*Agenda:*

**1. WHITES LANDING ALCOHOL RENEWAL**

Mr. James Correia, owner and operator of Whites Landing on Fiskdale Road, was present while the Board considered the renewal of his beer and wine pouring (alcohol) license. Mr. O'Connell noted that the application for approval of a physical change to the premises was received by the Board and entertained a motion to renew Mr. Correia's Alcohol, Common Victualler and Entertainment licenses (d/b/a Whites Landing) for 2012 contingent upon the approval of the

Alcohol Beverages Control Commission (ABCC) and (where appropriate) the approval of the Fire Chief and Building Inspector; Mr. Heller so moved; Mr. Comtois seconded; so voted.

2. **CHARTER CONTRACT RENEWAL NEGOTIATIONS COMMITTEE REPORT– S. MAHONEY, J. SNIFFEN, R. HELLER**

At this time, Chairman O’Connell recognized Sharon Mahoney, James Sniffen and Rudy Heller. He explained that the Selectmen had met with Ms. Mahoney and Mr. Sniffen to discuss the contract renewal with Charter Communications. The group first discussed Ms. Mahoney’s recommendation that a committee of five be created that might not include the entire Board of Selectmen but would include two other citizens of the community. It was felt that this would increase input and prevent any possibility of a violation of the Open Meeting Law because Ms. Mahoney and Mr. Sniffen already work together on the Local Cable Access Committee.

Mr. Comtois moved to expand the Cable Access Advisory Committee to five members; Mr. Heller seconded; so voted. The Board is now looking for volunteers, preferably residents that subscribe to Charter services on more than the “basic” level. The Board agreed and Mr. O’Connell and Mr. Comtois withdrew from the committee leaving Mr. Heller, Ms. Mahoney and Mr. Sniffen.

**Charge:** Mr. Heller moved to accept the Charge for the Cable Access Advisory Committee as presented; Mr. Comtois seconded; so voted. The date of the vote and Selectmen’s names will be added to the Charge.

Mr. O’Connell asked the new committee to lay out the timeline for contract renewal as quickly as possible and to recommend how the Town should use legal services in time for an article to be placed on the 2012 Annual Town Meeting Warrant.

Ms. Mahoney had a letter that she’d like to send out to request proposals so the committee can compare costs. Mr. O’Connell expressed his opinion that this should wait until the Board had received the committee’s recommendations but Ms. Mahoney convinced the Board these proposals should be received as this information relates to the level of changes that the Town might want to contract. Some changes were made to her draft letter. After those changes are made, Ms. Mahoney will forward the letter to the Selectmen to be sent out.

When Ms. Neylon asked what the terms of the appointees of this new committee would be it was agreed to research the formation of the original committee before making any new appointments formal.

3. **COOLEY HILL – POSSIBLE SALE**

Mr. O’Connell reported that a letter had been sent to six organizations to inquire if they had any interest in acquiring the Town’s Cooley Hill property. Letters were sent to: Blanchard Means Foundation; Division of Fisheries & Wildlife, Opacum Land Trust; Trustees of Reservations; Massachusetts Audubon Association and the North Brookfield Board of Selectmen. Each was asked to have their preliminary response returned to the Town by January 5<sup>th</sup>.

4. **PROUTY STREET ADA ACCESS – S. COMTOIS**

Mr. Comtois reported that he had toured the building with Mr. Jeffrey Taylor, the Building Inspector, who recommended getting in writing the opinion regarding making the bathroom at 7 Prouty Street ADA compliant. Mr. Taylor also discussed widening the side door, the handicap ramp and handicap accessible parking. He said that to make these changes will be very expensive.

Mr. Comtois also spoke with Mr. Robert Wall who is the Town’s Plumbing & Gas Inspector. Mr. Wall gave Mr. Comtois the verbal okay to vacate the bathroom as long as he put this request in writing. To vacate the bathroom means that the bathroom(s) should be locked to the public.

According to Mr. Comtois, the Municipal Facilities Planning Committee (MFPC) believed that a new 5,000 square foot police station would cost about \$2.4 million dollars; they are using a multiplier of 1.3.

Mr. O’Connell stressed that if the MFPC intended to bring this before Town Meeting voters, they should also first compare other properties and options so that the voters will have all of the facts. He said the MFPC should do a RFP (Request for Proposal) for properties or ask the Board of Selectmen to do this so there will be comparison information to present to the voters and the committee should make their recommendation based on the information acquired from the RFP.

A septic design that would include the Town Hall, Fire Department, EMS, 7 Prouty Street and the new Police Station was discussed.

5. **CDBG-R PROJECT (FINDINGS RELEASE LETTER) (CERTIFICATION LETTER) (CLOSING GRANT)**

William Scanlan, Grant Administrator for the CDBG-R grant (Community Development Block Grant – Recovery Act) for the Common Street and Lincoln Street infrastructure project submitted a letter responding to the findings of the DHCD (Department of Housing and Community Development) that should be signed by the Town. Mr. Comtois moved to authorize the Chairman to sign the findings letter; Mr. Heller seconded; so voted.

Another letter from Mr. Scanlan indicated that the Town should reimburse DHCD \$4,721.12 for unspent funds from this grant. Mr. O'Connell entertained a motion to authorize this reimbursement; Mr. Comtois so moved; Mr. Heller seconded; so voted. The voucher for this reimbursement check was included on the December 20<sup>th</sup> Expense Warrant.

**6. SELECTMEN'S PROPOSED BUDGETS FOR FY 2013 REVIEW & APPROVAL**

The following are the line item budget titles that the Board is responsible for. Following each are the actions taken on the draft budgets proposed by Ms. Neylon. Motions to approve the line items amounts were made by Mr. Comtois and seconded by Mr. Heller unless otherwise stated and so voted. Also, all were level funded except where noted.

Computer Maintenance: \$3,000 Mr. O'Connell moved to change this to an article instead of a line item; Mr. Comtois seconded; so voted.

Consultant: \$2,000 Mr. Comtois moved to change this to an article instead of a line item; Mr. Heller seconded; so voted.

General Insurance: \$122,500 plus the amount of the MEGA invoice recently received of \$1,936 = \$124,436. Mr. Heller made the motion; Mr. Comtois seconded; so voted.

Legal Services: \$55,000 This includes an increase of \$5,000, as recommended by Patricia Cantor of Kopelman and Paige.

In Lieu of Taxes: \$75.00 Mr. Heller made the motion; Mr. Comtois seconded; so voted.

Municipal Heat & Maintenance: \$50,000 (\$5,000 services; \$45,000 fuel) However, it seems that only a total of \$36,000 (\$5,000 and \$31,000) was approved for last year and if that is so, this number will be re-evaluated.

Municipal Telephone: \$11,000 Mr. Heller noted here that this amount could be lowered if the Town receives the grant for a server system. The grant must be applied for by January 17<sup>th</sup>.

Municipal Website Management: \$2,500

Physical Exams: \$800

Printing of Annual Town Report: \$1,800

Selectmen's Expense: \$4,300 \$50.00 increase due to increased postage costs.

Street Lights: \$11,000

Town Hall Expense: \$8,014

Wages & Salaries: \$2,000 each Selectman; \$41,539 Administrative Assistant; \$12,025 Town Hall Custodian; \$3,206 Municipal Clerk Wages

Also submitted (but no action was taken) were two articles. One was for a new copier for general use (\$5,000 estimate) and a new table top fax, copier (\$1,000 estimate).

It was agreed that there would be no need to change the date to give all budgets to the Advisory Committee. The deadline for submission and the date to forward copies to the Advisory Committee remains January 5<sup>th</sup>.

7. **REVIEW OF 12/13/11 DPU HEARING**

Chairman O'Connell reported that this Hearing was well-attended by about a total of 50 persons and reminded everyone that the comment period (written comments) was still open.

8. **DRAFT BLACKBOARD CONNECT POLICY**

Mr. Comtois moved to accept the Blackboard Connect policy as presented; Mr. Heller seconded; so voted.

9. **MASTER PLAN DISCUSSION**

The Board reviewed the chart of recommendations and responsibilities to accomplish. A few changes were made including the Board agreeing:

- a) they would only make comparisons against themselves;
- b) they would not convene the meeting between the boards mentioned in A8; this remain as one of Mr. Comtois' duties as he is the liaison.

Town Administrator Study Committee: The Board also discussed a request from the Capital Improvement Planning Committee (CIPC) expressed at their last meeting. The request was for the Selectmen to set up a new study committee that would discuss the need for a town administrator and if they agreed to the need for them to create a new job description. It was stated that at this meeting, Barbara Wilson of the By-Law Committee "strongly supports" this action.

During the discussion, Mr. Comtois said that he believed that Mrs. Wilson had since changed her mind. He also said that the results of the committee were a foregone conclusion as only people in favor of the end result would be appointed. Mr. O'Connell disagreed because he felt the Board would appoint individuals who were open-minded and Mr. Heller agreed.

Mr. O'Connell entertained a motion to create a committee to study the need for a town administrator and if so, to create a job description; Mr. Heller so moved; Mr. O'Connell seconded; so voted with Mr. Comtois voting against the motion. Mr. O'Connell will draft the charge and present this at a future meeting.

**10. SAW MILL POND DAM REPORT, LETTER FOR MORE TIME, PROPOSED ACTIONS, FUNDING, ETC.**

A letter was received from the Office of Dam Safety (ODS) mandating an inspection be completed and the report of the inspection be filed with them by January 25<sup>th</sup> 2012. He expected that the cost would be somewhere between \$1100 and \$1200 for each inspection.

Mr. O'Connell entertained a motion to hire Fuss & O'Neill to conduct the required inspection and submit the report prior to the deadline of January 25<sup>th</sup>; Mr. Heller so moved; Mr. Comtois seconded; so voted.

Mr. Heller also told the Board that they are mandated to initiate before March 25, 2012 a Phase II inspection that includes the eight items listed in the letter.

The consequences of breaching the dam were discussed. If the dam is breached, we will still have to do the inspection due by January 25<sup>th</sup> but would not have to repair the dam or do future inspections and reports. All agreed that the Board would need to explore what the immediate abutters think of this idea. Mr. Heller will call a meeting of the abutters, others involved and interested parties to discuss the idea.

Prior to the Phase II Inspection the Town will need to send a letter to the ODS to let them know what the Town plans to do, put out an RFP, and ask for a new date that is after the Annual Town Meeting.

Mr. O'Connell entertained a motion to send a letter to the ODS asking for a new deadline after the Annual Town Meeting, to let them know that Fuss & O'Neill has been contracted for the January inspection and to give them the Highway work schedule for the project; Mr. Comtois so moved; Mr. Heller seconded; so voted. Mr. Heller will work with Mr. Chaffee, the Highway Superintendent, on the work schedule and Mr. O'Connell will draft the letter.

**11. PRESIDENTIAL ELECTORS – LETTER FROM TOWN OF IRVING**

The Selectmen of the Town of Irving wrote asking for support of House Bill 00200 which would change the way that presidential electors are chosen in Massachusetts. No action was taken.

*Correspondence:*

**12. CROWLEY FUEL COMPANY – HEATING ASSISTANCE**

The Board reviewed a letter from the President of Crowley Fuel that asked the Board to appoint one person for individuals needing heating fuel assistance to contact in the case of dire need. The board agreed to forward this to Mrs. Barbara Clancy as she is the Chairman of the Council on Aging and a member/administrator of the Brookfield Fund.

**13. HAZARDOUS MITIGATION GRANT INFORMATION**

More information is needed regarding a grant that the Town could apply for if the hazardous mitigation research was completed. Mr. Heller will follow up with the Central Massachusetts Regional Planning Agency (CMRPC) and find out their progress. He will also ask Lucinda Thompson and Peter Martell if they can attend the grant information meeting.

**14. FROM K&P RE: CONSERVATION COMMISSION**

The Board received a copy of a letter today to the Conservation Commission from Kopelman & Paige, Town Counsel, and relative to the Glen a subdivision formerly known as Clear Creek Estates. The letter outlined actions that the Conservation Commission should take in conjunction with the Planning Board and the Board of Health. Mr. O'Connell will encourage the Chairman of the Conservation Commission to call a meeting of the three boards.

*Other:*

**15. BROOKFIELD ROD & GUN CLUB:**

Ms. Neylon explained that Form 43 was requested by the ABCC in order to complete the year-old application to change their manager's name on their license. Mr. O'Connell entertained a motion to approve and sign the form for the Brookfield Rod & Gun Club, Inc.; Mr. Heller so moved; Mr. Comtois seconded; so voted.

**16. ESTIMATED TEMPORARY SUMMER RESIDENT FORM**

Ms. Neylon submitted this form to the Selectmen for their signatures. The Town Clerk had estimated the total increased temporary resident number to be 62. Mr. O'Connell entertained a motion to sign the form; Mr. Heller so moved; Mr. Comtois seconded; so voted.

**17. WEBSITE MAINTENANCE WORK**

Mr. Heller moved to approve the contract for Derek Grimes of Brookfield to conduct website maintenance at a maximum of \$400; Mr. O'Connell seconded; so voted.

**18. AUTHORIZE PURCHASE OF EQUIPMENT**

Ms. Mahoney presented a proposal of the Local Cable Access Committee to make two purchases that total about \$10,000. It was her understanding that the Town has a policy that any purchases over \$5,000 have to be approved by the Selectmen and the Advisory Committee. She explained that there was a recent lightening strike that "took out" one of the two computers located at the studio. The committee discussed their goals and agreed to take this opportunity to upgrade to a more sophisticated system rather than to repair. Quotes had been asked for, received and reviewed. The winning quote was from a company in Westborough. Discounts of \$900 for time-sensitive purchase will expire on December 31<sup>st</sup>.

Ms. Mahoney listed other upgrades that this committee has made over the past year or so and explained that the discount for this particular purchase will be lost because the Advisory Committee will not meet until sometime in January. She, on behalf of her committee, asked the Board's recommendation of how to make the purchase(s) without violating town policies.

Mr. Comtois noted that the purchases were truly two separate items due to the fact that there were two separate delivery dates over a month in time. He suggested separating the two purchases as they then would be under \$5,000 and not trigger the policy that would mandate the approval of both the Board of Selectmen and the Advisory Committee. This would mean that the committee would only lose the \$900 discount on one unit. Mr. Comtois moved that the Board of Selectmen approve the purchase of a new desktop editor as approved by the Local Cable Access Committee for \$4,925; Mr. Heller seconded; so voted.

It was agreed that Ms. Mahoney will come back to the Selectmen for approval of the second part of the purchase after another vote of the committee.

She asked if she would still need to go before the Advisory Committee and Mr. O'Connell said that she might choose to just inform them. Mr. Heller pointed out that the funds for this purchase come from a capital grant as part of the contract renewal with Charter Communications in 2004. This grant is exclusive of other committees and can only be used for equipment purchases.

Because the two purchases fell under the \$5,000 capital purchase policy, the Cable Access Committee did not need approval of the Advisory Committee, but she might choose to just inform them of the purchases.

**19. ANNUAL TOWN REPORT – 2011**

Mr. Heller moved to have a color cover (front and back) of the 2011 Annual Town Report; Mr. O’Connell seconded; so voted.

The Board is looking for suggestions of photo(s) for the back cover with a theme of “monuments and landmarks” within the community.

**20. HOUSING PLANNING MEETING**

Mr. Heller asked to pass over this subject until after he has attended two meetings on this subject (January 31) which can be included in his report.

**21. REQUESTS BY THE CAPITAL IMPROVEMENT PLANNING COMMITTEE (CIPC)**

The CIPC has requested that the Selectmen purchase certain documents for them as they do not have said budget. This was passed over to the January 3<sup>rd</sup> agenda.

**22. BROWNFIELD STEERING COMMITTEE REPORT**

Ms. Neylon, also a member of the Brownfield Steering Committee, gave a review of the committee’s last meeting and showed a drawing of the proposed project on Mill Street. At this meeting, the Committee reviewed all comments received during the 30-day period and accepted many of them and the site was named Mill-Station Park. Other decisions made were that there will be a maximum of 5 flowering trees planted; the pathway and the parking lot will both be asphalt; the Highway has reserved about 600 feet of sloped granite curbing which will be used on the site; areas where flowers may someday be planted will be prepared; benches and picnic tables will be secured to the ground and at least one table will be handicap accessible; certain parts of the project will be fenced and the west side will have fencing and shrubs, etc. The committee will meet early in January to finalize everything and it is expected that the project will go out to bid and be in the Central Register the first issue in February. The project must be completed by June 1, 2012.

**23. VOTE: PLOWING PRIVATE ROADS**

Based on the recommendation from Herbert Chaffee, Highway Superintendent, Mr. Heller moved that the Town would plow the private ways of Herbert Road, Brunnell Avenue, Draper Street, Forest Street, Joe Goddard Road, Lakeside Avenue, Oak Ave, Wart Street, Off Allen Road (Lane 21), Chestnut Street and Lane 21A; Mr. Comtois seconded; so voted.

**24. VANDALISM ON THE TOWN COMMON**

Mr. Comtois reported that there have been no further problems on the Common after the Police spoke with the individuals (and their father) that were suspected of causing the damage.

**ADJOURNMENT:**

At 9:43 pm, Mr. Heller moved to adjourn the meeting; Mr. Comtois seconded; so voted.

Respectfully submitted

Donna L. Neylon, Administrative Assistant

Approved: January 31, 2012