

**Town of Brookfield  
Selectmen's Meeting  
Town Hall, Banquet Room and Selectmen's Office  
Tuesday, February 28, 2012**

Mr. O'Connell called the meeting to order at 6:30 pm and led the group in the Pledge of Allegiance. Other members present: Rudy Heller and Stephen J. Comtois II.

**Camera Operator:** Sharon Mahoney

**Press:** Karen Trainor, Jennifer Grybowski

**Public:** Megan DiPrete, David Foss, William Scanlan, Diane Chamberland, Jeanne Myers, Stephanie Perry, Carolyn Pope, Michael Felts, John Yuro, Edward Chrevette, Jean Pollier, Edward Gagne, Genevieve Monsat, Barbara Wilson, John David Holdcraft

*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 ratify the below listed warrants; Mr. Heller so moved; Mr. Comtois seconded; so voted.

RATIFY PAYROLL WARRANT for 2/21/12: \$180,987.20  
APPROVE EXPENSE WARRANT for 2/28/12: \$ 96,291.26 and  
APPROVE WIRE TRANSFER for 2/28/12: \$\$18.97

**APPROVAL OF SELECTMEN'S MINUTES:**

Mr. Heller moved to approve the minutes of January 31, 2012, as edited; Mr. Comtois seconded; so voted.

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

Mr. Heller moved to acknowledge receipt of the below-listed monthly reports and minutes; Mr. Comtois seconded; so voted.

Historical Commission: 12/11/11; 1/12/12  
Municipal Facilities Planning Committee: 2/8/12

**ANNOUNCEMENTS:**

As there were many announcements, their reading was waived except for Chairman O'Connell reading the legal notice of a Public Hearing to be held in the Town of Ware regarding their ongoing Community Development Block Grant Programs, which include both single community grants that benefit Ware residents and regional grants benefiting residents of Ware, Hardwick, Warren and Brookfield. The meeting will be held on **Friday, March 9, 2012 at 3:00 p.m.** in the Selectmen's Meeting Room at Ware Town Hall, 126 Main St. Ware, MA 01082. Since this is an important program for residents of the Town of Brookfield and many have benefited from this program in the past, it was

agreed that Ms. Neylon would send a letter of support on behalf of the Board of Selectmen.

**Public Access Period:**

John David Holdcraft: Mr. Holdcraft expressed his concerns about the “Town spending money on the G.L. Finney property when we don’t own this” and said there were “more important things to do”. He claimed that “we went through this process with Mill Street and now can’t use the land” and asked “why are you moving forward”.

*Agenda:*

**1. 6:40 PM CMRPC PHASE II BROWNFIELD REPORT - G.L. FINNEY PROPERTY**

Ms. Megan DiPrete of Central Mass Regional Planning Commission (CMRPC) and Mr. David Foss of Fuss & O’Neill (F&O) were present to explain the results of the Phase II Brownfield Study that had been done at the request of the Selectmen and at no cost to the Town under a grant program administered by CMRPC. In her introduction, Megan listed many programs that the Town and CMRPC have participated in together in the past. She explained that CMRPC had administered 16 Brownfield Phase I studies (she called them ESA’s) and three of them were in Brookfield; they have administered five Phase II studies with one in Brookfield and they have administered one Phase III study (not in Brookfield). Collectively, over \$50,000 in Brownfield studies have been spent in Brookfield by CMRPC.

Mr. Foss explained the purpose of a Phase II study is to get a current “snapshot” of the site as it relates to DEP (Department of Environmental Protection) standards. Through the use of ground water monitoring wells, over 20 sample locations, soil borings, etc. they have learned that there are still some sites of concern remaining. A plume of ground water shows some levels of contamination and requires further steps to get to the level that the DEP requires us. Additional remediation is needed.

He continued his report by indicating that the petroleum in the ground water does not appear to be migrating easterly so the primary clean up focus will be in the northwest corner of the G.L. Finney property. No clean up plan has been developed at this time but this cleanup would address the abutting former Hope residence. The cost driver is not any metals found in the soil but the petroleum and how it affects ground water. Part of the next phase will be to prove that remedial actions will not cause future problems.

Ms. DiPrete explained that the Town next needs to determine the future use of the property. Phases I & II studies have been done with the Town working with the Finney’s; Phase III could also be done in partnership with the Finney’s and through a grant program. To qualify for a Brownfield remedial clean up program (the final phase), the Town must be the single applicant and must own the

property through tax title and not purchase. Chairman O'Connell said that the property in discussion has been taken by the Tax Collector and is in the hands of the Treasurer in Tax Title but no steps have yet been taken to foreclose.

Ms. DiPrete encouraged the Town to apply for funding for the next phase but the Town needs to discuss re-use opportunities that would support town priorities, protect the environment and drinking water of the residents, discuss if zoning changes would be needed, etc. She said that remedial action could include demolition of the building and that a historic resource analysis will need to be done.

CMRC has applied for further funding and expects to learn within the next month or so; applications will be due in October.

Mr. O'Connell thanked both for attending and expressed the Town's appreciation for the partnership with CMRPC.

**2. 7:15 PM BOARD OF DIRECTORS/WAGON WHEEL/USDA RD LOAN DISCUSSION**

Several residents of Wagon Wheel Park Cooperative were present for this discussion but had nominated Diane Chamberland, Park's Office Manager, and William Scanlan as their speakers to represent them. The purpose of this visit was to discuss possible articles to be on the 2012 Annual Town Meeting Warrant on behalf of the park.

It was explained that the Park was under a Consent Order from the DEP to install a wastewater treatment plant to replace their many septic systems. Some of their septic systems have failed but have since been repaired.

Because of certain test results involving their leaching area, they asked for and received an extension of time from the EPA (Environmental Protection Agency) and their new completion date is July 1, 2015. Instead of one large leaching area, they will now have two smaller ones and this has reduced the cost of the project somewhat. The new leaching areas will be off of Conestoga Trail and Maverick Drive.

They have paid for the first part of this program already but request the Town's help with the financing of the next phase. Mr. Scanlan explained that the Park is eligible for a USDA RD (United States Department of Agriculture, Rural Development) loan (and possibly a small grant) to pay for the waste water treatment plant but since they are a for-profit organization they cannot be the formal applicant. Their articles will ask the Town to borrow and pass through the money to them through betterment taxes.

The Park is on the agenda to meet with the Board of Health in early March and their engineer is working on the plans.

The first article would be to enter into a loan with USDA RD, although Town Meeting approval is not needed for the Selectmen to enter into a betterment agreement. The town can take a loan for up to 40 years making the short term cost less. The Park proposes to pay the Town back in 20 years and the Town could then either pay off the loan or take the next 20 years to complete the program. It was anticipated that the Town could make some profit through this process.

The second article is based on a recent vote of the Town of Warren in a similar situation. This article would establish a Betterment Reserve Fund and monies would be placed in a separate account and invested to create a surplus.

The Park would pay about \$129,000 per year for 20 years, including 1% interest and the Town would be the owner of the system. A contract would be necessary with the Park for the operation of the facility and operation costs would be passed to the Park.

Ms. Chamberland explained that the Park can get mortgage insurance that would cover any balance owed should they default. The park has raised their monthly fees by about \$100 already to cover costs and expects to add another \$100 monthly maintenance cost bringing the monthly cost to about \$315/month per unit.

Ms. Chamberland said that the Park had already looked into the feasibility of changing the status of the park from a corporation to a not-for-profit and found it not to be to their benefit. Mr. Scanlan is looking into the possibility of changing the status of the Park to "40B Housing" but he is not hopeful.

Everyone was reminded that, since these articles include a vote to borrow, a two-thirds Town Meeting vote versus a simple majority would be mandatory.

Mr. O'Connell suggested a tentative agreement be in place between the Park and the Board of Selectmen prior to Town Meeting at the expense of Wagon Wheel for legal costs of the Town. Mr. Scanlan said that this seemed reasonable and that the Park would work on this after their meeting with the Board of Health. He will also check to see if USDA RD will support a loan of over two million dollars, should the project costs require a larger loan.

All were thanked for their attendance.

*Old Business Reports & Updates:*

**3. DISCUSS TOWN'S OPTIONS RELATIVE TO COOLEY HILL RESERVOIR**

Mr. O'Connell opened the discussion by stating that the Water Superintendent, Mr. Bruce Clarke had become concerned of the water levels at the reservoir and had cleared away debris that reduced the water level to normal level (about 3 feet below the dam). Mr. Clarke is also concerned about the pipe that leads from the reservoir to the hydrant on Route 148. He asked if the Town had ever acquired a right-of-way for this pipe because he couldn't find any evidence of it. He is concerned of possible liability to the Town should the pipe break and proposed severing the pipe just below the dam to reduce liability. It was Mr. Clarke's opinion that the water level needed to be reduced still further. Mr. Comtois was reluctant to de-activate the hydrant. Mr. O'Connell indicated that a release of water may have to have the approval of the North Brookfield Conservation Commission.

It was agreed that Ms. Neylon would get the abutters names from the Assessors and research the deeds for information on an easement. She will also attempt to determine when the hydrant was first installed.

A walk-through of the site has been set for March 12<sup>th</sup> at 10:00 am. The attendants will include representatives of the Town and Mass. Audubon who will meet at the junction of Route 148 and Buxton Hill Road. Should the weather be uncooperative, the next date will be March 13 at 11:00 am.

Mr. Heller will contact someone from the North Brookfield Conservation Commission to find out what procedure to follow if we would let more water out of the reservoir.

**4. MUNICIPAL FACILITIES PLANNING COMMITTEE (MFPC) – DISCUSSION**

Mr. Comtois reported that the MFPC needed to know if there were any funds available for a cost analysis of the Town Hall. Mr. O'Connell explained that there would be an estimated \$11,000 in the Town Hall Improvement account that could be used after certain brick mason bills were paid. He believed that "Program Income" funds might also be used for this purpose.

The MFPC also was thinking about fundraising for both the Town Hall renovation and the new Police Station Construction. They believed they would need a "charge" for a committee of 5 to 9 persons. Mr. O'Connell said their goal should be reasonable and achievable.

Mr. O'Connell entertained a motion to appoint a fund raising committee to help with proposed Town Hall renovation/rehabilitation and construction of a new

Police Station; Mr. Comtois so moved; Mr. Heller seconded; so voted. Mr. Comtois will draft the committee's charge.

**5. DISCONTINUANCE OF OLD LAKE ROAD**

Mr. O'Connell reported that a 1956 Annual Town Meeting vote gave land to abutters in a specific area and approved the new layout of Lake Road; all abutters gained land from the new layout (ownership and responsibility). He believed this answered the concerns of Attorney Richard Neal, an abutter, and received approval from the Board to respond to him.

**6. SET DATES FOR 2<sup>ND</sup> QUARTER SELECTMEN'S MEETINGS**

The Board discussed the dates for their next scheduled meetings. Mr. Heller indicated that he would be out of town for the March 27<sup>th</sup> meeting. Although he may now attend via telephone, the other members agreed that they would rather have him present. Mr. O'Connell entertained a motion to cancel the March 27<sup>th</sup> meeting and re-schedule it to April 3<sup>rd</sup>; Mr. Heller so moved; Mr. Comtois seconded; so voted.

Mr. O'Connell entertained a motion to set the dates for the Board's regular meetings to be held on April 3, 10 and 24; May 8 and 22; and June 5 and 19; Mr. Heller so moved; Mr. Comtois seconded; so voted.

**7. APPOINTMENTS (TOWN ADMINISTRATOR STUDY COMMITTEE, RECREATION COMMITTEE, ETC.)**

Recreation Committee: Mr. O'Connell entertained a motion to appoint Gretchen Couture to the Recreation Committee with a term to expire on June 30, 2015; Mr. Heller so moved; Mr. Comtois seconded; so voted.

Town Administrator Study Committee (TASC): Mr. O'Connell noted that letters of Intent had been received from Ms. Mary Beth Harity, Ms. Cindy Mundell, Mr. Clarence Snyder and Mr. Kevin Erkkila for this committee which, according to the charge, may have up to seven members including a member of the Board of Selectmen. He entertained a motion to appoint the four noted persons all for a term to expire on June 30, 2013; Mr. Heller so moved; Mr. Comtois seconded; so voted. Mr. Heller moved that the representative from the Board of Selectmen be the Board's Chairman; Mr. Comtois seconded; so voted. This means that Mr. O'Connell will be a member of this committee at least until his term is completed on the Board of Selectmen.

Mr. O'Connell entertained a motion to approve changes in the Charge for this committee; Mr. Heller so moved; Mr. Comtois seconded; so voted. The changes included a completion date of August 1, 2012 instead of May 1, 2012 and allow the committee to revise their own charge.

**8. SAW MILL POND DAM (EXTENSION OF TIME, RFP, ETC.)**

Chairman O'Connell noted that the Town had received the requested extension of time. The next step is to work on the draft RFP (Request For Proposals) which will be reviewed at the March 13, 2012 meeting. Tim Simon of the Conservation Commission has contacted Beth Lambert who will meet him and Mr. Heller at the site on March 5<sup>th</sup>; it is anticipated that she will have some input that could help to save the Town money.

**9. FY 2013 BUDGET DISCUSSION**

Mr. O'Connell presented a draft agenda for the Board's budget meeting scheduled for Thursday morning, March 1<sup>st</sup> and Tuesday morning, March 20<sup>th</sup> in the Selectmen's office. The purpose of this meeting is to review the "smaller" budgets. The draft agenda was acceptable.

It was noted that no meeting had been set up to discuss the Cemetery Commissioner's budget so the March 15<sup>th</sup> date was chosen. The Administrative Assistant will set this up.

Mr. O'Connell asked the Board members to consider which of them will be the speakers for which department budgets at the Annual Town Meeting. It was agreed that those listed under "A,B,C" on the list would be Mr. Comtois' and those listed under "D,E,F" would be Mr. Heller's.

**10. SET FINAL DATE FOR RECEIPT OF ARTICLES FOR ANNUAL TOWN MEETING**

The following dates were approved by motion of Mr. Comtois; seconded by Mr. Heller:

Warrants available to the public	June 1 changed to May 24
Annual Town Meeting:	June 8, 2012
Warrant Book to Printer:	May 10, 2012
Warrant to Town Counsel:	May 3, 2012
Warrant recommendations:	April 26, 2012
Deadline for Article Submission:	April 5, 2012

**11. DISCUSSION: PROPOSED ROAD NAME CHANGES**

It was agreed to pass over this discussion until the March 13<sup>th</sup> meeting.

**12. DISCUSSION/ADOPTION: SOLAR FEES**

The Board received a reminder from the Building Inspector that he would like them to initiate fees for future solar projects. Mr. Heller agreed to talk with the Building Inspector and take this to the Solar Committee who is scheduled to meet next week. He will have a report and recommendation for the March 13<sup>th</sup> meeting.

**13. WRTA BUS SHELTER**

Mr. Heller had drafted pro's and con's of various locations throughout the village where a bus shelter could be located. The Worcester Regional Transit Authority (WRTA) will supply the shelter (through CMRPC) at no cost to the Town but the Town must supply the concrete pad and future maintenance of the shelter. The Board has discussed this topic several times with no resolution. After reviewing Mr. Heller's notes, the Board agreed that the most logical location would be on the Town's Mall, across from the Brookfield Congregational Church, and in the area where the bus currently stops. Mr. Heller agreed to take this proposal to the Banister Common & Mall Committee with the understanding that this location would probably be the location for the next three-to-five years or until their project on the Common & Mall begins. It is believed that the shelter would eventually (after construction of the new police station) be moved to Prouty Street. Photos of sample designs were brought to the meeting by Ms. DiPrete for the Board's consideration.

**14. TREE PLANTING - R. HELLER**

Mr. Heller reported that National Grid is still taking down trees and are not ready to plant yet. Mr. Heller will ask the Tree Warden's opinion of trees that have zero-to-low maintenance. The cost of pruning must be a consideration of the type of trees chosen.

**15. SIGN CHAPTER 90: PROJECT REIMBURSEMENT REQUEST**

Mr. Heller moved to sign the Chapter 90 Project Reimbursement Request in the amount of \$32,133.37; Mr. Comtois seconded; so voted. This is a follow-up document to the Chapter 90 Project Request of \$32,133.37 for work done on Lincoln and Common Streets under the CDBG-R grant signed at the Board's January 31, 2012 meeting.

*Correspondence:*

**16. GIFT OF COMPUTER & SCANNER TO HISTORICAL COMMISSION**

Mr. O'Connell entertained a motion to accept with appreciation a recent donation of a computer and scanner with an approximate value of \$100; said computer-scanner for the use of the Historical Commission; Mr. Heller so moved; Mr. Comtois seconded; so voted.

*Other:*

**17. TOWN HALL MASONRY WORK**

Masonry quotes for repair of the stairway at the eastern front of the Town Hallway were received from C&C Masonry and reviewed. Mr. Comtois said that he would get another bid in time for the March 13<sup>th</sup> meeting so no other action was taken at this time.

**EXECUTIVE SESSIONS**

At about 8:45 pm, Mr. O'Connell entertained a motion to go into executive session under Exemption 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" and to return to Open Session only to adjourn; Mr. Heller so moved; Mr. Comtois seconded; so voted with Mr. Comtois, Mr. Heller and Mr. O'Connell each voting "Aye."

**ADJOURNMENT:**

At 10:00 pm, Mr. Comtois moved to adjourn the meeting; Mr. Heller seconded; so voted.

Respectfully submitted

Donna L. Neylon, Administrative Assistant

Approved: April 3, 2012