

**Town of Brookfield
Selectmen's Meeting - Regular
Town Hall, Banquet Room
Tuesday, March 13, 2012**

Mr. O'Connell called the meeting to order at 6:30 pm 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, Jennifer Grybowski

Public: Barbara Wilson, John David Holdcraft, Kenneth Cleveland, Police Chief Michael Blanchard, James Correia, and Patricia White

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 3/6/12: \$171,081.66

APPROVE EXPENSE WARRANT for 3/13/12: \$45,513.66

APPROVAL OF SELECTMEN'S MINUTES:

The approval of the minutes of February 18 and 28 and March 1 and 8 were passed over.

MONTHLY REPORTS & MINUTES OF OTHER DEPARTMENTS:

Mr. O'Connell entertained a motion to acknowledge receipt of the below-listed monthly reports and minutes; Mr. Heller so moved; Mr. Comtois seconded; so voted.

EMS: February 2011

Banister Common/Mall Committee: 12/19/11

Town Hall Custodian: February 2012

Police Department: January 2012; February 2012

ANNOUNCEMENTS:

Several announcements were read by Chairman O'Connell including the schedule for the 2012 Annual Town Elections, brush burning season and the Rabies Clinic scheduled for March 24th.

Public Access Period:

John David Holdcraft: Mr. Holdcraft gave each of the Selectmen a letter regarding a complaint(s) that he had about the Highway Superintendent and requested a formal hearing. Since the Board had just received the letter, Chairman O'Connell said that the Board would read the letter and take it under advisement; there would no action tonight.

Agenda:

New Business:

1. **6:45 pm** **APPOINTMENTS: TOWN ADMINISTRATOR STUDY COMMITTEE; RESERVE POLICE OFFICERS**

Town Administrator Study Committee: Since the final appointments to this committee had been made at a meeting with no camera present, Chairman O'Connell named the list of members of this now complete committee: Kevin Erkkila, Mary Beth Harrity, Chantal DeGrace Hirtle, Mary Lou Knight, Cindy Mundell, Clarence Snyder, and Peter O'Connell to represent the Board of Selectmen.

Reserve (part-time) Police Officers: Chief Blanchard presented the Selectmen each with a packet of letters and resumes from four individuals that he recommended they appoint as Reserve Officers. He recommended that their term begin immediately and expire on June 30, 2012 along with a probation period of one year from today.

Following a discussion of qualification which showed that all applicants are Academy trained and first responders, Mr. Heller moved to accept Chief Blanchard's recommendation and appoint Ryan Downing, Brandon Fullam, Charles Reardon, and Joel Wilson each as a Reserve (part-time) officer for the Town of Brookfield with an initial term of March 13, 2012 through June 30, 2012 and a starting rate of \$13/hour with a one year probation period to end on March 13, 2013; Mr. Comtois seconded; so voted.

The Officers will see the Town Clerk this week to be sworn in before they begin their duties and they will attend the April 3rd Selectmen's meeting to meet the Board.

2. **7:00 PM** **BRIDGE CONSTRUCTION OVER QUABOAG RIVER**

Mr. and Mrs. James Correia (James Correia and Patricia White), owners and operators of White's Landing and abutters of the bridge project area were present to discuss proposed alterations to their property as a result of this project.

Chairman O'Connell noted that a site meeting will be set up between the Mr. & Mrs. Correia, Selectman Comtois, Water Superintendent Bruce Clarke to discuss the design as it affects the White's Landing property but Mr. & Mrs. Correia wanted to talk to the Selectmen first. Mr. Correia had the following questions for the Board:

a) Has the Board of Selectmen reviewed the plans? The answer was yes, the Board reviewed the plans at a meeting with the DOT (Department of

Transportation) at their offices. At this meeting it was agreed that there would be a special meeting with Mr. Correia before the 25% public hearing.

b) What happens if we can't agree? Mr. Comtois said the plan submitted at this time is only a proposed plan and the Board is willing to work with the Mr. & Mrs. Correia.

Mr. Correia said that they have "very, very serious concerns regarding the impact on their property"; it is "unacceptable to alter the lot the way proposed"; nothing good in the way they have raised the grade"; are "cutting parking to less than half"; and "retaining wall very close to the new porch".

"You say you aren't in favor of taking land, yet this plan has permanent and temporary takings". You are "decimating our ability to get vehicles in and out". How will raising the land around the tight tank affect it?

Chairman O'Connell assured Mr. & Mrs. Correia that this plan is only a draft; they (the Selectmen and the DOT engineers) are trying to work with them; that in this draft the engineer has tried to accommodate the objections raised by Mr. Correia in the past.

Mr. Correia said that nothing in the plan meets with their satisfaction and that anything that is done renders the property "un-functional" for their purposes. He commented that the current design prevents him and others from driving right to the river and that this was important not only for buses of customers but had been used by search and rescue vehicles in the past.

It was agreed that Mr. Comtois would set up a site meeting for one morning this week and would contact Mr. Correia tomorrow. When asked by Chairman O'Connell to put on paper what changes he would like, Mr. Correia said that nothing to do with raising the grade would be acceptable.

3. ESTABLISH A PROCEDURE FOR PERFORMANCE REVIEWS

A narrative-type review format has been used since 2009 and the Board agreed to continue use of this same format. It was agreed that the blank form would be forwarded to each department head; they will be told which Selectman will meet with them after they submit their comments. The Selectman will incorporate their comments in his draft and present to the entire Board. Once the Board agrees on the review, it will be returned to the department head for his/her comments and signature. Reviews will be completed as soon as possible.

The following is the breakdown of reviews:

Peter O'Connell:

Police Chief, Michael Blanchard; Administrative Assistant, Donna Neylon; Treasurer, Sheila Frangiamore; Town Accountant, Betty Benoit; and Animal Control Officer, Eileen Vitello

Rudy Heller:

Highway Superintendent, Herbert Chaffee; Zoning Enforcement Officer, Gary Simeone; and Plumbing & Gas Inspector, Robert Wall

Steve Comtois:

Fire Chief, Peter Martell; EMS Chief, Donna Lafleur; Building Inspector, Jeffrey Taylor; and Veteran's Agent, Bryan Griffing

4. FACILITIES USE REQUEST (BANQUET ROOM & KITCHEN FOR JULY 23 – 27)

The Board considered a request from Brookfield Congregational Church to use the facilities for Vacation Bible School in the event of rain from 9:00 am to Noon the week of July 23 – 27. Mr. Heller moved to approve the request as long as it doesn't conflict with other standard groups scheduled for the building; Mr. Comtois seconded; so voted.

5. UNEMPLOYMENT INSURANCE PAYMENTS

Chairman O'Connell explained that the Town had received correspondence from Ms. Joanne Goldstein, Secretary of the Executive Office of Labor and Workforce Development, asking us and the other 350 towns in the Commonwealth to inform her of issues we have been having relating to the inappropriate collection of unemployment insurance. He explained that he and the Treasurer would like to co-draft a response. Mr. Heller moved to authorize Mr. O'Connell to write such a letter and send it to the Board members for review; Mr. Comtois seconded; so voted.

6. AWARD CONTRACT RE: MILL-STATION PARK BROWNFIELD PROJECT

Following a statement (attached) explaining the history of the project, which was read by Brownfield Steering Committee member, Donna L. Neylon, Chairman Peter O'Connell reviewed the bid opening of March 8th by stating that ten (10) bids had been received with the low lump sum base bid of \$91,510 and the highest at \$147,000. Earlier today, the Selectmen received a letter from Fuss & O'Neill who, following a careful review of the bid documents and reference checks, recommended that the project be awarded to Precise Paving, Inc. of 405 Palmer Road, Palmer, MA with their lump sum base bid of \$91,510 and Alternate 1 Unit Price Bid for Chain Link Fence of \$6,500 and Alternate 2 Unit Price Bid for Contaminated Soil Removal of \$1,000.

Mr. Comtois moved to award the project to Precise Paving, Inc. of Palmer and to authorize the Chairman to sign the Notice of Award and Contract as soon as they are ready; Mr. Heller seconded; so voted.

Chairman O'Connell expressed the Board's appreciation to Administrative Assistant, Donna Neylon, who has followed this project for the past 8 years by working with the engineers and various state and federal agencies, applying for grants and writing the last RFP (Request for Proposal).

Old Business Reports & Updates:

7. REVIEW & DISCUSS PROJECT AND DRAFT RFP FOR SAW MILL POND DAM PROJECT

Mr. O'Connell attended a site meeting recently and met Beth Lambert who is the River Restoration Program Coordinator, Division of Ecological Restoration, MA Department of Fish and Game. From this meeting he learned that the Town can request funding for hiring an engineer to give us the cost of breaching the dam, even in advance of the Phase II report; we have only to write a letter requesting the funding. Mr. Comtois moved to authorize the Chairman and Administrative Assistant to send such a letter; Mr. Heller seconded; so voted.

He also learned that the Town can apply for funding as a "priority projects program" to the Fisheries and Wildlife, Division of Ecological Restoration, and they will determine which towns they have time and funding to work with to explore all options. It was the consensus of the Board that it was presently too early in the process to apply for this funding.

8. DISCUSSION: PROPOSED ROAD NAME CHANGES

Ms. Neylon reported that, years ago, she had seen a road name changed by vote of Town Meeting in Oakham but had found that in 1994 in Brookfield, a road name was changed by vote of the Selectmen. She was unable to locate anything in the state laws and apparently, there is no formal ruling on this although she recommended the Town Meeting method.

This matter came up as a result of a message from Mr. Wilfred Steadman suggesting a road name be changed from Rice Corner Cross Road to R.C. Cross Road. As Mr. Heller had agreed to discuss the matter with Mr. Steadman when this was brought up on the February 14, 2012 agenda, it was agreed to take no action until after Mr. Heller had spoken with Mr. Steadman.

It was noted that there was some confusion with names of roads in other areas and that the Highway Superintendent also had some concerns. The Board asked the public to send their comments and suggestions to the Selectmen's office for a future agenda discussion.

9. WRTA BUS SHELTER

This was passed over because the Banister Common & Mall Committee hasn't met yet; Mr. Heller will attend and report back. He was to discuss with the committee members the option of placing the bus shelter on the Mall, at least temporarily.

10. TREE PLANTING

Since the Town isn't ready to plant new trees just yet but will apply to DCR (State Department of Conservation and Recreation) once we are ready.

Mr. Heller will make the Banister Common & Mall Committee aware of this funding which can also be used for planting on Lincoln and Common Streets.

11. TOWN HALL MASONRY WORK

The mason that Mr. Comtois had contacted had not contacted the Administrative Assistant, or submitted a quote. Mr. O'Connell entertained a motion to award the project of repairing the bricks at the east entrance of the Town Hall to C&C Masonry and Restoration of Leicester at the quoted cost of \$3,400; Mr. Heller so moved, Mr. Comtois seconded; so voted.

12. FY 2013 BUDGET & ANNUAL TOWN MEETING ARTICLE DISCUSSION

This discussion began with a reminder of the joint meeting with the Advisory Committee which will be at the Elementary School at 7:00 pm on Thursday, March 15th. Chairman O'Connell reviewed actions taken at the last joint meeting: 1) reduced the municipal heat & maintenance account request from \$50,000 to \$40,000; 2) reduced the Transfer Station expense/wage budget request by \$15,000, and 3) made other modest reductions for a total reduction of about \$26,000. Action taken at tonight's meeting:

- Fire Department Articles: There are four submitted: air bottle replacement \$7,500 (reduced to \$5,000); Repairs to Engine Three \$14,500; Vehicle Replacement: \$100,000 and Vehicle Replacement \$52,500. Mr. Heller moved to approve the placement of the article for air bottle replacement (\$5,000) and repairs to Engine Three (\$14,500) to the warrant for the Annual Town Meeting (ATM); Mr. Comtois seconded; so voted. The Selectmen agreed to refer the other two articles to the Capital Improvement Planning Committee.
- It was agreed to remove the proposed article for funding for \$37,133 for the CDBG-R account and request that any unpaid amount be paid from either the Reserve Fund or covered from unspent FY 12 balances.
- Legal costs relative to rights-of-way (ROW) for Quaboag River Bridge construction: Mr. O'Connell suggested funding this from either the Legal Services Account or the Tax Title Accounts rather than as a separate article. No action was taken but it was noted that Mr. Bruce Clarke had spoken with one of the other abutters (Roland Blake) who would be cooperative with the needs of the town relative to easements and ROW's needed for the project.

- Consultants: Mr. O'Connell suggested either eliminating this article (\$5,000) or reduce or eliminate the \$10,000 request for consultants in the Selectmen's budget. No action was taken.
- Legal Services Account: Mr. Heller moved to include this as a level-funded line item at \$50,000; Mr. Comtois seconded; so voted.
- Stabilization: Mr. O'Connell recommended that the Town defer restoration of \$83,127 to Stabilization until such time as FEMA (Federal Emergency Management Agency) and Hurricane Irene reimbursements are received. Mr. Heller so moved; Mr. Comtois seconded; so voted.
- Brownfield Mill Street Account: There is a balance of about \$9,800 in this account; since the money will not be used to complete the project, Mr. O'Connell suggested using this money to pay for some other articles that were currently proposed, i.e. the purchase of a new photocopier and fax machine for the Town Hall and for other low-funded articles. Mr. Heller moved to remove the article for the new Town Hall photocopier and new fax machine for the Town Hall to the Special Town Meeting warrant and fund from the Brownfield Mill Street Account; Mr. Comtois seconded; so voted.
- Regarding the proposal to combine positions within the Cemetery, Transfer Station and Highway into one full-time position: It has been suggested that the position also include groundskeeper for the Recreation Department; this could eliminate \$1,200 from the Recreation Committee's budget. Mr. O'Connell suggested that if this position is created, that the Town get commitments from the various departments for the sale of duplicative capital equipment. The Recreation Committee is holding their meeting tonight so no action was taken. Mr. O'Connell said that he believed this was an opportunity to formalize cooperation between the noted departments, as long as there is no increase in the bottom line.
- Road Reconstruction: Mr. O'Connell recommended asking the Highway Superintendent to carry over \$8,000 of the unspent money currently in this account Heller moved to reduce this amount to \$32,000; Mr. Heller so moved; Mr. Comtois seconded; so voted.
- Chairman O'Connell also suggested exploring whether or not the Highway Department could cover some or all of the costs of reconstructing the Recreation Department's road sometime within the next two years. This could allow eliminating the request for this \$15,000 from the FY 13 budget. Mr. Heller agreed to explore this with the Highway Superintendent.
- There is a proposed article for \$7,500 for line painting and Mr. O'Connell asked the Highway Superintendent if the \$7,500 for line painting in FY 12 meant that the request for FY 13 could be eliminated. The Superintendent indicated that he felt the line painting was necessary.
- Mr. Heller moved to include a place holder for a possible article on the Special Town Meeting Warrant which would ask for about \$2,400 to be used for the purchase of a computer and hard drive system to be used for archiving all municipal e-mails, he suggested the funding be transferred

from the balance in the Brownfield Mill Street Account; Mr. Comtois seconded; so voted.

13. DISCUSSION: POSSIBLE SALE OF COOLEY HILL RESERVOIR & RELATED TOPICS

Mr. O'Connell reported on a site meeting earlier this week with representatives of Massachusetts Audubon, himself, and Bruce Clarke, Water Dept. Superintendent. Bruce Clarke and Donald Herbert had marked the boundaries very clearly and had managed to locate all except two. Audubon requested the Town's permission to bring their team to the site to evaluate it in preparation of a proposal. Mr. O'Connell entertained such a motion; Mr. Heller so moved; Mr. Comtois seconded; so voted.

Research had been conducted and the easements for the site had been located. The Audubon representatives indicated that they would have no need for the pipe from the former reservoir to the hydrant on Route 148. Mr. Clarke recommended cutting, capping and draining the pipe to relieve the pressure. The Fire Department has no need for this hydrant and has no intention of using it. Mr. Comtois said that he wanted to wait before cutting the pipe; Mr. Heller said he wanted to act on Mr. Clarke's recommendation.

Mr. Heller moved to authorize the Water Department Superintendent to cut, cap and drain the pipe to the hydrant at a time and place that he determines and contingent upon the designated effectiveness of the shut off valve; Mr. O'Connell seconded; so voted with Mr. O'Connell voted aye; Mr. Heller voted aye; Mr. Comtois voted nay.

Further, Mass. Audubon wanted to be assured that the Town did not expect "a financial windfall" from the transfer of title of this property. They prefer not to breach the dam and would plan to install a "beaver deceiver". This is because that their title to the surrounding property does not allow hunting but mandates the property be kept agricultural. In areas of former agricultural land when a pond is drained, the area is invaded by invasive species. Audubon will correspond with the Town once their assessment is completed.

Mr. O'Connell was also informed by the Audubon representative that the Office of Dam Safety (ODS) was aware of the dam and that they (the ODS) believed that the dam belonged to Audubon. Audubon has corrected this assumption with ODS.

14. CONTINUATION OF DISCUSSION OF BROWNFIELD PHASE II REPORT ON G.L. FINNEY PROPERTY/CMRPC BROWNFIELD GRANT APPLICATION

Chairman O'Connell thanked the Quaboag Current for the excellent article written by Jennifer Grybowski about the G.L. Finney Brownfield Project and explained that the next phase would give potential clean up costs and would make the site more desirable as a retail business location.

Mr. O'Connell entertained a motion to submit the application to CMRPC (Central Massachusetts Regional Planning Commission) for funding for the next phase of the G.L. Finney Brownfield project; Mr. Heller so moved; Mr. Comtois seconded; so voted.

15. FUNDRAISING COMMITTEES FOR MUNICIPAL PROJECTS

Since the last meeting, it has been learned that a municipality may not establish a fundraising committee; it needs to be comprised of volunteers and set up by volunteers. Therefore, Mr. Heller moved to rescind the motion of the last meeting where the Board voted to establish a fund raising committee; Mr. Comtois seconded; so voted. It was noted that Mr. William R. Simpson has volunteered to establish such a committee whose goal it will be to raise funds towards renovations of the Town Hall and for a new Police Station.

16. BANISTER COMMON/MALL SURVEY

The surveyor that was contracted by the Banister Common & Mall Committee has experienced some problems locating information old enough to establish boundaries of the Common and Mall. Mr. O'Connell said that the Administrative Assistant has since sent several e-mail with information that could help the surveyors and there appears to be nothing further to do at this time.

Correspondence:

17. SENATOR BREWER LEAD SPONSOR OF SENATE BILL S914: "AN ACT TO PROTECT VOLUNTEER FIREFIGHTERS FROM DISMISSAL"

Correspondence was received from Senator Brewer indicating that he not only support the proposed additional protection for volunteer firefighters, he is one of the sponsors of Senate Bill S914 "An Act to Protect Volunteer Firefighters from Dismissal".

Other:

18. DEFICIT SPENDING – SNOW & ICE ACCOUNT

Chairman O'Connell had learned that the Highway Superintendent may deficit spend wages but not supplies and has so advised the Superintendent who

recommends waiting to see if any action is needed before voting to deficit spend the Snow and Ice Account. Superintendent Chaffee, has enough in his budget to cover known expenses. The Selectmen can vote to deficit spend expenses after the fact, if necessary.

19. REQUEST TO USE TOWN COUNSEL (SOLAR COMMITTEE)

Mr. Heller reported on the progress of the Solar Committee who is ready to finalize a contract with EPG Solar. The committee requests permission to use Town Counsel for this process and expect to need Counsel's presence for at least two meetings. Mr. Comtois moved to authorize the Solar Committee to use Town Counsel; Mr. Heller seconded; so voted.

Other:

20. SOLAR FEES

Recommended fees had been submitted by the Building Inspector but the Board had postponed action on the fees until the Solar Committee could weigh in. Mr. Heller reports that the Solar Committee has no recommendation. During the discussion, the question of whether the \$75 for a resident and/or \$5/thousand valuation for a commercial project also included inspections by the Plumbing & Gas Inspector or the Electrical Inspector (or even if these inspections would be needed). Mr. Comtois will investigate and report back at the April 3, 2012 meeting.

ADJOURNMENT:

At 8:40 pm, as no Executive Session was needed, Mr. Comtois moved to adjourn the meeting; Mr. Heller seconded; so voted.

Respectfully submitted

Donna L. Neylon, Administrative Assistant

Approved: April 3, 2012