

**Town of Brookfield
Selectmen's Meeting
Town Hall, Banquet Room
Tuesday, May 22, 2012**

Mr. Comtois called the meeting to order at 6:35 pm led the group in the Pledge of Allegiance. Other members present: Nicholas M. Thomo. Mr. Heller was excused.

Camera Operator: Sharon Mahoney
Press: Jennifer Grybowski, Karen Trainor
Public: John David Holdcraft, Patricia White, Sheila Frangiamore, Donald O'Clair

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

APPROVAL OF WARRANTS:

Mr. Comtois entertained a motion to ratify the below listed warrants; Mr. Thomo so moved; Mr. Comtois seconded; so voted.

RATIFY PAYROLL WARRANT for 5/15/12: \$186,752.92
APPROVE EXPENSE WARRANT for 5/22/12: \$118,103.35
And also for 5/22/12 approve: Personal Property Refunds \$77.48; Real Estate
Tax Refunds for 2012 \$6296.36; \$5,360.90; \$2,150.86 and Wire Transfer \$11.24

APPROVAL OF SELECTMEN'S MINUTES:

The Board passed over approval of the May 8, 2012 minutes until their next meeting.

MONTHLY REPORTS & MINUTES OF OTHER DEPARTMENTS:

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

Certificate of Accomplishment – Water Department
Town Administrator Study Committee: 5/1/12

ANNOUNCEMENTS:

Chairman Comtois read aloud only the announcement regarding donations to the Brookfield Ecumenical Food Pantry and suggested that the other announcements could be read on the Town's website or the printed agenda. The other announcements included voter registration for the Annual Town Meeting, the Memorial Day Parade agenda, an invitation to Veterans for a Memorial Day observance at Tantasqua Junior High School, and the Brookfield Garden Club's Annual Plant Sale.

Public Access Period:

Patricia White: Although Ms. White missed the Public Access Period at the beginning of the meeting at the end of the meeting and following a unanimous vote to

allow her to speak Ms. White said that she wanted the Selectmen and the Town to know that she and her husband (owners of Whites Landing) were not opposed to the Quaboag River Bridge project itself but were opposed to the extent that the project would impact their property. They believe that the project “will most likely put us out of business”. She noted that most descriptions of the project only talk about the bridge and not the changes to the roadway. She complained about the language of the Article to be presented to the voters at the Annual Town Meeting stating that it was “so open-ended that anything can happen”. She said that she “expects that the Town will take Whites Landing by eminent domain”. Selectmen Comtois and Thomo each assured Ms. White several times that they have no intention of taking Whites Landing by eminent domain.

No one else spoke during the Public Access period.

Agenda:

1. REPORTS OF THE TREASURER – S. FRANGIAMORE

Sheila Frangiamore, Town Treasurer, attended the meeting to report on a few different issues:

- She is working with UniBank toward the consolidation of debt; they will do the search for the best rates for us and at no charge.
- She has learned that the teachers union is within its rights to request a two-tier program and she asked the Selectmen if they would guarantee the current plan for two years. Mr. Thomo moved to guarantee the plan for one year only; Mr. Comtois seconded; so voted.
- Personnel Changes:
 - a) It has come to her attention that personnel have been hired by the Board of Health and Cemetery Commissioners without the necessary paperwork which includes Wage Authorization Forms (WAF). One employee was started at less than 20 hours per week but this has expanded over time to about 30 hours per week. There is little documentation on the hiring. She asked the Selectmen to allow the individual to continue to work for the Town until the end of the current fiscal year. In the meantime, the department(s) involved will need to bring a completed job description and WAF to the Personnel Board, post the position, conduct interviews and have the Selectmen appoint/ratify the appointment of the new hire. The Selectmen agreed to this. Ms. Frangiamore will notify the boards involved.
 - b) Due to the Annual Town Election, the Treasurer has lost her Municipal Clerk. Because of the upcoming audit and other on-going projects, Mr. Comtois authorized the temporary hire of Ms. Lindsay Holm. However, Ms. Frangiamore wanted it known that even though this will not be a 20 hour/week position; she will follow the above outlined procedure when hiring someone for the “permanent” position. This person will also work up to 5 hours per week for the Administrative Assistant.

- c) It was agreed that Ms. Frangiamore should ask the Personnel Board to develop a policy regarding hiring employees who work 20 hours/week or less.
- d) These matters will be followed up on the June 19th agenda.

2. **APPOINTMENT FOR CEMETERY COMMISSIONERS & BOARD OF HEALTH/TRANSFER STATION; CONSERVATION COMMISSION; ZBA MEMBER**

- Appointment For Cemetery Commissioners & Board Of Health/Transfer Station – No Action (see Personnel Changes above)/
- Conservation Commission: Mr. Thomo moved to re-appoint Ms. Carrie Worthington to the Conservation Commission with a term to expire on June 30, 2012; Mr. Comtois seconded; so voted.
- Banister Common & Mall Committee: Mr. Thomo moved to re-appoint Ms. Diane Oliver-Jense to fill a vacancy on the Banister Common & Mall Committee with a term to expire on June 30, 2015; Mr. Comtois seconded; so voted.
- Personnel Board: Mr. Thomo moved to appoint Ms. Marlaine Burbank and Mr. Philip Peirce to the Personnel Board, each with terms to expire on June 30, 2015; so voted.
- Zoning Board of Appeals: No nominations were received to be acted upon.

3. **7:00 PM DONALD O’CLAIR – CLASS II LICENSE REQUEST**

Mr. O’Clair was present to let the Selectmen know that he intended to request for a license from them. Chairman Comtois explained to Mr. O’Clair that permits that he had previously received (Conservation Commission and Zoning Board of Appeals) had expired and that he would need to begin the entire process again. Mr. O’Clair’s request for a Class II and Class III Auto Dealer license had been denied by a previous Selectboard primarily because there was no business at this location and that he had stated he intended to sell the property that way. Mr. O’Clair said that he wanted to put in a temporary office and will ask permission for a used car lot business to be conducted in the front/street section of his property at Quaboag Street. Mr. Comtois assured Mr. O’Clair that he personally had no objection to the business so long as the proper procedure was followed and that there were no legal objections.

4. **FINISH PERFORMANCE REVIEWS**

Since Mr. Heller was not present, the Board agreed to pass over the performance review until the June 5th meeting.

5. **SIGN WARRANTS FOR ANNUAL AND SPECIAL TOWN MEETINGS (BOTH JUNE 8TH)**

Mr. Comtois entertained a motion to approve and sign the Warrant for the June 8th Annual Town Meeting and the Warrant for the June 8th Special Town Meeting; Mr. Thomo so moved; Mr. Comtois seconded; so voted.

6. **PROJECTS PENDING FOR BOS & “POINT PERSON”/DEPARTMENT LIAISON DESIGNATION**

Since Mr. Heller was not present, the Board agreed to pass over choosing “point persons” until the June 5th meeting.

7. **5/30/12 BOS MEETING TO OPEN & REVIEW BIDS (SAW MILL POND DAM PROJECT)**

Administrative Assistant, Donna Neylon, asked the Board how they wanted to handle choosing the contractor for the Phase II of the Saw Mill Dam project. She suggested that they could be present at the bid opening and choose three or four companies to interview and then conduct the interviews themselves on Monday, June 4th or they could authorize a committee to do this for them. She explained that the cost proposal part of the procedure could not be opened until the company was chosen and that this needed to be done prior to the June 8th Annual Town Meeting so that a number would be known for the relevant funding article. The Board chose to not appoint a committee but to handle the procedure themselves. They authorize Ms. Neylon to post a Special meeting of the Board of Selectmen for Wednesday, May 30th at 1:00 pm and for Monday, June 4th at 9:30 am for matters relative to the Saw Mill Pond Dam project.

8. **CENTRAL MASSACHUSETTS REGIONAL PLANNING COMMISSION (CMRPC) BALLOT**

It was agreed that since there was an upcoming deadline when the annual election ballot should be completed and returned that Mr. Comtois and Mr. Thomo would each review the ballot and have their recommendations for the Special Meeting to be held on Wednesday, May 30th.

9. **GUERRIERE & HALNON, INC. RE: SURVEY OF TOWN COMMON**

The Board again reviewed the letter from Guerriere & Halnon, the company that had been hired to conduct the survey of the Town Common as part of the project research being conducted by the Banister Common & Mall Committee. The surveyor has had great difficulty determining the history of the layout of the streets around the Common and believes they “simply happened”. Their letter (attached) advised the Selectmen to either (1) retain someone to review the old Town Meeting minutes to attempt to locate information regarding how the streets

became public ways and if there is a document outlining the layout or (2) discuss alternatives (M.G.L. Chapter 86, Section 2) with Town Council. Mr. Comtois suggested forwarding the letter to the Banister Common & Mall Committee for their recommendation and Mr. Thomo agreed. Ms. Neylon suggested that they might find a volunteer or volunteers to review the old minute books.

10. G.L. FINNEY BROWNFIELD PROJECT DISCUSSION

At a previous Selectmen's meeting, Ms. Neylon was charged with contacting the Massachusetts Department of Environmental Protection (DEP) to see if the Town became the owner would they would release the \$177,751.99 lien that they've had against the G.L. Finney property for about the last eight years. The answer as sent to the Selectmen in an e-mail indicated: *"if the Town keeps the property (for a short time or long time), the Town is the acquirer and the acquirer of the property could make the DEP an offer. The offer would be based upon the dollar value of the property when clean minus the cost to clean up the property – the difference is the value in its current state. He did say that getting the property cleaned up is a priority of theirs; they would like to see the Town get it cleaned up and are willing to work with us. He also told me that when this property goes to Land Court (as part of the tax title process), the DEP's lien would be taken into consideration. Of course, the Town's lien would also be in consideration and he suggested that we find out from Town Counsel which lien would have priority over the other as both liens are considered "priority liens".*

Chairman Comtois asked if Mr. Thomo had any objection to reading Mr. Heller's e-mail response and he had none. Mr. Heller said: *"I apologize for not being at the meeting but appreciate the opportunity to express my opinion.*

I believe that one way or another, it will be the Town's responsibility to clean up this property. The present owners do not have the wherewithal to pay for a cleanup. Nobody is going to purchase it with that lien on in by the DEP, a lien by the Town for back taxes and the cost (which could be very high) to clean it up to the point where it could return to the tax rolls.

That is my reasoning for believing that at some point, it will be the town's responsibility. So I hope that we continue pursuing the cleanup process with CMRPC and either DLTA funds or any kind of funding that they can help us get for a total cleanup.

By reading Donna's notes, Luke and the DEP are encouraging us to continue cleaning it up and they will work with us to make it happen. The DEP is much more interested in a clean site than in any dollars, and if we have to spend money to clean it up, it seems like they would forgive the lien altogether.

I appreciate the chance to express my opinion and thank the Chairman and Mr. Thomo for that. Rudy"

Mr. Thomo moved that the Board authorize the Administrative Assistant to apply with Central Massachusetts Municipal Planning Commission (CMRPC) for a grant to conduct a Phase III (Remedial Action Plan) on this property; Mr. Comtois seconded; so voted.

11. REPORT ON MAY 15 MASSDOT PUBLIC HEARING – S. COMTOIS

Since Mr. Comtois was unable to attend the MassDOT Public Hearing held on May 15th, he gave the floor to Mr. Thomo who said that he believed there were about 50 or 60 persons present. Representatives of MassDOT explained the design and cost of the project. The owners of Whites Landing spoke their opposition to the project. Mr. Thomo said that he felt that if the Townspeople do not vote in favor of the project that the State will walk away from the project and leave the costs to the Town. MassDOT and the Selectmen are willing to work with the Correia's (owners of Whites Landing) toward a successful project.

It had been learned that the Correia's had written something against the project and it will be in the Brookfield Citizen's next issue. Mr. Heller drafted a response and sent it to the Board to decide if it should be from the entire board or would it be just from himself. It was agreed that the article would have the Board's support so long as it is clarified that not all of the board is in favor of eminent domain. Here is the article as agreed upon and submitted:

“Dear Brookfield Voters,

ARTICLE 22 at the June 8 Annual Town Meeting deals with the Route 148 bridge over the Quaboag River.8. Mass Dept. of Transportation (Mass DOT) inspectors have determined that this 80 year old bridge is at a significant risk of bridge failure especially when fire engines, trucks and school buses cross the bridge.

Even though the Town owns the bridge, the State has offered to provide \$3.7 million to design and construct a replacement bridge at no cost to the Town if the Town obtains temporary and permanent easements from property owners whose land will be affected by the construction. Article 22 asks that the voters give the Board of Selectmen the authority to negotiate a final bridge design with the Mass DOT and to acquire the rights of way from property abutters through gift, purchase, or eminent domain as a last resort if an agreement cannot be reached with a particular property owner.

On May 15 in the Town Hall, the Mass DOT presented its 25% concept design for the bridge and obtained feedback from voters about design changes. The Mass DOT had previously held three other meetings with Town officials and with Jim Correia and Patti White of White's Landing, who have expressed concern about the impact of the current bridge design on their property. If the Town gives approval at the June 8th Annual Town Meeting, the Mass DOT will then

incorporate changes into the design and have further discussion with the Selectmen at the 50% and 75% design stages. Once the final bridge design is complete, the Selectmen will obtain appraisals for any negative impact on abutting properties and negotiate final agreements for easements from four abutters. .

The bridge would be moved about 10 feet east to smooth out a curve in the road and to improve safety. State design standards require that a new bridge have a single span rather than two spans resting on a bridge abutment in the middle of the River as it now does. Additionally, the bridge must be raised on the southern end to allow the bridge to pass a 50 year flood and on the northern end to eliminate the big dip between the two bridges thereby improving sight lines for drivers exiting Mill Street onto Route 148. The increased height of the bridge on the south side would necessitate drainage work on the White's Landing property owned by Jim Correia and Patti White. In response to their objections to the initial bridge design, the Mass DOT has lowered the south end of the bridge from the height it originally proposed and has indicated that it will consider further design changes requested at the public hearing.

As a result of a year of discussions, the current design for the new bridge has some very positive features:

- *A structure for the Town to add a water line under the bridge to bring Town water to residents on the south side of Town;*
- *Sidewalks on both sides of the bridge and a crosswalk at White's Landing address pedestrians' and bicyclists' safety concerns;*
- *A new kayak and canoe launch and parking area constructed by the State on the northwest corner of the bridge will connect nicely with the Town's new Mill Street park, improve safety by vehicles exiting and entering the area from Route 148, and encourage foot and bike traffic, with positive impact on White's Landing; and*
- *The removal of the center pier in the river, bringing the river closer to its original state and making it easier for boaters to pass under the bridge.*

The bottom line is that the bridge needs to be replaced. A vote in favor of Article 22 allows your elected officials, the Board of Selectmen, to negotiate a satisfactory design with the Mass DOT that has the least impact on abutters and to obtain the necessary easements. The Board of Selectmen and the Advisory Committee recommend this course of action, which has already been used successfully and amicably to acquire a piece of property essential to the bridge project. It must also be noted though that at least one of the Selectmen is philosophically opposed to the taking of land by eminent domain.

A vote against the project at the very least jeopardizes the construction deadlines when there is already a risk of bridge failure. In the worst case, Mass DOT could decide to scrap the Brookfield bridge project and fund the next bridge project on

their list. Brookfield taxpayers would then have to pay 100% of the costs of bridge replacement.”

The last sentence in the next to the last paragraph was added prior to submittal.

12. SIGN CONTRACTS RHE AGREEMENT & FOR PROJECT DIRECTOR

There were three contracts regarding the RHE COOP project (a CIC grant to a newly-created 5 town highway group).

One contract was to allow Town Counsel, Kopelman & Paige, to work on the project for the towns involved: Mr. Thomo moved to authorize the Board to sign; Mr. Comtois seconded; so voted.

The second contract was between the five communities. Mr. Thomo moved to authorize the Board to sign; Mr. Comtois seconded; so voted.

The third and final contract was between the Town of Brookfield and the Project Director, Mr. William Scanlan. In an e-mail from Mr. Scanlan, he pointed out that Town Counsel had recommended he have Professional Liability Insurance. He said he has never had that before but go along with the Selectboard’s decision. Mr. Thomo moved to authorize the Chairman to sign this contract and that the Board goes along with Counsel’s recommendation regarding the Professional Liability Insurance; Mr. Comtois seconded; so voted.

13. REQUEST TO EXTEND VACATION TIME –TOWN ACCOUNTANT

Mr. Thomo moved to authorize the Town Accountant to be able to extend until September 30, 2012 the time to use her fiscal year 2012 vacation; Mr. Comtois seconded; so voted.

14. YMCA REQUEST TO USE SOUTH POND BEACH

Mr. Thomo moved to approve the use of the beach for the YMCA’s use from July 16, 2012 to July 27, 2012; contingent upon them supplying liability insurance and paying something toward the cost of the portable toilet; Mr. Comtois seconded; so voted.

Correspondence:

15. MUNICIPAL LEASING IN MASS – CIPC

This was inadvertently passed over and will be placed on the agenda for June 5th.

16. MUNICIPAL RELIEF REQUESTS/RESERVE FUND REQUESTS

The following Municipal Relief Requests were approved; each had a motion by Mr. Thomo and a second by Mr. Comtois and so voted:

- \$500 to Plumbing & Gas Expense Account from Municipal Fuel & Expenses;
- \$4,700 to Highway Municipal Diesel from Highway Municipal Gasoline;
- \$750 to Board of Health Expenses from Transfer Station Expense;
- \$400 to Board of Health Clerk Account from Transfer Station Expenses;
- \$400 to Board of Health Well Testing Account from Transfer Station Expenses

ADJOURNMENT:

At 8:37 pm, Mr. Comtois entertained a motion to adjourn the meeting; Mr. Thomo so moved; Mr. Comtois seconded; so voted.

Respectfully submitted

Donna L. Neylon, Administrative Assistant

Approved: 6/19/12