

**Town of Brookfield
Selectmen's Meeting
Town Hall, Banquet Room
Tuesday, June 19, 2012**

Mr. Comtois called the meeting to order at 6:30 pm led the group in the Pledge of Allegiance. Other members present: Rudy Heller and Nicholas M. Thomo.

Camera Operator: Sharon Mahoney

Press: Jennifer Grybowski, Karen Trainor

Public: John David Holdcraft, Kevin Erkkila, Donald Taft, Mary Lou Knight, Kenneth Cleveland, Timothy Simon

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

APPROVAL OF WARRANTS:

There was no Payroll Warrant for 6/12/12 or Expense Warrant for 6/19/12 so this was passed over.

APPROVAL OF SELECTMEN'S MINUTES:

Mr. Comtois entertained a motion to approve the Selectmen's minutes from May 8, 2012; May 22, 2012; May 30, 2012, June 4, 2012 and June 5, 2012; Mr. Heller so moved; Mr. Thomo seconded; so voted.

MONTHLY REPORTS & MINUTES OF OTHER DEPARTMENTS:

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

Municipal Custodian: May 2012
Fire Department: May 2012
Town Administrator Study Committee: 3/19/12; 4/17/12; 5/1/12; 5/15/12 and
Summary of Survey

Mr. Comtois acknowledged the anniversary of Mr. Herbert Chaffee, II who has completed 35 years on the Fire Department, many of them as Deputy Chief. He asked the Board's permission to write a letter of recognition and appreciation to Mr. Chaffee and the Board unanimously and enthusiastically agreed that he should do so.

ANNOUNCEMENTS:

Chairman Comtois read aloud the announcements which the schedule for the Concerts on the Common, the Farmer's Markets, that the Highway had free mulch for the local residents and the following employment opportunity.

BROOKFIELD CEMETERY CARETAKER POSITION: Seasonal caretaker position for the Brookfield Cemetery. 30 hours per week, April through November.

Applicant must have demonstrated experience with zero turn mowers and ability to operate other equipment including tractor and backhoe, ability to obtain hoisting license within 90 days of employment, and able to do strong physical landscaping type work. Applicant must have MA Drivers License. Knowledge of equipment maintenance and repair is required. Please call 508-867-2930 x 12 for more information and job application. Deadline for receipt of applications is 2:00 pm on Thursday, June 28th.

Public Access Period:

John David Holdcraft: Mr. Holdcraft had several items to discuss: 1) to thank Mr. William Simpson for his hard work on the town’s gazebo (power washing, painting, etc.) at his own expense; made charges of corruption (Mr. Holdcraft’s word) against the Highway department for use of a certain part-time employee; and thanked the Board for finally taking down the tree stump on Draper Street.

Mr. Holdcraft’s charges and allegations were stopped after Mr. Heller objected; the Selectmen decided to ask the Highway Superintendent to attend their next meeting. The date/time for this meeting was set for Friday, June 22nd at 8:30 am.

Agenda:

1. FY 13 APPOINTMENTS

All of the following appointments were unanimous. The three-year terms will expire on June 30, 2015 and the one year terms will expire on June 30, 2013:

NAME OF BOARD/COMMITTEE	INDIVIDUAL’S NAME	APPOINTED DATE/TERM
Advisory Committee	Ian Von Hold	3 years
<i>Note: these appointments will</i>	Roger Lafleur	3 years
<i>Expire at end of Annual Town</i>	Tim Roughan	3 years
<i>Meeting.</i>	Mary Lou Knight	3 year
Banister Common & Mall Comm.	Monika Schlick	1 year
CIPC		
School Rep.	Barbara Wilson	1 year
Planning Board Rep.		1 year
Advisory Committee Rep.	Gerald Johnson	1 year
Selectmen’s Rep. **	Peter S. O’Connell	1 year
Treasurer	Sheila Frangiamore	1 year
At-Large	Heather Lemeiux	1 year
At-Large	Kermit Eaton	1 year
Ex-Officio - Accountant	Louise E. (Betty) Benoit	1 year
EMT/Paramedic	Matthew Graves	1 year
Historical Commission	Lois O’Leary	3 years
	Donald Clowes	3 years
Local Cable Access Committee	Kevin Erkkila	3 year

	Vacancy	3 yrs
Personnel Board	Vacancy	3 years
Police Officers Full-Time *	Sgt. Steven Pariseau	1 year
	Jason White	1 year
	Sean T. Moreno	1 year
Quaboag Valley Community Development Corporation (QV CDC)	Rudy Heller	1 year
Source Water Protection Committee	Bruce Clarke	1 year
	Vacancy	1 year
Zoning Board of Appeals	Vacancy	4 years

* = These appointments were passed over until it could be determined if they were necessary or not.

** = This appointment was questions. The Selectmen will look into the matter and make a determination at their next regularly scheduled meeting.

2. MUNICIPAL RELIEF REQUESTS/RESERVE FUND REQUESTS

The Advisory Committee denied the Selectmen’s request for a Municipal Relief transfer of \$9,000 from the Municipal Fuel & Maintenance Account to the Legal Services Account. The Board discussed their next steps as this amount of money (and possibly more) will be needed to pay legal bills.

Betty Benoit, Town Accountant, had advised Ms. Neylon that the auditors wanted the Town Hall Improvement Account and the Mill Street Brownfields Account closed out and their balances returned to the general fund. She suggested that the money needed for the legal services be taken from the Town Hall Improvement Account which has a balance of about \$24,000. The Selectmen were unwilling to dissolve this account as it has money ear-marked for masonry work to the Town Hall and the Municipal Facilities Study Committee may need some of these funds. Ms. Benoit reported that she had convinced the auditors that dissolving of the Mill Street Brownfield Account at this time wasn’t necessary as the project was nearly finished.

Ms. Neylon was asked to get a list of balances in each account and report back to the Board so that a different Municipal Relief Transfer form could be completed and submitted to the Advisory Committee. Mr. Heller agreed to accompany the form to the Advisory Committee’s next meeting.

3. SOLAR PROJECT REPORT – S. HELLER

Mr. Heller had nothing new to report so this was passed over.

4. MUNICIPAL LEASING IN MASS – CIPC

Chairman Comtois read the below e-mail which had been forwarded to the Board by Ms. Heather Lemeiux, Chair of the Capital Improvement Planning Committee (CIPC):

Good Afternoon,

In just the last few years local governments in Massachusetts have seen some pretty significant changes to "business as usual" in preparing budgets.

A tax-exempt municipal lease is offered only to state and local governments and their political subdivisions. They are structured as lease/purchases or conditional sales, both of which result in ownership by the government at lease end. Tax-exempt leases are typically far easier to execute than municipal bonds, as no bond referendum is required. Leases can be short or long, from one year to 15 years and beyond. The dollar size of a municipal lease is virtually limitless, as is the range of equipment that can be leased.

Flexibility is a key feature of municipal leasing, as much with taxable leases as with tax-exempt. If the government's need for the equipment changes so that at the end of the lease it wishes to keep the equipment, then the lease can be extended or a buyout of the equipment can be negotiated.

Let me explain using two examples:

-Purchasing \$30k in computer equipment. A purchase like that would increase the operational budget \$30k in that budget year. If the town leases the equipment you can spread the payments out over 3-4 budget years, thus getting more projects done.

-We have found that Police Vehicles are being financed by the "big 3" finance companies while not offering the "tax-exempt leases" which result in a much lower rate. Also we can work on a town-by-town basis to make sure the vehicle life matches the term. Sometimes offering 6 year leases.

We offer an alternative to help you through the budget process. I would welcome the opportunity to speak with you about what options MMD Financial can offer your municipality. For more information please visit our [Muni Webpage](#). I look forward to speaking with you.

Thanks

Matt

Matt DeSantis

MMD Financial, LLC

Phone (973) 335-0509

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MDeSantis@MMDFinancialLLC.com

No action taken as Chairman Comtois said “the Town has always preferred leasing over purchasing”.

5. REPORTS OF THE TREASURER – S. FRANGIAMORE

This was placed on the Agenda in case the GASB article at the Annual Town Meeting was passed. Since the article was passed over, no action was necessary.

6. UPDATE ON SAW MILL POND DAM PROJECT – R. HELLER

A. Notice of Intent – Conservation Commission: Mr. Timothy Simon and Mr. Kenneth Cleveland, members of the Conservation Commission, were present to explain to the Board that if they were authorize the Highway Department to proceed with certain maintenance of the Saw Mill Pond Dam area (mowing of brush, re-pointing, etc.) they would first need to place a legal ad announcing a Public Hearing, send Certified notices to all abutters and hold the Public Hearing. They also said that since there were rare species downstream that will be affected there will have to be a filing with the Commonwealth’s Natural Heritage. Mr. Thomo will contact Mr. Hughes of the Office of Dam Safety in an effort to clear up the matter. Mr. Simon said that the Highway Superintendent had received generic permission from the Conservation Commission for “road work and within a few feet and within the easements”.

B. Proposal from Lenard Engineering: Mr. Heller had spoken with Mr. Scott Charpentier of Lenard Engineering, Inc. and Mr. Charpentier explained a second option regarding the Phase II of this project. Lenard proposes applying to the Dept. of Environmental Protection (DEP) for permission to skip Phase II and proceed directly into the design of options. This could save the Town about \$20,000 and will cost the same as what Lenard quoted for Phase II (\$30,380).

Mr. Heller moved to authorize Lenard Engineering to submit the necessary paperwork to the EPA to request permission to skip Phase II and proceed to the design phase; Mr. Thomo seconded; so voted.

7. REVIEW: PUBLIC SAFETY BOAT POLICY

The Board had reviewed the policy and it was sent to both the Chief of Police and the Fire Chief. Since both Chiefs felt there was no need to revise the policy, the Selectmen took no action.

8. REVIEW OF ANNUAL TOWN MEETING ACTIONS

Following the June 8th Annual Town Meeting, the Selectmen sent the following e-mail out to all department heads:

Department Heads:

The Selectmen are going to review and discuss some of the Annual Town Meeting (ATM) articles at their meeting next Tuesday, June 19th. Particularly, they will discuss possible follow-up actions that they might take relating to Article 22 (the Quaboag River Bridge). I've been asked to write to department heads/committees to inquire if you have any of the following ideas/comments/suggestions to please submit them to me before the 6:30 pm meeting next Tuesday as the Board intends to submit a list of questions to MassDOT:

- Any new questions relative to the bridge that you have or that you have heard others speak of;
- Any questions that you believe were asked at the Hearing and/or Annual Town Meeting but not properly or adequately answered
- Anything that needs further clarification;
- Any information that was given at the meeting that was not correct;
- Any suggestions you have for gathering and dispensing information to the voters; and
- Any other suggestions or comments.

Your input is important to the Selectmen. Thank you.

All responses received had been immediately forward to the members of the Board of Selectmen for their review. Chairman Comtois stated that responses received requested the Selectmen “proceed with the investigation and vote on the bridge”.

Selectman Thomo agreed and stated that he felt the Town should proceed as soon as possible to a Special Town Meeting and maintain contact with MassDOT (Massachusetts Department of Transportation).

Mr. Comtois stated that he felt the project could be done without eminent domain. He said that the Town had (at the November 2011 Special Town Meeting) given a blank check to the Selectmen relative to the Kroll property needed for this project and the end result was that the property was acquired WITHOUT the use of eminent domain.

Mr. Heller agreed and said that although the phrase “eminent domain” has to be in the Article before the voters for legal reasons, only easements would be used. He said that in the use of eminent domain property title is actually conveyed when easements are used the property owner retains the title. The bulk of the easements needed for this project are temporary easements.

Mr. Comtois stated that because the vote was so close (a majority voted for the article and only nine more votes were needed for a 2/3rds vote) he was entertaining bringing the article before the voters again.

Mr. Heller said that the Board should hold an information meeting or public hearing before the Special Town Meeting.

Mr. Thomo commented that 2/3rds of the population of Brookfield lives on the “other side” of the bridge; when the bridge fails those people will not have timely police, ambulance or fire responses. This will also greatly affect the school bus routes (and budget).

There was some discussion of making this a one article meeting or adding other articles such as one from the Recreation Committee and/or the Banister Common and Mall Committee. No decision was made.

Mr. Comtois asked the television audience for their comments and Ms. Neylon was asked to contact Mr. Maury Tayarani, DOT Project Manager, for their schedule and then talk with the Town Clerk to come up with a date for a Special Town Meeting that would fit into MassDOT’s schedule. This will be resolved at the next (special) meeting of the Board.

9. RENEW OF LICENSE TO USE JEPSON BEACH AT SOUTH POND

Mr. Heller moved to authorize Ms. Neylon to take the necessary actions to enact the renewal; Mr. Thomo seconded; so voted.

10. RHE COOP AGREEMENT WITH W. SCANLAN – R. HELLER

Mr. Heller reported that Town Counsel had previously recommended the Board require Mr. Scanlan to have a bond and his contract was approved with this stipulation. Mr. Scanlan has never had to purchase this bond which will cost him about 12% of his contract. Mr. Heller has a call in to Town Counsel and is waiting for Counsel’s opinion.

11. 7:30 PM SCHOOL COMMITTEE – HEALTH INSURANCE – DONALD FAUGNO

This was passed over as Mr. Faugno was not present.

12. 7:35 PM REQUEST FROM MFPC RE: FUNDING – DONALD FAUGNO

This was passed over as Mr. Faugno was not present

13. FACILITIES USE REQUEST – GREATER WORCESTER COMMUNITY FOUNDATION

Ms. Neylon reported that she had been contacted by the Greater Worcester Community Foundation who administers the Jeppson Grant. They would like to use the Town Hall on the evening of Wednesday, August 22, 2012. Mr. Heller moved to authorize the use, pending receipt of the Facilities Use form, and to waive the fees; Mr. Thomo seconded; so voted.

14. GRANT APPLICATION BY BOARD OF HEALTH

Mr. Heller moved to authorize the Chairman to sign the grant authorization; Mr. Thomo seconded; so voted.

15. REQUEST TO EXTEND VACATION TIME - NEYLON

Ms. Neylon has three vacation days left and one personal day. She had written to the Board to ask if they had any objection to her taking these days during June or if they would give her permission to carry over some or all into the first quarter of fiscal year 2013. Mr. Heller moved to allow Ms. Neylon to carry over her vacation time into the first quarter of Fiscal Year 2013; Mr. Thomo seconded; so voted.

16. REVIEW/SIGN NOTICE OF ACTIVITY AND USE LIMITATION (MILL STATION PARK/BROWNFIELD PROJECT)

The Board received the above document (copy attached) which is a deed restriction for Mill Station Park. Mr. Heller moved to authorize the Chairman to sign; Mr. Thomo seconded; so voted.

Ms. Neylon will drive the document to the Registry of Deeds this week so that Fuss & O'Neill can make the June 30, 2012 deadline regarding paperwork for this project. She has already requested the \$75 Registry's recording fee and the \$36 for three Certified Copies.

Correspondence:

17. CHARTER COMMUNICATIONS – UPCOMING PROGRAM CHANGES

These programming changes are on file in the Selectmen's office for the public's viewing.

18. TOWN COUNCIL RE: THEIR RE-APPOINTMENT

A letter was received from Mr. Leonard Kopelman of Kopelman & Paige thanking the Board for their re-appointment of his firm as Town Counsel.

19. VARIOUS LETTERS FROM RESIDENTS IN SUPPORT OF QUABOAG RIVER BRIDGE CONSTRUCTION

The Board acknowledged receipt of several letters from Town residents who expressed their opinions on whether or not the Quaboag Bridge Project should proceed and, if so, how (copies attached).

20. CDBG – WARE (HOUSING REHAB & ADULT EDUCATION) ANNOUNCEMENT AND TENTATIVE MEETING SET FOR 7/16/12

It was learned from the below e-mail from Christopher Dunphy of Pioneer Valley Regional Planning Commission (PVPC) that the Community Development Block Grant (CDBG) filed with the Towns of Ware, Hardwick, and Warren was not granted. Therefore, there will be no funding for housing rehabilitation or adult education for the coming year. It was noted that there is less and less money allocated for CDBG each year and more communities are applying, making it more difficult to submit a successful application. The last application submitted by Brookfield by itself was not granted and the Town received 100 points out of 100; the successful applicants received bonus points.

Hi gang,

I am sorry to have to report that the FY 2012 Ware River Valley regional grant was not funded. This is the first time the WRV regional grant has not been funded since its inception (to my knowledge). I do not know why this grant was unsuccessful until we have a chance to review the scoring. I will say that only 18 CDF 1 grants were funded statewide out of an estimated 40+.

I understand the impact this will have on your respective programs and stand ready to help in any way I can. I will share information as it become available. Nonetheless, I felt you should all be informed of this unfortunate news as soon as possible.

Best,
CD

[Christopher J. Dunphy](#)
Principal Planner/Manager
Pioneer Valley Planning Commission
60 Congress Street
Springfield, MA 01104-3419
Phone: (413) 781-6045
Fax: (413) 732-2593

There is a tentative meeting on July 19th to discuss possible actions and Mr. Heller agreed to attend to represent the Selectmen and the Town of Brookfield.

21. SECOND CHANCE ANIMAL SHELTER, INC. GRANT ANNOUNCEMENT

The Board received an announcement of a grant of \$101,920 was recently received by the Second Chance Animal Shelter that gives funds for free spaying and neutering of pets. This will be forwarded to the Animal Control Officer, the Town Clerk and Facebook.

Other:

22. MUTUAL AID AGREEMENTS – PUBLIC WORKS

Due to research done by Mr. William Scanlan, it was brought to the Board's attention that the Town had never "opted in" a mutual aid agreement for public works. Mr. Heller moved for the Town to opt in and to authorize the Chairman to sign; Mr. Thomo seconded; so voted.

23. SIGN INSURANCE RENEWAL DOCUMENTS FOR FY 2013

Mr. Comtois entertained a motion to accept the insurance renewal documents for fiscal year 2013 and authorize the Chairman to sign; Mr. Heller so moved; Mr. Thomo seconded; so voted. Mr. Comtois also entertained a motion to decline the terrorism coverage (per recommendation of our insurance agent, Larry Joseph); Mr. Heller so moved; Mr. Thomo seconded; so voted. The invoice for all of these services for fiscal year 2013 is for \$118,548; \$124,000 was authorized at the Annual Town Meeting.

24. WHO WILL ATTEND NEXT REGIONAL SELECTMEN'S MEETING?

Ms. Neylon told the Board that the date of the next Regional Selectmen's meeting will be either Wednesday, June 27th or Thursday, June 28th and she asked which date the Board preferred and who would attend. Mr. Heller reminded the Board that his term was up in May and that he would not run again. He said that this was a very beneficial organization that had saved Brookfield a lot of money. He said that he would attend, if the meeting was held on Wednesday, June 27th and encouraged one or both of the other two Selectmen to also attend.

25. SIGN CEMETERY DEED: LOT 293B MAIN SECTION (EATON)

This deed was not signed and will be returned to the Cemetery Commissioners. The Board has a policy to NOT sign the Cemetery deeds until AFTER both the Cemetery Commissioners and the Town Clerk have signed. This policy was enacted following some recent, very expensive litigation that perhaps could have been avoided if this policy had been in place and followed.

ADJOURNMENT:

At 8:03 pm, Mr. Thomo moved to adjourn the meeting; Mr. Heller seconded; so voted.

Respectfully submitted

Donna L. Neylon, Administrative Assistant

Approved: _____