

**Town of Brookfield  
Selectmen's Meeting  
Town Hall, Banquet Room  
Tuesday, July 24, 2012**

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

**Camera Operators:** Sharon Mahoney, Kevin Erkkila

**Press:** Jennifer Grybowski, Karen Trainor

**Public:** Barbara Wilson, John David Holdcraft, Attorney James J. HOFFEY,  
Attorney Thomas M. HOFFEY, Jr., Jennifer Abair

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

**APPROVAL OF WARRANTS:**

Mr. Heller moved to approve and/or ratify the Warrants as listed in the agenda; Mr. Thomo seconded; so voted.

RATIFY EXPENSE WARRANT for 6/30/12-7/10/12: \$115,997.91

RATIFY WIRE TRANSFER WARRANT for 6/30/12-7/10/12: \$6.50

RATIFY EXPENSE WARRANT for 7/17/12: \$ 106,438.70

RATIFY EXPENSE WARRANT for 6/30/12 - 7/13/12 \$30,843.42

APPROVE PAYROLL WARRANT for 7/24/12: \$106,332.92

APPROVE EXPENSE WARRANT for 7/23/12: \$135.00

APPROVE WIRE TRANSFER WARRANTS: 8/1/11 for \$16,215.00; 2/10/12 for \$23,751.32; 6/21/12 for \$6,282.12; and 6/26/12 for \$695.85

**APPROVAL OF SELECTMEN'S MINUTES:**

Chairman Comtois entertained a motion to approve the minutes of June 12; 19; 26 and 29, 2012; Mr. Heller so moved; Mr. Thomo seconded; so voted. Minutes from June 30, July 9 and 10 still need to be approved.

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

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

Brownfield Steering Committee: 1/5/12; 3/22/12; 7/3/12

Town Administrator Study Committee: 6/19/12

Advisory Committee: 5/31/12; 6/28/12

Historical Commission: 5/10/12

## **ANNOUNCEMENTS:**

Chairman Comtois read aloud the announcements which included the schedule of voter registrations for both the State Primary (Town Hall) on September 6<sup>th</sup> and the Special Town Meeting (Elementary School) to be held on September 7<sup>th</sup> and a reminder of the informational meeting to be held by the Selectmen on Tuesday, August 28<sup>th</sup> at 6:30 in the Town Hall.

### **Public Access Period:**

John David Holdcraft: Mr. Holdcraft gave his opinion that Mr. Heller should not have left the last Selectmen's meeting to attend another meeting where he represented the Board of Selectmen.

Jennifer Abair: Ms. Abair represented the Stephanie Hurley Memorial Fundraising committee and asked the Selectmen's permission to use the roads of the Town for their annual fundraiser on September 29<sup>th</sup>. She stated that the event would begin and end at the Brookfield Rod & Gun Club and that they already had the permission of the Tantasqua Regional School, the Sturbridge Selectmen and Police and the Brookfield Police Chief. Mr. Heller moved to authorize the fundraising event in memory of a former Brookfield resident, pending confirmation of approval from Police Chief Blanchard; Mr. Thomo seconded; so voted.

James HOFFEY: Mr. HOFFEY introduced himself stating that he was a 13-year resident of Brookfield who had recently opened up a law office in Town and offered his firm's services.

*Agenda: Note the order listed below is the order of the agenda as posted, and may not be the order taken during the actual meeting.*

### **1. WAGE AUTHORIZATION FORMS**

Two Wage Authorization Forms (WAF) were presented for the Selectmen to sign; one was for the Administrative Assistant and the other for the Municipal Custodian. Neither was signed but instructions were given to forward them to the Personnel Board.

Along with the two WAF's, the Board received a list of employees with their hourly rates for the current fiscal year. The list was prepared by the Treasurer and the Town Accountant following the Annual Town Meeting votes. Ms. Neylon asked, since they have the list, did the Board still want a WAF for each individual employee. Since the WAF includes various information that was not on the list (i.e. grade/step) and is to be approved by the Personnel Board, the Selectmen still want the WAF's completed by Department Heads. In essence, an individual WAF shall be completed for each position.

2. **MILL STATION PARK BROWNFIELD PROJECT (AUTHORIZE ADDITION TO CONTRACT FOR ENGINEER)**

Chairman Comtois entertained a motion to authorize the Chair to sign a Task Authorization Form that would authorize an additional payment of \$17,600 to Fuss and O'Neill for services rendered at the Mill Street Brownfield Site; the signing of said form was recommended by the State Department of Environmental Protection and Brookfield's Brownfield Steering Committee and the additional payment will come from the grant funding; Mr. Heller so moved; Mr. Thomo seconded; so voted.

3. **REPORT FROM TAX COLLECTOR – EXECUTIVE SESSION**

Mr. Comtois announced that this would be passed over but would be addressed in a future Executive Session when Ms. Brenda McElroy, Tax Collector, could attend.

4. **SOLAR PROJECT UPDATE – R. HELLER**

Mr. Heller announced that he was "pretty certain" that the contract would be ready to be signed within the next two weeks and that construction of the solar project would begin at the Transfer Station during August. There would be two documents to be signed, the lease contract and the Power Purchase Agreement (PPA) which would commit both parties to a 20 year agreement.

5. **SPECIAL TOWN MEETING – SET LAST DATE TO ACCEPT ARTICLES, ETC.**

Mr. Heller moved that the last date to accept articles for the September 7<sup>th</sup> Special Town Meeting would be Tuesday, August 7<sup>th</sup>; Mr. Thomo seconded; so voted.

Mr. Comtois said that he felt that eminent domain was not an issue with this article (for the Quaboag River Bridge new construction project) but the words had to be there because there are three "owner unknown" properties. The owners of White's Landing have claimed that they are the owners of one of these properties but they have not submitted documents to substantiate their claim. He further stated that Town Counsel, Patricia Cantor, will be present at both the Aug. 28<sup>th</sup> informational meeting and the Sept. 7<sup>th</sup> Special Town Meeting and there will be no charge to the Town for her services at either of these meetings.

He said that there had been a question as to whether or not there would be two articles relative to the bridge, one for the complete new construction project and the other for the repairs commonly called the "super structure". Since the State has no plans for a repair project at this time, there will be no second article.

Mr. Comtois stated that John Byatt, the engineering subcontractor for MassDOT, will be present at the informational meeting only. He gave Mr. Comtois information regarding the bridge that should help to clear up some confusion:

- Width: the current bridge is 33 feet, 2 inches; the proposed new bridge would be 40 ft, 2 inches which is only a 7-foot increase in width.
- The proposed new single span bridge width will include with two 5.5 foot sidewalks, two 2 foot breakdown lanes and the roadway itself;
- Current length is 80 feet; the new bridge will be 98 feet;
- The proposed bridge will be shifted 12 feet to the east to improve sight lines and will be raised only 2.5 feet to satisfy flood requirements.
- Total road construction area is 1,131 feet in length which includes the length of the bridge (98 feet) and about 500 feet on either side of the bridge along Route 148/Fiskdale Road.

Mr. Comtois added that the owner of White's Landing had claimed to have 25 to 30 parking spaces approved by "a former Brookfield Police Chief" and to have had a parking survey done. Mr. Comtois has spoken with the former Chief who does not remember such approval; he remembers only a maximum of about 12 parking spaces. It was agreed that Ms. Neylon would ask the State if they could do a parking feasibility study for Whites Landing and to write to the owners of White's Landing to ask them to supply evidence of property lines with markers; proof of ownership of the one piece of land currently designated as "owner unknown", and a copy of any traffic study(ies) they may have generated over the years. The Planning Board will also be asked for a copy of their relevant records.

There was discussion on the removal of the sidewalk on the west side of the bridge. Mr. Heller felt it would be an excellent place for viewing the area and was hesitant to ask for its removal. Mr. Comtois said that including it would be "another six inches toward White's Landing" and that the ex-Police Chief had expressed his concern safety due to people running back and forth across the bridge. Mr. Thomo also stated he was in favor of keeping the additional width but no vote was taken.

#### **6. SIGN WARRANT FOR STATE PRIMARY**

Mr. Comtois entertained a motion for the Board to sign the Warrants for the State Primary as submitted by the Town Clerk; Mr. Heller so moved; Mr. Thomo seconded; so voted.

#### **7. SAW MILL POND – NOTICE OF INTENT (SET DATE FOR HEARING, ETC.) – N. THOMO**

Mr. Thomo reported that the NOI was indeed needed but Mr. Comtois was still not convinced. He asked Mr. Thomo to forward his contact information for the

Office of Dam Safety so that he could call and ask his own questions. This matter will be placed on the August 7<sup>th</sup> agenda.

**8. INSURANCE ADDENDUM TO CONTRACT FOR CEMETERY COMMISSIONERS RE: MARTHA LYON**

After consultation with Town Counsel and the Town's insurance agent a compromise was reached regarding liability insurance so Mr. Comtois entertained a motion to rescind the Board's vote at their July 10<sup>th</sup> meeting relative to the contract with Martha Lyon for her services relative to coordinating repairs to the Cemetery Archway; Mr. Heller so moved; Mr. Thomo seconded; so voted.

Mr. Comtois then entertained a motion to sign the new contract with Martha Lyon for her services relative to the Cemetery archway/gate and to authorize the Chair to sign the insurance amendment; Mr. Heller so moved; Mr. Thomo seconded; so voted.

**9. REPORT FROM QQLA MEETING BETWEEN QQLA, BOARDS OF SELECTMEN, BOARDS OF HEALTH, AND CONSERVATION COMMISSIONS/SET DATE FOR AUGUST INFORMATIONAL MEETING – R. HELLER**

Mr. Heller reported that this meeting, held at 7:30 on Tuesday, July 10<sup>th</sup> was well attended by representatives of the Quaboag Quacumquasit Lake Association (QQLA), Boards of Selectmen, Conservation Commissions and Boards of Health from the Towns of Brookfield, East Brookfield and Sturbridge. He commented that re-scheduling this meeting (as had been suggested by Mr. Holdcraft in the Public Access portion of this meeting) would have been almost impossible as it involved many town officials for three different towns.

QQLA's presentation included an extensive study of the waters entering the two lakes and they requested that each Town hold an informational meeting where this same information may be reviewed. The dates suggested for Brookfield were either Wednesday, August 29<sup>th</sup> or Thursday, August 30<sup>th</sup>. Mr. Comtois said that he could not attend on either date and asked Mr. Heller to see if Brookfield could switch dates with Sturbridge. If not, then to find out if the meeting could be taped. The presentation is expected to report on suggestions for alleviating problems with the lakes and there may be an article for the next Special Town Meeting. Mr. Heller said that there will be no money attached to this article.

10. **NOTICE OF PUBLIC HEARING, REQUEST FOR COMMENTS, & PROCEDURAL CONFERENCE – WED., AUG. 1<sup>ST</sup> @ 10 AM AT FEDERAL RESERVE BANK OF BOSTON Z(600 ATLANTIC AVENUE, 3<sup>RD</sup> FLOOR) AS NEXT STEP TOWARD LOWER ELECTRIC RATES FOR RESIDENTS (SEND REPRESENTATIVE(S) AND/OR LETTER OF SUPPORT?)**

A Public Hearing will be held in early August in Boston relative to decreasing electricity rates for residential customers and allowing Hampshire Power to offer these services. Mr. Comtois suggested that since the voters of the Town unanimously expressed their support of lowering their electric rates through Hampshire Power, that the Board authorize him to sign two letters of support. Mr. Heller so moved and asked that copies be also sent to Senator Brewer and Representative Gobi; Mr. Thomo seconded; so voted.

Correspondence:

11. **LEGAL MEMORANDUM OPEN MEETING LAW – REMOTE PARTICIPATION AND “INTENTIONAL VIOLATIONS”**

Mr. Comtois reminded everyone that the Board had approved the use of remote participation at their December 6, 2011 meeting and this was expected to be helpful although the Selectmen have not yet taken advantage of this privilege. A copy of this legal memorandum suggesting ways to avoid violations was received from Kopelman and Paige, Town Counsel, and has been forwarded to all Town departments.

12. **LEGAL MEMORANDUM: AMERICANS WITH DISABILITIES ACT – TRAIL ACCESSIBILITY REQUIREMENTS**

A copy of this legal memorandum has also been forwarded to all Town departments but Mr. Heller asked that a copy be sent specifically to Mr. Ron Couture, asking for his comments and return this item to the agenda for the Board’s next meeting. The Board agreed this should be done.

*Other:*

13. **PHOTOGRAPHS FOR SELECTMEN**

Photographs taken by the State House Photographer and given to the Selectmen by Mr. Kermit Eaton were reviewed. The photographs were taken on the day that the entire Board spent with Mr. and Mrs. Eaton at the State House with Senator Brewer and Representative Gobi.

14. **STEPHANIE HURLEY MEMORIAL 5K RACE**

Please see the Public Access section of this meeting for action taken.

**15. AMEND TO STAGGERED TERMS THE CIPC APPOINTMENTS**

Mr. Heller moved to amend the expiration date of the terms of two At-large appointees to the Capital Improvement Planning Committee (CIPC) Heather Lemeiux to June 30, 2015 and Kermit Eaton to June 30, 2014; Mr. Thomo seconded; so voted.

**16. COMPLAINTS ABOUT THE USE OF THE TOWN COMMON**

Complaints were received by the Building Inspector and the Board of Selectmen relative to vehicles being parked on the Town Common and the erection of scaffolding, with both events taking place on Friday evening, July 13<sup>th</sup> at the Cultural Council's band concert. The scaffolding brought concerns about safety of those attending the event. Vehicle parking on the Common brought concerns of damage to the lawn. It was agreed that a policy may be necessary and so the Administrative Assistant was asked to send an e-mail to the various boards and committees that use the Common, the Building Inspector, and the Police and Fire Chiefs asking for their comments in time for the August 7<sup>th</sup> meeting.

**ADJOURNMENT:**

At 7:30 pm, Mr. Heller moved to adjourn the meeting; Mr. Thomo seconded; so voted.

Respectfully submitted

Donna L. Neylon, Administrative Assistant

Approved: August 7, 2012