

**Town of Brookfield
Selectmen's Meeting
Town Hall, Banquet Room
Tuesday, August 7, 2012**

Mr. Comtois called the meeting to order at 6:15 pm with Mr. Comtois entertaining a vote to enter into Executive Session citing Exemption #1; Mr. Heller so moved and then to return to Open Session to conduct other business on the agenda;; Mr. Thomo seconded; so voted with Mr. Heller voting aye; Mr. Thomo voting aye and Mr. Comtois voting aye.

Exemption #1: 1) To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

The Selectmen moved to their office to conduct the Executive Session and at 6:42 pm returned to the Banquet Room. Mr. Comtois entertained a motion to continue the meeting in open session; Mr. Heller so moved; Mr. Thomo seconded; so voted.

Chairman Comtois led the group in the Pledge of Allegiance. Other members present: Rudy Heller and Nicholas M. Thomo.

Camera Operators: Sharon Mahoney

Press: Jennifer Grybowski, Karen Trainor

Public: Barbara Wilson, John David Holdcraft, Donald Taft, Mary Lou Knight, Kelly Landine, Jennifer Cipro, Herb Chaffee, Ryan Lundergan, Jeanne Lytle, Tom Williams

***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 7/31/12: \$84,190.90 and Motor Vehicle and Trailer Excise Refunds for various years: \$429.64; \$186.52; \$52.50; \$670.04; and Real Estate refunds 2012: \$1,710.81; \$2,711.08

APPROVE PAYROLL WARRANT for 8/7/12: - passed over (not ready)

2. **DRAFT POLICY REGARDING USE OF THE TOWN COMMON (PARKING; SCAFFOLDING, ETC.) (CULTURAL COUNCIL, COMMUNITY CLUB, BANISTER COMMON & MALL COMMITTEE, AGRICULTURAL COMMITTEE, LIBRARY TRUSTEES, HIGHWAY SUPERINTENDENT, BUILDING INSPECTOR, FIRE CHIEF, POLICE CHIEF)**

Queries were sent out to the relevant departments and their suggestions were incorporated into one DRAFT plan by the Administrative Assistant for the Board's review and revisions. Mr. Comtois thought the draft policy was "extensive and over-reaching"; Mr. Thomo said it "was not necessary"; Mr. Heller said that it was "important in defining who is in charge and resolving maintenance and parking issues".

The following letter from Bill Simpson was read by Barbara Wilson. Except for his comment about the scaffolding, Mr. Simpson's letter appears to agree with the drafted policy.

"Thank you for your interest in pursuing a responsible policy for the use of the town common. My suggestion is to allow vehicles on the common, provided the ground is not overly saturated, for loading and unloading of materials, supplies, and equipment for events. I have seen this work out successfully in other towns such as West Brookfield, Amherst and Belchertown. Each of these towns has large scale events on their common, such as the asparagus festival, the various festivals on the Amherst common, see <http://amherstmedia.org/project/show/amherst-sustainability-festival>, and the Belchertown Fair. Each of these types of use requires vehicles to access the common space.

As far as Brookfield's concerts on the common are concerned, vehicles need access to the common for the placement and removal of port a potties, and the convenient unloading of sound and musical equipment for the concerts.

At one of our recent concerts a few vehicles were left on the common during the performance. We prefer to move all of these vehicles off of the common during a show, but the egress was closed in by other members of the community who parked to watch the show. In the future we will attempt to put out safety cones to allow for vehicles to escape the common once attendees arrive. I am not aware of any damage this vehicles access caused to the common.

Other needs for responsible access:

I imagine that for general maintenance of the trees on the common, tree trunks, stump grinders and other vehicles may also need access. There is also the possibility that someday Brookfield may want to have a fair similar to the fairs in Belchertown or Amherst.

Other concerns:

I read in the paper that there was concern about the staging on the common used as a prop for a performance. I thought this was a delightful performance and surprised and

entertained many of the persons present. I see no need to develop a policy relative to this event.

*Thank you for your consideration of my comments,
Bill Simpson, Chair – Brookfield Cultural Council*

The matter was placed on the agenda for August 21, 2012 so that the Board could review the drafted policy carefully

3. **PLOWING OF PRIVATE WAYS (GRADING, TREES, LETTERS TO ABUTTERS, ETC.)**

Mr. Herbert Chaffee, Highway Superintendent, was present and requested the Selectmen send letters to abutters of certain private ways that are routinely plowed by the Town. The letters would include a hold harmless clause for them to sign and return so that the Town can safely plow their roads this winter. Some roads need to be graded and this permission (Hold Harmless Clause) is also needed for that purpose. The grading is necessary or there could be damage to the Town's plows. The streets involved are: Joe Goddard Road; Oak and Ward Streets; Lane 21 and 21A; Lakeside Avenue; Draper, Brunnell, Chestnut and Forrest Streets.

Mr. Heller moved to send the letters with the Hold Harmless Clause to the private way abutters; Mr. Thomo seconded; so voted.

4. **SIGN ROAD SALT COOPERATIVE AGREEMENT FY 2013**

Mr. Chaffee presented a contract for road salt to the Selectmen to sign. This is part of a cooperative agreement lead by the Town of Oxford and Brookfield has taken part in this agreement for several years. Mr. Chaffee indicated that Oxford is looking into "piggy backing" on the State bid for salt as that was a better price.

Mr. Comtois entertained a motion to sign the Memorandum of Agreement with the Oxford cooperative; Mr. Heller so moved; Mr. Thomo seconded; so voted.

5. **SAW MILL POND DAM/NOTICE OF INTENT (SET HEARING DATE) – S. COMTOIS**

Mr. Comtois had nothing to report so this will be placed on the agenda for August 21st.

6. **AMERICAN WITH DISABILITIES ACT – TRAIL ACCESSIBILITY REQUIREMENTS**

As a follow up to this item which had been on the previous agenda, Mr. Heller spoke certain individuals including Mr. Ronald Couture, Chair of the Historical Commission. They came to the conclusion that unless public funds are used on

public land, this does not apply to Brookfield. However, it could be considered if the new bridge (over Quaboag River) is built.

7. RATIFY PERMISSION OF ZEO TO USE TOWN COUNSEL

Mr. Comtois entertained a motion to ratify permission granted to Mr. Gary Simeone, Zoning Enforcement Officer, to use Town Counsel; Mr. Heller so move; Mr. Thomo seconded; so voted.

8. AUTHORIZE CHAIR TO SIGN LEASE CONTRACT & POWER PURCHASE AGREEMENT FOR SOLAR PROJECT @ TRANSFER STATION

As the contract was not ready to be presented, this was passed over.

**9. APPOINTMENTS & RESIGNATIONS:
AMEND AT-LARGE APPOINTMENTS TO THE CIPC (Heather Lemeiux
appointment from 6/30/15 to 6/30/13 Sharon Mahoney appointment from
Planning Board Rep to At-Large to expire 6/30/15);**

It was agreed to hold off on a vote relative to these appointments until the question brought up during public access was resolved.

CABLE ADVISORY COMMITTEE: (consider adding one person [William Neault] to Cable Advisory Committee)

Mr. Heller moved to allow Sharon Mahoney, Chairman of the Cable Advisory Committee, to speak; Mr. Thomo seconded; so voted. Ms. Mahoney said that there were only three persons on this committee but that she would like to see the membership increased to five and would welcome Mr. Neault. She added that for the fifth member, it would be helpful if that member had a more than basic membership to Charter Cable.

Mr. Comtois entertained a motion to appoint Mr. William Neault to the Cable Advisory Committee; Mr. Heller so moved; Mr. Thomo seconded; so voted.

ELECTION WORKER (Barbara Mundell)

Correspondence was received from the Town Clerk requesting the appointment of Ms. Barbara Mundell as an Election Worker. Mr. Heller moved to appoint Ms. Barbara Mundell as Election Worker with a term to expire on June 30, 2013; Mr. Thomo seconded; so voted.

**RESIGNATION FROM BANISTER COMMON & MALL COMMITTEE
(K. Wild);**

Mr. Comtois entertained a motion to accept with regret the resignation of Ms. Kathleen Wild as both the Chairman and as a member of the Banister Common and Mall Committee; Mr. Heller so moved; Mr. Thomo seconded; so voted.

EMT-BASICS: Keith Hanks and Tammie Lee Gadbois

Correspondence was received from EMS Chief, Donna Lafleur, requesting the appointments of Mr. Keith Hanks and Ms. Tammie Lee Gadbois as On-Call EMT-Basic's for a one year term. Mr. Heller moved to appoint Mr. Keith Hanks and Ms. Tammie Lee Gadbois as on-call EMT-Basics until June 30, 2013; Mr. Thomo seconded; so voted.

10. SIGN WAGE AUTHORIZATION FORMS THAT HAVE BEEN APPROVED BY PERSONNEL BOARD

No Wage Authorization forms were received so this was passed over.

11. TOWN REPRESENTATIVE NEEDED AT JUVENILE COURT ON 9/27/12 @ 10:30 AM

Notification was received of a court date of September 27, 2012 at 10:30 am for the individual(s) involved in defacing Town property. Along with a representative of the Police Department, a representative of the Recreation Committee plans to be present to represent the Town of Brookfield. It is understood that the individual(s) will be held liable to fix what they damaged or will pay to fix the damage.

12. SIGN CEMETERY DEED

No Deed was received so this was passed over.

13. SIGN CONTRACTS FOR MEMA REIMBURSEMENT (OCTOBER 29-30, 2011 SEVERE SNOW STORM)

Contracts for the FEMA reimbursements for the October 30, 31, 2011 storm were received. The total certified was \$199,076.26 and the Town will receive \$144,151. The Board of Selectmen and the Department of Revenue had authorized a deficit spending of \$75,000 for this storm and this must be "made up" before the tax rate for Fiscal Year 2013 can be set.

Mr. Heller moved to approve the contract and authorize the Chairman to sign; Mr. Thomo seconded; so voted. The Selectmen expressed their gratitude to those

responsible for the storm work and for getting this funding; this includes the staffs of the Highway, Fire, Water, and Emergency departments.

14. WORK ON/FINALIZE WARRANT FOR SPECIAL TOWN MEETING (STM)

The following articles were presented to the Board for inclusion on the warrant. The numbering given here may not be the number on the final STM Warrant. *Motions were made by Mr. Heller, seconded by Mr. Thomo and so voted unless otherwise noted and all articles listed below are included in the warrant unless otherwise noted.*

- (1) New Bridge (over the Quaboag River): The Article presented was the same one that was written by Town Counsel for the June Annual Town Meeting.
- (2) Center Line Painting: \$7,5000 for painting in the spring of 2013
- (3) Accept Storm Reimbursement money from FEMA:
- (4) Address \$75,000 deficit
- (5) Vehicles: Replace truck for Highway and SUV for Police; current Police SUV to the Fire Department and funding to have it painted, etc.
- (6) Reimburse three departments from FEMA funds
- (7) Appropriate \$6,500 for a seasonal laborer for the Highway Department
The possible incorporation of other positions into this one to form a full-time position was raised during the discussion of this article. The Selectmen will research this further.
- (8) \$500 Stipend for RHE COOP grant administration: Mr. Heller stated that there was a possibility that this could be covered in a future grant and, if so, this would be returned to the Town as unspent.
- (9) QQLA/Clean Lakes Fund (\$5,000): The towns of Brookfield, East Brookfield and Sturbridge are all being asked to contribute \$5,000 by the QQLA. An explanation of the proposed program will be held Thursday, August 30th at 7:00 pm in the Brookfield Town Hall.
- (10) New Copy Machine for Town Hall (\$6,000)
- (11) \$20,000 for the Municipal Facilities Planning Committee (Police Station study): Mr. Thomo seconded for discussion, Mr. Heller's motion to include this article. Mr. Comtois moved to allow Mr. Donald Taft to speak, Mr. Heller seconded; so voted with Mr. Thomo voting no. Mr. Thomo said that the Town is not ready to pay for a Police Station at this time and he is not behind this article. Mr. Comtois disagreed and said that "now is the time". Mr. Taft said that the committee does not want to raise taxes either but the town needs to do something. The study would determine if a police station is viable for that location (7 Prouty Street) and that the cost of the study may not be as much as \$20,000. The new station would probably cost between \$250 and \$275 per square foot, would have no cells or overnight provisions.

- (12) Upgrades to Lewis Field (\$24,000): Mr. Heller reported that he had met with the Highway, Police, and Recreation Departments and discussed all options. It was agreed that phase 1 would be for the Highway Department to enclose the ditch. The Highway can also help to decrease costs by using free “tailings” from the Route 49 project. The plan will take 3 to 5 years to complete and will be filed with the Capital Improvement Planning Committee.
- (13) \$307 to pay late bill (Assistant Wire Inspector Wages)
- (14) \$1,050 to pay late bill re: 1099 forms
- (15) \$25,767.39 to pay late bill/shortfall in Unemployment for FY 2009, 2010, 2011)
- (16) Citizens Initiative Petition for bridge over Quaboag River to be repaired instead of replaced: State law indicates that a Citizens Petition must have a minimum of 100 signatures to be placed on a Special Town Meeting Warrant. There was question as to the legality of this particular petition as only about 37 to 40 signatures were certified on pages that included the actual article. The other pages were simply pages of signatures and address with no indication of the article. The Town Clerk, with instructions from Town Counsel, certified 133 of the signatures presented. Mr. Comtois said that the intent of the voters was clear to him, although there was no way to prove it. He further explained that a “super structure” as indicated in the petition article, is not an option; it was only a topic of discussion and the MassDOT has no design plan for the super structure.

Mr. Comtois said that the Town had asked Mr. Correia (owner of White’s Landing and organizer of the petition and opposition against the bridge replacement) for copies of paperwork indicating his property lines. These have never been supplied. Mr. Comtois said that Mr. Correia had at one time indicated that the Town could contact his surveyor for this information but when Mr. Comtois called the surveyor, he was told that Mr. Correia had specifically told the surveyor to NOT supply any information to the Town of Brookfield.

Chairman Comtois also told those present that on Monday of this same week, Mr. and Mrs. Correia had filed an Open Meeting Law Complaint against the Board because they had not timely received minutes of a meeting that was called specifically for them (at MassDOT) and that they attended.

Mr. Heller moved to include this article on the Special Town Meeting Warrant at least until the article is defined as legally binding or not; Mr. Thomo seconded; so voted.

Mr. Chaffee said that there some property line pins in the area in question. Mr. Heller encouraged the Board to hire a surveyor and resolve the boundary lines as this is “one of the reasons for misinformation”. The

Town needs to have the boundaries defined so that the right-of-way issues can be resolved.

After some further discussion, Mr. Heller moved to pursue the survey of the bridge and abutting property lines with particular emphasis to the south side of the bridge, not to exceed \$7,500 in cost, and to authorize the Chairman to proceed to contact a survey as quickly as possible; Mr. Thomo seconded; so voted.

- a) Hold a Department Head Meeting?
It was agreed not to hold a separate meeting but to encourage all department heads to attend the Tuesday, August 28th informational meeting and the Friday, September 7th Special Town Meeting.
- b) Preparation for the Info Meeting and the STM
Newly updated plans are expected from the MassDOT on either Monday, August 20th or Tuesday, August 21st. At that time, the Board will work off of the list of questions and answers previously compiled by Mr. Heller for the creation of possible handouts.

Correspondence:

1. LEGAL MEMORANDUM: SIGNIFICANT AMENDMENTS TO THE COMMUNITY PRESERVATION ACT – USE OF FUNDS

Neither Mr. Comtois nor Mr. Thomo is in favor of the Community Preservation Act at this time. Each will research further.

2. MMA INVITES 6TH GRADE STUDENTS TO PARTICIPATE IN A STATE-WIDE ESSAY CONTEST

Mr. Heller moved to encourage the school to sign on to this program; Mr. Thomo seconded; so voted.

3. RECEIPT OF DRAFT REPORT FROM AUDITORS/DETERMINE ACTION, IF ANY

It was agreed to send the report to the departments indicated in the report and to place this back on the agenda for August 21st.

4. NOTICE OF PUBLIC HEARING (CDBG HOUSING RE-HAB & ADULT EDUCATION, ETC.) ON 8/20 @ 6:30 PM IN THE WARE TOWN HALL – WHO WILL REPRESENT THE TOWN OF BROOKFIELD?

Mr. Heller agreed to attend this meeting on behalf of the Town.

Other:

1. **SIGN FY2013 FORMULA GRANT ALLOCATION – STATEMENT OF AUTHORIZATION FOR COUNCIL ON AGING**

Mr. Heller moved to authorize the Chair to sign the Statement of Authorization for the Council on Aging; Mr. Thomo seconded; so voted.

2. **COPY OF E-MAIL FROM BROOKFIELD HISTORICAL COMMISSION RE: QUABOAG RIVER BRIDGE**

The Board acknowledged receipt of an e-mail was sent from Mr. Ron Couture, Chair of the Historical Commission to Mr. Jeffrey Shrimpton, Cultural Resources Specialist, Environmental Department of the Highway Division of MassDOT. The e-mail was relative to the Quaboag River Bridge project and is re-printed below:

Hi Jeffery,

When last we met, it was Oct 4, 2010, in person to discuss the Quaboag River Bridge, the feeling was that the Historical Commission would have a good chance to have a well thought out project at the bridge heritage site and landscape.

With that in mind, I have researched Town Meetings going back to 1720 when the crossing was first mentioned.

The site is essentially where a Native American fordway was during the 1600's and was used as a crossing point along the river going to points south.

In a Town Meeting of Dec 1, 1720 it was voted to "let out the causeway at Mason's Point" and then on March 14, 1726 it was voted to "have Ephram Haywood do carry up the boat to ye Bridge at Mason's Point."

And on March 22, 1773 it was voted and granted to "be levied as foresaid, and allow to Lt. Ephraim Walker for his building the Bridge Over the River called 'Olds Bridge' thed of thirty-eight pounds and seventeen shillings."

There is of course, much more to say about the site. I have discussed and written to Senator Brewer about our concerns and he has in turn passed them along to Frank DePaola, P.E. who has in response sent a letter to us.

In it he states, "Cultural Resources Unit has, and will continue to be, in coordination with the Brookfield Historical Commission as the design progresses to include as many of the Brookfield Historical Commission's recommendations as practicable."

I would like to update where we are on our proposals and what the CRU is doing to foster our heritage corridor and the importance this bridge will play in its' development.

Would you please contact me so we can discuss this project and the proposal we have made.

Thank you, Ron Couture, BHC

CC- Board of Selectmen, and members of BHC,

3. THANK YOU FOR HELP WITH SALT SHED

The Highway Superintendent requested the Board send thank you letters to each of the persons (Jonathan Bemis, William Thompson, Bruce Clarke, Herb Chaffee, Donald Herbert, Ed Williams, Steve Budnik, Dan Esser, and the Highway Departments of East and West Brookfield) who helped with the recent installation of the new salt shed. He indicated their free labors had saved the Town at least \$15,000.

Mr. Thomo moved to send personal letters of appreciation to these volunteers; Mr. Heller seconded; so voted.

ADJOURNMENT:

At 9:01 pm, Mr. Heller moved to adjourn the meeting; Mr. Thomo seconded; so voted.

Respectfully submitted

Donna L. Neylon, Administrative Assistant

Approved: September 4, 2012