

**Town of Brookfield
Selectmen's Meeting
Town Hall, Banquet Room
Tuesday, April 16, 2013**

Selectmen Present: Stephen J. Comtois II, Rudy Heller, Nicholas M. Thomo
Camera Operators: Sharon Mahoney
Press: Karen Trainor, David Dore, Jennifer Robert
Public: Donald Taft, John David Holdcraft, Ronald Starcher, Beth Coughlin,
Daniel Gillmeister

Mr. Comtois called the meeting to order at 6:30 p.m. and led the group in the Pledge of Allegiance. Mr. Comtois also asked those in attendance to participate in a moment of silence for Louise Willet (former Assessor, Tantasqua Guidance Department Guidance Counselor, Voter Poll Worker and wife of a former Selectman) recently passed, and the victims of the Boston Marathon bombing of the previous day. He also thanked Rudy Heller and Donna Neylon for their service to the town, as it was the last meeting for both of them. Ms. Neylon is retiring and Mr. Heller is completing his 6th year as an elected Selectman and chose not to run again.

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

APPROVAL OF WARRANTS

Chairman Comtois entertained a motion to ratify the following Warrants; Mr. Heller so moved; Mr. Thomo seconded; so voted:

APPROVE PAYROLL WARRANT for 4/16/13: \$178,349.43.

RATIFY EXPENSE WARRANT for 4/9/13: \$47,269.87; personal property tax refund of \$82.00; 2013 motor vehicle and trailer excise tax refunds of \$723.99; 2012 motor vehicle and trailer excise refunds of \$16.61.

APPROVAL OF SELECTMEN'S MINUTES:

The minutes of January 7, 2013, January 14, 2013, and March 19, 2013 were approved. The minutes of March 15, 2013 and April 2, 2013 were passed over to the next agenda.

MONTHLY REPORTS & MINUTES OF OTHER DEPARTMENTS:

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

EMS: March 2013

Fire: March 2013

Rec Com: 3/5/13, 3/26/13

Advisory Com: 3/7/13, 2/28/13

Library: 1/14/13, 2/25/13, 3/11/13

MFPC: 3/11/13

ANNOUNCEMENTS:

Chairman Comtois read aloud the announcements which included a request for donations to the Brookfield Ecumenical Food Pantry, appointments are coming due, an upcoming candidate's night, a CPA informational meeting, a tour of the Town Hall, the Memorial Day ceremony, Clowning for Kidz Foundation Annual Poker Run and Family Fun Day, and that the annual Lucy Stone award was given to Lois O'Leary and Wilfred Steadman, two Brookfield residents.

Public Access Period:

John David Holdcraft: said that during the last 6 years he has experienced the things his father fought for in World War II and that he has been fighting in this town to preserve democracy. He said he has been removed from the voter's list, had his freedom of speech taken away, has been removed from committees, that the Advisory Committee and Treasurer's position are now trashed and it has been attempted to take away his sign on Route 9. He said democracy is being attacked and that he will continue to fight for his freedom of speech but he thanked Mr. Heller for the good things he had done for the past 6 years.

Agenda:

1. CHANGES TO FIRE DEPARTMENT FLEET/DISPOSAL OF 1960 DODGE POWER WAGON

This was passed over and added to the agenda for May 7th.

2. ABCC REPORT – N. THOMO

Mr. Comtois noted town officials had attended an ABCC (Alcohol Beverage Control Commission) Hearing last week and they are waiting on a decision.

3. SAW MILL POND DAM PROJECT – UPDATES

Mr. Heller stated he was concerned that the people of Brookfield are incurring a large expenditure to fix something that, in his opinion, isn't broken. Mr. Comtois said he'd like to look at the numbers involved in the project for the next meeting. Mr. Heller said he thought it was important to communicate a dollar figure to the CIPC so they can work it into the Town's plan. Mr. Comtois instructed Ms. Grybowski to bring Mr. Heller's questions to the attention of the Highway Department and Lenard Engineering. This will be on the next Selectmen's agenda.

4. CHAPTER 90 CERTIFICATION LETTER

Mr. Comtois noted the Chapter 90 certification was \$251,158.00.

5. MUNICIPAL TELEPHONE SYSTEM – R. HELLER

Mr. Heller stated he hadn't received any additional information but that he would follow up with the company that was supposed to have submitted a quote for revamping/updating the municipal telephone system.

6. VOLUNTEER POLICIES/OPERATION OF TOWN VEHICLES

This was passed over to the May 7th agenda.

7. BLACKBOARD CONNECT – ATE REMINDER?

Mr. Comtois entertained a motion to use the Blackboard Connect to remind residents of the Annual Town Election (ATE); Mr. Heller so moved; Mr. Thomo seconded; so voted. They asked Ms. Grybowski to have a call go out Friday, April 26 and Monday, April 29 using her own voice.

8. ESTABLISH SPECIAL MEETING OF BOS FOR MORNING OF APRIL 29TH (TO AWARD LINE PAINTING CONTRACT AND FINALIZE BUDGET)

Mr. Comtois entertained a motion to set a meeting Friday, April 26 at 8:30 a.m.; Mr. Heller so moved; Mr. Thomo seconded. After some discussion, it was realized that April 26 is a Monday. Mr. Heller rescinded his original motion; Mr. Thomo seconded; so voted. Mr. Heller then made a motion to establish a meeting on Monday, April 29 at 8:30 a.m.; Mr. Thomo seconded; so voted. The bids for the line painting project, under RHE Coop, will be opened at 2:00 pm on Thursday, April 25th and the Board will have a recommendation regarding the bids from the Highway Superintendents comprising the RHE Coop organization.

9. DECIDE IF TOWN COUNSEL SHOULD BE PRESENT AT ATM

Mr. Comtois entertained a motion to request Town Counsel be present at the Annual Town Meeting (ATM); Mr. Heller so moved; Mr. Thomo seconded; so voted.

10. APPOINTMENT OF POLL WORKERS FOR ATE (K. SIMPSON/G.PISARCZYK, H. PROULX-CLERK)/RESIGNATION OF GERRY JOHNSON FROM CIPC, SHEILA FRANGIAMORE AS TREASURER

Mr. Comtois entertained a motion to appoint Karen Simpson, Geraldine Pisarczyk, and Heidi Proulx-Clerk as poll workers for the Annual Town Election (ATE); Mr. Heller so moved; Mr. Thomo seconded; so voted. The resignations were passed over to a future agenda.

11. REQUEST FOR RESERVE FUND FOR ADDITIONAL HOURS FOR MUNICIPAL CLERK

Mr. Comtois explained the Municipal Clerk has worked hours above and beyond what is budgeted for the position. He said in order for the Clerk to keep her scheduled hours of

thirty hours a week, additional funding will be needed. Mr. Thomo said he thought the hours were necessary. Ms. Neylon said that the Treasurer will not be utilizing the Clerk's services until July 1. Mr. Comtois said the Treasurer fought for the Clerk's hours and is not sure why those hours are now not needed. Mr. Heller said he was ambivalent. Mr. Comtois entertained a motion to send a Reserve Fund Request for \$1,000 to the Advisory Committee; Mr. Thomo so moved; Mr. Heller seconded; so voted. Mr. Thomo said he would support the request at the Advisory Committee meeting.

12. HR CONTRACT (COMING FROM TOWN COUNSEL)

Mr. Comtois stated the signed contract was not yet in but that he expected it and when it is received, it will be retroactive. Mr. Thomo said he was unhappy with Kopelman & Paige, in both their price and service. Mr. Heller said that while they do charge a hefty amount, they work hard and are very able in their skills, such as the negotiation for the solar project. Mr. Heller said he challenged anyone to find a better deal on the HR (Human Resource) Contract services they offer. Mr. Thomo said he thought the Town should look at other proposals of legal services to see what is better for the town. Mr. Heller said it is important to relay any concerns to Town Counsel immediately. Mr. Comtois suggested Mr. Thomo contact Pat Cantor about his concerns.

13. REPORT ON POLICE CHIEF CONTRACT NEGOTIATION – N. THOMO (EXECUTIVE SESSION?)

This was passed over as Mr. Thomo, who is negotiating the Police Chief's contract for the Board, had nothing to report.

14. LETTER OF SUPPORT FOR TWO PROJECTS ON RT. 148

Mr. Comtois stated that Routes 148 and 9 have been discussed in a study and that he is looking for an individual to take the lead on the project. Ms. Grybowski reported that the Highway Department will make a report soon on the Route 148 and Webber Road project but that the Highway Department has left the Routes 148 and 9 Project to the Selectmen. Mr. Heller said the Route 148-9 intersection project was still very much in a discussion stage and that it typically takes three to four years of waiting on the list to get a construction project started. Mr. Comtois asked Ms. Grybowski to contact MassDOT (Mr. Frost and Mr. Sullivan) to find out what Brookfield's responsibility is in regards to this project and what the possibility is of getting the project on the construction list. Mr. Heller said he would work with Ms. Grybowski on this.

15. SIGN AUDITOR'S SIGNATURE LETTER (AUTHORIZE CHAIR TO SIGN WHEN ARRIVES)

Mr. Comtois entertained a motion to allow the Chair to sign the auditor's signature letter; Mr. Heller so moved; Mr. Thomo seconded; so voted. The Board had already voted to accept the auditor's proposal at their previous meeting.

16. SET DEADLINE FOR JUNE 7 STM ARTICLES

Mr. Comtois entertained a motion that the deadline to submit STM (Special Town Meeting) articles is May 3, 2013; Mr. Heller so moved; Mr. Thomo seconded; so voted. This deadline is the same as the article submission deadline for the Annual Town Meeting.

17. CONTINUATION OF FY 14 ATM & BUDGET

The Selectmen continued their discussion of the Fiscal Year (FY) 2014 proposed budget and the articles for the Annual Town Meeting. Below are the results:

Mr. Comtois entertained a motion to approve Line 6 of the budget, Selectmen's Expenses, for \$5,360; Mr. Heller so moved; Mr. Thomo seconded; so voted. This returned the money to this line item that would pay for the new Administrative Assistant to attend classes in Boston to become certified in State Procurement procedures and laws.

Mr. Comtois entertained a motion to approve Line 15 of the budget, Selectmen Consultant/Grant Writer/Administrator Expenses, as a line item for \$10,000; Mr. Heller so moved; Mr. Thomo seconded; so voted.

Mr. Comtois entertained a motion to approve Line 24 of the budget, Town Accountant Audit, for \$16,000; Mr. Heller so moved; Mr. Thomo seconded; so voted. It is anticipated that this will cover the annual budget plus a special audit required whenever the Town receives a grant of \$500,000 or more.

Mr. Comtois entertained a motion to insert \$30,000 into Line 68 of the budget for Town Hall Improvements; Mr. Heller so moved; Mr. Thomo seconded; so voted. Mr. Comtois pointed out that the Board had not followed up with the repair of the slate on the roof. Mr. Heller said the town should keep a healthy balance in that account, as the building continues to deteriorate from deferred maintenance.

Mr. Comtois entertained a motion to level fund Lines 201 and 202, Memorial Day and Cultural Council expenses at \$3,200 for Memorial Day and \$8,650 for Cultural Council; Mr. Heller moved; Mr. Thomo seconded; so voted. These accounts would be level funded versus the increased amounts that were submitted by the Cultural Council with no justification for the increases.

For Line 222, General Insurance, Mr. Comtois wanted to know if Ms. Neylon had gone out to bid. Ms. Neylon said it was too late in the year to go out to bid and recommended they wait until next year. She also indicated that the work had already been done by the current insurance agent and the paperwork (for renewals) was due any day. Mr. Comtois asked Ms. Grybowski to call Heather Lemieux for guidance about insurance.

For Article 45, asking voters to set up a Revolving Fund for the RHE Coop, Mr. Heller explained how revolving funds for the RHE Coop work and said all revolving funds need

to be approved each year. Mr. Comtois asked if there is money allocated for this account and Mr. Heller said there was. Mr. Heller moved Article 45 be called Article 11 and be boxed in with the first 10 articles; Mr. Thomo seconded; so voted.

Ms. Neylon suggested Article 36, Board of Health revolving fund, should also be included in the boxed articles. Mr. Heller made a motion to move Article 36 to the boxed articles; it was not seconded after it was determined the fund referenced in Article 36 was different and Mr. Heller withdrew his intent to make a motion to move Article 36.

Mr. Comtois asked Ms. Grybowski to renumber the articles before the April 29 meeting.

a) Article: Right to Farm Bylaw

Mr. Starcher reported the bylaw had been revised and will be approved by Town Counsel and submitted by Wednesday. Mr. Comtois asked Ms. Grybowski to put the bylaw on the agenda for the April 29 meeting. He also asked the Road Opening Permit Bylaw (to be submitted by the Highway Department) and two Historical Commission articles to be put on the April 29 meeting agenda for discussion and asked Ms. Grybowski to reach out to Mr. Ron Couture about the Historical Commission articles.

b) Article: Marijuana By-Law – report from Planning Board

Ms. Mahoney told the Board of Selectmen the bylaw would give the Town a moratorium until a State law is written and codified. Until then the Town gets to decide how to zone businesses. Mr. Comtois entertained a motion to include the article; Mr. Heller so moved; Mr. Thomo seconded; so voted.

Mr. Heller said he understands 35 dispensaries have been approved for the Commonwealth, that there have been over 300 applicants for those dispensaries, and none of those applications for those sites have come from Brookfield or anywhere near Brookfield. He suggested nothing needed to be done.

Mr. Comtois and Ms. Mahoney disagreed. Ms. Mahoney said dispensaries are cash businesses, carrying a controversial substance, concerning medical issues. She said the moratorium is important so that no one can show up and point to current zoning laws and say they can operate wherever they want.

c) Article: Personnel By-Laws

No information was presented to the board on this by-law, so it was passed over.

d) RHE COOP Article

See the discussion above listed as the current Article 45 .

e) MFPC article for Police Station

The MFPC (Municipal Facilities Planning Committee) had submitted an article asking for \$2,600,000 for design and construction of a new Police Station. Mr. Thomo said such an article was premature; Mr. Comtois disagreed, although he said if the non-binding referendum referencing the project was resoundingly rejected at the Annual Town Election, he would consider pulling the item off the warrant. Mr. Heller moved to place the article on the warrant; Mr. Comtois seconded; so voted, with Mr. Thomo voting against the motion.

f) Highway Road Opening By-Law

Please see (a) above for this discussion.

g) Set up Department Head Meeting?

Mr. Comtois asked Ms. Grybowski to put this item on the May 7 agenda.

Other:

Mr. Thomo asked what the status was of the citizen complaint of trash on properties along Route 9. Mr. Comtois said he spoke with the citizen making the complaint, the Building Inspector, Police Chief, Zoning Enforcement Officer, and Board of Health and no one can do anything because the property that is the subject of the complaint is private property. Mr. Thomo said he would talk to Chief Blanchard about the junk vehicles on the property.

Mr. Heller asked to be appointed to the Public Access Committee. Mr. Thomo moved; Mr. Comtois seconded; so voted. Mr. Heller also pointed out the website and e-mail backup are currently managed by a volunteer and the Board needs to find someone else to manage it in the event the volunteer gives up the maintenance.

Mr. Heller said that this was his last evening meeting and that he wanted to thank the people of Brookfield for allowing him to serve them for six years and electing him twice, with both elections contested. He expressed his gratitude to all the people that have volunteered on boards and committees and that without their able assistance, the Selectmen's work would be even more difficult. He also expressed his unhappiness that no one took out papers for his seat and said that he thinks one of the big components for people not volunteering for the job is there is a pervasive attack mode by several, particularly one person, so people will not volunteer or run for office because they are afraid of their name appearing on the yellow sign. He said Mr. Holdcraft reflects what he puts on his yellow sign and Mr. Heller expresses his gratitude to everyone in the Town except Mr. Holdcraft.

ADJOURNMENT:

At 7:52 p.m., Mr. Comtois entertained a motion to adjourn the meeting; Mr. Heller so moved; Mr. Thomo seconded; so voted.

Respectfully submitted,

Jennifer Grybowski, Administrative Assistant

Approved: _____