

Town of Brimfield
Board of Selectmen
Town Hall, 21 Main Street
Meeting Minutes – October 16, 2017

Present: Chair; Michael Miller, Vice Chair; Harold Leaming, member; Paul McCarthy, member; Paul Vandal, member; Michele-Lee Shea, recording; Carol Camerota

Others: Police Chief Kuss, Fire Chief McCarthy; Accountant; Marie Arsenault, ZBA members; Michael MacFadden, Don Damon and Kim Adams, ZBA Clerk; Pam Engberg, Town Counsel; Brian Riley, Cumberland Farms Attorney; Phil Lombardo, PVPC; Chris Dunphy, Grant Committee; Richard Costa, COA; Eva Pittsinger, Building Commissioner; Casey Burlingame, Town Clerk & Assessor; Robert Sullivan.

Cable recording: Bob Datz, Josh Bolte

(Miller) called to order at 6:35 p.m.

Joint meeting with Zoning Board of Appeals to discuss Cumberland Farms and procedures. (Town Counsel: Brian Riley) Conflict of Interest law issues

(Miller) expressed his concern that ZBA members had a conflict of interest with abutters who were possibly relatives. After speaking with Town Counsel. He requested that no votes be taken until the issue was resolved.

MacFadden would like to move forward. The question was asked at a previous meeting if there were conflicts and no one responded. ZBA members said they did not receive the abutters notice as had been asked. (McCarthy) was concerned about how the question might have been evaded and (Miller) concurred. MacFadden felt the question asked was at the last minute and was not specific. (Miller) then asked if ZBA members had taken the ethics test. They responded, yes. Then he asked who had relatives that abutted Cumberland's property and all 3 board members answered yes.

Attorney Brian Riley from KP Law spoke to both boards about the Conflict of Interest Law, section 19, 268a for municipal employees. This includes immediate family, spouse, in-laws and children that abut property, directly across the street or abutter to abutter including a 300' radius or financial interest.

Rules of Necessity could have been invoked before and hearings began or a disclosure could have been filed with the appointing authority (Selectmen). This discretionary call would be up to the Selectmen. P. Engberg asked Atty. Riley why he was referencing sec. 19 and not 23 of the conflict of interest law. Atty. Riley explained that sec.19 spoke to the law prohibiting a member from taking any action on matters that affect your own financial interests or those of your immediate

family. Sec. 23 prohibits taking any action that could appear bias for the financial interest of a relative who is not immediate family.

(Leaming) wanted the record to show that the board did not feel any actions were done out of malice and wanted to rectify this issue. (McCarthy) added the Rules of Necessity should have been invoked before the hearings began. Atty. Riley felt the best way to rectify was to have the members fill out the disclosure forms and have the Selectmen approve them.

(Miller) expressed to ZBA that the board was just following the rules and if they would fill out the disclosures and return late in the meeting, they would handle it tonight.

5 min. recess was taken.

Reconvene at 7:02 p.m.

Joint meeting with Board of Assessors to discuss setting tax rate and LA5:

R. Sullivan was the only board member to appear. Selectmen wanted to know what the role was they played in setting the tax rate. Mr. Sullivan responded that when DOR is complete then a hearing is set with the Assessors and Selectmen to set the commercial and private properties rate. Most importantly this can't be done until the numbers between the Assessors and DOR are complete. The town has worked very hard the last few years to get this done properly for DOR. New growth is being calculated now. The Selectmen did not want to be rushed in making these decisions but needed to understand the process better. They questioned the levy limit and the benefit of setting it higher allowing for a cushion.

Fire Department appointments:

Fire Chief McCarthy approached the board and spoke briefly of his 3 new appointments asking that they be appointed as firefighters. Michael Gangner is a full time firefighter in Southbridge, Minh Pham just moved to town from Worcester with his family and is a carpenter and Jacob Adams is an eagle scout and very community oriented.

Motion #18-54: by (Leaming) move to appoint Michael Gangner, Jacob Adams and Minh Pham to the Brimfield Fire Department as firefighters until June 30, 2018, seconded by (McCarthy), all in favor.

Board also signed Joseph Doldoorian's appointment letter approved at the last meeting.

Building Department office space:

Building Commissioner brought a quote for extending the building department office out into the hall at the Annex in order to gain some well needed space. Since the barn and connector are gone and there is no longer a door, this space could be utilized. It would gain them 18 sq. ft. The board felt the quote for \$2,300 was high but the space was needed. The board briefly discussed why permit pro has not gone live yet.

Motion #18-055: by (Leaming) move to approve a quote from Dymon Building in the amount of \$2,325 to extend the building dept. office, seconded by (McCarthy), all in favor.

(Miller) would like to make sure all the other projects scheduled to be done at the Annex were completed first.

ADA – review grievance procedures document:

COA Director, E. Pittsinger presented a draft grievance policy necessary for an ADA grant the Library was looking to apply for. Chris Dunphy from PVPC joined the conversation adding that he thought the town might already have this policy in the Transition plan done back in 2003.

Chris Dunphy-PVPC to discuss CDBG:

Mr. Dunphy also addressed the recapture of funds through HUD – Department of Housing and Community Development. The FY15 housing rehab money helps tri town residents with roofs, wells and septic repairs. Recaptured funds from 15 year deferred housing loans go into an account after the loans are paid off and could be used for the food pantry, continued housing rehab and expenses incurred by PVPC. The food pantry in Wales serves people of Wales, Holland and Brimfield reporting at least 200 served in one month.

The next grant for CDBG will have funds available on March 2, 2018. The program has been successful throughout the years with \$108,000 presently available.

The board questioned how the funds get applied for. E. Pittsinger asked if that money had to be used for housing and when the last time a regional meeting was held. A tri town board votes on how the funds will be used. C. Dunphy suggested that if there was concern about an imbalance, maybe each town should have separate accounts for the recaptured funds to go into.

R. Costa voiced that his board forwards people to PVPC for septic repair and they are told there aren't any funds available.

The board was not comfortable signing and were concerned about how decisions were being made on the spending. C. Dunphy asked if they would just sign for the food pantry and they declined. (McCarthy) would like to reach out to the other 2 towns.

R. Costa from the Grant Committee is helping the Library apply for the Community Compact program that will assist in helping to get grant funds for a handicap access ramp.

C. Dunphy spoke of several rolling grants that were available such as an IT grant and the Best Practices program.

Motion #18-056: by (McCarthy) move to approve the town participating in the Community Compact Cabinet Program, seconded by (Shea), all in favor.

(Miller) asked if E. Pittsinger would serve on the Regional Committee for PVPC. She accepted. (Leaming) asked that the board be notified if anything immediate arose.

Reconvene ZBA joint at 8:17 p.m.:

The 3 members completed disclosure forms. MacFadden's in-laws are abutters, Adam's son is an abutter and Damon's parents are abutters and he is an abutter to his parents.

(Miller) asked what the time table was for Cumberland's beginning construction. If all approvals are granted it could begin as soon as January 2018.

Motion #18-057: by (Leaming) move to accept open meeting law disclosure forms from ZBA members due to rules of necessity, seconded by (Vandal), all in favor.

K. Adams briefly spoke of an aggressive homeless man on Brookfield Road that threatened her. Chief Kuss explained the situation to the board.

MacFadden told the Selectmen he was happy resolution was made, everyone learned something and now will move forward. The Select board agreed. ZBA adjourned at 8:29 p.m.

Payroll & Warrants:
Signed by board.

Police Pay:

(Miller) asked the Chief about 3 officers on warrant #8 who were over part time again. The Chief explained that he understood the State statute for controlling eligibility to be based on the hours on the books, not the hours worked. (McCarthy) disagreed and said it was the actual hours worked and if they habitually go over hours, labor laws would consider them full time. The Chief explained that because he does not have any full time officers the part time officers end up working over their scheduled time. It's a constant struggle to provide the town coverage. Depending on availability of officers it's very easy to go over hours if there is an accident, court appearance or an officer calls out sick. Not to mention no continuity in investigating a case if the officer does not come back to work for several days. The Chief added that Brimfield is the largest population served by part time officers. His officers are honored to serve the town and have never gone over intentionally to gain benefits. His intention is to have coverage for the town.

Minutes:

Review and sign minutes of September 18th and October 2, 2017.

Motion #18-058: by (Leaming) move to accept minutes of September 18, 2017, seconded by (Shea), all in favor.

Motion #18-059: by (Leaming) move to accept minutes of October 2, 2017, seconded by (Shea), all in favor.

Award bid for contaminated soil removal at the Highway Department:

Bids received and opened on October 4, 2018 were reviewed by the board. Three bids listed below were to transport and dispose of up to 2,100 tons of petroleum impacted soil at a Massachusetts lined landfill.

W. L. French Excavating Corp. 3 Survey Circle North Billerica, MA 01862	\$36.80 / Ton	\$77,280
Brighter Horizons Environmental, Inc. 201 West Main Street Ayer, MA 01432	\$43.00 / Ton	\$90,300
Strategic Environmental Services, Inc. 362 Putnam Hill Road Sutton, MA 01590	\$57.65 / Ton	\$121,065

W. L. French Excavating Corp was recommended as the lowest bidder by Tighe & Bond as well as the procurement officer.

Motion #18-060: by (Leaming) move to award bid to W. L. French Excavating Corp. of North Billerica, MA, seconded by (Vandal), all in favor.

Concerts on the common – 2018 dates:

Motion #18-061: by (Vandal) move to accept concert on the common dates of July 17, 24 and 31, 2018 for the Hitchcock Academy, seconded by (Shea), all in favor.

Annual Common Victuallers:

Motion #18-162: by (Leaming) move to accept annual common victualler licenses for Cumberland Farms, 3 Main Street, Village Green Family Campground, Lester Twarowski, 228 Sturbridge Road and Apple Barn Café, Suzanne Collins, 52 Palmer Road, seconded by (Vandal), all in favor.

Old Business:

Green Community:

(McCarthy) needed and Energy Reduction Plan in order to move forward with becoming a Green Community. The draft plan given to the board will be reviewed before the end of October.

Motion #18-063: by (McCarthy) move to accept and sign acknowledging the Energy Reduction plan over the next 5 years, seconded by (Leaming), all in favor. (Vandal) abstain.

FY19 Budgets:

Plan on meeting with department heads to review FY19 budgets sometime in November.

Mailing:

(Shea) is almost finished with her mailing to residents regarding vacancies on town boards.

New Business:

Cable space:

(Miller) met with Bob Datz about use of the closet space in the Annex conference room. The closet is small and already serves to hold copy paper and supplies for town offices. He will speak with the Building Commissioner about the space in the middle room upstairs to set up filming equipment.

(Miller) wanted to remind boards to turn off lights in the Annex before they leave and encourage use of the Great Hall for meetings.

Public Access:

None.

(Miller) will not be attending the 10/30 meeting.

(Leaming) is waiting for engineers to get back to him on the dam project at Lake Sherman.

Motion #18-064: by (McCarthy) move to adjourn at 8:55 p.m., seconded by (Leaming), all in favor.

Upcoming Meetings:

Board of Selectmen

October 30, 2017 @ 7:00 p.m.

Respectfully Submitted:

Carol Camerota

Recording: Carol Camerota

ACCEPTED: *Michael M. H.* DATE: *11-13-17*

Documents Utilized for this meeting

MATERIALS FOR BACKGROUND AND REFERENCE

1. Emails from Brian Riley and disclosure form
2. Dymon Building estimate for building office expansion
3. Minutes of September 18th and October 2, 2017
4. Appointment letters
5. PVPC emails
6. Draft grievance procedures
7. Community Compact Cabinet documents
8. Bid results for contaminated soil removal
9. Use of common for concerts -- Hitchcock Academy
10. Annual Common Victuallers
11. Energy Reduction Plan letter and documents