

Minutes of the Board of Selectmen Meeting

This meeting was called to order at 6:02PM at the North Brookfield Police Department on Tuesday, September 1, 2020. Dale Kiley, Jason Petraitis and John Tripp present.

Approval of Minutes: Mr. Petraitis moved, and Mr. Tripp seconded, a motion to approve the minutes from 721, 8/3, 8/4 and 8/18. So voted.

Approval of Warrants: Mr. Petraitis moved, and Mr. Tripp seconded, a motion to approve Payroll #5 for \$292,789.86, #1009 School for \$133,859.34, #1010 General for \$366,990.32 and #1011 Debt for \$780,676.95. So voted.

Financial Items: Approval of Cares Act Funds, Mr. Petraitis moved, and Mr. Tripp seconded, a motion to approve Cares Fund request to pay an invoice to Kell Co for the static sanitizer and a Cares Fund request from the school to pay for various services. So voted.

Old Business:

- a. Bruce Arnold Water issues-on hold until Jason Benoit arrives.
- b. Fitzgerald Pucci ZOOM Petition: Mr. Kiley stated the BOS used ZOOM temporarily during the pandemic. Mr. Tripp pointed out that Mr. Kiley used his own equipment and money to utilize ZOOM. Ethan Melad said he would be in favor of reinstating ZOOM for meetings as many people still feel uncomfortable attending. Mr. Kiley referenced MGL Chapt 38, Section 20 that states no one has the absolute right to speak at BOS meetings, except during a hearing, but we always allow public comment. These meetings are still open and broadcast online, open meaning that people can still view the meeting. The BOS is in full compliance with open meeting law and they are not inclined to participate via ZOOM. Brandon Avery stated that he's been coming to BOS meetings for years and even before COVID happened we'd only get about 2 or 3 people at the meetings. Brandon said he doesn't see the point of having ZOOM. Mr. Kiley said the BOS has received a few emails and comments from residents that are not in support of ZOOM.

Bruce and Debra Arnold Water issues: Mr. Kiley asked Jason Benoit to give his perspective on the situation. Jason stated that up until a month ago he thought it was a town issue, but that in his research it appears to be an overflow connected to a catch basin. There is a drain line on the property, a stone culvert, that is clogged with roots. There is no easement on the Arnolds' property/deed. The Highway Department contributed about \$3000.00 in tree removal, and the Arnold's were supposed to be in contact with a construction co. to do some digging in the failing culvert, but that didn't happen.

Mr. Kiley stated that he heard there was an offer that the Town would give supplies and the Arnold's would pay for labor. Jason confirmed this. Dale asked Mr. Arnold about that. Mr. Arnold stated that he gave the BOS the numbers at the last meeting, 33,000 gallons of water pumped out of his basement, and that no one's well does that. Jason Benoit said Mr. Arnold is talking about surface water. Mr. Arnold said water runs over brim, over flows swales on Maple St, it runs down a property, creates a pool, goes into a sinkhole which leads to a culvert and then gets backed up into his cellar. He had 18 inches of water in his cellar on August 23 rain storm. It saturated his furnace

which is now in need of repair and inspection. Mr. Arnold said no one will buy his house with the water issues. He stated that the Town has no right to put water into his basement, which is coming off Maple St, through drainage pipes.

Mr. Kiley asked, if that culvert gets fixed, will that solve the problem? Jason Benoit said it would remedy the situation. Mr. Tripp how far back they'd have to go, Jason said right up behind the Arnold's home. Mr. Kiley asked Bruce is he had any experts look into the issue. He stated that the culvert was unearthed last year. Ray Blake, a previous Highway Superintendent, had done some to work improve the water issues, which were a temporary fix.

There was back and forth discussion between Jason Benoit, the Arnolds and the Board about the issues. In conclusion, Mr. Kiley stated he would email Town Counsel about the issue to figure out who owns the culvert in question, and who's responsibility it is to fix it. Mr. Kiley told Bruce he would be in contact within a week with the information provided by Town Counsel.

New Business:

- a. Meet with Finance Committee-Mr. Kiley stated there are some money issues the Board wants to address so they invited Fin Comm.
- b. Public Health Nursing Contract-There was a bill for the Town of Sutton that the Board was questioning. Mr. Kiley received a copy of the contract with Sutton, which was a 1 year contract that expired 10 years ago with no renewals on file. John Alphin from the BOH explained what the public health nurse's role is. The BOH didn't update the contract annually, the rates went up (from 55/hour to 75/hour) and this year has been more expensive because of the extra costs associated with COVID. Cheryl (the nurse) does most of the tracing and other work involved. Mr. Kiley motioned not to pay the bill for the Public Health Nurse because the contract is invalid, Mr. Petraitis seconded the motion. Discussion continued with Trevor explaining if we don't have the public health nurse, we won't have contact tracing. The BOS explained that they weren't voting to stop the services of the public health nurse, they're stopping the payment. Mr. Petraitis told the BOH to get an updated contract and they will discuss it. Mr. Kiley amended the motion to hold off payment until contract is updated, Mr. Petraitis seconded the motion. So voted.

Discussion about Governor's recommendations and the law, Mr. Petraitis stated that the BOS and BOH should have knowledge of the cases in Town so they can work together. Trevor Bruso explained that dispatch gets the address of COVID cases and people who have it are instructed to call 911 for emergencies, and the first responders are told of cases. There was some more discussion about other infectious diseases, which are rare, and the protocol for the those. Mr. Kiley stated we'd hold off on further discussion or actions until after cases going against the Governor are decided in the next couple weeks.

- c. Transfer Station Stickers/User Fees-Mr. Kiley read aloud some information about a case in Springfield from 2006 regarding user fee vs impermissible tax. They had the same structure as ours and the courts found it indicative of an impermissible tax. There was discussion about past BOS boards wanting the sticker "system" to be paid through the collector. Mr. Kiley motioned that we stop the current system, sticker fee can't go through the collector, and Mr. Petraitis seconded the motion. So voted. Going forward the Board of Health will collect the fees for the stickers and do a turnover to the Treasurer.

- d. BOH Clerk-John Alphin is looking for a pay raise for the BOH Clerk position. John believes, based on the job description, that this is a \$40/hour position, as they are responsible for much more than a typical clerk. Mr. Kiley stated that the Police Department doesn't have a clerk, and the clerk at Highway makes about \$14/hour. John said that the Highway and BOH clerks are radically different. Mr. Kiley said that clerk's a valuable position. Michelle Petraitis (Fin Comm) stated that they'd like to see the job description and pay rate from area towns so they can compare. This discussion will be tabled until Fin Comm can review job descriptions and pay.
 - a. There was some discussion about the North Brookfield Sportsmen Club. They had a planned event that was cancelled last minute. John Alphin said he gave the club guidance and called DPH for help because Chrissy (public health agent) couldn't. DPH sent out ABCC that weekend to check on local food/drink establishments. It was stated that there was a threat of suspending the club's liquor license, the BOH maintains there was no threat, that they are bound by the state.
- e. Hayden Lodge Request-A letter was submitted by Hayden Lodge asking for permission to place signage for that lodge at a few areas in town. Mr. Petraitis moved, and Mr. Tripp seconded, a motion to approve the request. So voted.
- f. Purple Heart Dedication-Mr. Kiley explained that Jim Foyle requested the BOS to dedicate North Brookfield as a Purple Heart Community. The BOS wanted to read the proclamation and unveil the sign at a Memorial Day event, but it was cancelled due to COVID. Mr. Kiley read the proclamation. Mr. Petraitis moved, and Mr. Tripp seconded, a motioned to sign the proclamation and dedicate North Brookfield as a Purple Heart Community. So voted. Mr. Kiley also stated that August 7th is National Purple Heart Day and Thanked Holly Kularski for lighting up the town purple. Mr. Kiley explained that different colored lens covers were purchased for the lights in the bell tower on the Town House. We will now be able to light up the tower with different colors celebrations and holidays.
- g. Boundary Validation Program-Mr. Kiley signed a letter verifying the boundaries in North Brookfield.
- h. Designate Ashley as signor-Mr. Petraitis moved, and Mr. Tripp seconded, a motion to appoint Ashley Barre as signor for CDBG invoices, housing rehab contracts through CMRPC/PVPC and contract amendments. So voted.
- i. Highway Request-MGL Chapter 151A-Mr. Kiley will look into it.
- j. GASB Contract-Mr. Kiley signed the contract for GASB (actuarial services for North Brookfield)

Public Comment:

A resident asked if there was availability on the Town Beach committee, at this time there are 3 members so no more are needed right now. Mr. Kiley would like to create a Recreation Committee and combine several committees into one.

A resident asked about the Town Park behind the sign. John Tripp stated that he's been working on it, getting electricity so they can do pole lighting and light up the Christmas Tree, he's going to be planting grass and putting down walking paths. All will be ADA compliant, and Tecko Block donated the material for the walking paths. Town residents have donated money for benches and we will be putting plaques on the benches once they are installed.

Mr. Tripp also gave an update on Bates Observatory-it is being rebuilt to look like the original structure, but it will remain closed to the public as it will not be ADA compliant.

At 7:49PM, there being no further business, Mr. Petraitis moved, and Mr. Tripp seconded, a motion to adjourn. So voted

Respectfully Submitted,

Ashley Barre