

## Meeting of the Board of Selectmen

This meeting of the Board of Selectmen was called to order at 6:00PM on Tuesday, September 20, 2022 in the Town Offices. Jason Petraitis, John Tripp and Brooke Canada were present.

Jason Benoit was present with 6 Chapter 90 project requests. The Selectboard and Jason went through each request, listing multiple roads in town that are need of repair, including culvert, grading and binder. Top coat will be added next year once the road has settled; those funds will come out of next year's Chapter 90 funds. Jason explained he received additional funding from the WRAP program, and when he runs out of Chapter 90 money, he will use WRAP money. Mrs. Canada pointed out that Jason's total project request is about \$30,000 short of his available funding, Jason said he can borrow from next year's Chapter 90 funding or remove or scale back a few projects. Mr. Petraitis told Jason to make sure the projects fit in his budget for road work. Mrs. Canada asked if the Chapter 90 funds were for other projects in Town, Jason said no, just for road work. Mrs. Canada suggested that Jason remove a project. Mr. Tripp moved, and Mrs. Canada seconded, a motion to approve the Chapter 90 requests listed. Discussion: Mr. Tripp asked if Jason can remove Chase Road from the list to make it fit within the budget, Jason said he would if necessary. Jason said he'll need signatures from the Board in order to submit the requests and that he will keep the projects within the budget. All in favor: yes. So voted. Jason noted that he would keep the Board in the loop.

Mr. Petraitis invited North Brookfield residents to speak on their concerns regarding highway operations.

Chris Palin from Bigelow Road was present and showed her property, Jason had painted a white line on the road, Mr. Petraitis asked Jason if that was to designate paving, Jason said yes. Mr. Petraitis said he had spoken about a hearing that took place in 2004, Gary Jean said he would cap off a culvert near the Palin's property, but that discussion was not recorded in the minutes of the meeting and Mr. Petraitis was not on the Board at the time. Mr. Petraitis made it clear he's not saying Gary didn't say that, but he's not sure, given the condition of Bigelow Road, that Gary had the authority to do that. He did a lot of things he shouldn't have. The pipe that was removed from the culvert was quite old, if it doesn't exit somewhere, it will damage the road. Mr. Petraitis said maybe something can be done on the property to direct water. The Town could get an easement and put a line/drain across the property, but that would cost a lot of money. Chris Palin said when Smith Hanson Road was paved it caused water to flow straight down. Mr. Petraitis said we've got a real problem with ice on Bigelow Rd. Chris Palin showed pictures of foam, water and gasoline coming into her horse pasture and said it will poison her horses. She said that dirt was dumped on her property. She also has a letter from her veterinarian about the water coming onto her property. Mr. Petraitis said that Bigelow Road is horrible and the water has to go somewhere. Someone decided the culvert should be there, and that was before the Palins purchased that property. Chris Palin said her property is damaged. Mr. Benoit said water does come down from Smith Hanson Road, there is no crown on the road, they've cleaned the upper culverts several times, they are supposed to take water from Smith Hanson Road. He also said we own that easement culvert to dump water off the road and that we did this on Ashley Road a few years ago, and we are well within our rights to maintain that culvert. Mr. Tripp said that because the culvert failed and it was repaired water is flowing again, if the culvert had never failed it wouldn't be backed up. Mr. Benoit said there's been a prescriptive use easement for 20 years. Chris Palin said a prescriptive easement needs to be in use for

20 years, but that it hasn't been in constant use, she's been there for 30 plus years but the culvert has only been there for 20.

Mr. Petraitis asked what can be done by the homeowners? A swale? Jason Benoit said that would be very difficult because of the topography of the land. Chris Palin says they have a swale, Jason said it causes big problems down the road. She said that Jason threw rocks on her property. Mr. Petraitis said water comes off the road, if the road had been paved properly in the past it would have always done this. Chris Palin showed more pictures of water to the Board and said that Jason took out a 200-year-old stone wall and caused her pasture to flood. Jason said he didn't do that. Mr. Petraitis said that sometimes, in the past, when road work was done the cleanup wasn't great so culverts got clogged, roads get lower and the gutters are gone. Chris Palin showed more pictures of swales and walls and a natural swale with the stonewall. Jason said water isn't getting to swale because there's no crown on the road and talked about a bigger culvert in between the home and the barn.

Mr. Petraitis asked how much longer the new pipe was, Jason said about a foot longer. Mr. Petraitis asked if it went under the wall, Jason said under a rock pile. Chris Palin said the pipe was much longer. Jason said he was not on private property; Chris Palin said it was Jason's job to contact the owner before doing work and what he's doing is not right. Mr. Petraitis said the culvert has been there for over 20 years and it needed to be replaced before the road can be paved. Chris Palin said the culvert had been blocked, Mr. Petraitis said that was not done by us.

Chris Palin said that Jason Benoit is dumping poisonous water onto her land. Jason asked if she had the water tested, she showed pictures of the water. Jason said that was not a test, and he had offered to have the water tested but Chris Palin did not want that at the time. Chris Palin said she didn't remember saying that she didn't want it tested. Mr. Petraitis said that everyone get stormwater on their property.

Chris Palin said there was a French drain on her property which was totally damaged. Jason asked where it was located.

Mrs. Canada asked if there was a way to redirect the water. Jason said it won't be easy and it will be very expensive. Mrs. Canada asked if we could get a price, Jason estimated the pipe alone would be about \$400 per 20 feet. Chris Palin asked about putting a berm on the edge of the road, Jason said that would keep water on the road and will be a disaster. Mr. Petraitis said if Jason doesn't fix the road, it will be a danger to drivers. Chris Palin said she still doesn't want water coming into her pasture. It was estimated that the pasture was created in the early 2000's and the culvert has been there since the 1990's. Chris Palin said that Jason took away a natural swale. Jason said that Chris Palin is proposing sending water hundreds or thousands of feet down the road.

Mr. Petraitis said that what Jason is doing is making the road the way its supposed to be. A stonewall would not change the direction of water, and that grading the road created a swale over time. Chris Palin said that that area used to be a pasture for cows and goats. Mr. Petraitis said that in the 1970's it was not a pasture, but all overgrown. Chris Palin asked why we were allowing Jason to dump water into her pasture. Mr. Petraitis said it was always supposed to be doing that. Chris Palin said it never did before. Mr. Tripp said it didn't dump water because the culvert had failed. Chris Palin said it used to flow down the side of the road, and that when Jason crowns the road there's no reason to dump water into her pasture. Jason said it was a designated spot to dump water. Chris Palin said there's no easement, Jason said it's a prescriptive easement, Chris Palin said it's not in use.

Mrs. Canada wondered if the swale down the side of the road could be rebuilt to bring water away. Jason said another remedy would be to add several more outlets to reduce the impact of that culvert. Chris Palin said that would dump water into another pasture on her property.

Mr. Petraitis said as it stands Jason will repave the road, crown it, keep water away from other driveways going across the road. The water will stay on the other side of the road until it hits the culvert, there's not much else we can do about it. Chris Palin asked about putting an asphalt berm on the side of the road, Mr. Petraitis said that water would stay on the road and we'll end up with freezing water on the road.

Mr. Petraitis said we're not going to solve this tonight; we have another issue on the agenda that we were supposed to address 20 minutes ago.

Douglas Walther said that he has a house on the North Brookfield/New Braintree border on Rt. 148. There's a pipe across the road that hasn't done anything for years, Jason Benoit came in with a backhoe and payloader and dug up his property, now he has water. Jason said there was an ice problem and the pipe is now working. Douglas said if they went down the road with a pipe or drain it could go directly into a stream. Jason said the layout probably dictates piping, there was a plan for the road. Douglas said he wants a copy of the plans.

Mr. Petraitis said pipes and drains all have been there. These things have been failing for decades. At this point multiple people were talking at once about a solution. Mr. Petraitis said that resolving the issue will cost money. Douglas said that Jason is making his property a wetland.

Mrs. Canada said we should find the plans. Jason said he finds old culverts all the time, Mr. Tripp said the culverts need to be cleaned. Mrs. Canada asked about looking at alternatives, Douglas mentioned putting in a French drain.

Mr. Petraitis said it's not that we don't want to fix the issue. If we re-engineer the road it will cost money, there are other issues in Town. We want to help, we'll see if we can find the plans, but if the road and culvert were done in the late 1800's we may not find it. Douglas said there's a spring on the other side of the road. Mr. Petraitis said that we would have to bring in EPA and Conservation. Douglas asked how far Jason is allowed to come onto his property, Mr. Petraitis wasn't sure but said he would look into it.

Jason Benoit said we have ice problems on the road, if something was damaged, he's happy to work with Douglas on repairing it. Douglas said he has the same problem as Chris Palin, he has horses but can't use the land. He said something about digging out and putting rocks down so water doesn't come on to his property. Mr. Petraitis said he has issues with his own property that have been there for 30 or 40 years, but you can't put that on the tax base.

Becket Shaw said he has a problem with a storm drain on Summer St, there's a new pipe across, the previous highway superintendent stuck a garbage can with holes in it. Mr. Petraitis said that was a cheap fix to make a catch basin. Jason Benoit said there was no sump there and it was clogged with sand. Mr. Petraitis said that Jason could clean it out and fix, Jason agreed to take a look at it this week.

Mrs. Canada suggested we look into grants from CMRPC regarding infrastructure.

Sheila Orsi and Ethan Melad from the DDC:

Sheila asked Jason Petraitis about his meeting with Bill Paille from BSC Group. Mr. Petraitis said that Bill came down to talk about the plan for the sidewalks in the Complete Streets grant-they eliminated the bump outs, put a sidewalk all along. Sections where there were bump outs planned will have corrugated pavement. Some parking will be lost, and we're not extending the cross walk on School Street.

Ethan asked if that was different than the plans and showed a copy. Mr. Tripp said they were waiting for follow up with edited design but never received it. Mr. Petraitis noted that one of the plans indicated a grass strip, we're not doing that because we won't be able to mow it. Sheila said she didn't remember a grass strip.

Mr. Petraitis said that Vibram is planning on doing some work, they will come down to the corner of North Main and School Streets, BSC Group and Vibram will have to coordinate on that section.

Ethan asked about the School St cross walk change, Mr. Tripp said trucks won't be able to turn onto School St with the road narrowed. Ethan said the Bill ran the numbers and that trucks will be able to take that turn. Jason Benoit said that the Highway department uses that area to store snow during storm cleanup. Ethan said there should be a different place for snow, the additional \$200,000.00 in grant funds could be used to purchase snow removal equipment. Mr. Petraitis said we'd then have to hire someone to drive it, and when the grant runs out we'll have to continue to pay them. Sheila said to buy equipment the guys already know how to drive.

Sheila said they (DDC) hasn't heard anything about this project since February.

Mr. Petraitis asked Jason Benoit if he had an alternative to the snow, Jason said he's open to practical suggestions. Mrs. Canada asked if he could still store the snow in the corner, Jason said he if there's an island there. Sheila suggested doing the corrugated pavement and shortening the sidewalk.

Jason Benoit said he spoke to Jamie Flamand and we can remove the water stubs from the plan, when the water main is replaced he'll deal with the stubs then. Sheila mentioned the light poles systems would be set up but not put in.

Mr. Petraitis said we're going to start with a basic plan and can add later if necessary. We need to make sure we have enough money. Bill Paille said there needs to be a panel and power, the source could be behind the town sign. Sheila said an extra set of poles would take up a lot of space and talked about putting lights on the telephone poles. Mr. Petraitis said that Bill mentioned placing the poles on the inside of the sidewalk (not street side), that will be easier to maintain.

Mr. Petraitis said we've narrowed it down to what's practical and what's affordable.

Mr. Petraitis said he received emails concerned about a public hearing asking for input. Sheila said it was just to show plans, Ethan said he posted it asking for input since there's been no movement in 8 months. Jason Benoit said they should wait for the corrected plans. Ethan said the set they have is fairly close, we could show the public with the caveat that its changing. Mr. Petraitis is concerned that the implication is that you're asking for input on something already planned. Sheila said they can get input on plans for the other side of the street.

Mr. Petraitis asked if everyone was on the same page, Sheila said her only question is the sidewalk on the corner by Vibram. Mr. Petraitis said they'd coordinate that.

Sheila asked about the invoices for BSC Group, Mr. Petraitis said we're working on that, and that the Board should be CC'd on all communications.

Sheila said we had phase 2 & 3 we want to get completed, trying to coordinate with the Town House as well.

Mr. Tripp said he was not on board with the public hearing, he thinks it will confuse people Sheila said it wouldn't, but Mr. Petraitis agreed it could be confusing. Ethan asked if there were any benefits to finalizing the plan after the public hearing, Mr. Petraitis said yes, if someone comes up with a brilliant plan.

Sheila said the DDC has been good on working on a solution and she's very excited about a sidewalk on the church side of the street. Sheila and Ethan left the meeting.

Mr. Petraitis welcomed Mrs. Canada on board and said he'd spent 3 hours on the phone with Jason Benoit, Ashley Barre, Tara Hayes, Shiela LeBlanc, and the Chief of Police, just pointing out the time being a Selectboard member takes outside of meetings.

Mr. Petraitis wanted to talk about unfunded mandates-something the government says the town has to comply with but doesn't fund the resources to help to the town stay in compliance. A few examples are the Sewer upgrade, vote by mail, and many in the school. When Rich Lind was the school Superintendent, he emailed Mr. Petraitis a website that showed a list of unfunded mandates. The main problem with these mandates is the time they take; teachers are spending hours a day above and beyond teaching their students. Mr. Petraitis said the townspeople need to call their legislators; we simply don't have the money. Mr. Petraitis would like to form a 3-person committee to investigate unfunded mandates in town.

Mrs. Canada asked if the committee would be for budgeting purposes or to change the mandates. Mr. Petraitis said we can't change the mandates but we could spread awareness and said that Shiela LeBlanc would know a lot about the mandates. Mrs. Canada said it would be helpful to define the mandates, but it won't change the outcome. Mr. Tripp said we could at least break it down. Mrs. Canada moved, and Mr. Tripp seconded, a motion to form the committee of 3 people, one representative from the School Committee, one from Finance Committee, and one from the Board of Selectmen. So moved.

Mr. Tripp moved, and Mrs. Canada seconded, a motion to appoint Brooke Canada as the Board of Selectmen representative on the committee. Mrs. Canada said she'd be happy to serve, as long as her husband, whos' on the School Committee, isn't on the committee as well. So voted.

Mr. Petraitis spoke about the ARPA funding and consulting firms that will help tell you how to spend the money, we'd pay through ARPA for that. There was a request from ARPA to spend a certain dollar amount for a consultant, who'd they use as a resource on a case by case basis, and for auditing and accounting purposes, we'll need to discuss it more next week.

Mrs. Canada asked about the timeline for budgets. Mr. Petraitis said budgets get submitted in January and February, and that Finance Committee has appointed different members as liaisons to different departments. He hopes this will be a more productive approach than in years past.

Revote John Tripp as liaison to NBHELPS: Mr. Petraitis moved, and Mrs. Canada seconded, a motion to appoint John Tripp as ex-officio to NHelps. So voted.

Spoke about Cider Mill Bridge, Senior Center renovation project.

There being no further business, at 8:37PM Mr. Tripp moved, and Mrs. Canada seconded, a motion to adjourn. So voted.

Respectfully Submitted,

Ashley Barre