

TOWN OF NORTH BROOKFIELD SPECIAL TOWN MEETING

A Special Town Meeting was held in the North Brookfield Elementary School Auditorium on Friday, the 6th day of May, 2022 at 7:02PM, according to the warrant as posted. Moderator James N Caldwell called the meeting to order with a total of 80 voters present. Tellers for the evening were Michelle Thayer and Trevor Brusio.

Mr. Caldwell gave those in attendance an update on the health of Town Clerk Tara Hayes. Assistant Town Clerk Sheila Buzzell served as clerk for the meeting.

Action was taken on the following articles:

ARTICLE 1: A motion was made by Jason Petraitis, seconded by John Tripp and voted favorably by a show of hands to transfer the sum of \$10,000 from Water: Retained Earnings to Water: Building & Equipment Maintenance.

ARTICLE 2: A motion was made by John Tripp, seconded by Jason Petraitis and voted favorably by a show of hands to transfer the sum of \$20,000.00 from Water: Retained Earnings to Water: System Improvement.

ARTICLE 3: A motion was made by Jason Petraitis, seconded by John Tripp and voted favorably by a show of hands to transfer the sum of \$4,000.00 from Water: Retained Earnings to Water: Testing and Research.

ARTICLE 4: A motion was made by John Tripp, seconded by Jason Petraitis and voted favorably by a show of hands to transfer the sum of \$14,000.00 from Sewer: Retained Earnings to Sewer: Electricity Account.

ARTICLE 5: A motion was made by Jason Petraitis, seconded by John Tripp and voted favorably by a show of hands to transfer the sum of \$1,150.00 from Sewer: Retained Earnings to Sewer: Natural Gas Account.

ARTICLE 6: A motion was made by John Tripp, seconded by Jason Petraitis and, after Ron Ryel asked to have the motion read again, voted favorably by a show of hands to transfer \$3,800.00 from Sewer: Retained Earnings to Sewer: Repair and Maintenance account.

ARTICLE 7: A motion was made by Jason Petraitis, seconded by John Tripp and voted favorably by a show of hands to transfer \$26,500.00 of money from Sewer: Retained Earnings to Sewer: Solid Waste Disposal account.

ARTICLE 8: A motion was made by John Tripp, seconded by Jason Petraitis and voted favorably by a show of hands to transfer \$2,400.00 from Sewer: Operator 2 Salary to Sewer: Salary Other account.

ARTICLE 9: A motion was made by Jason Petraitis, seconded by John Tripp and, after a question by Ron Ryel as to the difference between the warrant and motion, voted favorably by a show of hands to transfer a sum of \$67.87 from Board of Selectmen: Telephone account to Prior Year bills and further to transfer the sum of \$200.00 from Board of Selectmen: Office Expenses to Prior Year bills.

ARTICLE 10: A motion was made by John Tripp, seconded by Jason Petraitis and voted favorably by a show of hands to transfer the sum of \$5,760.36 from Selectmen: Technology Account to Selectmen: General Insurance Expense account.

ARTICLE 11: A motion was made by Jason Petraitis, seconded by John Tripp and voted favorably by a show of hands to transfer the sum of \$2,000.00 from Selectmen: Technology to Selectmen: Town Counsel account.

ARTICLE 12: A motion was made by John Tripp, seconded by Jason Petraitis and voted favorably by a show of hands to transfer the sum of \$800.00 from Selectmen: Town House Purchase of Service to Selectmen: Town House Oil Heat account.

ARTICLE 13: A motion was made by Jason Petraitis, seconded by John Tripp and voted favorably by a show of hands to transfer the sum of \$185.00 from Selectmen: Advertising to Selectmen: Telephone Code Red Expense.

ARTICLE 14: A motion was made by John Tripp, seconded by Sue Lyons and voted favorably by a show of hands to transfer the sum of \$670.52 from Fire: Forestry Expense account (001.220.5806.000) to Fire: Vehicles Repair account (001.220.5262.000).

ARTICLE 15: A motion was made by Jason Petraitis, seconded by Sue Lyons and voted favorably by a show of hands to change the intended use of funds in the amount of \$9,528.56 in Fire Department New Building Account from OPM to Architect.

ARTICLE 16: A motion was made by John Tripp, seconded by Jason Petraitis, voted favorably by a show of hands to transfer the sum of \$1,800 from Playground: Purchase of Services (001.630.5200.000) to Playground: Supplies (001.630.5400.000).

ARTICLE 17: A motion was made by Jason Petraitis, seconded by John Tripp, and voted favorably by a show of hands to transfer the sum of \$85,197.89 from Free Cash to Capital Stabilization.

ARTICLE 18: A motion was made by John Tripp, seconded by Jason Petraitis, and voted favorably by a show of hands to transfer the sum of \$15.40 from Free Cash to TNC Rides Account.

ARTICLE 19: A motion was made by Jason Petraitis, seconded by John Tripp, and voted favorably by a show of hands to transfer the sum of \$535.00 from Accountant-GASB Expense to Account-Software Maintenance Expense.

ARTICLE 20: A motion was made by John Tripp, seconded by Jason Petraitis, and voted favorably by a show of hands to transfer the sum of \$58,487.51 from Police Personnel Stabilization Account, \$50,199.60 of which will be transferred to Police Training Salary, \$6,496.00 to Group Health Insurance, \$691.91 to Medicare Expense, and \$1,100.00 to Police Uniform Expense.

ARTICLE 21: A motion was made by Jason Petraitis, seconded by John Tripp, and voted favorably by a show of hands to transfer the sum of \$9,229.00 from the Police Part-Time Salary (001-210-5120-000) to the Gasoline account (001-210-5441-000).

ARTICLE 22: A motion was made by John Tripp, seconded by Jason Petraitis, and voted favorably by a show of hands to transfer the sum of \$2,507.00 from the Police Shift Differential Account (001-210-5118-000) to Police Purchase of Service account (001-210-5200-000).

ARTICLE 23: A motion was made by Jason Petraitis, seconded by John Tripp, and voted favorably by a show of hands to transfer the sum of \$3,220.00 from the Police Part-Time Salary (001-210-5120-000) to Police Uniform account (001-210-5450-000).

ARTICLE 24: A motion was made by John Tripp, seconded by Jason Petraitis, and, after a question by William King about the repeated account number which Atty Brian Riley explained the names of the account would be valid to carry the motion, voted favorably by a show of hands to transfer the sum of \$211.00 from the Police Part-Time Salary (001-210-5120-000) to Police other supplies and Expenses account (001-210-5120-000).

ARTICLE 25: A motion was made by Jason Petraitis, seconded by John Tripp, and voted favorably by a show of hands to transfer the sum of \$10.68 from the Police Equipment Repairs (001-210-5263-000) to Police Vehicle Repairs account (001-210-5262-000).

ARTICLE 26: A motion was made by John Tripp, seconded by Jason Petraitis, and, after a question by Mr. Heider why the article was being passed over and Jason explaining that there wasn't enough money in the budget for this article but we may be able to move money around, voted favorably by a show of hands to take no action on this article.

ARTICLE 27: A motion was made by Jason Petraitis, seconded by John Tripp, and voted favorably by a show of hands to take no action on this article.

ARTICLE 28: A motion was made by John Tripp, seconded by Jason Petraitis, and voted favorably by a show of hands to transfer the sum of \$2,000.00 from Veterans Benefits to Veterans Agent Salary.

ARTICLE 29: A motion was made by Jason Petraitis, seconded by John Tripp, to rescind that portion of the June 5, 2021 Adjourned Annual Town Meeting that appropriated \$22,000.00 to correct problems with stormwater from town streets and adjacent properties that causes flooding to the residence of 94 Summer Street, North Brookfield, MA and the land and streets downstream on Prospect and Summer Street, to be used by the town highway department to contract to correct stormwater problems.

After the motion and second, James Caldwell invited discussion. Bruce Arnold, 94 Summer Street discussed the issue. His goal from last year was to rebuild failed town infrastructure. He said this article was voted twice last year and passed both times. He stated the towns people have empathy but now the town wants to take back the money. Bruce said the Board of Selectmen refused to honor the town's vote and this is unacceptable. He was told by the Chairman of the Board (at the time) that Mass General Law prohibits public money to profit an individual. Bruce said he would be profiting by bringing his house up to its assessed value and stated the blame was placed on him by not doing anything. A former Highway Superintendent fixed the problem, Bruce said he would make noise and Highway would get it resolved.

At 7:36PM James Caldwell called the Annual Town Meeting to order.

Bruce said he requested to discuss the issue with the Board of Selectmen and was respectful but when he asked to discuss the letter sent to him by the Chair, he was told he should understand it. The other Board members agreed that they'd heard enough on the issue and the Chairman asked Bruce to sit down, stop talking, and threatened to have him removed. Bruce said in the letter hazy points were made and Mass General Law was referenced again stating public funds can't be spent on this issue. He said this was a thin excuse to stop support of the article. Bruce said Finance Committee and Board of Selectmen want to rescind the money to use on other things next year but Bruce wants to negotiate and be fair and equitable. Bruce sent bills to the town in January, February, March and April with accruing interest. He said the towns people's vote from last year is not being honored and we the people are ignored. Founds of our democracy said our vote is our voice.

Bruce Arnold then moved to question. James Caldwell said Bruce couldn't do that because he cut off all discussion.

Shiela LeBlanc, Town Accountant, said the amount should be \$22,000, but motion was read as \$22,500.00 James Caldwell corrected the motion to state \$22,000.00.

Trevor Bruso said the money for this repair could come out of ARPA funds as it covers storm water issues and wouldn't affect the tax payer.

Janice King asked if this would set a precedent.

Town Counsel, Attorney Brian Riley spoke about the situation. He stated that when the flooding issue was brought to the town's attention it was concluded that the town's infrastructure was not at fault, and there was no contract between the property owner and the town. DOR (Department of Revenue) says that tax dollars spent on private use is illegal.

Deb Arnold stated that when the Highway Superintendent first viewed the flooding, he was willing to work with them to correct the issue but she believes someone told him not to. The Arnolds spoke at length with engineers doing a study in the west side of town and they stated the issue was definitely a town problem. Deb said they were eligible for a West Side grant but the Town decided to pave Maple Street and fix the sidewalks on Main Street instead.

Tim Canada said his personal view is that if the money is already set aside there should be no more discussion. If we rescind the money, the issue may come back so we shouldn't rescind it.

Tim Canada moved to table this article (Article 29) until June 3, 2022 meeting, Ron Ryel seconded. There was a discussion about tabling the article, Kathleen Crevier stated she didn't

think they could, James Caldwell said they could if they adjourn the special and not dissolve it.

Holly Kularski asked for a ballot vote.

Attorney Brian Riley said the motion was to table the article and needs a 2/3 vote.

Jim Caldwell held vote on whether or not to table Article 29 to June 3, 2022. No-46, Yes-25, motion fails.

Bruce Arnold spoke again and read part of a letter from Town Counsel to James Caldwell. Bruce said the work's already done and he saved the Town \$7,000.00. During the 8-day excavation process he asked Jason Benoit (Highway Super) and Jim Nyberg (Sewer Super) to take a look at the pipes running through the yard. Ray Blake had fixed storm water drain in the past. Sewer said to be careful of the cross-country sewer line under the garage. Bruce went over the detailed presentation he did last year explaining how water comes down driveway behind their property and forms a huge pond a foot deep and 20 feet around.

Bruce Arnold moved to question; Deb Arnold seconded. Motion to move to question carried unanimously.

Holly Kularski moved to have a ballot vote, seconded by Ron Ryel. Motion carried unanimously.

James Caldwell read the results, No-55, Yes, 25. Motion does not carry, money is not rescinded.

At 8:13 PM Ron Ryel moved to dissolve the Special Town Meeting, seconded by Chet Lubelczyk. Motion carried unanimously.

A true copy, attest:

Tara M Hayes, Town Clerk
Town of North Brookfield
May 10, 2022