Town of West Brookfield-Board of Selectmen  
Minutes of Meeting - Regular Session – February 9, 2010

LOCATION: Town Hall - Lower Level Conference Room  
TIME: 6:15PM

PRESENT: Tom Long, David Eisenthal, Barry Nadon, Jr., Johanna Barry - Executive Secretary and members of press.

Call To Order: 6:15PM - The meeting was called to order by Tom at 6:15pm.

Accept Minutes:  
David motioned to accept the minutes of September 29, 2009 (Regular Session), September 29, 2009 (Executive Session),  
January 14, 2010 (Regular Session), January 19, 2010 (Regular Session), January 26, 2010 (Regular Session) and January 26,  
2010 (Executive Session). Second Barry. The Board voted unanimously.

Police Chief:  
The Chief reviewed his FY11 proposed Police & Emergency Management Budgets with the Board. The Chief provided the  
Board with an overview of overtime usage to date; and in comparison with usage in the last fiscal year. The Board asked the  
Chief to begin submitting monthly reports outlining community policing activities, calls and any other information that the  
Chief felt relevant.

PUBLIC HEARING: Class II Used Auto License – D. Aspinall:  
No abutters were present. After some discussion, Barry motioned to approve a Class II Used Auto License for Douglas Aspinall  
contingent upon the following: NO vehicles may be stored on site, a surety bond must be submitted to the Board in accordance  
with MGL and the tax collector must verify all taxes paid up to date. Second David. The Board voted unanimously.

Amy Dugas – Zoning/Farmers Market On The Town Common:  
Ms. Dugas stated that she had met with the Town Common Committee to request permission to hold weekly Farmers Markets  
on the Town Common. According to Ms. Dugas, the Common Committee denied her request stating that it was illegal under  
the current bylaws of the Town. The Board agreed to invite the Common Committee in to a meeting to further discuss the  
request.

School Superintendent & Business Manager – Proposed District Budget for FY11:  
Superintendent, Brett Kustigan and Business Manager, Joe Scanlon provided a slide show presentation to the Board; outlining  
the funding sources and expenses relating to the overall operation of the school district. Superintendent Kustigan stated that the  
district would be asking for discretionary money from the Town; but did not have an exact value at present. The Board took the  
information under advisement.

Bereavement Leave Policy:  
Barry motioned to adopt the following revised Bereavement Leave Policy in the Employee Handbook:

CURRENT:

3. BEREAVEMENT LEAVE  
Employee’s will be paid Funeral Leave only for the hours they were scheduled to work, with a maximum of 8 hours per day  
(Adopted July 13, 1999). This will be paid when an employee is required to take time off because of the death of his/her  
spouse, child, father, mother, sister, brother or in-laws (Adopted July 13, 1999). In that event, such employee shall be granted  
three (3) consecutive working days off including the day of the funeral. It is understood that the employee would otherwise  
have been scheduled to work on such days.

REVISED:

3. BEREAVEMENT LEAVE  
Employee’s will be paid Funeral Leave only for the hours they were scheduled to work, with a maximum of 8 hours per day.  
This will be paid when an employee is required to take time off due to the death of a member of that employee’s immediate  
family. The immediate family, for the purposes of this contract, shall be defined as the employee’s mother, father, sister,  
brother, child, spouse, mother-in-law, father-in-law, grandmother, grandfather or any other person permanently living in  
the household. In that event, such employee shall be granted three (3) consecutive working days off including the day of the  
funeral. It is understood that the employee would otherwise have been scheduled to work on such days. An employee shall be  
allowed one (1) day off at his/her regular rate of pay for the death of a member of that employee’s extended family. That day  
shall be the day of the funeral or the day of the service.
Noting that would be **NO CHANGE** in the Police Union Bereavement Leave Policy:

**Police Union:**

17.3 Bereavement Leave – a full-time employee shall be allowed five(5) working days off at his/her regular rate of pay due to the death of a member of that employee’s immediate family. The immediate family, for the purposes of this contract, shall be defined as the employee’s mother, father, sister, brother, child, spouse, mother-in-law, father-in-law, grandmother, grandfather or any other person permanently living in the household. An employee shall be allowed one (1) day off at his/her regular rate of pay for the death of a member of that employee’s extended family. That day shall be the day of the funeral or the day of the service.

Second David. The Board voted unanimously.

**Highway Department Uniform Policy:**
Barry motioned to adopt the following Highway Department Uniform Policy:

**HIGHWAY DEPARTMENT UNIFORM POLICY**

It is the policy of the Board of Selectmen that all full time highway department workers shall wear the uniform consisting of pants, jacket (when needed) and a long or short sleeve shirt that is provided at the Town’s expense. It shall be the responsibility of each highway department employee to pay the entire cost of any lost article of clothing that is part of his/her uniform. The Town shall provide 11 pants, 11 long sleeve shirts, 11 short sleeve shirts, 2 jackets and 2 coveralls paid for and maintained by the Town, contingent upon Town Meeting approval. Any change to the number of pants, shirts and jacket shall be paid by the employee.

Work shoes suitable to the variety of work done by the employees must be worn. An example of a shoe not allowed would be a sneaker. Suitable work shoes are not provided at the Towns expense.

Anyone coming to work without their uniform once issued, will be sent home to retrieve their uniform and their pay will be docked accordingly. The Superintendent may use his/her discretion outside regularly scheduled work hours when enforcing this portion of the policy.

Part time employees shall wear clothing suitable to the job at the employees’ expense. Shorts, tank tops and sneakers are examples of clothing that are not allowed for both full and part time employees.

Second David. The Board voted unanimously.

**Procedure for Exercising First Refusal Option for C61, 61A & 61B Land:**
Barry motioned to adopt the follow guide:

**Town of West Brookfield**

Procedure for Exercising First Refusal Option on Chapter 61, 61A, or 61B Land

This document is intended to serve as a guide for municipal staff, boards, and residents of the town of West Brookfield, outlining general steps to be followed when landowners in town intend to convert or sell their Chapter 61, 61A, or 61B land. In order to verify exact rights and responsibilities under this program, consult Chapters 61, 61A, and 61B of the Massachusetts General Laws or a land use attorney, as well as town counsel.

**NOTIFICATION REQUIREMENTS (by statute):**
The landowner provides a Notice of Intent, by certified mail, to the Select Board, Board of Assessors, Planning Board, Conservation Commission, and State Forester (c/o Commissioner of DCR) to sell or convert classified land; this notification should include:

- Cover letter notifying Select Board of intent to sell or convert the land, specifying proposed use of the land;
- Contact information for landowner;
- If Intent to sell, copy of the purchase and sales agreement specifying purchase price and all terms and conditions of proposed sale, and any additional agreements;
- Survey of land (or map if survey is unavailable);
- Location and acreage of land, shown on a map drawn at the same scale as the assessors’ map.
The day after this notification is mailed to all appropriate parties, as shown by the certified mail receipt, begins the 120-day period for the town to consider whether to exercise its first refusal option or assign this right to a conservation organization. If the notification from the landowner is deficient, as determined by town counsel, the town has 30 days in which to give the landowner notice thereof, in which case the landowner must then resubmit his/her notification, re-starting the 120-day period.

**TOWN RESPONSE:**

The Executive Secretary shall be responsible for the coordination of the following activities:

1. **Select Board** – Sends written acknowledgement of receipt of notice to landowner (or his/her attorney) with date received and asks the assessors office for copies of the current tax maps and assessments for the property as well as contact information for abutting landowners.

2. **Select Board** – (a) Notifies all town boards and abutting landowners within 10 days that notification has been received, along with the date that began the 120-day first refusal option process. (b) Forwards information received from the landowner and provided by the assessors office to the following committees.
   - Conservation Commission
   - Planning Board
   - Board of Assessors
   - Open Space Committee
   - Agricultural Commission
   - Historical Commission

3. **Select Board** – Will coordinate the gathering of information and recommendations from various committees, organizations, and individuals regarding this notification.

4. **Select Board** – (a) Schedules and organizes a meeting to discuss this first refusal option opportunity within 35 days of the distribution of materials specified in 2(b) above. (b) Notify the six above-listed committees, abutting landowners, and any other interested parties, such as land trusts and conservation organizations of this meeting, noting that responses and recommendations are due by this date; it will be assumed that any entity not submitting a response by this time does not wish to recommend that the town exercise its right of first refusal.

5. **Executive Secretary** – Within 10 days of the meeting described in the preceding paragraph, prepares and distributes to all parties a document that summarizes the results of the meeting and the recommendations of the various committees, and indicates whether or not there seems to be interest in exercising the town’s right of first refusal or assigning it to an appropriate organization; any and all committee, organization, and individual recommendations should be attached to this document.

6. **Select Board** – Following receipt of the Executive Secretary’s document, schedules a public hearing regarding the town exercising its right of first refusal. (Note – the town cannot exercise its right of first refusal without a public hearing.) It is advisable that it take place by the halfway point in the 120-day period - or as soon thereafter as possible – in order that issues such as associated contracts and identification of funding can be resolved before the 120 days expire.

7. **Select Board** - Within the 120-day timeframe, after a public hearing (giving public notice in accordance with the open meeting law), makes the decision to do one of the following:
   (a) Exercise the first refusal option;
   (b) Assign the first refusal option to a qualified nonprofit conservation organization or agency;
   (c) Decline to exercise the first refusal option.

**Requirements for each option:**

**If option (a) is chosen:** If the Select Board must execute and record with the Worcester County Registry of Deeds a *Notice of Exercise*, containing the name of the owner of record and a description of the premises adequate for identification, and send notice to the landowner by certified mail, accompanied by a proposed purchase and sale agreement to be consummated in 90 days or fewer.

**If option (b) is chosen:** The Select Board must execute and record a *Notice of Assignment*, stating the name and address of the organization or agency which is expected to exercise the option and the terms and conditions of the assignment. If the land trust or agency elects to exercise the option, it must send notice to the landowner by certified mail, and record its Notice of Exercise, containing the name of the owner of record and a description of the premises adequate for identification, plus propose a purchase and sale agreement to be consummated within 90 days. The parties then work out the agreement and consummate it. The organization or agency then records a conservation restriction.
If option (c) is chosen: The Select Board must sign and deliver a Notice of Non-Exercise, containing the name of the owner of record and a description of the premises adequate for identification, to the landowner, sending it by certified mail to the landowner’s address on the Notice of Intent.

Note: If neither the Notice of Exercise nor the Notice of Assignment is recorded within the 120-day period, the Town’s option expires and the landowner is free to sell, but only upon the original terms spelled out in the purchase and sale agreement that accompanied his/her original Notice of Intent.

Second David. The Board voted unanimously.

Appointments:
David motioned to appoint the following individuals to the Local 350th Anniversary of the Quaboag Plantation Committee:

- Ron Benoit
- LuAnn Benoit
- Lisa Careau
- Bev Kenniston
- Mert Kenniston
- Cindy Laub
- Rob Lyon
- Ruth Lyon
- Anne-Marie Nolan
- Dennis Martin
- Sandy Martin
- Jeff Robins
- Dick Rossman
- Barbara Rossman
- Dana Searah
- Pam Searah
- Dan Sykes
- Alan Weeks

Second Tom. The Board voted David & Tom – yes, Barry – abstain.

New England Police Benevolent Association (NEPBA) – Union Negotiations:
The Board agreed to meet with the NEPBA on Tuesday, February 16, 2010 at 6:00pm to conduct police union negotiations.

The Board adjourned at approximately 8:00pm.

Respectfully submitted,

_______________________    _________________________   __________________________
Chairman     Vice Chairman    Clerk