

Appendix of Optional Statutes

Adopted by the Town of Brimfield on the dates indicated.

Updated to May, 2007

The list below itemizes statutes from the Massachusetts General Laws that have been adopted by the Town and are binding. These are in addition to specific statutes referred to in the text of any town bylaw. The list reflects Town approvals since 1957, the date the present basic bylaws were adopted by the town. Some earlier acceptance statutes are also noted. It is presumed that other statutes, not itemized here, were adopted prior to 1957.

Date Adopted	Concerning
May 2007	MGL Chapter 59, Section 59A Providing for "Brownfields" tax abatements (<i>see companion bylaw</i>)
May 2007	MGL Chapter 59, Subsection 5K Providing for a property tax relief-work program for qualified senior taxpayers
May 2005	MGL Chapter 32B, Section 9A Providing for payment of premiums for retirees insurance
May 2005	MGL Chapter 40, Section 15C Re: scenic roads <i>(Also see vote of May, 1989; at this time the following roads were added to the designation: Brookfield Road, Monson Road, Mill Lane, Holland Road and Hollow Road)</i>
May 2000	MGL Chapter 41, Section 19K Providing additional compensation for Town Clerk certification
May 2000	MGL Chapter 41, Section 108P Providing additional compensation for Treasurer and Collector certification
May 1998	MGL Chapter 90, Section 20A authority and disposition of parking tickets (replaced authority of March 1982)
June 1996	MGL Chapter 41, Section 41B re: providing for optional payment of public employees by direct deposits
May 1995	MGL Chapter 40, Section 57 re: linking certain licenses and permits to payment of delinquent taxes <i>(NOTE: Affirms vote of May 1986; was previously adopted)</i>
May 1993	MGL Chapter 59, Section 5, Sub 41C re: providing tax relief for certain persons of limited means over age 70
May 1993	MGL Chapter 59, Section 5, Sub 17D re: providing tax relief for certain persons and surviving spouses over age 70
May 1993	Acts of 1992, C. 133, S.48 and Acts of 1992, C. 399 re: providing for early retirement incentive for certain municipal employees

- May 1992 MGL Chapter 140, Section 147A
re: withdrawing the town from Hampden County Dog Fund
- May 1991 MGL Chapter 473, Acts of 1990
re: regulating compensation of town clerk/registrars of voters
- May 1991 MGL Chapter 291, Acts of 1991
re: enhanced 911 service
- Sept 1990 MGL Chapter 148, Section 10A
fire inspection fees set
- Sept 1990 MGL Chapter 140, Section 2
fees set for Common Victualer (\$50 annual; \$25 seasonal/temporary)
- May 1990 MGL Chapter 40, Section 58
re: municipal charges liens (flea market licenses, emergency service charges)
- May 1990 MGL Chapter 653, Section 40, Acts of 1989
re: assessment dates for reporting new growth
(see GL Chapter 59, Section 2A paragraph 1a)
- May 1990 MGL Chapter 653, Section 40, Acts of 1989
re: allowing quarterly tax bills
(see GL Chapter 59, Section 57 C)
- Feb 1990 MGL Chapter 640, Section 3A
re: local excise tax on motel and hotel room occupancy
- Aug 1989 MGL Chapter 40, Section 58
re: providing for liens to be placed on real property for non-payment of fees
- May 1989 MGL Chapter 40, Section 15C
re: scenic roads
(See also the vote of May, 2005, when roads were further designated, amending the 1989 list). Town voted to designate all town roads as "scenic roads" excepting U.S. Route 20; Route 19, Brookfield Road, Monson Road, Haynes Hill Road from Route 19 to intersection of Route 20, Mill Lane from Route 20 to Route 19, Holland Road, and Hollow Road.
- May 1988 MGL Chapter 44, Section 53e
re: offset appropriations/estimated receipts
- May 1987 MGL Chapter 41, Section 38A
re: Tax Collector authorized to collect various charges other than taxes
- Jan 1987 MGL Chapter 40, Section 8C
re: Conservation Commission fund authorized
- May 1986 MGL Chapter 59, Section 5, Clause 17C
re: real estate tax relief for certain persons and surviving spouses

May 1986 MGL Chapter 59, Section 5, Clause 41B
re: real estate tax relief for certain persons of limited means, over age 70

May 1986 MGL Chapter 40, Section 57
re: linking certain licenses and permits to payment of delinquent taxes

June 1983 MGL Chapter 48, Section 42A
re: organization of a fire department

June 1983 MGL Chapter 138, Section 128
re: restriction on nude entertainment in public places

June 1983 MGL Chapter 40, Section 4G
re: permitting purchases under \$4000 without bid process
(NOTE: repealed by legislative act, effective May, 1990)

May 1982 MGL Chapter 148, Section 26e
re: requiring smoke detectors in motels, etc.

Mar 1982 MGL Chapter 90, Section 20 A and 1/2
re: issuance of parking tickets and collections (rescinded and revoked May 1998)

Mar 1982 MGL Chapter 166, Section 32A
re: electrical inspectors doing business in town

May 1977 MGL Chapter 808
re: providing for local zoning ordinances

May 1977 MGL Chapter 40, Section 6H (repealed by legislative act effective 7-1-1978)
re: permitting the town to repair private roads open to public for six years

May 1976 MGL Chapter 40, Section 8B
re: establishment of a Council on Aging

Mar 1973 MGL Chapter 44, Section 53c
re: establishment of an account for deposit and expenditure of monies for off-duty
details of employees and others

Mar 1972 MGL Chapter 40, Section 8D
re: establishment of an Historical Commission

Mar 1972 Acts of 1971, Chapter 486
re: authorizing licenses for beano (ballot election)

Mar 1970 MGL Chapter 40, Section 8C
re: establishment of a Conservation Commission

Mar 1970 MGL Chapter 32B
re: contributory BC/BX health insurance plan (ballot election)

- Mar 1969 MGL Chapter 41, Sections 96, 96A, 97A and 98
re: establishment of a police department
- Mar 1969 MGL Chapter 40, Section 8A
re: establishment of a Development and Industries Commission
- Mar 1968 MGL Chapter 40, Section 6C (ballot election)
re: permitting appropriations for ice and snow removal on private roads
- Nov 1946 MGL Chapter 32, Sections 1-28
re: contributory retirement system for employees (ballot election)
- July 1939 MGL Chapter 152, Sections 69-75
Re: designation of town employees, except fire and police
- Feb 1936 MGL Chapter 138, Section 11
Re: allow sale of alcoholic beverages (ballot election)
- Feb 1933 MGL Chapter 53, Section 121
Re: provisions for a non-partisan citizens nominating caucus
- June 1927 MGL Chapter 41, Section 61
Re: authorize appointment of a town accountant

APPENDIX: Recall Election

Chapter 457, Acts of 1986, as enacted by the Senate and House of Representatives in General Court, on petition of the Town of Brimfield, as voted at Annual Town Meeting, May 1986.

SECTION 1.

Any holder of an elective office in the Town of Brimfield may be recalled therefrom by the qualified voters of the town herein provided.

SECTION 2.

Any qualified voter of the town may make and file with the Town Clerk as affidavit containing the name of the officer sought to be removed and a statement of the grounds of removal. Said Town Clerk shall thereupon deliver to the voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. Said blanks shall be issued by the Town Clerk with his or her signature and official seal attached thereto; they shall be dated and addressed to the selectmen of said town, shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be recalled, the office from which recall is sought, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk within thirty days after the filing of the affidavit. Said petition before being returned and filed shall be signed by fifteen per cent of the qualified voters, and to every signature shall be added the place of residence of the signer, giving the street and number. The recall petition shall be submitted, at or before five o'clock in the afternoon of the Saturday preceding the day on which it must be filed, to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters of said town.

SECTION 3.

If the petition shall be found and certified by the Town Clerk to be sufficient, he or she shall submit the same with his or her certificate to said selectmen without delay, and said selectmen shall forthwith give written notice to said officer of the receipt of the certificate and shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order an election to be held on a Tuesday fixed by them not less than sixty nor more than seventy days after the date of the Town Clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within ninety days after the date of the said certificate, the selectmen may, in their discretion, postpone the holding of the removal election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed in this section.

SECTION 4.

Any officer sought to be recalled may be a candidate to succeed him or herself and, unless he or she requests otherwise in writing, the Town Clerk shall place his or her name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for a recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act. A majority of those voting at the recall election shall be sufficient to recall such elected officer; provided, however, that at least thirty per cent of those persons qualified to vote, do so.

SECTION 5.

The incumbent shall continue to perform the duties of his or her office until the recall election. If then re-elected, he or she shall continue in office for the remainder of his or her unexpired term, subject to recall as before, except as provided in Section Seven. If not re-elected in the recall election, he or she shall be deemed removed upon qualification of his or her successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his or her election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6.

Ballots used in a removal election shall submit the following propositions in the order indicated:

For the removal of (name of officer)

Against the removal of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the direction "Vote for one" and beneath this the names of candidates nominated as herein before provided.

If a majority of the votes cast on the recall question is in the affirmative, then the candidate that received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes in the question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.

SECTION 7.

No removal petition shall be filed against an officer within three months after he or she takes office nor within three months of the end of his or her term nor in the case of an officer subjected to a recall election and not removed thereby, until at least three months after that election.

SECTION 8.

No person who has been removed from an office or who has resigned from office while removal proceedings were pending against him or her, shall be appointed to any town office within two years after such removal or resignation.