

ANNUAL REPORT OF THE TOWN CLERK

Calendar Year 2002

Calendar year 2002 meant a full round of typical business for the Town Clerk, beginning with the Annual Street Census and dog licensing and ending with annual reports to various state agencies. This was my eighth full year of service to the Town of Brimfield.

Elections and Registrations -- The year included the local election (June), which had a low turnout of just over 30%. There was a state primary election in September and a state election in November.

POPULATION	REGISTERED VOTERS
Jan 2002: 3413	Oct. 16, 2002: 2220
Age under 17: 744	Democrats: 485
Age 65 and over: 388	Republicans: 382
Federal 2000 Census: 3339	Unenrolled (independent): 1334
	Other designations: 19

Street Census -- The 2002 street census was conducted on time, with a modest return. The 2003 local census is in progress as I write this report. The accuracy the street list depends entirely on the prompt and complete return of the census forms by every resident. Return your street list promptly -- it's the law.

Vital Records -- Due to confidentiality rulings, names and dates of vital events are not published by the Town Clerk.

VITAL EVENTS
2002 marriages recorded: 9
2002 births recorded: 32
2002 deaths recorded: 36

Division of Fisheries and Wildlife -- Sales of all classes of hunting and fishing licenses increased slightly, contrary to a state-wide trend. Selling sport licenses is not mandatory for the Town Clerk, but I prefer to continue to offer this service for my constituents. Saturday hours are particularly helpful for sportsmen and women seeking licenses.

DFW SPORT LICENSING
2002 Hunting and Sporting licenses, all classes: 21
2002 Fishing and Trapping licenses, all classes: 34
Special Permit Stamps, all classes: 11

Dog Licensing -- Dog licensing increased significantly in 2002. A new data base allowed for identification of unlicensed, unvaccinated dogs. A public interest campaign included mailing of reminder post cards to dog owners with unlicensed or unvaccinated dogs. A list of these dogs

and their owners was published twice, at the close of the licensing period and again at the end of the calendar year. Dog owners were given an opportunity to purchase a current license early (in December, before the regular period) to avoid being delinquent and the late fees that can be charged.

Some dog owners have been offended by this campaign, but the level of unlicensed and unvaccinated dogs was very troublesome. I believe the campaign was considerate and helpful. It is my hope that dog owners will be responsible and take care of these important matters every year. If you keep an unlicensed dog with no vaccination and it is picked up by the ACO, it can be very expensive: license fee, late fee, boarding fee, and vaccination at a minimum.

DOG LICENSE STATISTICS	DOG FUND
Individual dogs licensed, 2002: 423	bal. July 1, 2002 \$ 2,000.00
Kennels issued, 2000: 22	received since + 109.00
representing up to 129 dogs	expended since - 183.48
Unlicensed dogs (rabies current) Jan 1, 2003 = 212*	fees to Town Clerk - 0
Unlicensed dogs (rabies expired) Jan 1, 2003 = 152*	balance Jan 1, 2003 \$1,726.40
<i>(*These numbers certainly include dogs which have died or been transferred to new owners; the Town Clerk welcomes information to update individual dog ownership)</i>	<i>(This is a partial year record, prior to 2003 licensing income; not an official accounting record; approximately \$12,000.00 reverted to the Town's general fund in June 2002).</i>

Outreach and Resources -- I continued to be available to town officers and citizens with questions about petitions, public records, open meetings, conflict of interest, and town meeting procedures.

Oath of Office -- All persons appointed to a position under Massachusetts statutes or local bylaws must take an oath of office. Every election. Every appointment. Every term. Failure to take the oath can bring the officer and the town into vulnerable positions, if a decision or action of the officer is questioned. Every appointee, whether new or incumbent, must take the oath of office with the Town Clerk.

Availability -- The Town Clerk is posted for regular office hours on **Tuesday evenings (6:30-8:00 PM) and Saturday mornings (9-11 AM)**. Please call 245-4101 during office hours. Urgent town business can be directed to my home office at 245-9696 at other times. Alternate summer hours (June-August) may be posted.

Payroll, Wages, Fees -- The Town Clerk keeps fees as provided by MGL for several services performed for state agencies, including selling of sport licenses (Division of Fisheries and Wildlife), certified vital records (Dept. of Public Health), DBA Certificates (Secretary of the Commonwealth), Mobile Home Homesteads (Register of Deeds), Uniform Commercial Code Filings (Banking Commissioners), and Pole Locations (Dept. of Public Utilities). The Town Clerk is a Notary Public and a Justice of the Peace. **There is never a charge for notary services to town residents.**

Pamela E. Beall, Town Clerk

Town Clerk Salary, Calendar 2002: \$8,959.51

Town Clerk Fees, Calendar 2002: \$2,707.00

Election workers and *Board of Registrars, calendar 2002 payments: (three elections and town meetings; not an accounting record)

Democrats

Lizzie Brown – VOLUNTEER

Joseph DiFabio \$67.50

Susan Hiker \$160.00

Alice Kolbe \$44.00

Mike MacFadden \$74.00

Pamela Moriarty – VOLUNTEER

Lorraine Norton \$72.00

Diane Panaccione –VOLUNTEER

*Terry Prospero \$72.00

Beth St. Clair \$176.00

Lydia Walz – VOLUNTEER

Republicans

Paulette Banichar

Kris Booden

*Cindy Clark \$448.00

Suzanne Collins

Anne Dutka \$74.00

Leeds Frye \$20.00

*Jean Frazier \$88.00

Sheila Noyes-Miller

Christine Kelly \$54.00

Kay Koprowski \$296.00

Nancy Meacham

Joanne Milani \$20.00

Sandy Morris – VOLUNTEER

Barbara Spencer \$24.00

Carol Warren \$30.00

Independents/Others

Joan Erban \$54.00

Shirley Backofen \$30.00

Karen Conners (substitute) \$24.00

Shawn Fitzgibbons (substitute) \$20.25

Don Norton (Constable) \$370.00

William Roberts (Constable) \$294.00

Annual Town Meeting Actions, May 20 and 21, 2002

The Annual Town Meeting, having been duly posted, was called to order at 7:00 PM on May 20, 2002 at the Town Hall, Moderator Robert Cheney presiding. The Town Clerk reported a quorum was present. The moderator made announcements for various charitable endeavors.

* denotes article taken out of order

ARTICLE 1: Motion made and seconded to hear reports of the officers and agents heretofore chosen by the Town and take any other action thereon. **So voted overwhelmingly at 7:15 PM on May 20, 2002.**

PROCEDURAL NOTE: Motion was made and seconded to approve the following articles as presented in the warrant: Articles: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 37, 38, 39, 40. **So voted overwhelmingly at 7:21 on May 20, 2002.**

***ARTICLE 2:** Motion made and seconded to establish a revolving fund under MGL Chapter 44, Section 53E 1/2:

Dog Revolving Fund is authorized to and for the use of the Town Clerk for the receipt of dog licensing fees and other charges related to dog control, and, for the payment of expenses relating to the administration of dog licensing; the improvement of impound facilities and related

matters; expenditures in FY2003 not to exceed \$15,000 from the fund; any fund balance June 30, 2002 exceeding \$2,000 shall be closed to the General Fund. The Town Clerk shall report the income and expenditures from the fund in the Annual Town Report. **So voted overwhelmingly at 7:21 on May 20, 2002.**

***ARTICLE 3:** Motion made and seconded to establish a revolving fund under MGL Chapter 44, Section 53E 1/2:

Recreation Committee: A revolving fund is authorized to, and for the use of, the Recreation Committee for the receipt of participant fees and for the payment of league fees, equipment purchases, umpire and referee services, and other expenses of the committee; expenditures in FY2003 not to exceed \$15,000 from the fund; the town budget appropriation to the Recreation Committee shall be considered part of this fund. The Recreation Committee shall report the income and expenditures of the fund in the Annual Town Report. **So voted overwhelmingly at 7:21 on May 20, 2002.**

***ARTICLE 4:** Motion made and seconded to establish revolving funds under MGL Chapter 44, Section 53E 1/2:

Building Inspector: A revolving fund is authorized to, and for the use of, the Building Inspector for the receipt of inspection fees and for the payment of inspection services and other expenses of the Inspector; expenditures in FY2003 not to exceed \$15,000 from the fund; any fund balance June 30, 2002 exceeding \$1,000 (excluding inspection fees) shall be closed to the General Fund. The Building Inspector shall report the income and expenditures of the fund in the Annual Town Report.

Electrical Inspector: A revolving fund is authorized to, and for the use of, the Electrical Inspector for the receipt of inspection fees and for the payment of inspection services and other expenses of the Inspector; expenditures in FY2003 not to exceed \$10,000 from the fund; any fund balance June 30, 2002 exceeding \$1,000 (excluding electrical fees) shall be closed to the General Fund. The Electrical Inspector shall report the income and expenditures of the fund in the Annual Town Report. **So voted overwhelmingly at 7:21 on May 20, 2002.**

***ARTICLE 5:** Motion made and seconded to establish a revolving fund under MGL Chapter 44, Section 53E 1/2:

Historical Commission: A revolving fund is authorized to, and for the use of, the Historical Commission for the receipt of proceeds from the sale of maps and other Historical projects and for the payment of expenses related to the Historical Commission; expenditures in FY2003 not to exceed \$10,000 from the fund. The Historical Commission shall report the income and expenditures of the fund in the Annual Town Report. **So voted overwhelmingly at 7:21 on May 20, 2002.**

***ARTICLE 6:** Motion made and seconded to establish a revolving fund under MGL Chapter 44, Section 53E 1/2:

Planning Board: A revolving fund is authorized to, and for the use of, the Planning Board for the receipt of fees payable under the provisions of the Subdivision Control Law and for the payment of engineering and inspection services authorized by the Board in connection with projects governed by the said Control Law and for the reimbursement to the developers of

unexpended balances of fees paid following payment of relevant engineering and inspection services authorized by the Board; expenditures in FY2003 shall not exceed \$12,000 from the fund. The Planning Board shall report the income and expenditures of the funds in the Annual Town Report. **So voted overwhelmingly at 7:21 on May 20, 2002.**

*ARTICLE 7: Motion made and seconded to establish a revolving fund under MGL Chapter 44, Section 53E 1/2:

Cable TV Advisory Committee: A revolving fund is authorized to, and for the use of, the Cable TV Advisory Committee, for the receipt of annual subscriber fees paid to the Town by Charter Communications; charges for duplication of tapes of local access programming; and, donations; to be expended for video tapes, supplies, equipment for local access programming and other expenses of the committee; expenditures in FY2003 not to exceed \$1,500; the town budget appropriation to the Cable TV Advisory Committee shall be considered a part of this fund. The Cable TV Advisory Committee shall report the income and expenditures from this fund in the Annual Town Report. **So voted overwhelmingly at 7:21 on May 20, 2002.**

*ARTICLE 8: Motion made and seconded to establish a revolving fund under MGL Chapter 44, Section 53E 1/2:

Cemetery Commission: A revolving fund is authorized to, and for the use of, the Cemetery Commission for the receipt of burial fees and foundation fees; and, for the payment of expenses incurred in burials and foundations; expenditures in FY2003 not to exceed \$10,000 from the fund. The Cemetery Commission shall report the income and expenditures of the fund in the Annual Town Report. **So voted overwhelmingly at 7:21 on May 20, 2002.**

*ARTICLE 9: Motion made and seconded to establish the following revolving funds under MGL Chapter 44, Section 53E 1/2:

Plumbing and Gas Inspector Revolving Fund authorized to the Board of Health, for the use of the Plumbing and/or Gas Inspector for the receipt of inspection fees and for payment of inspection services and other expenses of the Inspector; expenditures for FY2003 not to exceed \$12,000 from the fund; any fund balance June 30, 2002 exceeding \$1,000 (excluding plumbing & gas fees) shall be closed to the General Fund. The Inspector shall report the income and expenditures of the fund in the Annual Town Report.

Recycling Revolving Fund, which shall incorporate the existing Composting Revolving Fund, is authorized to and for the use of, the Board of Health for the receipts of incidental recycling revenue and sale of composters and for the payment of promotion and publicity for recycling issues within the community, including town clean up and related services and for the procurement of composters; expenditures in FY2002 not to exceed \$1,500 from the fund. The Board of Health shall report the income and expenditures of the fund in the Annual Town Report; or, take any other action thereon. **So voted overwhelmingly at 7:21 on May 20, 2002.**

*ARTICLE 10: Motion made and seconded to establish a revolving fund under MGL Chapter 44, Section 53E 1/2:

HAZMAT Emergency Response Fund: A revolving fund is authorized to, and for the use of, the Fire Department for the receipt of monies received or to be received from fees charged for services rendered during HAZMAT emergencies and for disbursements there from: the Fire

Chief shall authorize all expenditures of money from this account without further appropriation, provided that the amount to be expended in FY2003 shall not exceed \$10,000 unless such additional amount is approved by both the Board of Selectmen and the Finance Committee. Said monies shall be used for the replacement of HAZMAT control materials, non-hours and truck time and shall not be disbursed until the Town Accountant has certified that the fee or fees from which the monies were derived had not been used in computing the year's tax rate; or, take any other action thereon **So voted overwhelmingly at 7:21 on May 20, 2002.**

*ARTICLE 11: Motion made and seconded to establish a revolving fund under MGL Chapter 44, Section 53E 1/2:

Council on Aging Revolving Fund is authorized to, and for the use of, the Council on Aging for the receipt of participation fees and cash donations and for the payment of administrative, office and program expenses related to the Council on Aging in FY 2003, not to exceed \$15,000. The Council on Aging shall report the income and expenditures from the fund in the Annual Town Report; or, take any other action thereon. **So voted overwhelmingly at 7:21 on May 20, 2002.**

ARTICLE 12: Motion made and seconded to raise and appropriate \$ 118,907.00 for salaries of elected town officials for the ensuing fiscal year July 1, 2002 to June 30, 2003.

A motion was made and seconded to amend the Treasurer's salary to \$20,000.00. **Fails overwhelmingly.**

A motion was made and seconded to amend the Town Clerk's salary to \$11,500, with fees to be turned over to the town treasury. **Fails overwhelmingly.**

The main motion was voted overwhelmingly, without amendment at 7:25 on May 20, 2002.

ARTICLE 13: Motion made and seconded to raise and appropriate \$6,847,743.00 for various departments and activities of the Town, payment of debts and defraying of expenses of the ensuing fiscal year, July 1, 2002 to June 30, 2003. **So voted overwhelmingly with all amendments noted in the budget document appended to this record at 9:35 PM on May 20, 2002.**

PROCEDURAL MOTION: Motion made and seconded to take up Article 46, relative to employee health insurance out of order. **So voted overwhelmingly at 9:06 PM on May 20, 2002.** Discussion on the budget was suspended for this purpose.

PROCEDURAL MOTION: Motion made and seconded to take up Article 32, relative to expenditure for full-day kindergarten out of order. **So voted overwhelmingly at 9:58 PM on May 20, 2002.**

PROCEDURAL MOTION: Motion made and seconded to take up Article 30, relative to the agreement with the regional school district out of order. **So voted overwhelmingly at 10:35 PM on May 20, 2002.**

ARTICLE 14: To see if the Town will vote to transfer \$21,809.50 from the Stabilization Fund to pay unpaid bills or overdrawn accounts for FY2002.

Motion made and seconded to raise and appropriate the sum stipulated, instead of transferring. **Fails overwhelmingly.**

The main motion was voted unanimously, without amendment, at 7:15 PM on May 21, 2002.

ARTICLE 15: Motion made and seconded to take no action on a sum of money to pay unpaid bills or overdrawn accounts for any fiscal year prior to FY2002. **So voted overwhelmingly at 7:17 PM on May 21, 2002.**

ARTICLE 16: Motion made and seconded to accept funds to be used in conjunction with and in addition to any funds, including grant awards, allotted by the Commonwealth for the purpose of the Main Street Streetscape Project. **So voted unanimously at 7:18 PM on May 21, 2002.**

ARTICLE 17: Motion made and seconded to accept and unrestricted gift of \$5,000 from The Norcross Wildlife Foundation, Inc. as an expression of support as a "host" community. **So voted unanimously at 7:18 PM on May 21, 2002**

ARTICLE 18: Motion made and seconded to accept as available funds, the sum of \$250,000 to be made available to the Town by the Massachusetts Highway Department, and, to use the funds for qualifying on state approved roads and Chapter 90 projects in the Town of Brimfield. **So voted unanimously at 7:19 PM on May 21, 2002.**

ARTICLE 19: Motion made and seconded to authorize the Highway Surveyor to enter into contracts for the usual and customary operations of public works including the care and upkeep of town ways and bridges. **So voted unanimously at 7:19 PM on May 21, 2002.**

ARTICLE 20: Motion made and seconded to transfer from Stabilization Fund \$25,000 to the Highway Department for the purpose of piling and Type-I work and other related materials on various roads, to be expended by the Highway Department subject to applicable public bidding laws. **So voted unanimously at 7:20 PM on May 21, 2002.**

ARTICLE 21: Motion made and seconded to take no action on funds allotted by the Commonwealth for the construction, reconstruction and improvement of town roads. **So voted unanimously at 7:21 PM on May 21, 2002**

ARTICLE 22: Motion made and seconded to transfer from the Stabilization Fund \$21,000.00 for ongoing renovations to additional office space at 23 Main Street and use of municipal properties adjacent to and including the Town Hall. **So voted unanimously at 7:27 PM on May 21, 2002**

ARTICLE 23: Motion made and seconded to transfer from the Stabilization Fund ~~\$12,000~~ \$11,826.00 to be used in conjunction with a 90% FEMA Grant for the purchase of emergency

safety equipment and training activities for the Fire Department. **So voted unanimously at 7:28 PM on May 21, 2002. So voted unanimously at 7:28 PM, as amended, on May 21, 2002.**

ARTICLE 24: Motion made and seconded transfer from the Stabilization Fund \$30,000 for the purchase of one new utility vehicle with equipment to replace the 1984 utility vehicle. Purchase of new vehicle will be subjected to the requirements of applicable public bidding laws. **So voted on a 2/3 vote declared by the moderator at 7:35 PM on May 21, 2002**

ARTICLE 25: Motion made and seconded to transfer from the Stabilization Fund \$4,000 for materials to continue the remodeling of the Fire Station. **So voted unanimously at 7:37 PM on May 21, 2002**

ARTICLE 26: Motion made and seconded to take no action on a sum of money to replace the transmission in Police Cruiser #3. **So voted unanimously at 7:38 PM on May 21, 2002**

ARTICLE 27: Motion made and seconded to transfer from the Stabilization Fund \$4,000 for improvements to the Brimfield Police Department quarters. Said improvements include but are not limited to carpeting, lighting and security. **So voted unanimously at 7:38 PM on May 21, 2002**

ARTICLE 28: Motion made and seconded to ~~transfer from the Stabilization Fund~~ raise and appropriate \$9,600 to purchase bullet resistant protective vests for members of the Brimfield Police Department. The Department will seek reimbursement for said vests through the Federal Reimbursement Grant Program and the Commonwealth of Massachusetts Program. **So voted unanimously, as amended, at 7:48 PM on May 21, 2002**

ARTICLE 29: Motion made and seconded to transfer from the FY2002 Cell Monitor Account #02-10-5116 the sum of \$750 to the FY2002 Brimfield Expense Account #02-10-5480. **So voted unanimously at 7:52 PM on May 21, 2002**

ARTICLE 30: Motion made and seconded to amend the Agreement of the Regional School District for the five towns of Brimfield, Brookfield, Holland, Sturbridge and Wales, Section III Apportionment of Cost, Part B, Operating Expenses, so that starting with FY2003 each town pays its own "Net Minimum Contribution." **Motion fails overwhelmingly at 10:48 PM on May 20, 2002.**

ARTICLE 31: Motion made and seconded to transfer from the Stabilization Fund \$3,000 for the End of School Report Audit for FY2002 as required by the Department of Education. **So voted unanimously at 7:52 PM on May 21, 2002**

***ARTICLE 32:** Motion made and seconded to take no action on appropriation of \$57,173 for the purpose of starting a full day kindergarten program at the Brimfield Elementary School commencing in school year 2002-2003. **Motion for no action passes on a counted vote of 56 in favor of no action and 40 opposed to no action, at 10:30 PM on May 20, 2002.**

PROCEDURAL: Motion made and seconded to reconsider Article 31. **Fails overwhelmingly at 11:02 PM.**

PROCEDURAL: Motion made and seconded to adjourn the Town Meeting until Tuesday, May 21, 2002 at 7:00 PM. **So voted overwhelmingly at 11:02 PM.**

ARTICLE 33: Motion made and seconded to transfer the sum of \$5,000 from the FY 2002 Demolish Buildings Account #01-02-41-5840 to the Demolish Buildings Article Account #01-02-41-6421. **So voted unanimously at 7:54 PM on May 21, 2002**

ARTICLE 34: Motion made and seconded to establish a new line item for a GASB 34 Implementation Salary account to compensate the Town Accountant for additional hours required to comply with GASB 34 (Governmental Accounting Standards Board) **So voted unanimously at 7:55 PM on May 21, 2002.**

ARTICLE 35: Motion made and seconded to transfer from the Stabilization Fund \$2,500 to the new line item GASB 34 Implementation Salary account **So voted unanimously at 7:55 PM on May 21, 2002.**

ARTICLE 36: Motion made and seconded to from the Stabilization Account \$1,500 for needed assistance in complying with GASB 34. **So voted unanimously at 7:56 PM on May 21, 2002.**

***ARTICLE 37:** Motion made and seconded to authorize the Treasurer with the approval of the Selectmen to borrow money from time to time, in anticipation of revenue, grants and reimbursement from state and federal agencies in the fiscal year beginning July 1, 2002 in accordance with the provisions of the General Laws, Chapter 44, Section 4 and to issue a note or notes payable within one year and to renew any note or notes as may be given for a period of less than one year, in accordance with MGL Chapter 44, Section 57. **So voted unanimously at 7:21 on May 20, 2002.**

***ARTICLE 38:** Motion made and seconded to authorize the Treasurer with the approval of the Selectmen to borrow money in anticipation of reimbursements from allotments by the state and county for highways, including bridges. **So voted unanimously at 7:21 on May 20, 2002.**

***ARTICLE 39:** Motion made and seconded to transfer the care and custody of town-owned property to Selectmen for the purpose of conveyance and further, to authorize the Selectmen to sell at public auction after first giving notice of the time and place of sale by posting such notice in some convenient public place of the Town at least fourteen days before the sale. Property taken by the town upon tax title procedure, provided that the Selectmen, or whomever they may authorize to hold such public auction, may reject any bid which they deem inadequate. **So voted unanimously at 7:21 on May 20, 2002.**

***ARTICLE 40:** Motion made and seconded to authorize the Selectmen, as required by Town Bylaw Article V, Section 2, to enter into contracts for general insurance, workers' compensation insurance, medical benefit insurance and ambulatory services within the scope and requirements defined by MGL Chapter 90B as amended. **So voted unanimously at 7:21 on May 20, 2002.**

ARTICLE 41: Motion made and seconded to transfer from the Stabilization Account \$15,000 for Tax Title expenditures. **So voted unanimously at 8:02 PM on May 21, 2002.**

ARTICLE 42: Motion made and seconded to transfer from the Stabilization Account \$500 to be added to the Conservation Fund as authorized by MGL, Chapter 40, Section 5 (S1). **Motion fails, not having obtained the necessary 2/3 majority, on count of 39 in favor and 21 opposed.**

ARTICLE 43: Motion made and seconded to transfer the sum of \$1,000 of the FY2002 appropriation from the Cemetery Wage account #04-91-5116 to the Cemetery Expense account #04-91-5460 **So voted unanimously at 8:07 PM on May 21, 2002**

ARTICLE 44: Motion made and seconded to transfer from the Stabilization Account \$2,500 for the publication of the currently used Assessors' valuation list to be inserted in the 2003 Annual Town Report as required by Town Bylaw, Article VII, Section 5 **So voted unanimously at 8:08 PM on May 21, 2002.**

ARTICLE 45: Motion made and seconded to take no action to amend the Town Bylaws by approving a consolidated Personnel Plan, the text of which proposed bylaw will be given to residents at the Annual Town Meeting. **Motion for no action passes overwhelmingly.**

***ARTICLE 46:** Motion made and seconded to take no action on the provisions of MGL, Chapter 32B, Section 7A to allow the Board of Selectmen to establish a rate of contribution by the Town higher than 50 percent of the premiums for contributory health insurance for employees in the service of the Town effective on or after July 1, 2002 and further to amend Town Bylaw Article XXIV, Section IV to read "Eligible employees may be entitled to more than 50 percent co-payment by the Town of Brimfield of the premium for the plan elected for coverage."

The Bylaw Committee made a report on the question and recommended approval of the proposal

Motion for no action passes overwhelmingly at 9:18 PM on May 20, 2002.

ARTICLE 47: Motion made and seconded to amend town bylaws, Article I, Section 7(b) to include the following: "Board of Health Regulations affecting Smoking in Certain Places and Youth Access to Tobacco: for sale of tobacco products to a minor, first offense, \$100.00; second offense, \$200.00; third offense or subsequent offenses, \$300.00. For violations of Environmental Tobacco Smoke Regulations, first offense, \$100.00; second offense within two years of the date of the first offense, \$200.00; third offense within two years of the date of the first offense, \$300.00."

The Bylaw Committee made a report on the question and recommended approval if the Town Counsel's version was put forward. The Finance Committee withdrew it's first motion and the above motion was substituted.

The substitute motion was voted unanimously on May 21, 2002 at 8:23 PM.

ARTICLE 48: Motion made and seconded take no action to impose a 180 day moratorium on the permitting and construction of cellular telephone towers, antennas and wireless communications facilities. During this moratorium the town shall develop and enact reasonable regulations regarding the siting of these towers, antennas and facilities. **Motion for no action passes overwhelmingly at 8:21 PM on May 21, 2002.**

ARTICLE 49: Motion made and seconded take no action to amend Town Bylaw Article III, Section 5 to include the following: each officer, board and/or department of the Town having charge of expenditure of town money shall submit to the Finance Committee an annual budget request for each account under their control no later than March 1st of the preceding fiscal year for the upcoming fiscal year. Failure to do so will result in the Finance Committee recommendations either for no increase in that budget request from the amount approved in the prior fiscal year or no funding at all, depending on the circumstance.

The Bylaw Committee made a report on the question, recommending for "no action" because the Finance Committee may implement the stated actions as a matter of policy.

Motion for no action passes unanimously at 8:23 PM on May 21, 2002.

ARTICLE 50: Motion made and seconded take no action to raise and appropriate a sum of money to be added to the Stabilization Fund. **Motion for no action passes unanimously at 8:29 PM on May 21, 2002.**

ARTICLE 51: Motion made and seconded to transfer \$180,840 from certified free cash, \$100,000 from Overlay Surplus, and \$75,000 from the Stabilization Account to reduce the tax rate in FY2003. **So voted overwhelmingly at 8:30 PM on May 21, 2002.**

ARTICLE 52: Motion made and seconded take no action to amend Town Bylaw, Article XVIII, Section 3 by deleting first sentence in last paragraph and replacing it with: Licenses are valid for three years and will expire on the last day of the month in which they were issued, beginning with licenses issued in 2002. Also, in the last paragraph delete the last sentence. **Motion for no action passes unanimously at 8:31 PM on May 21, 2002.**

ARTICLE 53: Motion made and seconded take no action to authorize the compensation for certificates, licenses, permits and other professional services to be paid to the Town Clerk in the following amounts:

Birth Certificate:	\$3.00
Marriage Certificate	\$3.00
Death Certificate	\$3.00

Motion for no action passes unanimously at 8:32 PM on May 21, 2002.

ARTICLE 54: Motion made and seconded to take no action to accept the provisions of MGL Chapter 41, Section 4A as follows: To authorize the Deputy Assessor to be a candidate for an elected position to the Board of Assessors, and if so elected, to continue in the current position as well.

After some discussion an original motion for positive action was withdrawn and the substitute motion as recorded was put forward.

The motion for no action passes unanimously at 8:40 PM on May 21, 2002.

ARTICLE 55: Motion made and seconded to amend Article VIII, Section 2 A (1) of the Town Bylaws by deleting the phrase "primarily in the out-of-doors" therefore reading, **FLEA MARKET** - A flea market is defined as a place where merchants buy, sell or barter merchandise on property for a consideration paid to the owner or operator of the property for temporary or seasonal use.

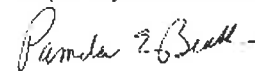
The bylaw committee reported and made recommendation for disapproval of the proposed amendment.

Motion fails on voice call at 9:10 PM on May 21, 2002.

PROCEDURAL: Motion made and seconded to reconsider Article 48. **Motion to reconsider fails on card count of 23 in favor and 24 opposed.**

Having no further business, the motion was made, seconded and cheerfully passed overwhelmingly, to dissolve the meeting 9:14 PM on May 21, 2002.

Respectfully submitted for the official records of the Town of Brimfield,


Pamela E. Beall
Town Clerk

The foregoing is certified to be a correct record of the doings of the Annual Town Meeting of the Town of Brimfield, May 2002.

NOTICE: The bylaw amendment adopted under Article 47 was approved by the Office of the Attorney General on June 28, 2002 by Kelli E. Lawrence, Assistant Attorney General.