

ANNUAL REPORT OF THE TOWN CLERK

Calendar Year 2003

Calendar year 2003 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 ninth 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 2003: 3479	Dec. 31, 2003: 2249 (includes inactive)
Age under 17: 672	Democrats: 495
Age 65 and over: 401	Republicans: 388
	Unenrolled (independent): 1345
	Other designations: 21
Federal 2000 Census: 3339	

Street Census -- The 2003 street census was conducted on time, with a modest return. The 2004 local census is in progress as I write this report. The accuracy of 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
2003 marriages recorded: 9
2003 births recorded: 21
2003 deaths recorded: 37

Division of Fisheries and Wildlife -- Sales of all classes of hunting and fishing licenses decreased slightly, consistent with 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
2003 Hunting and Sporting licenses, all classes: 24
2003 Fishing and Trapping licenses, all classes: 14
Special Permit Stamps, all classes: 14

Dog Licensing -- Dog licensing dropped in 2003. It is dismaying to say that there are many people who own dogs and who neglect to license them. I have made a conscientious effort to publicize and educate dog owners about licensing. A public interest campaign in 2002 resulted in some additional licensing. But, at the end of 2003, a demand notice was mailed to owners who continued to neglect this public health and safety need. A list of these dogs and their owners was published in September also.

I believe the campaign was considerate and helpful, but some dog owners have been offended by my efforts. I make no apology. 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, 2003: 394	bal. July 1, 2003 \$ 2,000.00
Kennels issued, 2003: 20	received since + 230.00
representing up to 104 dogs	expended since - 245.86
Unlicensed dogs (rabies current) Jan 1, 2004 = 258*	fees to Town Clerk - 0
Unlicensed dogs (rabies expired) Jan 1, 2004 = 208*	balance 12/29/03 \$1,984.14
<p>(*These numbers certainly include dogs which have died or been transferred to new owners; the Town Clerk welcomes information to update individual dog ownership)</p> <p>(This is a partial year record, prior to 2004 licensing income; not an official accounting record; approximately \$12,000.00 reverted to the Town's general fund in June 2002).</p>	

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. Although my day time hours are limited, I welcome inquiries from youth leaders for help with civics assignments or special programs about voting and town government.

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 offices hours on **Tuesday evenings (6:30-8:00 PM) and Saturday mornings (9-11 AM)**. Please call 245-4100 (X 7) 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 2003: \$ 10,0027.56
 Town Clerk Fees, Calendar 2003: \$2626.98

Election workers and *Board of Registrars, calendar 2003 payments: (one election and three town meetings; not an accounting record)

Democrats

Lizzie Brown – VOLUNTEER
Joseph DiFabio
Susan Hilker \$28.00
Alice Kolbe
Mike MacFadden \$28.00
Pamela Moriarty – VOLUNTEER
Lorraine Norton \$72.00
Diane Panaccione –VOLUNTEER
*Terry Prosperi \$48.00
Beth St. Clair \$44.00
Lydia Walz – VOLUNTEER

Republicans

Kris Booden \$28.00
*Cindy Clark \$136.00
Suzanne Collins
Anne Dutka \$28.00
Leeds Frye
*Jean Frazier \$24.00
Sheila Noyes-Miller
Christine Kelly
Kay Koprowski \$96.00
Nancy Meacham \$28.00
Joanne Milani
Sandy Morris – VOLUNTEER
Barbara Spencer \$28.00
Carol Warren

Independents/Others

Joan Erban \$28.00
Shirley Backofen \$28.00
Janice Ludeman (substitute)VOLUNTEER

Don Norton (Constable) \$96.00
William Roberts (Constable) \$72.00

Special Town Meeting Actions, February 25, 2003

The Special Town Meeting, having been duly posted, was called to order at 7:00 PM on February 25, 2003 at the Town Hall, Moderator Robert Cheney presiding. The Town Clerk reported a quorum was present. The moderator made announcements for various charitable endeavors.

ARTICLE 1: A motion was made to “vote on rent control at Meadowbrook Acres” which was disallowed by the moderator as to form.

A motion was made and seconded to direct the Board of Selectmen to **use their discretion** to petition the General Court to enact special legislation for a bill providing for the establishment and administration of rent regulations and the control of evictions in mobile home park accommodations in the Town of Brimfield.

An amendment was offered and seconded to insert the words “to use their discretion” after the words “Board of Selectmen.”

There was some debate as to the purpose of the article and whether or not it was necessary to petition the General Court, as a legislative act was already passed to allow the Town to create such a bylaw. It was argued that a bylaw could be put forward without a further petition to the General Court for special legislation.

The amendment was approved on a counted vote, 55 in favor of the amendment and 49 opposed. The main motion, as amended, was passed on a counted vote, 56 in favor and 44 opposed.

ARTICLE 2: Motion made and seconded to authorize the Board of Selectmen to acquire the following land parcel and/or rights in land parcel, for the purpose of obtaining a secure and public right of way, and any temporary easements as necessary, for construction of a public road, entering and exiting from U.S. Route 20, in the vicinity of the Brimfield Family Health Center. The subject parcel, containing an area of 15,360 square feet, that is presently owned by Dr. Clay and Chelsea Modular Homes is currently identified on a plan by Massachusetts Highway Department, titled “Plan and Profile of Roadway

Reclamation East Old Sturbridge Road in the Town of Brimfield” and filed with the Town Clerk as Special Town Meeting Warrant “Exhibit A.”

The Planning Board made spoken report, stating that a hearing was held in January and that questions were raised about the turning allowance on the plan, traffic studies and the role of the Commonwealth. The Planning Board voted to make no recommendation.

After considerable debate at the merits of the project, as well as the meaning of the motion, the motion was withdrawn in favor of this substitute motion offered by Selectman D. Panaccione:

Motion made and seconded to authorize the Board of Selectmen to accept the gift of land donated by Dr. Clay and Chelsea Modular Homes, as specified in Exhibit A to the Special Town Meeting warrant and any temporary easements as necessary for the purpose of construction of a public road. So voted overwhelmingly at 8:11 PM on February 25, 2003.

ARTICLE 3: Motion made and second to authorize the Board of Selectmen to accept the donation of a parcel of land from Glen Barrett, identified on Brimfield Assessors Map 15A, Block A, Lot 6, located on Little Alum Road.

Selectman DelNegro stated that the parcel was once a possibility for construction of a senior center, but it is too wet. She also noted that the Conservation Commission has some interest in acquiring the land, but no clear intent has been stated.

Motion made and seconded to table the preceding motion. No debate was allowed.
Motion to table voted overwhelmingly at 8:16 PM February 25, 2003.

ARTICLE 4: Motion made and seconded to take no action on the following bylaw: All appointed positions shall be subject to removal during the term of office upon a majority vote of the Appointing Authority. This standard shall apply to all appointed positions, including but not limited to volunteer positions, part-time positions and positions with fixed terms of office.

The Bylaw Committee reported that it held a hearing, although the posting requirements were not met to a calendar conflict with date of the Special Town Meeting. The committee did favor the bylaw as presented, provided the bylaw provided for some demonstration of “cause” and that any removal be “unanimous.”

Motion to take no action passed overwhelmingly at 8:17 PM February 25, 2003.

ARTICLE 5: Motion made and seconded to transfer the sum of \$75,000 from certified free cash to the Stabilization Fund.
So voted overwhelmingly at 8:20 PM on February 25, 2003.

Having no further business, the motion was made, seconded, and cheerfully passed overwhelmingly, to dissolve the meeting at 8:20 PM on February 25, 2003.

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

Pamela E. Beall
Town Clerk

Annual Town Meeting Actions, May 19, 2003

The Annual Town Meeting, having been duly posted, was called to order at 7:00 PM on May 19, 2003 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. **So voted overwhelmingly at 7:16 PM on May 19, 2003.**

PROCEDURAL MOTION: Motion made and seconded to approve the following articles as presented in the warrant: Articles 2, 5, 6, 7, 8, 11, 18, 21, 22, 23, 24. **So voted overwhelmingly at 7:18 PM on May 19, 2003.**

PROCEDURAL MOTION: Motion made and seconded to delay action on financial Articles 12, 13, 14, 15, 36, and 38 to an adjourned session June 18, 2003 at 7:00 PM. **Motion fails overwhelmingly at 7:26 PM on May 19, 2003.**

***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; expenditures in FY2004 not to exceed \$2,000 from the fund; any fund balance June 30, 2003 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 7:18 PM on May 19, 2003.**

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

Recreation Committee: A revolving fund account 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 FY2004 not to exceed \$20,000 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 7:19 PM on May 19, 2003.**

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

Building Inspector: A revolving fund account 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 FY2004 not to exceed \$18,000 from the fund; any fund balance June 30, 2003 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 account 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 FY2004 not to exceed \$10,000 from the fund; any fund balance June 30, 2003 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 7:20 PM on May 19, 2003.**

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

Historical Commission: A revolving fund account 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 FY2004 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 7:18 PM on May 19, 2003.**

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

Planning Board: A revolving fund account 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 FY2004 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 7:18 PM on May 19, 2003.**

***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 account 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 FY2004 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 7:18 PM on May 19, 2003.**

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

Cemetery Commission: A revolving fund account 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 FY2004 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 7:18 PM on May 19, 2003.**

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

Plumbing and Gas Inspector: A revolving fund is authorized to, and 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 FY2004 not to exceed \$12,000 from the fund; any fund balance June 30, 2003 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: A revolving fund account is authorized to and for the use of the Board of Health, which shall incorporate the existing Composting Revolving Fund and shall be for the receipt 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 FY2004 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.

Board of Health Tobacco: A revolving fund account is authorized to, and for the use of, the Board of Health to provide for the receipt of all permit fees from the sale of tobacco products and for the payment of costs associated with state-required store compliance checks and to ensure enforcement of Town By-Laws prohibiting smoking in public places and Board of Health regulations affecting smoking in certain places and youth access to tobacco. The Board of Health shall report the income and expenditures from this fund in the Annual Town Report. **So voted overwhelmingly at 7:21 PM on May 19, 2003.**

ARTICLE 10: Motion made and seconded to establish the two revolving funds under MGL Chapter 44, Section 53E ½, authorized to the Fire Department:

HAZMAT Emergency Response: A revolving fund account 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 FY2004 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, man-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.

Fire Inspector: A revolving fund account is authorized to and for the use of the Fire Department for the receipt of inspection fees and for the payment of inspection services and other expenses of the inspector; expenditures in FY 2004 not to exceed \$6,000 from the fund. The Fire Chief shall report the income and expenditures from this fund in the Annual Town Report. **So voted overwhelmingly at 7:21 PM on May 19, 2003.**

***ARTICLE 11:** Motion made and seconded to establish a revolving fund under MGL Chapter 44, Section 53E1/2.

Council on Aging: A revolving fund account is authorized to and for the use of 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 2004, not to exceed \$15,000. The Council on Aging shall report the income and expenditures from the fund in the Annual Town Report. **So voted overwhelmingly at 7:18 PM on May 19, 2003.**

ARTICLE 12: Motion made and seconded to raise and appropriate for various elected town officers for the ensuing fiscal year July 1, 2003 to June 30, 2004:

Moderator	\$100.00	Planning Board	\$2,500.00
Board of Selectmen	\$3,090.00	Constables	\$250.00
Board of Assessors	\$2,100.00	Tree Warden	\$464.00
Treasurer	\$18,576.00	Highway Surveyor	\$44,290.00
Collector	\$36,864.00	Cemetery Commission	\$30.00
	(fees revert to General Fund)		
Town Clerk	\$10,480.00	Board of Health	\$3,000.

Motion was made and seconded to amend the amounts recommended by the Finance Committee for a 3% increase "across the board". The amendment fails overwhelmingly. The main motion approved overwhelmingly at 7:33 PM on May 19, 2003.

ARTICLE 13: Motion made and seconded to raise and appropriate the sum of \$7,006,565.00 for various departments and activities of the Town, payment of debts and defraying of expenses of the ensuing fiscal year, July 1, 2003 to June 30, 2004. **So voted overwhelmingly, with all amendments incorporated in the appended document, at 8:29 PM on May 19, 2003.**

ARTICLE 14: Motion made and seconded to raise and appropriate the sum of \$91,430.48 to pay unpaid bills or overdrawn accounts for FY2003. **So voted overwhelmingly at 8:31 PM on May 19, 2003.**

ARTICLE 15: Motion made and seconded to raise and appropriate the sum of \$104.32 to pay unpaid bills or overdrawn accounts for fiscal years prior to FY2003. **So voted overwhelmingly at 8:32 PM on May 19, 2003.**

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. **A motion to table was made and seconded and failed on hand count of 67 opposed and 44 in favor. The main motion approved overwhelmingly at 8:43 PM on May 19, 2003.**

PROCEDURAL MOTION: A motion was made and seconded to reconsider Article 9, which passed at 7:21 PM. The motion was disallowed by the moderator, as the time for reconsideration was passed (one hour).

ARTICLE 17: 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 overwhelmingly at 8:46 PM on May 19, 2003.**

***ARTICLE 18:** 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 overwhelmingly at 7:18 PM on May 19, 2003.**

ARTICLE 19: Motion made and seconded to raise and appropriate the sum of \$25,000 to the Highway Department for the purpose of oiling 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 overwhelmingly at 8:46 PM on May 19, 2003.**

ARTICLE 20: Motion made and seconded to raise and appropriate, or otherwise fund the sum of \$ -0- to be used in conjunction with and in addition to any funds allotted by the Commonwealth for the construction, reconstruction and improvement of town roads. **So voted overwhelmingly at 8:48 PM on May 19, 2003.**

There was some discussion about the necessity for the article and a vote. No dollar amount was inserted in the article as presented and as passed.

PROCEDURAL MOTION: A motion was made and seconded to take up Article 42 out of order at this time. **So voted overwhelmingly at 8:50 PM on May 19, 2003.**

***ARTICLE 21:** 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 overwhelmingly at 7:18 PM on May 19, 2003.**

***ARTICLE 22:** 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, 2003 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 overwhelmingly at 7:18 PM on May 19, 2003.**

***ARTICLE 23:** 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 Selectmen, or whomsoever they may authorize to hold such public auction, may reject any bid which they deem inadequate. **So voted overwhelmingly at 7:18 PM on May 19, 2003.**

***ARTICLE 24:** Motion made and seconded to authorize Selectmen, as required by Town Bylaw Article V, Section 2, to enter into contracts for general insurance, workers' compensation insurance, medical benefit insurance and ambulance services within the scope and requirements defined by MGL Chapter 30B as amended. **So voted overwhelmingly at 7:18 PM on May 19, 2003.**

ARTICLE 25: Motion made and seconded to take no action on a sum of money for Tax Title expenditures. **Motion for no action passed overwhelmingly at 9:18 PM on May 19, 2003.**

ARTICLE 26: Motion made and seconded to transfer from the FY 2003 Demolish Buildings Account #01-02-41-5840, the sum of \$5,000 to the FY 2003 Demolish Buildings Article Account #01-02-41-6421. **So voted overwhelmingly at 9:19 PM on May 19, 2003.**

ARTICLE 27: Motion made and seconded to transfer from the FY 2003 Flea Market Wage Account #01-06-99-5116, the sum of \$5,000 to the FY 2003 Flea Market expense Account # 01-06-99-5480. **So voted overwhelmingly at 9:26 PM on May 19, 2003.**

ARTICLE 28: Motion made and seconded to raise and appropriate, or otherwise fund the sum of \$500 to be added to the Conservation Fund as authorized by MGL Chapter 40, Section 5 (51). **So voted overwhelmingly at 9:27 PM on May 19, 2003.**

ARTICLE 29: Motion made and seconded to raise and appropriate, or otherwise fund the sum of \$2,500 to be added to the Salary Account for the completion of GASB 34 Implementation. **So voted overwhelmingly at 9:30 PM on May 19, 2003.**

ARTICLE 30: Motion made and seconded to relocate and accept as a public way, a portion of East Old Sturbridge Road as relocated and laid out by the Board of Selectmen and more fully shown on a plan entitled "Plan and Profile of Roadway Relocation East Old Sturbridge Road in the Town of Brimfield,

Hampden County", prepared by Massachusetts Highway Department, Northampton, MA, ("Plan"), a copy of which is on file in the office of the Town Clerk. **So voted overwhelmingly at 9:42 PM on May 19, 2003.**

ARTICLE 31: Motion made and seconded to appropriate \$150,000 to construct the relocated portion of East Old Sturbridge Road, together with all necessary work incidental thereto, including engineering, in conjunction with the Commonwealth of Massachusetts, said funds to be reimbursed by a grant from the Commonwealth of Massachusetts for said purposes. **So voted overwhelmingly on voice vote; the moderator's call of the vote being challenged by seven voters, a hand count was taken, with 45 in favor and 23 opposed; the motion passed at 9:52 PM on May 19, 2003.**

ARTICLE 32: Motion made and seconded to raise and appropriate the sum of \$1,000 to be expended by the Emergency Management Director, to fund the continued development and supply of Brimfield's Emergency Mass Shelter in the Elementary School and other activities of the Emergency Management section. **So voted overwhelmingly at 9:53 PM on May 19, 2003.**

ARTICLE 33: Motion made and seconded to raise and appropriate the sum of \$2,000 to the use of Historical Commission for the purpose of preparing and submitting a nomination of historic properties to the National Register of Historic Places. **So voted overwhelmingly at 9:58 PM on May 19, 2003.**

ARTICLE 34: Motion made and seconded to take no action on a sum of money to be use in conjunction with a 3:1 matching grant from Quinebaug-Shetucket Heritage Corridor for the purposes of handicapped accessibility for the Danielson-Lincoln Memorial Library (Brimfield Public Library). **Motion for no action voted overwhelmingly at 9:59 PM on May 19, 2003.**

ARTICLE 35: Motion made and seconded to take no action to establish a seven member Library Handicap Accessibility Project Committee in anticipation of a successful award of a Partnership Program 2003 grant from the Quinebaug-Shetucket Heritage Corridor. Said committee to be comprised of the ADA Coordinator, one member each from the following committees and boards: Brimfield Library Trustees, Handicap Access Board, Brimfield Housing Authority, Council on Aging and Selectmen. The seventh member will be selected by the Library Trustees and shall be a Brimfield resident. Said committee will oversee the project through its completion and be authorized to expend available grant funds and gifts/donations received from various sources for the cost of plans, construction services, fixtures and all associated expenses related to the project, subject to applicable public bidding laws; said committee to make a full report to the next Annual Town Meeting of its doing. **Motion for no action voted overwhelmingly at 10:00 PM on May 19, 2003.**

ARTICLE 36: Motion made and seconded to raise and appropriate the sum of \$10,000 to be expended by the Board of Selectmen for maintenance painting of the exterior of the Town Hall and painting of the exterior of the Salisbury House (annex space), and, repair and/or replacement and painting of exterior shutters for the Salisbury House (annex space) at 23 Main Street, completing the painting of the interior and providing replacement carpeting of the Salisbury House (annex space) as necessary to present an acceptable appearance to the public. subject to the requirements of applicable public bidding laws. **Motion made and seconded to amend by adding the highlighted phrase to the text. Amendment voted overwhelming. The main motion, as amended, voted overwhelmingly at 10:03 PM on May 19, 2003.**

ARTICLE 37: Motion made and seconded to take no action to raise and appropriate a sum of money to construct and erect a Town Common sign. **Motion to take no action voted overwhelmingly at 10:12**

PM on May 19, 2003.

ARTICLE 38: Motion made and seconded to raise and appropriate the sum of \$4,000 to be expended by the Board of Selectmen to purchase one new or used photocopy machine to be utilized in the Town Hall. **So voted overwhelmingly at 10:14 PM on May 19, 2003.**

ARTICLE 39: Motion made and seconded to take no action to abandon the following annually appointed positions by deeming them archaic and no longer necessary and confer any authority vested in these positions under MGL as follows: Abandon Field Driver, conferring impoundment authority to Brimfield Animal Control personnel, Abandon Fence Viewers, conferring dispute resolution to the Building/Zoning Inspector, Abandon Measurer of Bark and Wood, conferring dispute resolution to the Tree Warden. **Motion to take no action voted overwhelmingly at 10:16 PM on May 19, 2003.**

ARTICLE 40: Motion made and seconded to authorize the Board of Selectmen to prepare and submit to the Massachusetts Economic Assistance Coordinating Council a certified project application for designation of the property at 47B Hollow Road, Brimfield, MA 01010, as shown on Assessor's Map 18, Block B, Lot 21, as an Economic Opportunity Area for a term of ten years and to provide property tax relief in the form of Tax Increment Financing. **The motion fails overwhelmingly at 10:25 PM on May 19, 2003.**

ARTICLE 41: Motion made and seconded to take no action to authorize the Board of Selectmen to enter into a Tax Increment Financing Plan with the owners of Hollow Brook Farms, LLC, pursuant to the provisions of MGL Chapter 40, Section 59, in connection with the development of property located at 47B Hollow Road, Brimfield, MA 01010, as shown on Assessor's Map 18, Block B, Lot 21, as described in a Certified Project Application prepared by the owners of Hollow Brook Farms, LLC, and to authorize the Board of Selectmen to take action as is necessary to obtain approval of the Certified Project Application and to implement the Tax Increment Financing Plan. **Motion for no action voted overwhelmingly at 10:25 PM on May 19, 2003.**

***ARTICLE 42:** Motion made and seconded to take no action to create a bylaw for control of rent in mobile home parks, the text of which appears on the back of this petition (see appendix), being the same bylaw adopted in 1987 and rescinded in 1993, under an authorization from the General Court of the Commonwealth granted in 1986. *The Bylaw Committee made recommendation in favor of the proposed bylaw.* **The motion for no action passed overwhelmingly at 8:59 PM on May 19, 2003.**

ARTICLE 43 Motion made and seconded to accept Governor Fairbanks Road. *Planning Board reports orally that the road is not as complete as it might be and the procedures are not sufficiently complete for acceptance to go forward; the board would prefer to take no action.* The Finance Committee withdrew the positive motion.

Substitute motion was made and seconded to take no action on acceptance of Governor Fairbanks Road. **The motion for no action passed overwhelmingly at 10: 30 PM on May 19, 2003.**

ARTICLE 44: Motion made and seconded to amend Town By-Laws, Article VII, by striking the entire section and inserting in it's place, "The Town Clerk shall keep up-to-date Town By-Laws, including Zoning By-Laws, and shall publish these for the use of Town officials after each amendment, to be made available to any other person for a fee sufficient to defray printing costs." *Bylaw Committee made favorable recommendation.* **So voted unanimously at 10:38 PM, May 19, 2003.**

ARTICLE 45: Motion made and seconded to amend Town By-Laws, Article VII, Section 4, to strike the text from the second sentence to the end, and substituting in it's place, "At least 40 20 days before the date fixed for the Annual Town Meeting, the Selectmen shall cause the published Annual Report to be available in sufficient quantities for every household in the Town, to be distributed at places of public gathering throughout the Town." *Bylaw Committee made favorable recommendation.* An amendment was offered and seconded to substitute "20 days" for "10 days" in the proposed text. **The amendment was voted overwhelmingly and the main motion was voted unanimously at 10:50 PM, May 19, 2003.**

ARTICLE 46: Motion made and seconded to amend Town By-Laws, Article One, Section 5B, to provide for a more flexible schedule, by striking the words "14 days" and the words "seven days" and substituting, in each instance the words "five days." *Bylaw Committee made favorable recommendation.* **So voted overwhelmingly at 10:53 PM, May 19, 2003.**

ARTICLE 47: Motion made and seconded take no action to amend the Town By-Law, Article XXIV, Group Health Insurance, under Section III, Eligibility, in the second paragraph, add the position of Board of Selectmen. *Bylaw Committee made favorable recommendation for the proposal.* **The motion for no action voted overwhelmingly at 10:58 PM on May 19, 2003.**

ARTICLE 48: Motion made and seconded to accept the following bylaw:

All appointed positions shall be subject to removal during term of office for reasons of "just cause" by a unanimous vote of the Board of Selectmen. "Just cause" shall be defined as any felony conviction, act of insubordination, or, failure to satisfactorily meet any of the job requirements or provisions set forth in the appointee's job description. Before removal can proceed, proper notification of such action must be given to the appointee and a hearing must be allowed. "Proper notification" shall be defined in writing and delivered by certified mail to the appointee at least fourteen (14) days before the Board of Selectmen conducts any hearing. The appointee shall have the option of having said hearing conducted either in executive or public session in accordance with the provisions set forth in the Massachusetts Open Meeting Laws. The appointee shall have the right to be represented at any removal hearing by Counsel of his/her choice. All costs associated with Counsel shall be the responsibility of the appointee. The appointee has the right to appeal any removal action imposed by the Board of Selectmen. The appeal shall be made to either the District or Superior Court depending upon which has appropriate jurisdiction. The Court shall have the authority to reverse or uphold any removal action by the Board. In the event that a removal is ultimately reversed either by the Board of Selectmen or the Court, the appointee shall be returned to the position and entitled to any back wages/salary and benefits that may be due and counsel fees reimbursed. The provisions of this bylaw do not apply to any appointed employee who is a party to a written contract with the Town of Brimfield wherein the terms of discipline and discharge (removal) are already covered by said contract, or, to other appointed employees whose position are governed under Massachusetts General Laws and the terms of discipline and discharge (removal) are provided for under such statute.

The Bylaw Committee reported favorably on the intent, but would prefer text provided by Town Counsel in a review memorandum. **So voted overwhelmingly at 11:05 PM, May 19, 2003.**

ARTICLE 49: Motion made and seconded to transfer the sum of \$206,933. from certified free cash and \$50,000 from certified Overlay Surplus to reduce the tax rate in FY2004. **So voted overwhelmingly at 11:09 PM on May 19, 2003.**

ARTICLE 50: Motion made and seconded to transfer the sum of \$50,000 from certified free cash to be added to the Stabilization Fund. **So voted overwhelmingly at 11:10 PM on May 19, 2003.**

Having no further business, the motion was made, seconded, and cheerfully passed overwhelmingly, to dissolve the meeting at 11:10 PM on May 19, 2003.

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

Pamela E. Beall
Town Clerk

CERTIFICATION OF BYLAWS

Bylaw amendments in Articles 44, 45, 46 and 48 have been submitted to the Office of the Attorney General for review. The Office of the Attorney General approved on August 26, 2003, all the amendments to the town bylaws adopted under the articles, with a memorandum regarding Article 48.

Special Town Meeting Actions, December 9, 2003

The Special Town Meeting, having been duly posted, was called to order at 7:00 PM on December 9, 2003 at the Town Hall, Moderator Robert Cheney presiding. The Town Clerk reported a quorum was present. The moderator made announcements for various charitable endeavors.

ARTICLE 1: Motion made and seconded to revise and amend the amount previously raised and appropriated under Article 13 of the May 19, 2003 Annual Town Meeting, by raising and appropriating the sum of \$6,952,790 constituting a reduction of \$53,775 from the \$7,006,565 originally raised and appropriate for this purpose.

So voted without dissent at 7:10 PM on December 9, 2003.

The affect of this vote is to reduce the annual operating budget by the sum of \$53,775 from lines 03-20-5321 Regional School Assessment (\$45,394) and from 03-20-532 Regional School Transportation (\$8,381).

ARTICLE 2: Motion made and seconded to transfer the sum of \$170,913.80 from Free Cash certified June 30, 2003, in addition to the amount previously voted under Article 48 of the May 19, 2003 Annual Town Meeting, to reduce the tax rate in FY 2004.

So voted without dissent at 7:13 PM on December 9, 2003.

Having no further business, the motion was made, seconded, and cheerfully passed overwhelmingly, to dissolve the meeting at 7:14 PM on December 9, 2003.

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

Pamela E. Beall
Town Clerk