

priority that must be met head on. This valuable space will allow Brimfield to meet anticipated future needs for recreational areas, give the Town the ability to expand, or relocate if necessary, our elementary school structure and protect precious water resources and aquifers that all Brimfield residents and homeowners are dependent upon for survival without a public water system. We also must remain cognizant of protecting valuable open space for its beauty, the protection of wildlife and conservation areas as well as providing buffer zones from encroaching development.

To this end, we wish everyone a good year as we move forward into 2006.

Diane M. Panaccione
Diane M. Panaccione, Chairman

Robert C. Cheney
Robert C. Cheney, Selectman

Stephen R. Fleshman
Stephen R. Fleshman, Selectman

2005 Stipends and Salaries:

Diane M. Panaccione	\$1,599.87
Robert C. Cheney	\$1,599.87
Stephen R. Fleshman	\$ 926.25
Carol M. DelNegro	\$39,240.71
Patricia Lawrence-Perry	\$ 1,864.90

ANNUAL REPORT OF THE TOWN CLERK

Calendar Year 2005

Calendar year 2005 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 11th full year of service to the Town of Brimfield.

POPULATION Jan 2005: 3407 Age under 17: 578 Age 65 and over: 611 Federal 2000 Census: 3339	REGISTERED VOTERS Dec 31, 2005: 2341 (includes inactives) Democrats: 524 Republicans: 428 Unenrolled (independent): 1365 Other designations: 24
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Elections and Registrations – In the cycle of elections, 2005 was an “off year” with only one local election (June).

ELECTION TURNOUT, 1997-2005

Range from low of 70 votes cast (state primary 2000) to high of 1841 (presidential 2004)
 Average votes cast, local elections = 581
 Average votes cast in primaries = 309
 Average votes cast in state/presidential elections = 1446
 Average votes cast in all elections = 600 (21 elections in past 9 years)

Help America Vote Act – When congress passed the HAVA in 2003, it was meant to fix problems -- real or imagined -- in the voting of 2000’s disputed presidential election. It is a federal initiative to bring greater regularity and uniform standards to the 50 states. The provisions are set to phase in and some have already been accomplished. Without judging whether the changes were needed in Massachusetts, it is fair to say that some of them, such as provisional ballots, were put in place with very little guidance and almost no training for Town Clerks. The same can be said of the requirement for “data mining” of voter identification numbers. The next great thing that is supposed to be in place for the November 2006 state election is electronic voting. As I write this some 17 states have told the federal government compliance with some deadlines is compromised, giving reasons from unproven reliability, failure to meet state standards, and being an unfunded federal mandate. You’ll hear more about this initiative and its local impact at the 2006 Annual Town Meeting, when voters will tell me what they want me to do about the unfunded mandate to maintain and program electronic voting equipment in Brimfield.

Street Census -- The 2005 street census was conducted on time, with a modest return. The 2006 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.

The state legislature continues to study the possibility of discontinuing the local street list. Discussion (and even failed legislation) has been going on for four years about replacing it with so-called “administrative lists” generated from driver licensing and other state agencies. Given a choice, I would continue the local street list. It is an invaluable tool to maintaining voter lists and I will have to be shown a better way.

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

VITAL EVENTS

2005 marriages recorded: 12
 2005 births recorded: 24
 2005 deaths recorded: 22

Division of Fisheries and Wildlife -- Sales of all classes of hunting and fishing licenses increased, bucking the trend of the past four years. 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 sporting men and women seeking licenses.

DFW SPORT LICENSING

2005 Hunting and Sporting licenses, all classes: 12
 2005 Fishing and Trapping licenses, all classes: 24
 Special Permit Stamps, all classes: 22

Dog Licensing – Dog licensing staid the same as the previous year, although there was a reduction in the number of unlicensed dogs (known by rabies records filed with my office by veterinarians). This is due in part to an effort to get dog owners to inform my office when a dog has died or been passed to a new owner. This effort to update records and license all dogs will continue in 2006.

It is dismaying to say 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. It is my hope that dog owners will be responsible and take care of licensing and rabies vaccinations every year, every dog. *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. There are towns that issue court summons to owners with unlicensed dogs!*

DOG LICENSE STATISTICS

Individual dogs licensed, 2005: 396
 Kennels issued, 2005: 21
 representing 106 dogs

Unlicensed dogs (rabies current) Dec 31, 2005 = 261*
 Unlicensed dogs (rabies expired) Dec 31, 2004 = 191*

*(*These numbers from my data base certainly include dogs which have died or been transferred to new owners; the Town Clerk welcomes information to update individual dog ownership)*

Each year the **Dog Revolving Fund** turns over about \$2000 to the town's general fund. The accountant's report contains additional information on all Revolving Funds.

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. I

welcome inquiries from youth leaders for help with civics assignments or special programs about voting and town government. Many persons were assisted with family history projects.

Archives -- A long sought copy of Hyde's History of Brimfield was accepted as a gift. This has never before been available at the Town Clerk's office (although the author's proof copy is part of our archive). It will greatly assist the more serious queries for family history. The Town Clerk has attempted to purchase a number of Brimfield historical documents on e-Bay, with some success. It is always difficult and aggravating to know that manuscripts signed by Brimfield officials are being auctioned to the highest bidder. It would be so welcome if the sellers would contact town officials when they are about to offer official documents for sale. I would happily pay a fair price (or find a willing donor to cover the cost) to have Brimfield manuscripts back in our care.

Certified Municipal Clerk – In 2005 I took the written examination and completed course work for the designation of Certified Massachusetts Municipal Clerk (CMMC). The designation is granted on the basis of experience, general education, specialized education, and special projects, among other criteria. My qualifying materials have been submitted and I hope to have this designation awarded in 2006.

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 *before* entering into the duties of the office.

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. 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), 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
 Notary Public and Justice of the Peace
 Town Clerk Salary, Calendar 2005: \$ 13,227.50
 Town Clerk Fees, Calendar 2005: \$ 2,054.15

Election workers and *Board of Registrars, calendar 2005 payments: *(one election and two town meetings; not an accounting record)*

Democrats	Republicans	Independents/Others
Mike MacFadden \$20.63	Kris Booden \$20.63	Shirley Backofen \$20.63
Pamela Moriarty – VOLUNTEER	*Cindy Clark \$173.75	Joan Erban \$20.63
Lorraine Norton \$74.25	Anne Dutka \$20.63	Janice Ludeman \$20.63
Diane Panaccione \$20.63	*Jean Frazier \$25.50	Don Norton (Constable) \$90.75
Beth St. Clair \$74.25	Kay Koprowski \$74.25	William Roberts (Constable) \$419.25

ANNUAL TOWN MEETING ACTIONS, MAY 16, 2005

The Annual Town Meeting, having been duly posted, was called to order at 7:05 PM on May 16, 2005 at the Town Hall, Moderator Robert Cheney presiding. The Town Clerk reported a quorum was present. The moderator made announcements for various charitable endeavors.

* Articles marked were taken out of order.

ARTICLE 1: Motion made and seconded to accept the reports of the officers and agents of the town as published in the Town Report. **So voted unanimously at 7:13 PM on May 16, 2005.**

ARTICLE 2: To see if the Town will vote to establish revolving funds under M.G.L., Chapter 44, Section 53E ½, as follows:

NAME	AUTHORIZED TO AND FOR THE USE OF	REVENUE SOURCE	AUTHORIZED EXPENDITURES	FY 06 MAXIMUM TO BE EXPENDED	DISPOSITION AT CLOSE OF FY 06
Dog Revolving Fund	Town Clerk	Licensing fees	General administration of dog licensing	\$2000	If re-authorized, amount in excess of \$2000 in FY06 shall close to general fund
Recreation Revolving Fund	Recreation Committee	Participant fees	League fees, equipment, umpire and referee services and general expenses of committee	\$20,000	
Building Inspector Revolving Fund	Building Inspector	Inspection fees	Inspection services and related expenses of building inspector	\$25,000	If re-authorized, amount in excess of \$1000 (excluding inspection fees payable to the Inspector) in FY06 shall close to the general fund
Electrical Inspector Revolving Fund	Electrical Inspector	Inspection fees	Inspection services and related expenses of electrical inspector	\$10,000	If re-authorized, amount in excess of \$1000 (excluding inspection fees payable to the Inspector) in FY06 shall close to the general fund
Historical Revolving Fund	Historical Commission	Sale of maps, publications and other fund raising materials, grant revenue	General expense of committee special projects	\$10,000	If re-authorized, amount shall carry forward to Historical Revolving Fund in subsequent fiscal year

Cable TV Revolving Fund	Cable TV Advisory Committee	Annual subscriber fee payments from cable provider; fees paid for duplication of video tapes and general donations	Supplies and equipment for local access programming and general expenses of the committee	\$1500	
Cemetery Revolving Fund	Cemetery Commission	Burial and foundation fees	Expensed related to burials and foundations	\$10,000	
Plumbing and Gas Inspection Revolving Fund	Board of Health	Inspection fees	Inspection services and related expenses of plumbing and gas inspections	\$12,000	If re-authorized, amount in excess of \$1000 (excluding plumbing and gas fees payable to the Inspector) at close of FY06 shall close to the general fund
Bins and Bags Revolving Fund	Board of Health	Sale of Trash Bags and Recycling Bins	Purchase of trash bags and recycling bins for resale to authorized vendors	\$12,500	If re-authorized, amount in excess of \$500 at close of FY06 shall close to the general fund
Tobacco Revolving Fund	Board of Health	Permit Fees	Costs of compliance and enforcement activities	\$500	If re-authorized, amount in excess of \$500 at close of FY06 shall close to the general fund
HAZMAT Revolving Fund	Fire Department	Fees from services rendered during HAZMAT emergencies	Costs associated with related HAZMAT emergencies, including control materials, staff response and truck time	\$10,000	If re-authorized, amount in excess of \$1000 at close of FY06 shall close to the general fund
Fire Inspector Revolving Fund	Fire Department Inspector	Inspection fees	Inspection services and related expenses of fire inspector	\$1000	If re-authorized, amount in excess of \$1,000 (excluding inspection fees payable to the Inspector) at close of FY06 shall close to the general fund
Senior Center Revolving Fund	Council on Aging	Participation fees and donations	Administrative, office and programs expenses	\$15,000	

So voted unanimously at 7:14 PM on May 16, 2005.

ARTICLE 3: Motion made and seconded to establish a revolving fund account under MGL, Chapter 44, Section 53E ½, 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 FY06 shall not exceed \$40,000 from the fund. The Planning Board shall report the income and expenditures of the funds in the Annual Town Report. **So voted overwhelmingly at 7:16 PM on May 16, 2005.**

ARTICLE 4: Motion made and seconded to establish a revolving fund account under MGL, Chapter 44, Section 53E ½, authorized to, and for the use of, the Board of Health for the receipt of fees for Food Vendor Inspections and for the payment for expenses related to such inspections, including the services of a Certified Food Inspector; expenditures for FY06 not to exceed \$6,000 from the fund; any fund balance June 30, 2005 exceeding \$1,000 (excluding inspection fees payable to the Inspector) shall be returned to the General Fund. The Board of Health shall report the income and expenditures of the fund in the Annual Town Report. **So voted overwhelmingly at 7:29 PM on May 16, 2005.**

ARTICLE 5: Motion made and seconded to raise and appropriate \$167,373.00 for salaries for various elected town officers for the ensuing fiscal year July 1, 2005 to June 30, 2006:

Moderator \$140.00

Selectmen \$5100.00

Assessors \$8,125.00

Treasurer \$32,631.00

Collector \$42,120.00 (fees to general fund)

Town Clerk \$15,766.00

Planning Board \$2500.00

Constables \$250.00

Tree Warden \$473.00

Highway Surveyor \$54,843.00

Cemetery Commission \$30.00

Board of Health \$4,895.00

School Committee \$500.00 (by amendment)

So voted, as amended, unanimously at 7:30 PM on May 16, 2005.

PROCEDURAL: Motion made and seconded to take articles 34, 35 and 40 out of order, before the budget is considered, as the articles are related and may impact the budget as presented. **So voted overwhelmingly at 7:42.**

ARTICLE 6: Motion made and seconded to raise and appropriate \$7,228,053.00 for various departments and activities of the Town, payment of debts and defraying of expenses of the ensuing fiscal year, July 1, 2005 to June 30, 2006, as presented in the budget (appended), with amendments from the floor incorporated. **So voted unanimously at 9:21 PM on May 16, 2005.**

RECESS: The moderator declared a recess at 9:21 PM. The meeting was reconvened at 9:42 PM.

ARTICLE 7: Motion made and seconded to take no action on a sum of money to pay unpaid bills or overdrawn accounts for FY2005. **Motion for no action passes unanimously at 9:47 PM on May 16, 2005.**

ARTICLE 8: 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 FY2005. **Motion for no action passes unanimously at 9:47 PM on May 16, 2005.**

ARTICLE 9: Motion made and second 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. **The motion fails unanimously at 9:54 PM on May 16, 2005.**

PROCEDURAL MOTION: Motion made and seconded approve Articles 10, 11, 14, 15 and 16, being routine articles for authorizations. **So voted overwhelmingly at 9:57 PM on May 16, 2005.**

ARTICLE 10: 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 9:57 PM on May 16, 2005.**

ARTICLE 11: 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 9:57 PM on May 16, 2005.**

ARTICLE 12: Motion made and seconded to raise and appropriate, or otherwise fund 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 unanimously at 9:58 PM on May 16, 2005.**

ARTICLE 13: Motion made and seconded to take no action to raise and appropriate, a sum of money 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. **Motion for no action passes unanimously at 10:01 PM on May 16, 2005.**

***ARTICLE 14:** 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 9:57 PM on May 16, 2005.**

***ARTICLE 15:** 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, 2005 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 9:57 PM on May 16, 2005.**

***ARTICLE 16:** 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 9:57 PM on May 16, 2005.**

ARTICLE 17: Motion made and seconded to raise and appropriate the sum of \$15,000 for Tax Title expenditures. **So voted unanimously at 10:02 PM on May 16, 2005.**

ARTICLE 18: Motion made and seconded to raise and appropriate the sum of \$500 to be added to the Conservation Fund as authorized by MGL Chapter 40, Section 8(c). **So voted unanimously at 10:03 PM on May 16, 2005.**

ARTICLE 19: Motion made and seconded to designate additional public ways as "scenic roads" under MGL Chapter 40, Section 15C, as adopted by the Annual Town Meeting of May 1989, namely Brookfield Road, Monson Road, Mill Lane Road, Holland Road and Hollow Road. *The Bylaw Committee made favorable recommendation.* **So voted unanimously at 10:04 PM on May 16, 2005.**

ARTICLE 20: Motion made and seconded to table the article requesting acceptance of Governor Fairbanks Road. *The Planning Board made an oral report, stating that a hearing had been held on the proposal, but that procedural requirements for acceptance have not been met. The motion to table passes overwhelmingly at 10:05 PM on May 16, 2005.*

ARTICLE 21: Motion made and seconded to transfer the sum of \$400 of the of the FY 2005 appropriation from the Cemetery Expense Account #04-91-5460, to the Cemetery Perpetual Care Account #04-91-3570. **So voted unanimously at 10:05 PM on May 16, 2005.**

ARTICLE 22: Motion made and seconded to raise and appropriate the sum of \$3,744.00 to create the new position of Town Property Maintenance Person who will be responsible for all general maintenance and repairs to all town buildings as directed and supervised by the Board of Selectmen on an as-needed basis whose wages will be expended by the Board of Selectmen from the \$3,744 appropriation. **So voted unanimously at 10:22 PM on May 16, 2005.**

ARTICLE 23: Motion made and seconded to give approval for the Board of Health to hire its Agent as a permanent town employee rather than a fee-based position. Said Agent will be a 30 hour per week employee and will be responsible for all Title 5 and food related issues and inspections along with other various duties as directed and supervised by the Board of Health. Wages will be expended by the Board of Health from the \$45,000 appropriation. **The motion fails on a count of 29 in favor and 29 opposed; the moderator declined to cast a vote to break the tie and declared the motion failing at 10:33 PM on May 16, 2005.**

NOTE: The failure or passage of the article has no affect on the authorization of the Board of Health to spend its salary appropriation in the budget for the general purpose stated in the article.

ARTICLE 24: Motion made and seconded to take no action to fund the sum of \$290 to be expended by the Board of Selectmen for the service of Hydro-Raking on LAKE SHERMAN, on the property owned by the Town of Brimfield, the community boat access on Cubles Drive which is used for boating and swimming. **Motion for no action fails overwhelmingly on voice vote.**

SUBSTITUTE MOTION: Motion made and seconded to raise and appropriate the sum of \$290 to be expended by the Board of Selectmen for the service of Hydro-Raking on LAKE SHERMAN, on the property owned by the Town of Brimfield, the community boat access on Cubles Drive which is used for boating and swimming. **So voted unanimously at 10:39 PM on May 16, 2005.**

ARTICLE 25: Motion made and seconded to transfer the sum of \$5000 from the Capital Purchase Stabilization Fund, if established under Article 42, (or from the Stabilization Fund, if the Capital Purchase Stabilization Fund is not established) to be expended by the Fire Chief to replace the fuel oil tank at the Fire Station that is used for heating the building. **So voted unanimously at 10:40 PM on May 16, 2005.**

NOTE: Article 42 was voted favorably and a Capital Purchase Stabilization Fund was created and funded. This appropriation is thereby from the Capital Purchase Stabilization Fund.

ARTICLE 26: Motion made and seconded to raise and appropriate the sum of \$10,000 to be expended by the Board of Selectmen for the repair and maintenance of the Town Hall and Town Hall Annex,

subject to the requirements of applicable public bidding laws. **So voted overwhelmingly at 10:41 PM on May 16, 2005.**

ARTICLE 27: Motion made and seconded to authorized the town, pursuant to G.L. c.59, s.5, cl. 41C, as amended by c.184, s.51, of the Acts of 2002, to decrease from 70 to 65 the age at which seniors become eligible to be granted a senior tax exemption under said clause 41C. **So voted unanimously at 10:42 PM on May 16, 2005.**

ARTICLE 28: Motion made and seconded to raise and appropriate the sum of \$6,630 as a temporary measure for FY 2006 only so that previous grant funding can be restored for the Activity Program Coordinator for the Brimfield Senior Center. Wages will be expended by the Council on Aging from the \$6,630 appropriation. **Motion for no action passes unanimously at 10:46 PM on May 16, 2005.**

ARTICLE 29: Motion made and seconded to take no action to fund the sum of \$7,020 for Additional Support Staff (Receptionist) for the Brimfield Senior Center. **Motion for no action passes unanimously at 10:47 PM on May 16, 2005.**

ARTICLE 30: Motion made and seconded to raise and appropriate the sum of \$2,500 to be expended by the Police Chief to remodel the Police Department office space. **So voted unanimously at 10:48 PM on May 16, 2005.**

ARTICLE 31: Motion made and seconded to take no action to fund the sum of \$20,000 to be expended by the School Committee for the purpose of resurfacing the gymnasium floor at the Brimfield Elementary School. **Motion for no action passes unanimously at 10:48 PM on May 16, 2005.**

NOTE: The moderator, on behalf of residents, expressed appreciation to Donna Adams and other volunteers who are able to report that the project has been funded entirely through donations.

ARTICLE 32: Motion made and seconded to take no action on appropriation of the sum of \$2,000 to be expended by the Town Clerk to purchase new voting booths for elections. **Motion for no action passes unanimously at 10:49 PM on May 16, 2005.**

ARTICLE 33: Motion made and seconded to appropriate the sum of \$4,600 to the Board of Library Trustees for the purpose of completing the automation of the Library collections. **So voted unanimously at 10:50 PM on May 16, 2005.**

***ARTICLE 34:** Motion made and seconded to take no action on acceptance of MGL Chapter 32B, Section 9. **The motion for no action failed on count of 41 in favor and 58 opposed.**

SUBSTITUTE MOTION: Motion made and seconded to accept the provisions of MGL Chapter 32B, Section 9A, allowing the Town to pay one-half the premium costs payable by a retired employee for group life insurance and for group general or blanket hospital, surgical, medical, dental and other health insurance by accepting the provisions of Chapter 32B, section 9A, of the Massachusetts General Laws. **So voted on count of 68 in favor and 31 opposed at 8:26 PM on May 16, 2005.**

***ARTICLE 35:** Motion made and seconded to take no action on acceptance of MGL Chapter 32B, Section 9E. **Motion for no action passes overwhelmingly at 8:30 PM on May 16, 2005.**

ARTICLE 36: Motion made and seconded to authorize an annual Longevity Award Program for the purpose of paying a one time award consisting of 5% of the employee's annual pay as of the previous year end on the anniversary date of five years of employment in position. The Program will be administered by the Town Treasurer with disbursements to be approved by the Board of Selectmen. The award shall be made once every five years to any eligible employee. The program eligibility will include elected officials, board/committee members with stipends and all municipal employees except school employees and others whose wages are determined by separate contract. In addition, but only for the first year of the Longevity Award Program, all eligible employees who have previously served at least five years in position will also be given a Longevity Award. **So voted overwhelmingly at 10:56 PM on May 16, 2005.**

ARTICLE 37: Motion made and seconded to raise and appropriate the sum of \$17,000 for FY06 to fund the first year of the Longevity Award Program. **So voted unanimously at 10:57 PM on May 16, 2005.**

ARTICLE 38: Motion made and seconded to reduce the size of the Finance Committee from nine members to seven members, provided, however that the term for which any current member of the Finance Committee has been appointed shall not be cut short by this vote, by amending Article III of the Town Bylaws, Finance Committee, as follows:

Delete in Section I in the first sentence the word "nine" and replace it with "seven"; and

Insert a new Section I.A. as follows:

The reduction in the number of members of the Finance Committee from nine to seven, as approved by the 2005 Annual Town Meeting, shall take effect immediately upon approval of this bylaw amendment by the Attorney General and compliance with the requirements of G.L. c. 40, s. 32, if two vacancies exist on the Committee at that time; otherwise, the reduction in the number of members of the Committee shall take effect upon the expiration of the terms of two members of the Committee or their sooner resignations.

Delete in Section II the first two sentences and insert in the place thereof the following:

Finance Committee members shall be appointed by the Selectmen at each Annual Town Meeting for alternating three year terms so that as nearly as possible the terms of one third of the members expire annually.

The Bylaw Committee made favorable recommendation. So voted unanimously at 10:57 PM on May 16, 2005.

ARTICLE 39: Motion made and seconded to amend Town Bylaw Article XV, by inserting the following paragraph as the third paragraph, with no change to the balance of the bylaw:

" The owner/builder shall construct the driveway entrance from a point along the property frontage and that the owner/builder shall construct the driveway with a slope of zero percent to a maximum of ten percent (0%-10% from the pavement edge of the traveled way for a distance of twenty (20) feet, then continue with a slope of zero percent to a maximum of twenty percent (0% - 20%) for a distance of twenty-five (25) feet"

The Bylaw Committee reported favorably on the substance of the article and offered the motion as stated, which omits language referencing zoning. So voted unanimously at 11:04 PM on May 16, 2005.

***ARTICLE 40:** Motion made and seconded to take no action on renumbering and amending Article XXIV of the Bylaws of the Town of Brimfield relative to group health insurance. *The Bylaw Committee made a report on the proposed amendments and recommended for no action. Motion for no action passes overwhelmingly at 8:41 PM on May 16, 2005.*

NOTE: The proposed bylaw intended to bring an existing bylaw into greater conformity with MGL Chapter 32B and the Bylaw Committee observed that the existing bylaw appears to be inconsistent with some provisions of Chapter 32B and that rescinding the existing bylaw would be appropriate. In any case, the town is bound by MGL chapter 32B, as previously accepted by the town on a ballot vote, together with all sections accepted with separate votes at later times.

ARTICLE 41: Motion made and seconded to amend Zoning Bylaws, to create a new section IVA2-c, by inserting the following:

c. Elderly Housing Communities: The Board of Appeals may grant a special permit, pursuant to Section VIII-B-2, for elderly housing communities, subject to the following:

- (i) Elderly Housing Communities shall consist of detached, single-family dwellings with or without a garage and one community building.
- (ii) Notwithstanding any other provision in these Bylaws, multiple single-family dwellings may be constructed on one lot within Elderly Housing Communities, provided that the total number of such structures shall not exceed one for each acre of lot area.
- (iii) Each lot and/or dwelling shall be deed-restricted for ownership and occupancy by persons 55 years of age or older. The form of such deed restriction shall be approved by the Board of Appeals and Town Counsel and attached to and incorporated within the special permit.
- (iv) The Board of Appeals may impose such other reasonable conditions as it deems appropriate and shall require the applicant to obtain Site Plan approval from the Planning Board.

The Planning Board made a favorable oral report on the proposed bylaw.

An amendment was offered and seconded to add the phrase "not more than 15 detached houses" at an unspecified place in the proposed bylaw. **The amendment failed overwhelmingly on voice call of the moderator. The main motion was approved on a hand count of 39 in favor and 14 opposed, being a 2/3 (i.e. 36 needed) majority for passage at 11:22 PM on May 16, 2005.**

ARTICLE 42: Motion made and seconded to establish a "Capital Purchase Stabilization Fund" to which moneys may be added for the purpose of funding future capital purchases and from which moneys may be drawn to make payments for purchases of capital items; and to transfer the sum of \$73,000 from certified free cash and \$145,000 from the Stabilization Fund to be added to the Capital Purchase Stabilization Fund. **So voted unanimously at 11:24 PM on May 16, 2005.**

ARTICLE 43: Motion made and seconded to transfer from the Capital Purchase Stabilization Fund the sum of \$42,455, to pay the interest and principal due in FY06 on the Capital Purchase Debt authorized in FY05. **So voted by 2/3 majority declared by the Moderator at 11:25 PM on May 16, 2005.**

ARTICLE 44: Motion made and seconded to transfer the sum of \$41,090 from FY05 Additional State Lottery Funds to the Capital Purchase Stabilization Fund. **So voted unanimously at 11:26 PM on May 16, 2005.**

ARTICLE 45: Motion made and seconded to transfer the sum of \$6887 from certified free cash to the Stabilization Fund. **So voted unanimously at 11:27 PM on May 16, 2005.**

ARTICLE 46: Motion made and seconded to transfer the sum of \$209,335 from certified free cash and \$94,534 from certified overlay surplus to reduce the tax rate in FY06. **So voted unanimously at 11:27 PM on May 16, 2005.**

DISSOLUTION: Motion made by the Town Clerk and seconded to dissolve the 274th Annual Town Meeting. **So voted overwhelmingly and with enthusiasm at 11:29 PM on May 16, 2005.**

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

For the official records
Town of Brimfield

Pamela E. Beall
Town Clerk

BYLAW APPROVALS

The bylaws changes represented in articles 38, 39 (General Bylaws) and 41 (Zoning Bylaws) were submitted for review and approval by the Attorney General. All were returned with approval on July 13, 2005. The Attorney General called attention to Article 41 having no reference to an acreage requirement pursuant to G.L. c. 151B, S. 4, sub 6. This statute prohibits age discrimination in housing, except "...on one parcel or on contiguous parcels of land totaling at least five (5) acres in size. The Attorney General strongly suggested that the town should clarify this in a further amendment to the bylaw. The approval and opinion was signed by Kelli E. Gunagan, Assistant Attorney General, on behalf of Thomas F. Reilly. The REQUIRED NOTICE of this approval was posted as required by law. The general laws are considered effective on the date of posting (July 16, 2005) and the zoning bylaw is deemed effective on the date voted by Town Meeting (May 16, 2005).