

ANNUAL REPORT OF THE TOWN CLERK

Calendar Year 2010

Calendar year 2010 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 16th full year of service to the Town of Brimfield.

Closure of the Town Hall – The emergency closing of the Town Hall on March 3, 2009 had a deep, deep impact on my office. This continued throughout 2010. The structural repairs are complete as of January 2011; but no date has been set for a return to normal services in a normal office until additional work is identified and undertaken. Cleaning up the debris, dust, grit, and grime is going to be a big chore. It is certainly my hope and objective to hold the Annual Town Meeting and Annual Election in the Great Hall in 2011.

H. 4133 and Unfunded Mandates – In December 2009 and continuing into 2010 my office undertook the newly mandated distribution of the Conflict of Interest Law (COIL) and the Open Meeting Law (OML). The cost of printing and distributing the COIL was \$635. This task is supposed to be done every year and all town employees (elected, appointed, and hired) are to take an online training course every other year (2009, then 2011, etc), with the Town Clerk keeping records of course completion. The distribution was greatly assisted by the Town Treasurer who included the required materials in paychecks for a large number of employees.

Open Meeting Law. H 4133 made a complete revision to the OML. Changes to legal notification for public meetings will apply to every multi-member board or committee. New regulations were not available until October 1, 2010. In December 2010, a training session was conducted by Town Counsel Brian Riley, attended by 40 people representing 22 (of 26) boards and committees. Additional training will be conducted in 2011 by the Town Clerk. Like the COIL, there is a requirement that the Town Clerk distribute a large package of OML materials (the law, the regulations, and the Attorney General's Guide) every year to every person on a multi-person board or committee. In any given year, we have about 150 volunteer service members on 26 such groups. The cost of printing was \$745 (enough for three years); plus \$109.62 for new posting forms. The distribution of these materials has been slow, but every person will get the materials as required.

Elections and Registrations – In the cycle of elections, 2010 began with a Special Election to choose a state senator to replace our beloved Senator Edward M. Kennedy. The Annual Town Meeting and Town Election were held in May and June. The State Party Primary was held in September and the combined Federal and State Election was held in November. All were held at St. Christopher Community Center. These events are fully reported below.

Street Census -- The 2010 street census was conducted on time, with a modest return. However, due to the emergency closing of the Town Hall I had limited access to a very cold office at the Town Hall and data was entered into the state CRV computer later than usual. A master report was created, but was not published for general distribution. Copies were distributed to town departments and all who requested them. The 2011 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.

Legislative discussion, ongoing since 2007, to discontinue the local street census is at a standstill, with no new bills pending. New federal census numbers on population in 2010 are included below for comparative reference.

| POPULATION | REGISTERED VOTERS |
|---|---|
| Jan 31, 2010: 3444 | Dec 31, 2010: 2569 (includes inactives) |
| Age under 17: 450 | Democrats: 589 |
| Age 65 and over: 538 | Republicans: 440 |
| Federal 2000 Census: 3339 | Unenrolled (independent): 1525 |
| Federal 2010 Census: <i>not available yet</i> | Other parties or designations: 15 |

Vital Records – Looking ahead to 2011 there are major changes coming to the care and custody of vital records. The Massachusetts Bureau of Vital Records started training city and town clerks late in 2010 for a system called VIP. It will be initiated in three phases over three years, starting with the creation of birth records in hospital towns. Once this network is available online, any town clerk may locate and find any vital record in the Commonwealth and provide a certified copy. A special security paper will be utilized for this purpose, and every city and town will use the same form and template. This is a long overdue and significant change for all parties involved in vital records.

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

VITAL EVENTS

2010 marriages recorded: 16
2010 births recorded: 23
2010 deaths recorded: 20

Division of Fisheries and Wildlife -- Sales of all classes of hunting and fishing licenses increased a bit in 2010 in our town while continuing to drop across the Commonwealth. In the middle of 2010, the DFW announced that it was intending to discontinue the familiar paper licensing sold by agents. The plan was to convert all licensing to online, with the agents collecting the money, reporting to the state, and having the funds electronically transferred. It was my intention to opt out of this, as it would be difficult at best for a part-time clerk and a part-time Treasurer to ensure that the funds were in the electronic account on the timetable the state wanted. The DFW did not go forward with the plan, but it did institute a significant online sales function on its web site, where individuals can purchase licenses and facsimile stamps using credit card payment. It is NOT likely that I will continue to act as a DFW agent in the future.

DFW SPORT LICENSING

2010 Hunting and Sporting licenses, all classes: 11
2010 Fishing and Trapping licenses, all classes: 10
Special Permit Stamps, all classes: 14

Dog Licensing – Dog licensing was about the same as the previous year. Dogs must have rabies vaccinations. Dogs must be registered (licensed) to identify and control nuisance dogs and assure that dogs are protected from the deadly disease of rabies. A major effort involving more than 500 mailed postcards was important in 2010 for cleaning out Town Clerk records. The dog population is a very fluid population and I am often not told of dogs which have died, gone missing, or given away.

DOG LICENSE STATISTICS

Dogs licensed, 2010: 459 including those in kennels

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.

Bylaws – The Town Clerk makes a heartfelt appeal to sponsors of bylaws: Please draft bylaws with sufficient time for all reviews: selectmen, Town Council, Bylaw Committee, Finance Committee and all interested parties. Poorly crafted bylaws for town meeting action result in unnecessary and unproductive confusion during debate. The Town Meeting should not be a forum for reconstructing poorly written bylaws.

The Town Clerk is a non-voting advisor to the Bylaw Committee and is always willing to assist citizens with Town Meeting petitions and crafting bylaw changes.

Outreach and Resources – I would like to have a much more active and up-to-date Town Clerk page on the town's website, but my capacity to do this was seriously hampered by the fractured record keeping on the town and my personal computer. It is one of the first tasks I will address when I return to my regular office.

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. Some of these tasks were made more difficult without access to materials kept at the Town Hall.

Archives – A project to transfer loose vital records into archival storage sleeves and binders was begun in 2008, discontinued in 2009 and 2010 when access to vault storage was limited, and will resume when my office is made whole again.

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 (temporary office at the annex) on **Tuesday evenings (6:30-8:00 PM)** and **Saturday mornings (9-11 AM)**. Please call

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245-4100 (X 7) during office hours. Please understand that records which must be retrieved from the Town Hall can not be provided instantly under the current temporary office conditions.

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. **There is never a charge for notary services to town residents.**

Pamela E. Beall, CMMC Town Clerk

Town Clerk Salary, Calendar 2010: \$15,590.31

Town Clerk Fees, Calendar 2010: \$1950.80

Town Clerk Certification and Election List Allowance 2010: \$1100.00

Election workers and *Board of Registrars, calendar 2010 payments: (*four elections, Annual Town Meeting; not an accounting record*)

Democrats

Pamela Moriarty VOLUNTEER
Lorraine Norton \$473.25
Diane Panaccione VOLUNTEER
Theresa Proseri * \$179.50
Beth St Clair \$347.25
Joe DiFabio \$33.25
Michael MacFadden \$78.25
Susan Hilker VOLUNTEER
Kathleen Moloney \$33.25

Republicans

Cynthia Clark * \$87.50
Anne Dutka \$159.00
Chris Kelly \$57.00
Kay Koprowski \$477.75
Sandra Morris VOLUNTEER
Carol Warren \$159.25
Carolyn Haley \$75.00
Deb Tierney * 28.50
Barb Spencer \$33.25

Independents/Others

Shirley Backofen \$18.00
Joan Erban \$473.25
Karen Conners \$51.25
Eleanor Snelgrove \$57.00
Ginger Rousseau \$60.25
Sarah Meitzler \$33.25
Janice Ludeman VOLUNTEER
William Roberts Constable \$411.50
Donald Norton Constable \$561.00

ANNUAL TOWN MEETING ACTIONS, MAY 17, 2010

The 279th Annual Town Meeting, having been duly posted, was called to order by Moderator Michael Miller at 7:10 PM on May 17, 2010 at the Brimfield Elementary School. The Town Clerk reported a quorum was present (voters entered at check in = 121).

* denotes articles taken out of order

PROCEDURAL NOTE: The Finance Committee may, at its discretion, make a single consent motion for approval of any routine authorizations.

ARTICLE 1: Motion made and seconded that the reports of the officers and agents be accepted as written in the Town Report. **So voted without dissent on May 17, 2010 at 7:17 PM.**

ARTICLE 2: Motion made and seconded to authorize revolving funds under MGL Chapter 44, Section 53E ½, (Chart of Accounts in Appendix). **So voted without dissent on May 17, 2010 at 7:23 PM. ALSO NOTE new revolving fund voted in Article 28.**

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| NAME | AUTHORIZED TO AND FOR THE USE OF | REVENUE SOURCE | AUTHORIZED EXPENDITURES | FY 11 MAXIMUM TO BE EXPENDED | DISPOSITION AT CLOSE OF FY 11 |
|--|----------------------------------|--|---|------------------------------|---|
| Dog Revolving Fund | Town Clerk | Licensing fees | General administration of dog licensing | \$2000 | If re-authorized, amount in excess of \$2000 in FY11 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 | \$40,000 | If re-authorized, amount in excess of \$2000 (excluding inspection fees payable to the Inspector) in FY11 shall close to the general fund; \$100 to be transferred to the Demolish Building Account and \$1000 shall carry forward to the Building Inspector Revolving Fund in subsequent fiscal year |
| 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 FY11 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 FY11 shall close to the general fund |

| | | | | | |
|--|---------------------------|---|--|----------|--|
| Food Vendor Revolving Fund | Board of Health | Inspection fees | Inspection services and related expenses of the certified food Inspector. | \$25,000 | If re-authorized, amount in excess of \$1000 (excluding food fees payable to the Inspector) at the close of FY11 shall close to the general fund |
| Bins and Bags Revolving Fund | Board of Health | Sales of Trash Bags and Recycling Bins | Purchase of trash bags and recycling bins for resale to authorized vendors | \$20,000 | If re-authorized, amount in excess of \$500 at close of FY11 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 FY11 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 FY11 shall close to the general fund |
| Fire Inspector Revolving Fund | Fire Department Inspector | Inspection fees | Inspection services and related expenses of fire inspector | \$10,000 | If re-authorized, amount in excess of \$1000 (excluding inspection fees payable to the Inspector) at close of FY11 shall close to the general fund |
| Senior Center Revolving Fund | Council on Aging | Participation fees and donations | Administrative, office and programs expenses | \$15,000 | |
| Subdivision Control Law Revolving Fund | Planning Board | Engineering receipts and inspection services fees | Receipts for engineering and inspection services and to reimburse developers unexpended fee balances. | \$40,000 | |

***ARTICLE 3:** Motion made and seconded to raise and appropriate \$185,758.00 for various elected town officers for the ensuing fiscal year July 1, 2010 to June 30, 2011. (Note: itemized in the budget recap appended).

AMENDMENT - Motion made and seconded to amend the salaries with an increase of 3%.
Amendment defeated on May 17, 2010 at 7:37 PM.

AMENDMENT - Motion made and seconded to amend the salaries with an increase of 2%.
Amendment passed on a hand count of 64 in favor and 35 opposed on May 17, 2010 at 7:50 PM.

The main motion, incorporating the amendment for 2%, was voted without dissent on May 17, 2010 at 7:50 PM.

***ARTICLE 4:** Motion made and seconded to raise and appropriate \$7,736,676.00 for various departments and activities of the Town, payment of debts and defraying of expenses of the ensuing fiscal year, July 1, 2010 to June 30, 2011, and direct how the same shall be expended. (note: the budget recap includes two floor amendments to amounts for dog officer and ambulance). So voted without dissent on May 17, 2010 at 9:14 PM.

ARTICLE 5: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, a sum of money to pay unpaid bills or overdrawn accounts for FY2010; or, take any other action thereon. (Board of Selectmen) **The moderator passed over this article with no motion and no action was taken.**

ARTICLE 6: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, a sum of money to pay unpaid bills or overdrawn accounts for any fiscal year prior to FY2010; or, take any other action thereon. (Board of Selectmen) **The moderator passed over this article with no motion and no action was taken.**

ARTICLE 7: Motion made and seconded to take no action on funding the sum of \$15,000 for Tax Title Expenditures. **So voted no action without dissent on May 17, 2010 on May 17, 2010 at 8:20 PM.**

PROCEDURAL: Motion made and seconded to approve and grant authorizations in routine article: Articles 8, 9, 11, 12, and 13. **So voted without dissent on May 17, 2010 at 8:21 PM.**

ARTICLE 8: 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 according to State contract; or, take any other action thereon. **So voted without dissent on May 17, 2010 at 8:21 PM.**

***ARTICLE 9:** 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 without dissent on May 17, 2010 at 8:21 PM.**

ARTICLE 10: Motion made and second to raise and appropriate, or otherwise transfer from available funds, the sum of \$ 0 [zero] 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 without dissent on May 17, 2010 at 8:22 PM.**

***ARTICLE 11:** 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 without dissent on May 17, 2010 at 8:21 PM.**

***ARTICLE 12:** 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 reimbursements from state and federal agencies in the fiscal year beginning July 1, 2010 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 M.G.L. chapter 44, section 57. **So voted without dissent on May 17, 2010 at 8:21 PM.**

***ARTICLE 13:** Motion made and seconded to authorize the Board of Selectmen, as required by Town Bylaw, Section 5.0, Subsection 5.1, to enter into contracts for general insurance, workers' compensation insurance, medical benefit insurance and ambulance services within the scope and

requirements defined by M.G.L. chapter 30B as amended. **So voted without dissent on May 17, 2010 at 8:21 PM.**

ARTICLE 14: Motion made and seconded to raise and appropriate the sum of \$30,000 to the Highway Department for the purpose of oiling and Type-1 work and other related materials on various roads, to be expended by the Highway Department subject to applicable public bidding laws. **So voted without dissent on May 17, 2010 at 8:23 PM.**

ARTICLE 15: Motion made and seconded to raise and appropriate the sum of \$500 to be added to the Conservation Fund as authorized by M.G.L. chapter 40, section 8C. **So voted without dissent on May 17, 2010 at 8:24 PM.**

ARTICLE 16: Motion made and seconded to authorize the Board of Selectmen to acquire, by purchase, gift or eminent domain or otherwise, for conservation, open space and passive recreation purposes in accordance with M.G.L. chapter. 40, section 8C, the remaining fee interest in the parcel of land on Steerage Rock Mountain off Steerage Rock Mountain Road, shown on Assessors Map 7, Block A, Lot 19 and described in a deed dated June 21, 1927 from Henry E. Corey to Donald C. Corey, recorded with the Hampden County Registry of Deeds in Book 1370, Page 11, such interest to be placed in the jurisdiction and control of the Conservation Commission; and further, that \$1183.30 be transferred from account #01-122-3561, the Norcross Grant, for this purchase and any expenses related thereto; and, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition. **So voted without dissent, with 2/3 vote in the affirmative, declared by the moderator without challenge, May 17, 2010 at 8:25 PM.**

ARTICLE 17: Motion made and seconded to authorize the Board of Selectmen to accept a deed in lieu of tax foreclosure pursuant to M.G.L. chapter 60, section 77C, conveying fee title to all or portions of the parcel of real estate owned by Lawrence E. Whitworth and Eugene Whitworth, and more particularly described as Brimfield Assessors parcel 6A-F-19 and further identified as Oakwood Road, recorded in Hampden County Registry of Deeds, Book 3842, Page 598; said land to be conveyed to the Town free and clear of any liens or encumbrances except for municipal tax liens securing payment of outstanding real estate taxes; and, upon conveyance to the Town, to be held for general municipal purposes or for disposition thereof by sale or otherwise. Furthermore, to authorize the Board of Selectmen to undertake any act or to execute any document necessary to consummate this transaction in accordance with the provisions of M.G.L., chapter 60, section 77C, and further to authorize the Board of Selectmen to convey said land by sale or otherwise. **So voted without dissent on May 17, 2010 at 8:25 PM.**

ARTICLE 18: Motion made and seconded to authorize the Board of Selectmen to petition the General Court for a special act as set forth below to establish a special fund for operation of the Brimfield Flea Market subject to certain expenditure limitations as set forth therein; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and, provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT ESTABLISHING A SPECIAL FUND IN THE TOWN OF BRIMFIELD:

Be it enacted by the Senate and House of Representatives in General Court assembled and by authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, there shall be established in the town of Brimfield a fund, to be known as the Brimfield Flea Market fund, to which shall be credited all fees, proceeds and other receipts received by the town in conjunction with the operation of the Brimfield Flea Market, which fund may be expended by the Brimfield Board of Selectmen without further appropriation for the administrative, operating and maintenance costs, including emergency services, associated with said flea market, provided, however, that town meeting shall annually impose a limit on expenditures there from and may provide that receipts remaining in the fund at the end of the fiscal year in excess of \$10,000 be returned to the general fund. Provided further that the Board of Selectmen may expend in any fiscal year an amount not exceeding the amount equivalent to five percent (5%) of the amount raised by taxation by the town in the most recent fiscal year for which a tax rate has been certified under section 23 of chapter 59 of the General Laws. The fund established pursuant to this act shall not be considered a revolving fund for the purposes of section 53E ½ of chapter 44 of the general laws or be included for purposes of determining the aggregate limit of all revolving funds authorized under section 53E ½ of said chapter 44.

SECTION 2: This act shall take effect upon its passage.
So voted with nominal dissent on May 17, 2010 at 9:02 PM.

ARTICLE 19: Motion made and seconded to take no action on the questions of accepting sections 3 to 7, inclusive, of chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation and preservation of land for recreational use, the creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, land for recreational use and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 1% of the annual real estate tax levy against real property and that such surcharge shall commence in fiscal year 2011; and that the town hereby accepts the following exemptions from such surcharge under Section 3A of said Act: (1) \$100,000 of the value of each taxable parcel of residential real property, and, (2) property owned and occupied as a domicile by any person who would qualify for low income housing or low or moderate income senior housing in the Town as defined in Section 2 of said Act. **So voted to take no action without dissent on May 17, 2010 at 9:38 PM.**

ARTICLE 20: Motion made and seconded to accept the provisions of M.G.L. chapter 64L, section 2(a) authorizing the imposition of a local excise in the statutory amount of .75% on the sale of restaurant meals originating within the town. **The motion was defeated by overwhelming majority on May 17, 2010 at 9:49 PM.**

ARTICLE 21: Motion made and seconded to confirm the vote of the town on February 26, 1990 special town meeting accepting M.G.L. chapter 64A, Section 3A, authorizing the imposition of a local excise tax on the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments within the town, to correct a typographical error in the statutory reference (i.e., from M.G.L. c.64O to M.G.L. c.64G), and, further to set the rate for said tax at

six (6) percent of the total amount of rent for each such occupancy. **The motion was defeated by overwhelming majority on May 17, 2010 at 9:50 PM.**

ARTICLE 22: Motion made and seconded to adjust the senior tax exemption amount from \$750 to \$1000.00, pursuant to M.G.L. chapter 59, section 5, clause 41C. **So voted overwhelmingly on May 17, 2010 at 9:56 PM.**

ARTICLE 23: Motion made and seconded to authorize town officials to borrow the sum of \$110,000.00 for the purpose of making extraordinary repairs to the Town Hall including all costs incidental and related thereto; and, as funding therefore, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum and issue bonds and notes therefore pursuant to M.G.L. chapter 44, section 7(3A) or any other appropriate authority. **So voted with 2/3 vote in the affirmative, declared by the moderator without challenge, May 17, 2010 at 10:35 PM.**

ARTICLE 24: Motion made and seconded to take no action on the question of transferring a sum of money from the FY2010 appropriation of the Cemetery Expense Account #04-91-5460 to the Cemetery Wage Account #04-91-5116. **So voted to take no action, without dissent, on May 17, 2010 at 10:35 PM.**

ARTICLE 25: Motion made and seconded to authorize the Board of Selectmen to sign a three (3) year contract for on-line banking services for the Town of Brimfield. **So voted without dissent on May 17, 2010 at 10:35 PM.**

ARTICLE 26: Motion made and seconded to adopt a new Zoning Map entitled, "Zoning Map for the Town of Brimfield, Massachusetts," dated January 12, 2010 with the drawing number of 09317, as on file with the Town Clerk.

The Planning Board made oral report with favorable recommendation and offered explanation of the history and development of the new zoning map.

So voted without dissent, with 2/3 vote in the affirmative, declared by the moderator without challenge, on May 17, 2010 at 10:47 PM.

ARTICLE 27: Motion made and seconded to amend the Zoning Bylaws by inserting in Section 1.2, a definition for "Business District" to read as follows:

The Business District is shown on the Zoning Map and is located along US Route 20 at a depth of 500 feet from the established side lines of US Route 20, as laid out by the Commonwealth of MA, with the exception of the portion on the Northerly side of US Route 20 from Crystal Brook to Sherman Brook, and, with the exception of the portion along US Route 20 between Wales Road (US Route 19 South) and Holland Road, north of Haynes Hill Road, to a depth of 750 feet from the established side lines of US Route 20, as laid out by the Commonwealth of MA;

The Planning Board made oral report with favorable recommendation and offered explanation of necessity of new definition.

So voted without dissent, with 2/3 vote in the affirmative, declared by the moderator without challenge, on May 17, 2010 at 10:48 PM.

ARTICLE 28: Motion made and seconded that a Bike Trail Revolving Fund be established under the provisions of Massachusetts General Laws, Chapter 44, Section 53E ½ to pay for expenditures authorized by the Brimfield Trail Committee for bicycle trail improvement projects, and that to transfer the sum of \$5,000 be transferred from Certified Free Cash to said fund. All expenditures from the revolving fund are to be reimbursed in full from awarded grants, and the total expended from the fund is not to exceed \$15,000 in FY 2011. The Brimfield Trail Committee shall report the income and expenditures of the fund in the Annual Town Report. So voted without dissent on May 17, 2010 at 10:49 PM.

ARTICLE 29: Motion made and seconded to transfer the sum of \$36,000 from the Capital Purchase Stabilization Fund, to be expended by the Board of Selectmen, subject to the requirements of applicable public bidding laws, for the purchase and equipping of a ¾ ton pickup truck with plow for use of the Brimfield Highway Department. So voted without dissent, with 2/3 vote in the affirmative, declared by the moderator without challenge, May 17, 2010 at 10:57 PM.

ARTICLE 30: Motion made and seconded to transfer the sum of \$31,000 from the Capital Purchase Stabilization Fund, to be expended by the Board of Selectmen, subject to the requirements of applicable public bidding laws, for the purchase and equipping of one new Ford Crown Victoria, Dodge Charger, Chevy Impala or similar type vehicle for use of the Brimfield Police Department as a patrol vehicle. So voted without dissent, with 2/3 vote in the affirmative, declared by the moderator without challenge, May 17, 2010 at 11:04 PM.

ARTICLE 31: Motion made and seconded to expand the purposes for which the sum of \$10,300 appropriated under Article 19 of the May 18, 2009 Annual Town Meeting, which sum was originally appropriated for vegetation management to eliminate and control the growth of milfoil in Lake Sherman, to include environmental engineering services to prepare lake management, chemical treatment and drawdown plans as required by the Department of Environmental Protection in preparation of the treatment of milfoil in Lake Sherman, Little Alum Pond and Mill Pond, said sum to be expended by the Board of Selectmen. So voted with nominal dissent on May 17, 2010 at 11:27 PM.

ARTICLE 32: Motion made and seconded to take no action on the question of appropriating a sum of to treat the milfoil for the historical Lake Sherman. So voted to take no action without dissent on May 17, 2010 at 11:28 PM.

ARTICLE 33: Motion made and seconded to amend General Bylaw, Chapter Five, Section 2.3 Flea Markets, Subsection 2.3.3 Owner/Operator Licensing, by striking the words, "~~within 30 days of the request for license.~~" "within 90 days of the deadline".

The Bylaw Committee made both written and oral report. Recommended disapproval, as there would be no window requiring action on the license.

AMENDMENT: Motion was made and seconded to amend the main motion by striking the words, "~~within 30 days of the request for license~~" and inserting in their place the words "within 90 days of the deadline". Amendment was passed without dissent.

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The main motion, as amended, was taken up and voted without dissent on May 17, 2010 at 11:32 PM.

ARTICLE 34: Motion made and seconded to take no action on the question that Hall Place Road be properly prepared for paving and then paved. So voted no action, with nominal dissent, on May 17, 2010 at 11:38 PM.

ARTICLE 35: Motion made and seconded to accept as a public way pursuant to a Definitive Plan signed by the Planning Board on February 23, 1987, all of Carriage Drive. So voted without dissent on May 17, 2010 at 11:42 PM. (Note: see Article 40, a companion article clarifying the acceptance)

ARTICLE 36: To see if the Town will vote authorize any & all municipal employees, whether appointed, elected, hired or volunteer to also be elected to a position within the same department providing the individual(s) is to be in full compliance with the following restrictions:

Said employees must have held the subordinate position prior to being elected to the superior position. Said employees will refrain from participating in discussion relative to the duties or responsibilities of the subordinate position. Also, employee must make full disclosure of all potential conflicts of interest according to MGL Ch-268A S-25A. Further, compensation for the subordinate position shall be fixed at the annual Town meeting and no other compensation will be allowed according to the provision of MGL Ch-41 S-108.

Elected Board member(s) will be required to obtain "Special Municipal Employee" required by MGL Ch-41 S-25. Said status, approval will be sought from a vote of the Board of Selectmen in accordance with above aforementioned MGL Ch. 41 S. 25. The moderator deferred to the petitioner to make a first motion and none was offered. The moderator passed over without action on May 17, 2010 at 11:42 PM

ARTICLE 37: To see if the Town will authorize a General & Personnel By-law change for said "Special Municipal Employees" to serve in FY2011 beginning July 1, 2010. The moderator deferred to the petitioner to make a first motion and none was offered. The moderator passed over without action on May 17, 2010 at 11:43 PM

ARTICLE 38: Motion made and seconded to take no action on transferring \$24,600 from the Fire Station Roof Account #02-20-5873 to be used for up to a three percent (3%) wage/salary increase for Town employees. So voted no action without dissent on May 17, 2010 at 11:43 PM.

ARTICLE 39: Motion made and seconded to transfer a sum of money from the Fire Station Roof Account #02-20-5873 to be returned to the Capital Purchase Stabilization Fund. So voted without dissent, with 2/3 vote in the affirmative, declared by the moderator without challenge, May 17, 2010 at 11:43 PM.

***ARTICLE 40:** Motion made and seconded to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, rights sufficient to use Carriage Drive, as heretofore laid out by the Board of Selectmen, for all purposes for which

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public ways are used in the Town of Brimfield. So voted without dissent on May 17, 2010 at 11:43 PM.

ARTICLE 41: Motion made and seconded to transfer \$18,237.00 from FY2010 Regional School Assessment Account #03-20-5321 to be added to the Capital Purchase Stabilization Fund. So voted without dissent, with 2/3 vote in the affirmative, declared by the moderator without challenge, May 17, 2010 at 11:44 PM.

***ARTICLE 42:** Motion made and seconded to transfer \$27,271.00 from the Capital Purchase Stabilization Fund, and in addition to transfer the sum of \$2,800.00 for debt service authorized in FY 2010 (Article 23), both sums to pay interest and principal due in FY 2011 on the Capital Purchase Debt authorized in FY 2005. So voted without dissent, with 2/3 vote in the affirmative, declared by the moderator without challenge, May 17, 2010 at 11:48 PM.

ARTICLE 43: Motion made and seconded to transfer \$92,161.00 from Certified Free Cash to be added to the Capital Purchase Stabilization Fund. So voted without dissent May 17, 2010 at 11:46 PM.

ARTICLE 44: Motion made and seconded to transfer the sum of \$167,682 from Certified Free Cash and \$50,000 from Overlay Surplus to reduce the tax rate for FY 2011. So voted without dissent on May 17, 2010 at 11:48 PM.

Having no further business the 279th Annual Town Meeting of the Town of Brimfield was dissolved at 11:50 PM on May 17, 2010

A true copy, ATTEST:
Pamela E. Beall, CMMC
Town Clerk

BYLAW APPROVALS

The bylaws changes represented in articles 26 (zoning map), 27 (zoning business district) and article 33 (general bylaws flea markets) were submitted for review and approval by the Attorney General. All were returned with approval on July 26, 2010. The approval and opinion was signed by Kelli E. Gunagan, Assistant Attorney General, on behalf of Martha Coakley. The public notice of this approval was posted as required by law. The general laws are considered effective on the date of posting August 1, 2010 and the zoning bylaws are deemed effective on the date voted by Town Meeting (May 17, 2010).

THE FY 11 BUDGET FOLLOWS