



Office of the Town Clerk
Annual Report - March 2013

2012 Election Results

June 4, 2012 Local Election Total number of ballots cast: 701

<u>Moderator - one year</u> MICHAEL P. MILLER 518 unopposed	<u>Constables - three year</u> THOMAS J. BROWN 499 unopposed	<u>Five Open Seats</u>
<u>Selectman - three year</u> DIANE M. PANACCIONE 377 COSMO J. CASAMASSA 304	ROBERT HANNA 486 unopposed	
<u>Treasurer - three year</u> KIRSTEN WELDON 546 unopposed	WILLIAM F. ROBERTS 469 unopposed	
<u>Tax Collector - three year</u> SUSAN S. HILKER 549 unopposed	KATHRYN A. KOPROWSKI 496 unopposed	
<u>Town Clerk - three year</u> ROBERT P. SULLIVAN 428 PAMBLA E. BEALL 257	RICHARD MORRIS 62 write in	
<u>Assessor - three year</u> JUDITH A. SESSLER 429 unopposed	<u>Tree Warden - one year</u> ZACH LEMIEUX 399 IAN R. LYNCH 246	
<u>Highway Surveyor - three year</u> ZACH LEMIEUX 555 unopposed	<u>Planning Board - five year</u> DAVID M. KILLIAN 480 RICHARD E. COSTA 244	
<u>Board of Health - three year</u> MICHAEL A. KOPROWSKI 485 RICHARD E. COSTA 480	<u>Planning Board - three year partial</u> JOHN H. FIELD 330 URIAH T. SMITH 201	
<u>Elementary School - 3 year</u> <u>Two open seats</u> AIMEE CAMPBELL 465 unopposed	<u>Library Trustee - three year</u> <u>Two open seats</u> MAURRY J. TAMARKIN 451 unopposed	
DANIEL P. VALCOUR 484 unopposed	ALYSHIA M. JENSEN 433 unopposed	
<u>Cemetery Commission - three year</u> STEPHEN A. PHIFER 503 unopposed	<u>Harding Fund Trustee - three year</u> RICHARD A. SIEWICK 516 unopposed	
	<u>Lincoln Fund Trustee - three year</u> JOSEPH E. KILLIAN 559 unopposed	

Town Clerk's Report

November 6, 2012 State Election - continued

United States Representative

Richard E Neal 466
Blank 588
Total 2054

State Representative

Todd Smola 1668
Blank 386
Total 2054

Clerk of Courts

Laura Gentile 1449
Blank 605
Total 2054

State Senator

Stephen Brewer 1589
Blank 465
Total 2054

Governor's Council

Jennie Caissie 1490
Blank 564
Total 2054

Register of Deeds

Donald Ashe 1465
Blank 589
Total 2054

Question One: Motor Vehicle Repair Information

Yes 1641 No 310 Blank 103 Total 2054

Question Two: Prescribing Medication to End Life

Yes 975 No 1040 Blank 39 Total 2054

Question Three: Medical Use of Marijuana

Yes 1256 No 741 Blank 57 Total 2054

Population Statistics

All residents: 3498
17 and under: 608
65 and older: 574
Registered voters 2608

Vital Records Recorded - Calendar year 2012

Resident Marriages: 13
Births: 9
Deaths: 16

Respectfully submitted,

Robert Sullivan

Town Clerk's Report

June 4, 2012 Local Election – continued

Questions for voter action

Question One: Shall the Town of Brimfield be allowed to exempt from the provisions of proposition two and one half, so-called, the amounts required to pay for the bond issued in order to purchase and equip a fire truck? **YES: 382 NO: 255**

Question Two: Shall the Town of Brimfield be allowed to exempt from the provisions of proposition two and one half, so-called, the amounts required to pay for the bond issued in order to purchase a parcel of land located at Palmer Road, Brimfield, shown on Assessors' Map 11, Block A, Lot 9, for general municipal purposes? **YES: 222 NO: 414**

Question Three: Shall the Town of Brimfield be allowed to exempt from the provisions of proposition two and one half, so-called, the amounts required to pay for the bond issued in order to make extraordinary repairs to the Town Hall Annex building located at 23 Main St, Brimfield, including the hiring of a structural engineer, preparation of construction documents and plans, and all other costs incidental and related thereto?

YES: 239 NO: 402

September 6, 2012 Primary Total Ballots Cast: 275

Republican Voters: 93 Democratic Voters: 180 Green-Rainbow Voters: 2

Republican Primary Totals

US Senator: Brown 92
Councillor: Caissie 67
State Rep: Smola 92

Democratic Primary Totals

US Senator: Warren 144	Clerk of Courts: Ashe 43
	Dacruz 20
US Representative: Neal 128	Stec Disanti 30
Gentile 79	
Nuciforo 39	Register of Deeds: Ashe 144
Shein 0	
	State Senator: Brewer 164

Green-Rainbow Totals All Blank

November 6, 2012 State Election Total ballots cast: 2054 (78.8% of registered voters)

President - Vice President

Romney / Ryan 1095
Obama / Biden 897
Johnson / Gray 31
Stein / Honkala 20
Blank 11
Total 2054

United States Senator

Brown 1260
Warren 782
Blank 12
Total 2054

Town Meeting Actions

May 21, 2012

Voters in attendance: 162

Notices and announcements: At the commencement of the meeting, the moderator requested that non-voters identify themselves and noted two persons so doing. The moderator asked for recognition of Gina Lynch, who has spent the past year organizing and assisting the entire community with tornado relief and recovery. Ms. Lynch was given a standing ovation by those present. Community notices were welcomed.

PROCEDURAL NOTE: The moderator asked for a motion, which was made from the floor and seconded, to set time limits for speakers. Motion made and seconded to limit presenters to five minutes and two minutes for all speakers. Passed without objection.

PROCEDURAL NOTE: All first motions made by Finance Committee unless noted otherwise. All motions on zoning bylaw changes made by the Planning Board unless noted otherwise. The Finance Committee made omnibus motion to approve routine authorizations (Articles: 8, 9, 11, 12, 13), marked and noted below.

* asterisk denotes articles taken out of order

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 at 7:23 PM on May 21, 2012.

ARTICLE 2: Motion made and seconded that the group of revolving funds, be authorized under MGL Chapter 44, Section 53E 1/2, (Chart of Accounts below) be established for FY 2012 [sic. should be FY 2013]. So voted without dissent at 7:24 PM on May 21, 2012.

NAME	AUTHORIZED TO AND FOR THE USE OF	REVENUE SOURCE	AUTHORIZED EXPENDITURES	FY 13 MAXIMUM TO BE EXPENDED	DISPOSITION AT CLOSE OF FY 13
Dog Revolving Fund	Town Clerk	Licensing fees	General administration of dog licensing and payment of operational costs of regional dog care facility	\$2000	If reauthorized, amount in excess of \$2000 in FY13 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	\$55,000	If reauthorized, amount in excess of \$2000 (excluding inspection fees payable to the inspector) in FY13 shall close to the general fund; \$1000 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 reauthorized, amount in excess of \$1000 (excluding inspection fees payable to the Inspector) in FY13 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 reauthorized, 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 reauthorized, amount in excess of \$1000 (excluding plumbing and gas fees payable to the Inspector) at close of FY13 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 reauthorized, amount in excess of \$1000 (excluding food fees payable to the Inspector) at the close of FY13 shall close to the general fund
Bike Trail Revolving Fund	Bike Trail Committee	Grants and donations	Costs associated with trail maintenance and upkeep	\$5000	If re-authorized, amount shall carry forward to Bike Trail Revolving Fund in subsequent fiscal year.
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 reauthorized, amount in excess of \$500 at close of FY13 shall close to the general fund
Tobacco Revolving Fund	Board of Health	Permit Fees	Costs of compliance and enforcement activities	\$500	If reauthorized, amount in excess of \$500 at close of FY13 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 reauthorized, amount in excess of \$1000 at close of FY13 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 reauthorized, amount in excess of \$1000 (excluding inspection fees payable to the Inspector) at close of FY13 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 \$188,147 for salaries of various elected town officers for the ensuing fiscal year July 1, 2012 to June 30, 2013. So voted without dissent at 7:25 PM on May 21, 2012.

ARTICLE 4: Motion made and seconded to raise and appropriate \$ 7,889,892.00 for various departments and activities of the Town, payment of debts and defraying of expenses of the ensuing fiscal year, July 1, 2012 to June 30, 2013. So voted with amendments incorporated, without dissent at 8:29 PM on May 21, 2012.

NOTE: The compensation in Article 3 and the town operating budget in Article 4 as voted is appended for reference.

ARTICLE 5: No motion was offered to pay unpaid FY 2012 bills.

ARTICLE 6: No motion was offered to pay unpaid prior fiscal year bills.

ARTICLE 7: Motion made and seconded, pursuant to Chapter 420 of the Acts of 2010, to limit expenditures from the Brimfield Flea Market Fund for administrative, operating, maintenance and emergency services to an amount not in excess of \$150,000 for Fiscal Year 2013 and provided further, that any funds remaining in said account over \$50,000 for FY13 shall close to the general fund. So voted without dissent at 8:33 PM on May 21, 2012.

***ARTICLE 8:** Motion made and seconded with omnibus motion of the Finance Committee to accept as available funds, the sum of \$250,000, or any other amount, to be made available to the Town by the Massachusetts Department of Transportation Highway Division, and, to use the funds for qualifying on state approved roads and Chapter 90 projects in the Town of Brimfield according to State contract. So voted without dissent at 8:34 PM May 21, 2012.

***ARTICLE 9:** Motion made and seconded with omnibus motion of the Finance Committee 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 at 8:34 PM May 21, 2012.

ARTICLE 10: Motion made and seconded to raise and appropriate, or otherwise transfer from available funds, no funds (-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 without dissent at 8:34 PM on May 21, 2012.

***ARTICLE 11:** Motion made and seconded with omnibus motion of the Finance Committee 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 at 8:34 PM May 21, 2012.

***ARTICLE 12:** Motion made and seconded with omnibus motion of the Finance Committee 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, 2012 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 at 8:34 PM May 21, 2012.

***ARTICLE 13:** Motion made and seconded with omnibus motion of the Finance Committee authorize the Board of Selectmen, as required by Town Bylaw Article V, Section 2, [sic. the bylaw referenced is chapter one, section 5.2] 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 at 8:34 PM May 21, 2012.

ARTICLE 14: Motion made and seconded to raise and appropriate \$500 to be added to the Conservation Fund as authorized by M.G.L. chapter 40, section 8C. So voted without dissent at 8:35 PM May 21, 2012.

ARTICLE 15: Motion made and seconded to raise and appropriate \$30,000 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 without dissent at 8:35 PM May 21, 2012.

ARTICLE 16: Motion made and seconded amend Section 6.11.2 of the Personnel Policy, covering Sick Leave of Town Employees, by striking the phrase "twenty (20) days" and replacing it with the phrase "thirty (30) days". So voted with scattered dissent at 8:40 PM on May 21, 2012.

ARTICLE 17: Motion made and seconded to accept Massachusetts General Laws, chapter 138, section 33B, to allow the Board of Selectmen to authorize Brimfield pouring license holders to serve alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the date following when said day occurs on Sunday. So voted with scattered dissent at 8:41 PM May 21, 2012.

ARTICLE 18: Motion made and seconded to charge for each written demand issued by the Tax Collector, a fee of \$20.00 to be added to and collected as part of the tax, as authorized by Massachusetts General Laws, chapter 60, section 15, effective July 1, 2012. So voted without dissent at 8:43 PM May 21, 2012.

ARTICLE 19: Motion made and seconded to amend the General Bylaws by adding to Chapter One, Section 3.0 Town Meetings by adding the following authorization pursuant to General Laws, chapter 39, section 9

When the Board of Selectmen determines by a separate vote that it is necessary or appropriate, the Town may hold annual or special town meetings outside the geographic boundaries of the Town at the Tantasqua Regional High School in Flskdale, MA or other appropriate location. Reasons for holding a town meeting outside of the Town shall include, but not be limited to, extraordinary circumstances such as anticipated voter turnout; emergencies relating to commonly used Town Meeting locations or handicapped accessibility.

The Bylaw Committee recommended favorable action and made the main motion. An amendment was offered and seconded to removed the words "other appropriate locations" from the main motion. The amendment failed.

The main motion passed with scattered objections noted on May 21, 2012 at 8:50 PM.

ARTICLE 20: Motion was made by Regional School Committee representative and seconded, to approve the following change in the Tantasqua Regional School District bylaws:

Current Regional Agreement Language for Filling Vacancies:

d. Vacancies – How Filled

Vacancies occurring in the Regional District School Committee shall be filled as follows: in the case of members appointed by the School Committee of a Participating Town, by such School Committee; in the case of those elected at an annual town election, by the Selectmen to serve until the next annual town election.

Change to:

Vacancies occurring in the Regional District School Committee shall be filled as follows: in the case of members appointed by the School Committee of a Participating town, by such School Committee; in the case of those elected at an annual town election, by the Selectmen and the remaining Committee members from the town concerned to serve

until the next annual town election, at which election a successor shall be elected to serve for the balance of the unexpired term, if any.
So voted without dissent at 8:51 PM on May 21, 2012.

ARTICLE 21: Motion made and seconded by Board of Selectmen chairman to allow the Fire Chief, in conjunction with the Board of Selectmen, to issue and place restrictions as deemed necessary on cannon firing permits. So voted with scattered dissent at 9:00 PM on May 21, 2012.

ARTICLE 22: Motion made by Bylaw Committee chairman and seconded to amend Brimfield General Bylaws, Section 2.3 Flea Markets, subsection 2.3.10.2 Calendar Dates by deleting the current text and inserting in place thereof the following:

Effective May, 2014, the legal period shall begin on the second Tuesday in May, the second Tuesday in July and the second Tuesday after the Labor Day holiday in September except when religious holidays dictate otherwise.

Prior to May 2014, the legal period shall begin on the second Tuesday in May, the second Tuesday in July and the first Tuesday after the Labor Day holiday in September except when religious holidays dictate otherwise.

Motion failed with scattered dissent at 9:05 PM on May 21, 2012.

ARTICLE 23: Motion made and seconded to transfer \$15,962.15 from Town Hall Repairs account #01-0195-6220 and \$12,000 from Annex handicapped access account #01-0195-6222 to the town building report accounts #01-0195-5381 for the purpose of completing the Town Building Report authorized last year.

Note: the selectmen clarified that this would be a comprehensive review of town facilities and needs, as envisioned, but unfunded at the Annual Town Meeting of 2011.

So voted with scattered dissent at 9:22 PM on May 21, 2012.

ARTICLE 24: Motion made and seconded to borrow \$305,000, for the purchase and equipping of a new fire truck; and, to authorize the Treasurer, with the approval of the Board of Selectmen to borrow said sum pursuant to Massachusetts General Laws, chapter 44, section 7, or any other enabling authority and issue bonds and notes therefor; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of the Town of a Proposition 2 ½, so-called, debt exclusion question in accordance with the provisions of Massachusetts General Laws, chapter 59, section 21C(k). So voted without dissent at 9:27 PM on May 21, 2012.

ARTICLE 25: Motion made and seconded raise and appropriate \$9,218.00 to pay principal and/or interest due in FY13 on the Fire Truck purchase authorized under Article 24 of the May,

2012 Annual Town Meeting; provided, however, that this appropriation shall be contingent upon the approval of the voters of the Town of a Proposition 2 1/2, so called, debt exclusion question in accordance with the provisions of Massachusetts General Laws, chapter 59, section 21C(k) for such fire truck. So voted without dissent at 9:29 PM on May 21, 2012.

ARTICLE 26: Motion made and seconded to take no action on authorizing the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, upon such conditions as the Selectmen deem acceptable, a parcel of land located at Palmer Road, Brimfield, shown on Assessors Map 11, Block A, Lot 9, for general municipal purposes; and, as funding therefor, to raise and appropriate or otherwise transfer from available funds or borrow a sum of money (\$ _____) for such purposes; and further, to authorize the Treasurer with the approval of the Board of Selectmen to borrow said sum pursuant to Massachusetts General Laws, chapter 44, section 7(3), or any other enabling authority and issue bonds and notes therefor; provided, however, that the vote taken hereunder shall be expressly contingent upon approval of the voters of the Town of a Proposition 2 ½, so-called, debt exclusion question in accordance with the provisions of Massachusetts General Laws, chapter 59, section 21C(k). Motion for no action passed with scattered dissent at 9:34 PM on May 21, 2012.

ARTICLE 27: No motion was made on the question of transferring from the Capital Purchase Stabilization Fund, or otherwise fund, the sum of \$ _____ to pay principal and/or interest due in FY13 on the land purchase authorized under Article 26 of the May, 2012 Annual Town Meeting; provided, however, that this appropriation shall be contingent upon approval by the voters of the Town of a Proposition 2 ½, so called, debt exclusion question in accordance with the provisions of Massachusetts General Laws, chapter 59, section 21C(k) for such purchase of land. Passed over by moderator at 9:34 PM on May 21, 2012.

ARTICLE 28: Motion made and seconded to take no action on funds for the demolition of and/or making of extraordinary repairs to and/or new construction of the Town Hall Annex building located at 23 Main Street, Brimfield, including the hiring of a structural engineer, preparation of construction documents and plans, and all other costs incidental and related thereto; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of the Town of a Proposition 2 ½, so-called, debt exclusion or capital outlay exclusion question in accordance with the provisions of Massachusetts General Laws, chapter 59, section 21C(k) or (i ½). Motion for no action passed without dissent at 9:35 PM on May 21, 2012.

Note: The scope of the repairs was reported in APPENDIX #2 with the warrant as posted.

ARTICLE 29: No motion was made on the question of funds for Town Hall Annex repairs so authorized under Article 28 of the May, 2012 annual town meeting; provided, however, that this appropriation shall be contingent upon approval by the voters of the Town of a Proposition 2 1/2, so called, debt exclusion question in accordance with the provisions of Massachusetts

General Laws, chapter 59, section 21C(k) for such repairs. Passed over by the moderator at 9:35 PM on May 21, 2012.

ARTICLE 30: Motion was made and seconded to take no action on the question of a debt exclusion vote for funds to balance the budget, contingent upon approval by the voters of the Town of a Proposition 2 ½, so-called, override question in accordance with the provisions of G.L. c.59, s.21C(k). Motion for no action passed without dissent at 9:35 PM on May 21, 2012.

PROCEDURAL NOTE: The moderator accepted a single motion for articles 31 and 32.

ARTICLE 31: Motion made and seconded to amend Brimfield Zoning Bylaws, Section 1: General Provisions; Section 1.2 (Definitions), by adding the following definition as shown below:

PET RESCUE SHELTER – a building or structure used for the purpose of housing dogs and cats received by the shelter as rescue animals and not for breeding or sale, with the exception of an adoption fee which may be charged by the Shelter.

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with scattered objections noted on May 21, 2012 at 9:52 PM.

ARTICLE 32: Motion made and seconded to amend Brimfield Zoning Bylaws, Section 3: District Use Regulations; Section 3.6 Business District – Permitted Uses; by adding the following as shown below:

Section 3.6.6 PET RESCUE SHELTER – the first building of which is to be located on a minimum lot size of five (5) acres with each additional building requiring one (1) additional acre.

All buildings used for said PET RESCUE SHELTER purposes, shall be located a minimum of forty (40) feet from all front yard, side yard and rear yard lot lines.

Each PET RESCUE SHELTER shall require a minimum of twenty (20) square feet of housing space for each dog and five (5) square feet of housing space for each cat.

Said permitted use in the Business District shall also be permitted to extend no greater than 500 feet into the Agricultural-Residential District and/or Flood Plain District provided said extension is from property which extends from the Business District for a single parcel.

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with scattered objections noted on May 21, 2012 at 9:52 PM.

ARTICLE 33: Motion made and seconded to amend Section 1.2 of the Zoning Bylaws (Definitions) to revise the definition of the term "Frontage" to read as follows (with strikethrough text being deleted by this amendment):

1.2 Definitions All terms and words not otherwise defined in this bylaw shall have the meaning defined in the ~~1972 Planners Handbook published by the Massachusetts Federation of Planning Boards. Words not defined in this bylaw or in the Handbook shall have the meaning given in Webster's Unabridged Dictionary (latest edition).~~

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with no objections on May 21, 2012 at 9:53 PM.

ARTICLE 34: Motion made and seconded to amend Section 1.2 of the Zoning Bylaws (Definitions) to revise the definition of the term "Frontage" to read as follows (with underlined text being added by this amendment):

Frontage - Frontage, as used in this bylaw, means that portion of a property that is located within the Town of Brimfield and borders upon one of the following types of way: (a) a public way, or (b) a way shown on a plan approved in accordance with the Subdivision Control Law and constructed in accordance with such plan and approval, or, (c) a way in existence when the Subdivision Control Law became effective in the Town of Brimfield, having discretionary opinion of the Planning Board, adequate width, grades and construction for the proposed use and for the provision of municipal services therefor.

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with no objections on May 21, 2012 at 9:54 PM.

ARTICLE 35: Motion made and seconded to amend Section 2.2 of the Zoning Bylaws (Location of Districts) to read as follows (with underlined text being added and strikethrough text being deleted by this amendment):

2.2 Location of Districts

Said districts are located and bounded as shown on a map entitled "Zoning Map of Brimfield, Massachusetts." The Zoning Map, which with all explanatory matter thereon, and as it may hereafter be amended from time to time, is hereby made a part of this bylaw, accepted by the Town Meeting of May 8, 1978, under Article 23 and filed with the Town Clerk on the same date.

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with no objections on May 21, 2012 at 9:54 PM.

ARTICLE 36: Motion made and seconded to amend Section 4.0 of the Zoning Bylaws (Intensity Regulations) to read as follows (with underlined text being added and strikethrough text being deleted by this amendment):

4.0 Intensity Regulations

A dwelling, building or structure erected in any district shall be located on a lot having not less than the minimum requirements set forth in the table below. No existing lot shall be changed as to size or shape so as to result in the a new or increased violation of the requirements set forth below, and no more than one primary structure shall be located on each lot.

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with no objections on May 21, 2012 at 9:54 PM.

ARTICLE 37: Motion made and seconded to amend Section 5.1.1 of the Zoning Bylaws (Non-conforming Uses) to read as follows (with underlined text being added by this amendment):
5.1.1 The lawful use of any structure or land existing at the time of the enactment or subsequent amendment of this bylaw may be continued although such structure or use does not conform with provisions of the bylaw. This provision is not intended to afford protections for preexisting structures or lots broader than those set forth in Chapter 40A, Section 6 of the General Laws.

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with no objections on May 21, 2012 at 9:55 PM.

ARTICLE 38: Motion made and seconded to amend Section 5.1.3 of the Zoning Bylaws (Non-conforming Uses) to read as follows (with underlined text being added by this amendment):
5.1.3 Abandonment. A non-conforming use which has been abandoned or discontinued for two (2) years or more shall not be re-established and any future use shall conform with this bylaw.

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with scattered objections noted on May 21, 2012 at 9:56 PM.

ARTICLE 39: Motion made and seconded to amend Section 7.1 of the Zoning Bylaws (Site Plan Approval-Purpose) to read as follows (with underlined text being added by this amendment):
7.1 Purpose
The purpose of site plan approval is to further the purposes of this bylaw and to ensure that new development is designed in a manner which reasonably protects visual and environmental qualities and property values of the town, and to assure adequate drainage of surface water and safe vehicular and non-vehicular access.

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with no objections on May 21, 2012 at 9:57 PM.

ARTICLE 40: Motion made and seconded to amend Section 7.2 of the Zoning Bylaws (Site Plan Approval-Projects Requiring Site Plan Approval) to read as follows (with strikethrough text being deleted by this amendment):

7.2 Projects Requiring Site Plan Approval
The construction or exterior alteration of or change of use of:
• A non-residential/agricultural structure or use
• A commercial or business structure or use
• An Industrial structure or use
• Any other use specified in this zoning bylaw which indicates Site Plan Approval is required

No building permit, ~~special permit or other municipal permit~~ shall be issued and no application for such permits shall be accepted for any of the above uses unless a site plan has been endorsed by the Planning Board after consultation with other boards, including but not limited to the following: Building Inspector, Board of Health, Board of Selectmen, Conservation Commission, Highway Department, Fire Department and Police Department. The Planning Board may waive any or all requirements of site plan review for external enlargements of less than 25% of the existing floor area.

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with no objections on May 21, 2012 at 9:59 PM.

ARTICLE 41: Motion made and seconded to amend Section 7.3.2 of the Zoning Bylaws (Site Plan Approval-Application for Site Plan Approval) to read as follows (with underlined text being added and strikethrough text being deleted by this amendment):
7.3.2 Pursuant to Chapter 44, Section 53G of the General Laws, ~~the~~ Planning Board shall obtain with each submission; a deposit sufficient to cover any expenses connected with a public hearing and review of plans, including but not limited to the costs of any engineering, legal or planning consultant services necessary for review purposes. In the event such initial deposit is inadequate to satisfy the Planning Board's expenses, the Planning Board may require a further deposit during the course of the public hearing and/or as a condition of approval of the site plan.

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with no objections on May 21, 2012 at 9:59 PM.

ARTICLE 42: Motion made and seconded to amend Section 7.4.8 of the Zoning Bylaws (Site Plan Approval-Required Site Plan Contents) to read as follows (with underlined text being added by this amendment):
7.4.8 The location and a description of proposed open space or recreation areas. The Planning Board may waive any information requirements it judges to be unnecessary to the review of a particular plan. The Planning Board may require such additional information as it may deem necessary to review a particular plan.

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with no objections on May 21, 2012 at 9:59 PM.

ARTICLE 43: Motion made and seconded to amend Section 7.6 of the Zoning Bylaws (Site Plan Approval-Special Permit Review) to read as follows (with underlined text being added and strikethrough text being deleted by this amendment):

7.6 Special Permit Review

The period of review for a special permit requiring site plan approval shall be the same as any other special permit and shall conform to the requirements of Chapter 40A, Sec. 9, "Special Permits." ~~Specifically, a~~ Joint public hearing to address the Special Permit application and Site Plan Approval application shall may be held within sixty-five (65) days of the filing of a special permit application with at the discretion of the Planning Board and Board of Appeals. The Planning Board shall then have 90 days following the public hearing in which to act.

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with no objections on May 21, 2012 at 10:00 PM.

ARTICLE 44: Motion made and seconded to amend Section 7.9.1 of the Zoning Bylaws (Site Plan Approval-Enforcement) to read as follows (with underlined text being added by this amendment):

7.9.1 The Planning Board may require the posting of a bond or other suitable security to assure compliance with the plan and conditions and may suspend any permit or license when work is not performed as required.

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with no objections on May 21, 2012 at 10:00 PM.

ARTICLE 45: Motion made and seconded to amend Section 11.1 of the Zoning Bylaws (Administration-Enforcement by Zoning Officer) to read as follows (with underlined text being added by this amendment):

11.1 Enforcement by Zoning Officer

The Board of Selectmen shall appoint a Zoning Officer for a term of one (1) year who is charged with enforcing this bylaw. No building shall be built or altered and no use of land or building shall be begun or changed without a permit. No building shall be occupied until a certificate of occupancy has been issued. The provisions of this bylaw, the conditions of a permit granted under this bylaw, or any decisions rendered by the Zoning Board of Appeals or Planning Board under this Bylaw, may, without limitation of any other enforcement mechanisms, be enforced by the Zoning Officer by non-criminal complaint pursuant to the provisions of General Laws, Chapter 40, Section 21D. The fine for any violation disposed of through this procedure shall be one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense, and three hundred dollars (\$300.00) for the third and

subsequent offense.

Each day of a violation is considered a separate offense.

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with no objections on May 21, 2012 at 10:01 PM.

ARTICLE 46: Motion made and seconded to amend Section 11.2 of the Zoning Bylaws (Administration-Duties of Board of Appeals) to read as follows (with underlined text being added by this amendment):

11.2 Duties of Board of Appeals

There is hereby established a Board of Appeals of three (3) members and two (2) associate members to be appointed by the Selectmen, as provided in Chapter 40A of the General Laws, which shall act on all matters within its jurisdiction under this bylaw and Chapter 40A of the General Laws. The Board of Appeals shall have the following powers.

In exercising these powers, pursuant to Chapter 44, Section 53G of the General Laws, the Board of Appeals shall obtain with each submission, a deposit sufficient to cover any expenses connected with a public hearing and review of plans, including but not limited to the costs of any engineering, legal or planning consultant services necessary for review purposes. In the event such initial deposit is inadequate to satisfy such expenses, the Board of Appeals may require a further deposit during the course of the public hearing and/or as a condition.

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with no objections on May 21, 2012 at 10:02 PM.

ARTICLE 47: Motion made and seconded to amend Section 11.2.2 of the Zoning Bylaws (Administration-Duties of Board of Appeals-Special Permits) to read as follows (with strikethrough text being deleted by this amendment):

11.2.2 Special Permits

To grant a special permit ~~for an exception~~ as provided by sections of this bylaw when it shall have been found after a detailed study, duly advertised public hearing, held within sixty-five (65) days after filing of an application with the Board of Appeals, a copy of which shall forthwith be given to the Town Clerk by the applicant, and the concurring vote of all members of the Board of Appeals, that the use involved will not be detrimental to the established or future character of the neighborhood and town and subject to appropriate conditions or safeguards if deemed necessary. Special permits shall lapse if construction or use has not begun within two (2) years of issuance, in accordance with the provisions of Chapter 40A, Section 9 of the General Laws of the Commonwealth.

Planning Board recommends favorable. Approved on 2/3 vote as called by moderator, with no objections on May 21, 2012 at 10:04 PM.

PROCEDURAL NOTE: The moderator accepted a single motion for articles 48 and 50.

ARTICLE 48: Motion made and seconded to amend Section 3.6.3 of the Zoning Bylaws (District Use Regulations-Business District-Permitted Uses) to read as follows (with underlined text being added by this amendment):

3.6.3 Hotel, motel or restaurant not to exceed 5000 square feet of usable building space.

Planning Board recommends disapproval. Motion was defeated, with moderator declaring that a 2/3 vote was not met on May 21, 2012 at 10:30 PM.

PROCEDURAL NOTE: The moderator accepted a single motion for articles 49 and 51, but two votes were subsequently taken.

ARTICLE 49: Motion made and seconded to amend Section 3.6.4 of the Zoning Bylaws (District Use Regulations-Business District-Permitted Uses) to read as follows (with underlined text being added by this amendment):

3.6.4 Any wholesale or retail business, research laboratory, service of public utility not involving manufacture on the premises except of products the major portion of which is sold on the premises by the producer to the consumer not to exceed 5000 square feet of usable building space.

Planning Board recommends disapproval. Motion was defeated, with moderator declaring that a 2/3 vote was not met on May 21, 2012 at 10:32 PM.

ARTICLE 50: Motion made and seconded to amend Section 3.7 of the Zoning Bylaws (Business District-May be Permitted by the Board of Appeals) by adding the following new section:

3.7.4 Hotel, motel or restaurant exceeding 5000 square feet of usable building space.

Planning Board recommends disapproval. Motion was defeated, with moderator declaring that a 2/3 vote was not met on May 21, 2012 at 10:30 PM.

ARTICLE 51: Motion made and seconded to amend Section 3.7 of the Zoning Bylaws (Business District-May Be Permitted by the Board of Appeals) by adding the following new section:

3.7.5 Any wholesale or retail business, research laboratory, service of public utility not involving manufacture on the premises except which the major portion of which is sold on the premises by the producer to the consumer exceeding 5000 square feet of usable building space.

Planning Board recommends disapproval. Motion was defeated, with moderator declaring that a 2/3 vote was not met on May 21, 2012 at 10:38 PM.

ARTICLE 52: Motion was made and seconded to take no action to transfer funds from Free Cash to be added to the Capital Purchase Stabilization Fund. So voted to take no action, without dissent at 10:38 PM on May 21, 2012.

ARTICLE 53: Motion made and seconded to transfer from the Capital Equipment Purchase Stabilization Fund, or otherwise fund \$25,278.00 to pay the interest and principal due in FY2013 on the Town Hall engineering and repairs authorized by May, 2009 town meeting. So voted with 2/3 vote declared by moderator with no dissent at 10:39 PM on May 21, 2012.

ARTICLE 54: Motion made and seconded to transfer from the Capital Equipment Purchase Stabilization Fund, or otherwise fund, \$25,316.00 to pay the interest and principal due in FY2013 on the FY 2005 debt incurred to purchase several vehicles. So voted with 2/3 vote declared by the moderator with no dissent at 10:40 PM on May 21, 2012.

ARTICLE 55: Motion made and seconded to transfer \$172,946.00 from Free Cash and \$30,000 from Overlay Surplus to reduce the tax rate in FY2013. So voted without dissent at 10:40 PM on May 21, 2012.

ARTICLE 56: Motion made and seconded to take no action on transfer of funds from the Stabilization Account to balance the FY13 budget. Motion for no action passed without dissent at 10:41 PM on May 21, 2012.

PROCEDURAL NOTE: A motion was made and seconded to table Articles 57 and 58. Motion was denied by moderator in order to open discussion, should any parties wish to comment.

ARTICLE 57: Motion made and seconded to take no action on the question of support for a resort casino development, accessible from the Massachusetts Turnpike, and located in the secluded northwest corner of the Town (north of the Turnpike), which will generate millions of dollars annually in tax revenues for the Town of Brimfield; this article is non-binding. Motion for no action passed without dissent at 10:41 PM on May 21, 2012.

ARTICLE 58: Motion made and seconded to take no action on the question of not supporting a resort casino development to be built within the boundaries of the Town. Motion for no action passed without dissent at 10:41 PM on May 21, 2012.

DISSOLUTION OF THE MEETING. Motion made by the Town Clerk and seconded to dissolve the 281st Annual Town Meeting of the Town of Brimfield. So voted without dissent at 10:42 PM on May 21, 2012.

Prepared by
Pamela E. Beall, CMMC
Town Clerk