

Town of Brimfield

The 286th Annual Town Meeting

May 15, 2017 - Brimfield Town Hall

Minutes and Actions

Richard Sieweck, Moderator, called the meeting to order at 7:10 PM

113 registered voters in attendance.

Procedural Announcements:

The Moderator announced that all speakers must be recognized and will be limited to five minutes when explaining an Article which they have placed before the meeting; individuals will be limited to two minutes when addressing the meeting about a motion under discussion; and all motions are required to be seconded.

Other notes:

- Articles that are marked with an asterisk (*) denote that they were taken out of order.
- [brackets] are used to add explanatory information where necessary by the Town Clerk.
- If an amendment to a motion is defeated it is not recorded.

- Articles placed on the Town Warrant by the Board of Selectmen shall be considered to be "seconded" by the Board of Selectmen but may not necessarily be supported by the Board of Selectmen.

The Finance Committee may, at its discretion, make a single consent motion for approval of these routine authorizations (Articles: 8, 9, 11, 12 and 13)

ARTICLE 1: To hear reports of the officers and agents heretofore chosen by the Town and take any other action thereon. (Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: "*Recommend approval and move that the reports of the officers and agents be accepted as written in the Town Report.*"

Motion to approve Article 1 passed by show of voting cards. (7:14 PM)

ARTICLE 2: To see if the Town will vote pursuant to the provisions of G.L. c. 44, §53E ½, as most recently amended, to (1) establish the following revolving funds for FY2018 and set fiscal year spending limits, and (2) amend the General Bylaws by inserting a new bylaw establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

DEPARTMENTAL REVOLVING FUNDS

There are hereby established in the Town of Brimfield pursuant to the provisions of G.L. c. 44, §53E ½, the following revolving funds:

NAME OF REVOLVING FUND	AUTHORIZED TO SPEND	REVENUE SOURCE	USE OF FUND
Brimfield Trail Revolving Fund	Brimfield Trail Committee	Grants and Donations	Costs associated with trail maintenance and upkeep
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
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
Cemetery Revolving Fund	Cemetery Commission	Burial and foundation fees	Expensed related to burials and foundations
Conservation Commission	Conservation Commission & Administrator	Application & Fees	Enforcement and administration of wetlands protection act and bylaws
Dog Revolving Fund	Town Clerk	Licensing fees	Purchase of dog license, tags and payment of operation cost of regional dog care facility.
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
Historical Revolving Fund	Historical Commission	Sale of maps, publications and other fund raising materials, grant revenue	General expense of committee special projects

Senior Center Revolving Fund	Council on Aging	Participation fees and donations	Administrative, office and programs expenses
Recreation Revolving Fund	Recreation Committee	Participant fees	League fees, equipment, umpire and referee services and general expenses of committee
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.
Tobacco Revolving Fund	Board of Health	Permit Fees	Costs of compliance and enforcement activities

2. Expenditures from each revolving fund set forth herein shall be subject to the limitation established by Town Meeting or any increase therein as may be authorized in accordance with G.L. c.44, §53E½.

And, further, to set annual spending limits for such revolving funds as follows:

Authorized Revolving Funds	Fiscal Year Expenditure Limit
Bike Trail Revolving Fund	\$5,000
Bins and Bags Revolving Fund	\$35,000
Cable TV Revolving Fund	\$1,500
Cemetery Revolving Fund	\$10,000
Conservation Commission	\$15,000
Dog Revolving Fund	\$2,000
HAZMAT Revolving Fund	\$10,000
Historical Revolving Fund	\$10,000
Recreation Revolving Fund	\$20,000
Senior Center Revolving Fund	\$15,000
Subdivision Control Law Revolving Fund	\$40,000
Tobacco Revolving Fund	\$500

or, take any other action thereon. (Various Boards and Departments)

>Motion made by Finance Committee (per Chairperson) and seconded: "Recommend approval and move the establishment and/or reauthorization of the group of revolving funds and spending limits as authorized under MGL Chapter 44, Section 53E 1/2 and move that the Town amend the General Bylaws by inserting the new bylaw, entitled Departmental Revolving Funds, as written in the warrant."

>Motion to Amend Article 2 made by Mr. Corry of the Bylaw Committee and seconded: "Move that the "Use of Fund" for the Dog Revolving Fund be amended to read 'All costs associated with registration and licensing of dogs and the Brimfield share of the regional dog facility.'"

Motion to amend Article 2 passed by show of voting cards. (7:29 PM)

Motion to approve Article 2 as amended passed by show of voting cards. (7:32 PM)

ARTICLE 3: To see if the Town will vote to raise and appropriate _____ for various elected town officers for the ensuing fiscal year July 1, 2017 to June 30, 2018; or, take any other action thereon. (Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: "Recommend and move that the Town raise and appropriate the sum of \$200,391 as detailed in the Finance Committee Recommendations accompanying the Warrant, for the purpose stated in the article."

Motion to approve Article 3 passed by show of voting cards. (7:34 PM)

ARTICLE 4: To see if the Town will vote to raise and appropriate \$ _____ for various departments and activities of the Town, payment of debts and defraying of expenses of the ensuing fiscal year, July 1, 2017 to June 30, 2018, and direct how the same shall be expended; or, take any other action thereon. (Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: "Recommend and move that the Town raise and appropriate the sum of \$8,948,726 as detailed in the Finance Committee Recommendations accompanying the Warrant, for the purpose stated in the article."

Motion to approve Article 4 passed by show of voting cards. (8:07 PM)

ARTICLE 5: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, a sum of \$ _____ to pay unpaid bills or overdrawn accounts for FY17; or, take any other action thereon. (Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: "Recommend and move that the Town take no action for the purpose stated in the article."

Motion to take no action on Article 5 passed by show of voting cards. (8:08 PM)

ARTICLE 6: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, a sum of \$ _____ to pay unpaid bills or overdrawn accounts for any fiscal year prior to FY17; or, take any other action thereon. (Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: "Recommend and move that the Town take no action for the purpose stated in the article."

Motion to take no action Article 6 passed by a 4/5 show of voting cards. (8:09 PM)

ARTICLE 7: To see if the Town will vote, 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 excess of \$150,000 for FY18 and provided further, that any funds remaining in said account over \$50,000 for FY18 shall close to the general fund; or, take any other action thereon. (Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: "Recommend and move that the Town, pursuant to Chapter 420 of the Acts of 2010, limit the Brimfield Flea Market Fund expenditures to \$150,000 for FY18, and that any funds remaining in

said account over \$50,000 for FY18 shall close to the general fund as stated in the article."

Motion to approve Article 7 passed by show of voting cards. (8:10 PM)

Per the discretion of the of the Finance Committee, articles 8, 9, 11, 12 and 13 were considered as a group.

***ARTICLE 8:** To see if the Town will vote 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 projects on state approved roads and Chapter 90 projects in the Town of Brimfield according to State contract; or, take any other action thereon. (Highway Surveyor)

***ARTICLE 9:** To see if the Town will vote 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; or, take any other action thereon. (Highway Surveyor)

***ARTICLE 11:** To see if the Town will vote 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; or, take any other action thereon. (Board of Selectmen)

***ARTICLE 12:** To see if the Town will vote 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, 2017 in accordance with the provisions of M.G.L. c. 44, § 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. c. 44, § 57; or, take any other action thereon. (Board of Selectmen)

***ARTICLE 13:** To see if the Town will authorize the Board of Selectmen, as required by Chapter One, Section 5.1 of the Town Bylaws 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. c. 30B as amended; or, take any other action thereon. (Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: "For the purpose of re-establishing a group of routine authorizations involving no change from prior year, recommend approval of the following authorizations for FY 2018 and move such authorizations be re-established for the purposes stated in their respective articles:
Article 8: Accept Chapter 90 Road Funds (\$250,000 or any other amount made available)

Article 9: Highway Surveyor Enter into Customary Contracts

Article 11: Treasurer Borrow in Anticipation of Highway Expenditure Reimbursement

Article 12: Treasurer Borrow in Anticipation of Revenues, Grants and Reimbursements

Article 13: Selectmen Enter into Insurance and Services Contracts

Motion to approve Articles 8, 9, 10, 11, 12 & 13 passed by show of voting cards. (8:10 PM)

***ARTICLE 10:** To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, the sum of \$0.00 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; or, take any other action thereon. (Highway Surveyor)
>Motion made by Finance Committee (per Chairperson) and seconded: > *"Recommend and move that the Town raise and appropriate the sum of \$0 for the purpose stated in the article."*

Motion to approve Article 10 passed by show of voting cards. (8:11 PM)

ARTICLE 14: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, the sum of \$15,000 to the Treasurer's Department for the purpose of paying costs associated with the tax title process; or, take any other action thereon. (Treasurer)

>Motion made by Finance Committee (per Chairperson) and seconded: *"Move that the Town raise and appropriate the sum of \$15,000 for the purpose stated in the article."*

>Motion made by Finance Committee (per Chairperson) and seconded: *"Move that the Town raise and appropriate the sum of \$15,000 for the purpose stated in the article."*

Motion to approve Article 14 passed by show of voting cards. (8:12 PM)

ARTICLE 15: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, the sum of \$500 to be added to the Conservation Fund as authorized by M.G.L. c. 40, § 8C; or, take any other action thereon. (Conservation Committee)

>Motion made by Finance Committee (per Chairperson) and seconded: *"Recommend and move that the Town raise and appropriate the sum of \$500 for the purpose stated in the article."*

Motion to approve Article 15 passed by show of voting cards. (8:13 PM)

ARTICLE 16: To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 32B, Section 7A, authorizing the Town to pay a subsidiary or additional rate in addition to the payment of fifty percent of a premium for contributory group life and health insurance for employees in the service of the Town and their dependents; or, take any other action thereon. (Insurance Advisory Board)

>Motion made by Finance Committee (per Chairperson) and seconded: *"Recommend and move that the Town take no action for the purpose stated in the article."*

Motion to take no action on Article 16 passed by a show of voting cards. (8:22)

ARTICLE 17: To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 32B, Section 9E, authorizing the Town to pay a subsidiary or additional rate, in addition to the payment of fifty percent of the premium for contributory group life and health insurance for employees retired from the service of the Town and their dependents; or, take any other action thereon. (Insurance Advisory Board)

>Motion made by Finance Committee (per Chairperson) and seconded: *"Recommend and move that the Town take no action for the purpose stated in the article."*

Motion to take no action on Article 17 passed by a show of voting cards. (8:23)

The moderator recognized Sheila Noyes-Miller, member of the Tantasqua Regional School Committee who made the following motion: *"Move that articles 18, 19 & 20 be combined as use they all relate to the Tantasqua Regional Agreement Amendment"*
Motion to take Articles 18, 19, 20 together passed by a show of voting cards. (8:27)

Tantasqua Regional Agreement Amendment Articles as proposed by the Regional School Committee:

ARTICLE 18:

To see if the Town will vote to strike the Preamble to the Tantasqua Regional School District Agreement reading:

"This Agreement is made as of January 15, 1952 although accepted by the several Towns herein named and approved by the Emergency Finance Board of the Commonwealth of Massachusetts and the Department of Education on the other dates respectively.

The Towns of said Commonwealth which are parties to this Agreement, in alphabetical order are: the Town of Brimfield, the Town of Brookfield, the Town of Holland, the Town of Sturbridge, and the Town of Wales, hereinafter referred to as the "Participating Towns".

All of the Participating Towns having created a Regional School District Planning Board and said Board having considered the advisability of establishing a Regional School District under Chapter 71, Sections 14 through 16 I, inclusive of the General Laws as amended, this Agreement respecting a Regional School District is submitted for consideration and acceptance to the Towns of Brimfield, Brookfield, Holland, Sturbridge, and Wales."

and insert in place thereof the following:

"Whereas the Towns of Brimfield, Brookfield, Holland, Sturbridge and Wales (hereinafter referred to as "the member towns") for good and substantial reasons have created a regional school district consistent with the terms of Chapter 71 of the General Laws of Massachusetts, as amended, the member towns, in consideration of the mutual promises contained herein, agree as follows:"

Or take any action thereto.

ARTICLE 19: To see if the Town will vote to insert the following new sections I and II into the Tantasqua Regional School District Agreement and renumber the remaining sections:

"Section I – Type of District

The regional school district (hereinafter referred to as "the District") shall provide educational programs for public school students who reside in the member towns and who are attending grades 7 through and including grade 12. The Regional School Committee (hereinafter referred to as "the Committee"), as established consistent with Section III below, is authorized in its discretion to establish and maintain other educational programs, including but not limited to vocational-technical educational programs consistent with Chapter 74 of the General Laws of Massachusetts, and is authorized in its discretion to join or to form educational collaboratives consistent with Chapter 40, Section 4E of the General Laws of Massachusetts.

Section II – Configuration and Location of Schools

The grade configuration and the location of the schools of the District shall be established by the Committee, although said location will be within the member towns. The school buildings may either be owned by the District or leased under terms and conditions that will be expressed in lease agreements." Or take any action in relation thereto.

ARTICLE 20: To see if the Town will strike renumbered sections IV through IX of the Tantasqua Regional School District Agreement reading:

IV. APPORTIONMENT OF COST

a. Construction Costs

Construction costs shall include cost of site, cost of building construction and equipment, cost of plans, architect's fees, cost of consultants' fees, grading, and any other costs which may be incurred to put the building and premises in operation condition, and also interest on indebtedness incurred to meet these outlays. Construction costs shall be apportioned to the Participating Towns on the basis of equalized valuation of said Towns, as set forth in Chapter 559 Acts of 1945, "An Act Establishing the Basis of Apportionment of State and County Taxes" or such after equalized valuation as may be enacted by the General Couth of the Commonwealth next preceding each bond issue.

Construction costs incurred after April 1, 1973, shall be apportioned to the Participating Towns on the basis of their respective enrollment in the Regional District School on October 1 of the preceding year, or, in the event that enrollment in the Regional District School has not been accomplished by said date, on the pupil enrollment in grades 7 through 12 in each Participating Town as of October 1 of the preceding year.

a. Operating Expenses

Operating expenses shall include all costs not included in construction costs as defined in III a, but including interest on temporary notes issued by the District in anticipation of revenue. Operating expenses for the first calendar year or fractional year the Regional District School is in operation, and for any calendar year thereafter shall be apportioned to the Participating Towns on the basis of their respective enrollment in the Regional District

School on October 1 of the preceding year, or, in the event that enrollment in the Regional District School has not been accomplished by said date, on the pupil enrollment in grades 7 through 12 in each Participating Towns as of October 1 of the preceding year. Any expenses incurred prior to the formal adoption of a budget as provided for in Section VI a of this Agreement shall be apportioned to Participating Towns on the basis of their pupils enrolled in grades 7 through 12 on October 1 next preceding.

c. Time and Manner of Payment of Operating and Construction Costs

Payments shall be made by the Towns to the Regional District School Committee in six (6) equal installments on the 15th of July, September, November, January, March and May.

d. Tuition Pupils

Pupils residing outside the Regional School District may attend the Regional School at the discretion of, and on a tuition basis determined by the Regional District School Committee, in accordance with law. However, if a non-participating town wishes to send to the Regional District School a majority of its pupils enrolled in grades 7 through 12, it must do so as a participating member of the Regional School District as provided in Section V a of this Agreement.

V. TRANSPORTATION

Each Participating Town, acting through its local School Committee, shall furnish transportation to and from the Regional District School once each day in which a regular session thereof is scheduled, to each student thereof who resides in such town and who would be furnished such transportation if it were a town school. Other transportation, as deemed desirable by the Regional District School Committee, shall be furnished by the Regional School District, and the cost thereof shall constitute part of its operating expense.

VI. TERMS OF ADMITTANCE OR WITHDRAWAL

a. Admittance

Any other town may join the district at any time. The terms of its admission shall be negotiated between the Regional District School Committee and the petitioning Town shall take the form of an amendment to this Agreement. Such amendment must be approved by a two-thirds vote of the Committee and by each of the Participating Towns by majority vote in annual special town meeting.

The petitioning Town must accept this agreement as amended by a majority vote at an annual or special Town meeting, and if construction has not started, or has started but has not been completed, it shall be required to pay:

1. If prior to the awarding of the contract for a five-town school – the new town's proportionate share of the new building cost on an equalized valuation basis as provided in Section III a., plus the added cost for revised plans, etc. if any or

2. If after the awarding of the contract or commencement of construction the larger of

- (a) the total cost of additional construction required, or

- (b) the new town's proportionate share of the total construction cost on the equalized valuation basis as provided in Section III a, plus added costs, if any, resulting from the revisions.

3. If any or all payments for construction costs have been made prior to the admission of a petitioning Town, financial adjustment shall be made in such a manner as will be fair and acceptable to the Participating Towns which have made such payments.

b. Withdrawals

1. Any Member Town may petition to withdraw from the District under terms stipulated in a proposed amendment to the Agreement provided (1) that such withdrawal is approved by the State Department of Education and the Emergency Finance Board, and (2) that the town seeking to withdraw has paid over to the District any operating costs for which it became liable as a member of the District, and (3) that said Town shall remain liable to the District for its share of the indebtedness of the District outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the town had not withdrawn from the District, except that such liability shall be reduced by any amount which such Town has paid over at the time of withdrawal and which has been applied to the payment of such indebtedness or interest.

2. Said petitioning town shall cease to be a Member Town if the proposed amendment is approved by the committee and accepted by the petitioning town and each of the other Member Towns, approval by the Committee to require a two-thirds vote, and acceptance by the petitioning town and by the other Member towns to be by majority vote at an annual or special town meeting.

3. Money received by the District from the withdrawing town for payment of funded indebtedness or interest thereon shall be used for this purpose only.

VII. ANNUAL BUDGETS AND REPORTS

a. Budgets

The Regional District School committee shall determine the amounts necessary to be raised to maintain and operate the District School during the ensuing calendar year, and the amount required for payment of debt and interest incurred by the District which will be due in said year, and shall prepare a formal budget accordingly and submit copies to the Selectmen and the Finance Committee of the Participating Towns, on or before November 1. The Regional District School Committee shall adopt an annual maintenance and operating budget on or before December 1 for the ensuing year. Said Committee shall apportion the same in accordance with the provisions of Section III of this Agreement. The amount so apportioned for each town shall, prior to December 31 of each year, be certified by the Regional District Treasurer to the Treasurer of the Participating Towns, and each Town at the next annual town meeting shall

appropriate the amount so certified. The provisions of this Section shall be enforced as provided in Chapter 71 of the General Laws, Section 16B appended.

b. Reports

The Regional District School Committee shall annually submit a report to each of the Participating Towns as provided in Section 16 (k) of Chapter 71 of the General Laws.

VIII. ORGANIZATION OF THE COMMITTEE

The District Committee may equip and maintain an office at such place as is determined by the Committee. Within 10 days after its members are selected and qualified the District School Committee shall organize by choosing by ballot form its membership a Chairman, and by appointing a Secretary and Treasurer; determine their term of office and define their duties; and the said Committee shall appoint such other officers and agents as seem advisable. The Treasurer shall be subject to the provisions of Chapter 71 of the General Laws. Provisions shall be made for meetings including an annual meeting at which officers of the Committee shall be elected.

VIX. AMENDMENTS

This Agreement may be amended at any time, and from time to time, in the manner hereinafter provided, but no such amendment shall be made which shall substantially impair the rights of the holders of any bonds or notes or other indebtedness of the District then outstanding or the rights of the District to procure the means for payment thereof.

An amendment may be proposed by vote of the Regional District School Committee or by vote of any town meeting of any Participating Town. In the latter case the Town Clerk shall forthwith deliver a copy of such vote to the Secretary of the Regional District School Committee. In either case the Secretary shall forthwith deliver a copy of the vote proposing the amendment to the Town Clerk of each Participating Town, and each such Town shall vote at its next town meeting, whether annual or special, upon the acceptance of such amendment. Such amendment shall take effect upon its acceptance by each of the Participating Towns in the manner hereinabove provided

and insert the following sections IV through XIV:

Section IV – Powers of the Committee

The Committee shall possess all of the powers conferred by law upon regional school committees via G.L. chapter 71, section 16 and otherwise, including but not limited to the power to acquire property and/or to enter into leases for land and/or buildings.

Section V- Development of the District's Budget

The Committee shall annually determine the District's budget consistent with the timelines, terms, and requirements of G.L. chapter 71, section 16B, and consistent with regulations promulgated by the Department of Elementary and Secondary Education. The Committee will hold a public hearing on its budget consistent with G.L. chapter 71, section 38N. The apportionment of the costs appearing in said budget will be calculated consistent with Section VI of this Agreement.

Section VI – Apportionment of Costs Incurred By the District

A. Classification of Costs

For the purpose of apportioning costs assessed by the District against the member towns, costs shall be divided into three categories: operating costs, capital costs and transportation costs.

B. Operating Costs

Operating costs shall include all costs not included in capital or transportation costs, as defined in subsections VI,C and D below. Without limiting the generality of the preceding sentence, the following shall be classified as operating costs: salaries, wages, supplies, textbooks, ordinary repairs and maintenance, interest on temporary notes issued by the District in anticipation of revenue, and other costs incurred in the day to day operation of District schools.

1. Assessment of Operating Costs

For each fiscal year, the assessment of operating costs for each member town will be the sum of the following: (a) the member's required local contribution to the District as determined by the Commissioner and (b) the member's share of that portion of the District's spending that exceeds the total of the required local contributions for all members. A member's share of (b) will be calculated on the basis of "foundation enrollment" as defined in G.L. Chapter 70 section

C. Capital Costs

Capital costs may include capital outlay appearing in the 7000 DESE function codes. Capital costs will also include principal and interest debt service as well as new construction. Instructional capital expenditures which qualify under net school spending are not included under capital costs and instead are included as an operating cost.

1. Assessment of Capital Costs

During the development of each fiscal year's budget, the total capital costs, including principal and interest debt service payments, for the year in question will be identified. Each member town will then be assessed a percentage of that total capital cost based upon "foundation enrollment" as defined in G.L. Chapter 70, Section 2.

D. Transportation Costs

The District shall furnish transportation to and from the Regional schools for students of each member town.

1. Each fiscal year, transportation assessments will be calculated for each member town based on its projected cost for grades 7-12 school transportation, less the member town's share of projected Regional Transportation Reimbursement (in accordance with MGL Chap 71, sections 7a, 7b and 16c).
2. The member town transportation cost will be determined by contractor rates for those towns contracting out for transportation services and by projected salaries and other associated

expenditures for those towns operating an internal fleet. (In the latter case, the District will contract with the local town to provide transportation.)

3. Each member town's percent share of the annual regional transportation reimbursement from the state will be whatever that town's percentage of the total projected transportation costs for the year is.

E. Tuition Pupils

Pupils residing outside the Regional School District may attend the Regional School at the discretion of, and on a tuition basis determined by the Regional District School Committee, in accordance with law. However, if a non-participating town wishes to send to the Regional District School a majority of its pupils enrolled in grades 7 through 12, it must do so as a participating member of the Regional School District as provided in Section XI of this Agreement.

Section VII – Time and Manner of Payment of Operating, Transportation and

Capital Costs

Payments shall be made by the Towns to the Regional District School Committee in six (6) equal payments on the 15th of July, September, November, January, March, and May.

Section VIII – Incurring of Debt

The District School Committee may vote to incur debt consistent with the terms and conditions of G.L. chapter 71, section 16. At the time of taking action to incur debt, and except for the incurring of temporary debt in anticipation of revenue, the District School Committee by majority vote will choose either the process that appears in subsection (d) of chapter 71, section 16, or the process that appears in subsection (n) of chapter 71, section 16.

Section IX - Annual Report

The Committee shall submit an annual report to each of the member towns consistent with G.L. chapter 71, section 16 (k).

Section X – Withdrawal of Member Towns

In the event that a member town decides to seek to withdraw from the District, the following procedures and requirements will apply:

A. Vote Expressing Desire to Withdraw

Any member town seeking to withdraw from the District shall, by vote at an annual or special town meeting, request the Committee to formulate an amendment to this Agreement setting forth the terms under which the town may withdraw from the District. No withdrawal will take effect on other than July 1 of a given year, and the vote spoken of in the preceding sentence, as well as the notification to the District consistent with paragraph B below, as well as the submittal of a long range education plan consistent with paragraph C below, must all occur no less than two (2) years prior to the desired date of withdrawal.

B. Notice

The clerk of the town seeking to withdraw shall, within seven (7) days of the vote, notify the Committee chairperson as well as the District's superintendent in writing that the town has voted to request the Committee to formulate an amendment to the Agreement setting forth the terms for withdrawal. The clerk will provide a certified copy of the vote with the notification.

C. Long Range Education Plan

No less than two (2) full years prior to the desired date of withdrawal, the town seeking to withdraw, in addition to the other requirements spoken to in paragraph A above, will submit to the Commissioner of Elementary and Secondary Education (hereinafter "the Commissioner") and to the District a "Long Range Education Plan" consistent with 603 CMR 41.02(2).

D. Requirements

In addition to other terms and requirements which the Committee may include in the amendment, the town seeking to withdraw will be responsible for the following: (1) payment of all operating costs for which it is liable as a member of the District; (2) continuing payments beyond the time of withdrawal to the District for the town's share of the indebtedness of the District which is outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the town had not withdrawn from the District; (3) for the costs, including legal fees, that accrue to the District as a result of the withdrawal process; and (4) the withdrawing town will forfeit claims to any District assets.

E. Approval of Withdrawal

A request to withdraw shall become effective only if the amendment to the Agreement is approved by vote of two-thirds of the Committee, is approved by the Commissioner, and is approved by majority vote at an annual town meeting in the town seeking to withdraw and in each of the other member towns, and the withdrawal can become effective no less than one full year after the completion of these requirements.

Section XI – Admission of Additional Towns

Additional towns may apply for admittance to the District, although no admittance will occur on a date other than July 1 of a given year. Towns applying for admission must submit to the Committee a Long Range Education Plan consistent with the terms of Section X, subsection C of this Agreement. If the Committee so chooses, it may then vote to seek approval from the Commissioner of the proposed admittance of a new member consistent with the terms of 603 CMR 41.00. If the approval of the Commissioner is obtained, the Committee will then formulate an amendment to this Agreement, setting forth the terms upon which the new member will be admitted. Such terms will include, without being limited to, "buy-in" payments by the new town to reflect capital costs that have previously been incurred by the member towns, and will include an ongoing assessment for existing debt service. No admittance of a new town will occur unless the amendment to the Agreement is approved by vote of the Committee, is approved by the Commissioner, and is approved by majority vote at an annual town meeting in the town seeking admittance and in each of the other member towns, and no admittance of a new town will become effective any less than one full year after the completion of these requirements.

Section XII- Review of Agreement

At least every ten years, the Committee will undertake a review of the terms of this Agreement. The first review of this Agreement will occur no later than fiscal year 2026. Proposals for amendments to this Agreement will be processed consistent with Section XIII.

Section XIII – Amendments to Agreement

A. Limitation

This Agreement may be amended from time to time in the manner hereinafter provided, but no amendment shall be made which shall substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness of the District which are then outstanding, or the rights of the District to procure the means for payment thereof, provided that nothing in this section shall prevent the admission of a new town or towns to the District consistent with the term of this Agreement, and nothing in this section shall prevent the reapportionment, resulting from said admission of a new town, of capital costs of the District represented by bonds or notes of the District then outstanding and of interest thereon. All amendments are subject to the approval of the Commissioner.

B. Procedure:

Any proposal for amendment, except a proposal for amendment providing for the withdrawal of a member town (which shall be acted upon as provided in Section X), and except for a proposal for amendment providing for the admittance of a new member (which shall be acted on as provided in Section XI), may be initiated by a two-thirds vote of all members of the Committee or by a petition signed by 10 percent of the registered voters of any one of the member towns. In the latter case, said petition shall contain at the end thereof a certification by the town clerk of such member town as to the number of registered voters in said town according to the most recent voting list and the number of signatures on the petition which are the signatures of registered voters of said town, and said petition shall be presented to the secretary of the Committee. In either case, the secretary of the Committee shall mail or deliver a notice in writing to the board of selectmen of each of the member towns that a proposal to amend this Agreement has been made and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition). The selectmen of each member town shall include in the warrant for the next annual town meeting called for this and/or other purposes, an article which states the proposed amendment or the substance thereof. Such amendment shall take effect upon its acceptance by all of the member towns, acceptance by each town to be by a majority vote at a town meeting as aforesaid.

Section XIV – Severability

Consistent with G.L. chapter 71, section 16I, if any provision of this Agreement is found to be invalid, the remainder of this Agreement shall not be affected thereby.

Or take any action in relation thereto.

>Motion made by Michael Miller of the Board of Selectmen and seconded: "Move that the articles 18, 19 & 20 be approved as written".

Motion to approve Articles 18, 19 & 20 passed by show of voting cards. (8:28 PM)

The Finance Committee (per Chairperson) announced that for Articles 21 through 27 the opening motions are deferred to the Planning Board.

ARTICLE 21: To see if the Town will vote to amend Section 1 of the Zoning Bylaws, entitled "Zoning Bylaws of Brimfield", and in particular, 1.2 entitled "Definition", by inserting the underlined text and inserting the following definitions in alphabetical order; or, take any other action thereon. (Planning Board)

1.2 Definitions

All terms and words not otherwise defined in this bylaw shall have the meaning given in Webster's Unabridged Dictionary (latest edition), or if not defined in the Webster's dictionary, said terms shall have the same definitions provided for in the Massachusetts General Laws. [adopted May 1975, amended May 2012 and May 2014, alphabetized only]

Retail-A business providing goods or services through various distribution channels directly to the consumer.

Self-service storage facility- any real property used for renting or leasing individual storage spaces in which the occupants themselves customarily store and remove their own personal property on a "self-service" basis.

Wholesale-A business providing goods or services through various distribution channels primarily to other business such as retailers, wholesalers, or other subordinated services.

>Motion made by Planning Board and seconded: *"Move that the article be approved amending Section 1 of the Zoning Bylaws as written in the Warrant."* [as illustrated with underlining]

Motion to approve Article 21 passed by a 2/3 show of voting cards. (8:32 PM)

ARTICLE 22: To see if the Town will vote to amend Section 3 of the Zoning Bylaws, entitled "District Use Regulations", and in particular, Section 3.5 entitled "Agricultural-Residential Districts-May be Permitted by Board of Appeals", subsection 3.5.5 by inserting the underlined text and deleting the strikethrough text, and adding a new Section 3.5.5.1, entitled "Expiration and revocation of permits", as follows; or, take any other action thereon. (Planning Board)

3.5.5 Removal will be limited to not more ~~one thousand (1000)~~ than fifty thousand (50,000) cubic yards total from a lot in conjunction with Chapter 7, Section 7.0 Site plan approval.

3.5.5.1 Expiration and revocation of permits

Expiration-Any special permit issued by Zoning Board of Appeals as herein described for earth removal, shall expire within two (2) years of the date of the permit, but may be renewed by ZBA for an additional period of time if the board deems such action satisfactory.

>Motion made by Planning Board and seconded : *"Move that the article be approved amending Section 3 of the Zoning Bylaws as written in Article 22 of the Warrant to the wording in the Planning Board handout."*

Motion to approve Article 22 [2/3 vote required] failed by show of voting cards. (8:50 PM)

ARTICLE 23: To see if the Town will vote to amend Section 3 of the Zoning Bylaws, entitled "District Use Regulations", and in particular, 3.6.4 under section 3.6 entitled "Business District—May Be Permitted", by inserting the underlined text and deleting the strikethrough text as follows; or, take any other action thereon. (Planning Board)

3.6.4 Any business, including, 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 otherwise regulated under the Zoning Bylaws.

>Motion made by Planning Board and seconded: *"Move that the article be approved [amending Section 3.6.4 of the Zoning Bylaws as written in Article 23 of the Warrant] with the wording in the Planning Board handout."* [to read]:

3.6.4 Any business, including wholesale or retail business, self-storage facility, 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 otherwise regulated under the Zoning Bylaws."

Moderator declared after seeking the advice of Town Counsel that the phrase "self-storage facility" must be stricken from Article 23 because it was not included in the original wording of Article 23 in the Town Warrant.

>Motion to amend the opening motion by the Planning Board to remove the phrase "self-storage facility" was made from the floor and seconded.

Motion to amend Article 23 by striking the phrase "self-storage facility" passed by show of voting cards. (8:53 PM)

Motion to approve Article 23 as amended passed by show a 2/3 show of voting cards. (8:54 PM)

ARTICLE 24: To see if the Town will vote to amend Section 3 of the Zoning Bylaws, entitled "District Use Regulations", and in particular, 3.7.2 under section 3.7 entitled "Business District—May Be Permitted by Board of Appeals", by inserting the underlined punctuation (a colon) and capitalizing the words as shown and also by inserting a new section 3.7.4, as follows; or, take any other action thereon. (Planning Board)

3.7.2 Automobile; Service Station, Repair Shop, Storage Garage, or Salesroom.

3.7.4 Earth removal: as described 3.5.3

>Motion made by Planning Board and seconded: *"Move that the Article 24 be approved with the wording printed in the Planning Board handout [as changed from the wording in the Warrant.]"*

Motion to approve Article 24 [2/3 vote required] failed by show of voting cards. (9:13PM)

ARTICLE 25: To see if the Town will vote to amend Section 3 of the Zoning Bylaws, entitled "District Use Regulations", and in particular, inserting a new section 3.9.3, under section 3.9 entitled "Industrial District—May Be Permitted by Board of Appeals", by inserting the underlined text, as follows, "3.9.3 Earth removal, as described in 3.5.3"; or, take any other action thereon. (Planning Board)

>Motion made by Planning Board and seconded: "Move that the article be accepted as written in the Warrant."

Motion to approve Article 25 [2/3 vote required] failed by show of voting cards. (9:18 PM)

ARTICLE 26: To see if the Town will vote to amend Section 4 of the Zoning Bylaws, entitled "Density Regulations", and in particular, section 4.2, "Non-Conforming Buildings", by inserting the underlined text, as follows; or, take any other action thereon. (Planning Board)

4.2 Non-Conforming Buildings

Buildings in existence at the time of the adoption of this amendment without the minimum front, side or rear yards required by Section 4.1 may be added provided, such additions do not reduce the size of the non-conforming yard or yards. (adopted Mar 1975)

In accordance with Section 11.2.2. Special 4.2 Non-Conforming Buildings

Buildings including accessory buildings without the minimum front, side or rear yards required by Section 4.1 may be added to, provided the extension in floor area and/or lot area is not greater than 30% of the preexisting floor area, pursuant to a special permit granted by the Zoning Board of Appeals.

>Motion made by Planning Board and seconded: "Move that Article 26 be approved to amend Section 4 of the Zoning Bylaws with the wording printed in the Planning Board handout [as changed from the wording in the Warrant] to read:

4.2 Non-Conforming Buildings

Buildings in existence at the time of the adoption of this amendment without the minimum front, side or rear yards required by Section 4.1 may be added to provided, pursuant to a Special Permit under MGL 40A Section 6 after a finding by special permit granting authority that the proposed changes and, or, construction are not substantially more detrimental to the neighborhood than the existing non-conforming situations. Alterations and construction allowed under such special permits shall meet all other existing state requirements, such additions do not reduce the size of the non-conforming yard or yards. [adopted Mar 1975]

In accordance with Section 11.2.2. Special Permits

Buildings including accessory buildings without the minimum front, side or rear yards required by Section 4.1 may be added to, pursuant to a special permit granted by the Zoning Board of Appeals."

Motion to approve Article 26 [as revised by the opening motion] passed by a 2/3 show of voting cards. (9:19 PM)

ARTICLE 27: To see if the Town will vote to amend Section 7A of the Zoning Bylaws, entitled "Large-Scale Ground-Mounted Solar Photovoltaic Installations in the Business District", and in particular, 3.1 entitled "Lot Requirements", by inserting the underlined text and deleting the strikethrough text as follows; or, take any other action thereon. (Planning Board and Board of Selectmen)

3.1 Lot Requirements

Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be permitted on lots larger than ~~5~~ 15 acres in the Business District.

>Motion made by Planning Board and seconded: "Move that Article 27 be approved to amend Section 7A of the Zoning Bylaws as changed by the wording in the Warrant."

Motion to approve Article 27 defeated: 60, yes to 34, no [2/3 vote required] (9:23 PM)

ARTICLE 28: To see if the Town will vote to amend the Town's Zoning Bylaw by inserting a new Section 12 entitled, Temporary Moratorium on Recreational Marijuana Establishments, that would provide as follows, and further to amend the Table of Contents to add Section ____, "Temporary Moratorium on Recreational Marijuana Establishments", or, take any other action thereon. (Planning Board)

Section 12 Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

Section 12.1 Definition

"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

Section 12.2 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through September 30, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

>Motion made by Planning Board and seconded: "*Move that Article 28 be accepted as written in the Warrant.*"

Motion to approve Article 28 passed by a 2/3 show of voting cards. (9:56 PM)

ARTICLE 29: To see if the Town will vote to raise and appropriate, borrow, or otherwise fund, the sum of \$65,000 to be subject to the requirements of applicable public bidding laws, for the purpose to purchase and dump truck with plow for use of the Brimfield Highway Department, pursuant to the Town's Capital Expenditure Plan; or, take any other action thereon. (Highway Surveyor)

>Motion made by Finance Committee (per Chairperson) and seconded: "*Recommend and move that the Town raise and appropriate the sum of \$65,000, to be expended by the Highway Surveyor, for the purpose stated in the article.*"

Motion to approve Article 29 passed by show of voting cards. (9:57 PM)

ARTICLE 30: To see if the Town will vote to raise and appropriate, borrow, or otherwise fund, the sum of \$110,000 to be subject to the requirements of applicable public bidding laws, to purchase and equip a new Loader for use by the Brimfield Highway Department, pursuant to the Town's Capital Expenditure Plan; or, take any other action thereon. (Highway Surveyor)

>Motion made by Finance Committee (per Chairperson) and seconded: "*Recommend and move that the Town raise and appropriate the sum of \$110,000, to be expended by the Highway Surveyor, for the purpose stated in the article.*"

Motion to approve Article 30 passed by show of voting cards. (9:58 PM)

ARTICLE 31: To see if the Town will vote to raise and appropriate, borrow, or otherwise fund, the sum of \$ to be subject to the requirements of applicable public bidding laws, for the purpose to remediate the Gasoline leak at the Brimfield Highway

Department, including all related and incidental expenses, pursuant to the Town's Capital Expenditure Plan; or, take any other action thereon. (Highway Surveyor)

>Motion made by Finance Committee (per Chairperson) and seconded: "*Recommend and move that the Town raise and appropriate the sum of \$100,000, and transfer from Free Cash the sum of \$62,115, to be expended by the Highway Surveyor, for the purpose stated in the article.*"

Motion to approve Article 31 passed by show of voting cards. (10:01 PM)

ARTICLE 32: To see if the Town will raise and appropriate, borrow, or vote to transfer the sum of \$42,000 from the Capital Purchase Stabilization Fund, subject to the requirements of the applicable public bidding laws, for the purchase and equipping of one new Ford Interceptor, Dodge Charger, Chevy Caprice or any other model of vehicle for use by the Brimfield Police Department as a patrol vehicle; or, take any other action thereon. (Chief of Police)

>Motion made by Finance Committee (per Chairperson) and seconded: "*Recommend and move that the Town raise and appropriate the sum of \$42,000, to be expended by the Chief of Police, for the purpose stated in the article.*"

Motion to approve Article 32 passed by show of voting cards. (10:04 PM)

ARTICLE 33: To see if the Town will vote to amend Section 3 of the General By Laws, Town Meetings, 3.3 Additional Notice Annual Meeting by inserting the underlined text and deleting the strikethrough text as follows; or, take any other action thereon. (Board of Selectmen)

At least seven days before the day fixed in the warrant for the Annual Town Meeting, the Selectmen shall cause to be mailed to each occupied dwelling unit containing one or more registered voters in the Town, a copy of the warrant a postcard notification that copies of the Annual Town Meeting warrant are available at the Town Hall and posted on the Town's website.

>Motion made by Finance Committee (per Chairperson) and seconded: "*Recommend approval and move that the Town amend Section 3 of the Town of Brimfield General Bylaws to change Annual Town Warrant notification as stated in the article.*"

Motion to approve Article 33 passed by show of voting cards. (10:12 PM)

ARTICLE 34: To see if the Town will vote to accept as a Town way Hastings Lane, running from Old Palmer Rd, and further to authorize the Board of Selectmen to acquire on behalf of the Town by gift, purchase, or eminent domain, the fee or an easement to use Hastings Lane for all purposes for which public ways are used in the Town of Brimfield, and drainage, utility, and/or other related easements; or, take any other action thereon. (Highway Surveyor)

>Motion made by Finance Committee (per Chairperson) and seconded: "*Recommend approval and move that the Town accept Hastings Lane as a Town way as stated in the article.*"

Motion to approve Article 34 passed by a 2/3 show of voting cards. (10:14)

ARTICLE 35: To see if the Town will vote to transfer the amount of \$ from the Municipal Waterway Fund (#14-3560), and \$ from the Thames River Grant (#14-3562-0122) to the Lake Sherman Weed Control Account (#01-0630-5355) to be expended by the Board of Selectmen for aquatic vegetation management to control the growth of milfoil and lily pads in Lake Sherman, including all related and incidental expenses,; or take any other action thereon. (Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: *"Recommend and move that the Town transfer the sum of \$0 from the Municipal Waterway Improvement Fund and \$10,000 from the Thames River Grant to the Lake Sherman Weed Control account (01-0630-5355) for the purpose stated in the article."*

Motion to approve Article 35 passed by show of voting cards. (10:15 PM)

ARTICLE 36: To see if the Town will vote in accordance with G.L. c.41, §1 to authorize the Town Treasurer to also act as the Town Collector, and further to amend Article 4.1 of the General Bylaws, entitled, Offices to Be Elected, by striking from the list of elected officers the following text, "a Town Treasurer for three years; a Collector of Taxes for three years" and inserting in place thereof the following, "a Treasurer-Collector for three years", with the office of "Treasurer-Collector" to appear on the ballot at the 2018 Annual Town Election in accordance with G.L. c.41, §2, or, take any other action thereon. (Collector, Treasurer and Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: *"Recommend approval and move that the Town authorize the Town Treasurer to also act as tax collector, and to further amend Section 4.1 of the Town of Brimfield General Bylaws to combine the Treasurer and Collector elected offices to a single Treasurer-Collector office as stated in the article."*

Motion to approve Article 36 passed by show of voting cards. (10:28 PM)

ARTICLE 37: To see if the Town will vote to accept to amend the current Town of Brimfield Zoning Bylaw Section 1.2 as it pertains to the **Business District**, to add the following after the exception of the portion on the Northerly side of US 20 which is extended to 750' "and with the exception of Large-Scale Ground-Mounted Solar Photovoltaic Installation (as allowed under the terms and definitions of Section 7A of the current Zoning by-laws) to extend to a depth of 2,500 feet from established sidelines of US 20,"; or take any other action relative thereto.

(By Petition) (Proposed changes to the current section are shown in Red)

Business District - 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 and with the exception of Large-Scale Ground-Mounted Solar Photovoltaic Installation (as allowed under the terms and definitions of Section 7A of these by-laws) to extend to a depth of 2,500 feet from established sidelines of US 20, as laid out by the Commonwealth of MA, (added May 2010)

> Finance Committee (per Chairperson) deferred opening motion to the Petitioner.
>Motion made and seconded: *"Move that Article 37 be approved as written in the warrant"*

Motion to approve Article 37 failed by show of voting cards 51- yes, 26-no [2/3 required] (10:46 PM)

ARTICLE 38: To see if the Town will vote to raise and appropriate, borrow or otherwise fund the sum of \$39,000 for the purchase and equipping of a mobile emergency command vehicle for the Fire Department; or, take any other action thereon. (Fire Chief)

>Motion made by Finance Committee (per Chairperson) and seconded: *"Recommend and move that the Town raise and appropriate the sum of \$39,000 for the purpose stated in the article."*

Motion to approve Article 38 passed by a 2/3 show of voting cards. (10:50 PM)

ARTICLE 39: To see if the Town will vote to raise and appropriate, borrow or otherwise fund the sum of \$10,000 for the purchase of a set of battery operated extrication tools for the Fire Department or, take any other action thereon. (Fire Chief)

>Motion made by Finance Committee (per Chairperson) and seconded: *"Recommend and move that the Town raise and appropriate the sum of \$10,000 for the purpose stated in the article."*

Motion to approve Article 39 passed by a 2/3 show of voting cards. (10:51 PM)

ARTICLE 40: We, the undersigned registered voters of the Town of Brimfield, hereby petition the Board of Selectmen pursuant to MGL Ch, 39, S. 10 to insert the following article into the Warrant for the Brimfield Annual Town Meeting to be held on May 15, 2017:

3.6.7 Any fitness, wellness, sport or recreational facility, including indoor and outdoor facilities necessary for those activities, to be used for profit or educational purposes. To see if the Town will vote the following article; or, take any other action in relation thereto. (By Petition)

> Finance Committee (per Chairperson) deferred opening motion to the Petitioner.
>Motion made and seconded: *"Move that Article 40 be approved as written in the warrant"*

Motion to approve Article 40 passed by a 2/3 show of voting cards. (10:53 PM)

The Moderator announced that Articles 41, 42 & 43 will be taken as a group.

ARTICLE 41: To see if the Town will vote to amend the Section 3 of the Personnel Bylaw (also referred to Article XXIX: Personnel Bylaw), under the heading "Work Status Definitions", by inserting the underlined text and deleting the strikethrough text as follows, or take any other action thereon.

Work Status Definitions

Exempt/Non-Exempt Employee – Pursuant to the Fair Labor Standards Act (FLSA), 29 USC, Section 201-216 (as amended), employees holding certain positions are deemed to be exempt from the overtime requirements of the FLSA ("exempt employees"), while employees holding other types of positions are entitled to overtime under the FLSA. The determination of whether a particular position is exempt from the overtime requirements of the FLSA is often determined on a case-by-case basis, but the following general criteria apply.

An exempt employee is a salaried employee whose salary meets federal minimum requirements earns more than \$455/week and is employed in an executive, administrative or professional capacity and the position the employee holds meets one of the following federal classifications:

Executive – Primary duty is to manage a department, direct the work of other employees and participate in the hiring, firing, promotion or other decisions affecting the status of an employee.

Administrative – Primary duty is office or non-manual work directly related to management policies of directly assisting an executive that includes the exercise of discretion and independent judgment with respect to matters of significance.

Professional – Primary duty is office or non-manual work that requires advance knowledge acquired by specialized study; work is intellectual and the result is not standardized, or, requires invention, imagination, originality or talent in a recognized field of artistic or creative endeavor;

ARTICLE 42: To see if the Town will vote to amend the Section 7 of the Personnel Bylaw (also referred to Article XXIX: Personnel Bylaw), by deleting the strikethrough text and all of the asterisks that appear before certain holidays, or take any other action thereon.

Section 7: Holidays and Holiday Pay

Employees scheduled to work on a continuing basis for 20 or more hours per week are eligible for holiday pay. The following are paid holidays:

- *New Year's Day
- President's Day
- *Independence Day
- *Veterans Day
- Martin Luther King, Jr. Birthday
- Patriot's Day
- Labor Day
- *Thanksgiving
- Memorial Day
- Columbus Day
- *Christmas Day

Holiday pay for employees working less than 35 hours, but more than 20 hours per week, shall be the pro-rated schedule of hours (or the employee's regularly scheduled hours for that week day that the holiday falls on). Temporary/seasonal employees will not receive holiday pay.

Example: An employee who normally works a five-day, 25-hour schedule each week (5 days @ 5 hours each day) would be entitled to 5 hours holiday pay.

Holidays falling on Saturday shall be observed on Friday and holidays falling on Sunday shall be observed on Monday.

~~Holidays denoted above with asterisk shall be observed on the day on which they occur.~~

Should an employee be required to work on the holiday, an employee shall receive either compensatory time or compensation on a time and one-half basis for every hour worked.

ARTICLE 43: To see if the Town will vote to amend the Sections 9.1 and 9.2 of the Personnel Bylaw (also referred to Article XXIX: Personnel Bylaw), by inserting the underlined text and deleting the strikethrough text, as follows; or take any other action thereon.

Section 9: Vacation Leave

- 9.1 Vacation days are to be used in the year awarded, July 1 – June 30. In the rare event that an employee cannot use vacation days in the year awarded, up to ~~five (5)~~ ten (10) days may be carried over with the supervisor's advance approval into the next fiscal year and must be used prior to September 1 of the current calendar year. Any other unused vacation time is forfeited. The Town will not pay an employee in lieu of vacation time.
- 9.2 Employees are eligible for vacation based upon completed service as of June 30th each year. Vacation is credited to the employee as of July 1. ~~Vacation days may be taken after 3 months of employment.~~ Vacation days may be used in increments of 1/4 day. Employees are not eligible to earn vacation leave until successful completion of the probationary period, at which time they will be credited with vacation leave in accordance with the schedule set forth in Section 9.5

Or take any other action thereon.

- > Finance Committee (per Chairperson) deferred opening motion to the Board of Selectmen.
- > Motion by the Board of Selectmen and seconded: "Move that Articles 41, 42 & 43 be approved as written in the warrant"
- Motion to approve Articles 41, 42 & 43 passed by show of voting cards. (10:54 PM)

ARTICLE 44: To see if the Town will vote to raise and appropriate, borrow, or otherwise transfer from available funds, the total sum of \$50,000.00 to be expended by the Facilities Study Committee, subject to the requirements of applicable public procurement laws, for the development, planning, and design of preliminary plans and specifications relative to the possible renovation, replacement, demolition, alteration, or construction of the Town Hall, Town Hall Annex, Library, Fire Station, Police Station, and Highway Barn, or take any other action thereon. (Brimfield Facilities Study Committee)

>Motion made by Finance Committee (per Chairperson) and seconded: "Recommend and move that Town raise and appropriate the sum of \$50,000 for the purpose stated in the article."

Motion to approve Article 44 passed by show of voting cards. (10:57 PM)

ARTICLE 45: To see if the Town will raise and appropriate, borrow, or otherwise fund the sum of \$100,000 to be expended by the Board of Selectmen for the purpose of repairs, maintenance, renovations and weatherization of municipal buildings, (other than schools) owned by the Town of Brimfield, and including any incidental and related expenses, and to transfer \$15,000 from the Weatherization account 01-0195-9210 and \$ from the Municipal Repair account #01-0195-9211; or, take any other action thereon. (Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: "Recommend and move that the Town raise and appropriate the sum of \$20,000 and transfer the sum of \$15,000 from the Weatherization account (01-0195-9210) and transfer the sum of \$20,375.07 from the Municipal Repair Account (01-0195-9211) for the purpose stated in the article."

Motion to approve Article 45 passed by a show of 2/3 of voting cards. (11:00 PM)

ARTICLE 46: To see if the Town will vote to accept the provisions of M.G.L. c. 44, § 53F¾, to establish a special revenue fund known as the PEG Access and Cable Related Fund to receive cable franchise fees and other cable-related revenues and reserve such monies for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, such fund to begin operation for Fiscal Year 2018, which begins on July 1, 2017; to transfer to said fund the sum of \$ from funds previously reserved for such purposes; and, further, to appropriate from such fund a sum of money for Fiscal Year 2018 permissible cable-related purposes, or take any other action thereon. (Cable Advisory Committee and Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: "Recommend approval and move that the Town accepts the provision of MGL Chapter 44, Section 53F¾ to establish a special revenue account for the purpose stated in the article and to further transfer an amount up to \$63,391.05 to begin funding that account as of FY 2018."

Motion to approve Article 46 passed by a 2/3 show of voting cards. (11:11 PM)

ARTICLE 47: To see if the Town will vote pursuant to M.G.L. chapter 59, section 5K, as most recently amended by the Municipal Modernization Act, to adjust the maximum tax exemption amount for the senior tax work-off program from \$1000 to \$1500; or take any other action thereon. (Board of Selectmen)>Motion made by Finance Committee (per Chairperson) and seconded:

"Recommend the adjustment of the maximum tax exemption for the senior tax work-off program from \$1,000 to \$1,500 per year as stated in the article."

Motion to approve Article 47 passed by a show of 2/3 of voting cards. (11:12 PM)

ARTICLE 48: To see if the Town will vote to raise and appropriate, borrow, or otherwise transfer from available funds, the total sum of \$9,000.00 to be expended by the Police Department, subject to the requirements of applicable public procurement laws, for the purchase of Motorola, or the equivalent, hand held radios for use by the police department, or take any other action thereon. (Police Department)

>Motion made by Finance Committee (per Chairperson) and seconded: "Recommend and move that the Town raise and appropriate the sum of \$9,000, to be expended by the Chief of Police, for the purpose stated in the article."

Motion to approve Article 48 passed by a 2/3 show of voting cards. (11:18)

ARTICLE 49: To see if the Town will vote to enact Chapter 4, section 11, of the Town of Brimfield General Bylaws, entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of July 1, 2017 a copy of which is on file with the Town Clerk; or, take any other action relative thereto. (Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: "Recommend approval and move that the Town enacts adoption of Chapter 4, Section 11 of the Town of Brimfield General Bylaws entitled "Stretch Energy Code" for the purpose stated in the article."

Motion to approve Article 49 passed by show of voting cards. (11:20 PM)

ARTICLE 50: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, the sum of \$61,650 to pay principal and/or interest due in FY18 on the Fire Truck purchase authorized by the May, 2012 Town Meeting; or, take any other action thereon. (Finance Committee)

>Motion made by Finance Committee (per Chairperson) and seconded: "Recommend and move that the Town raise and appropriate the sum of \$61,650 to pay interest and principal due in FY2018 on the fire truck purchase authorized by the May, 2012 Town Meeting for the purpose stated in the article."

Motion to approve Article 50 passed by show of 2/3 voting cards. (11:21PM)

ARTICLE 51: To see if the Town will vote to transfer from Free Cash the sum of \$ to be added to the Capital Purchase Stabilization Fund; or, take any other action thereon. (Finance Committee)

>Motion made by Finance Committee (per Chairperson) and seconded: *"Recommend and move that the Town transfer the sum of \$297,885 from certified Free Cash to the Capital Purchase Stabilization Fund."*

Motion to approve Article 51 passed by a 2/3 show of voting cards. (11:22 PM)

ARTICLE 52: To see if the Town will vote to transfer \$ from Free Cash and \$ from the Assessor's Overlay Surplus or from any other available funds, to reduce the tax rate in FY18 or for any other purpose; or, take any other action thereon. (Finance Committee)

>Motion made by Finance Committee (per Chairperson) and seconded: "Recommend and move that the Town transfer the sum of \$0 from Overlay Surplus and \$209,496 from certified Free Cash to reduce the tax rate for FY 2018."

Motion to approve Article 52 passed by unanimous show of voting cards. (11:21 PM)

ARTICLE 53: To see if the Town will vote to transfer the sum of \$ from available funds to the Stabilization Fund to; or, take any other action thereon. (Finance Committee)

>Motion made by Finance Committee (per Chairperson) and seconded: "Recommend and move that the Town take no action for the purpose stated in the article."

Motion to take no action passed by show of voting cards. (11:22 PM)

Vote to adjourned the 2017 Brimfield Annual Town Meeting at 11:23 PM

The above minutes are a true and complete record of the Brimfield Annual Town Meeting of May 15, 2017. In addition to the 28 pages of minutes, an appendix of 8 pages is attached.



Robert P Sullivan
Brimfield Town Clerk