

Town of Brimfield

The 287th Annual Town Meeting

May 21, 2018 - Brimfield Town Hall

Minutes and Actions

Richard Sieweck, Moderator, called the meeting to order at 7:19 PM

163 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. (7:35 PM)

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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 establish FY2019 spending limits as set forth below for the revolving funds listed in Section 1 of the General Bylaw entitled, "Departmental Revolving Funds", approved under Article 2 of the June 5, 2017 Annual Town Meeting, with such limits to be applicable from fiscal year to fiscal year until revised by Town Meeting prior to July 1 for the ensuing fiscal year:

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, as written in the warrant."

Motion to approve Article 2 passed by show of voting cards. (7:37 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, 2018 to June 30, 2019; 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 \$173,558 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. (7:40 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, 2018 to June 30, 2019, 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 \$9,064,767 as detailed in the Finance Committee Recommendations accompanying the Warrant, for the purpose stated in the article.” Note: the total amount for this article was revised downward by \$1,400 by eliminating funding for storage pods (Account #0195-5390 changed from \$1,400 to 0). This reduced the total from \$9,066,167 to \$9,064,767.
Motion to approve Article 4 passed by show of voting cards. (8:29 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 FY18; 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 [because no bills remained unpaid] passed by show of voting cards. (8:30 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 FY18; 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 6 [because no bills remained unpaid] passed by show of voting cards. (8:30 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 FY19 and provided further, that any funds remaining in said account over \$50,000 for FY19 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 FY19, and that any funds remaining in said account over \$50,000 for FY19 shall close to the general fund as stated in the article.

>Motion to Amend Article 7 made by Mr. Miller of the Board of Selectmen: *“Move that the Flea Market Fund be increased to a maximum of \$160,000.00 for FY19”*

Motion to amend Article to \$160,000 passed by a show of voting Cards (8:39 PM)

Motion to approve Article 4 as amended passed by show of voting cards. (8:40 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, 2018 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, §17; 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 2019 and move such authorizations be re-established for the purposes stated in their respective articles.”*[Articles 8,9,11,12,13]

Motion to approve Articles 8, 9, 11, 12 & 13 passed by show of voting cards. (8:41 PM)

***ARTICLE 10:** To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, the sum of \$ 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. (8:42 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 to approve Article 14 passed by show of voting cards. (8:43 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 Commission)

>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. (8:44 PM)

ARTICLE 16: To see if the Town will vote pursuant to the provisions of G.L. c.41, §1B to change the position of elected Treasurer/Collector to an appointed position to be appointed by the Board of Selectmen for a three year term; provided, however, that such change shall not take effect unless it is also approved by the voters at the 2019 Annual Town Election; or, take any other action thereon.(Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded "*Recommend and move that the Town change the position of elected Treasurer/Collector to an appointed position as stated in the article*".

Motion to approve Article 16 passed by show of voting cards. (8:48 PM)

ARTICLE 17: To see if the Town will vote to transfer from the Town Treasurer for tax title purposes to the Highway Department for road improvement purposes an approximately 1.64 acre parcel of land located on Dearth Hill Road and shown on Assessors' Map 10 as Block E, Lot 15, and to authorize the Town Treasurer to take such action, including execution of instruments, as may be needed to carry out the vote taken hereunder, or taken any other action thereon. (Highway Surveyor)

>Motion made by Finance Committee (per Chairperson) and seconded "*Recommend and move that the Town transfer the parcel of land described in the article from the Town Treasurer to the Highway Department as stated in the article.*"

Motion to approve Article 17 passed by a 2/3 show of voting cards. (8:49 PM)

ARTICLE 18: To see if the Town will vote to raise and appropriate, borrow, or otherwise fund, the sum of \$80,000, to be expended by the Highway Surveyor subject to the requirements of applicable public bidding laws, for the purchase and equipping of a

road sweeper 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 "*Recommend and move that the Town raise and appropriate the sum of \$80,000, to be expended by the Highway Surveyor, for the purpose stated in the article.*"

Motion to approve Article 18 passed by show of voting cards. (8:50 PM)

ARTICLE 19: To see if the Town will raise and appropriate, borrow, or otherwise fund the sum of \$50,000 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; 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 \$50,000 for the purpose stated in the article.*"

Motion to approve Article 19 passed by show of voting cards. (8:51 PM)

ARTICLE 20: To see if the Town will vote to raise and appropriate, borrow, or otherwise fund, the sum of \$45,000 subject to the requirements of applicable public bidding laws, for the purpose of purchasing and equipping a 2017 or newer ¾ ton 4 x 4 pickup truck 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 \$45,000, to be expended by the Fire Chief, for the purpose stated in the article.*"

Motion to approve Article 20 passed by show of voting cards. (8:52 PM)

ARTICLE 21: 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 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 21 passed by show of voting cards. (8:53 PM)

ARTICLE 22: To see if the Town will vote to raise and appropriate, borrow, or otherwise transfer from available funds, \$4,575,850 to be expended by the Building Committee, subject to the requirements of applicable public procurement laws, to pay costs of designing, permitting, constructing and equipping new Town buildings and repairing, renovating and equipping existing Town-owned buildings, including, but not limited to, the Highway Department facility and the Public Safety complex, including the

payment of all costs incidental and related thereto; and to authorize the Building Committee to enter into any agreements and take any action necessary to effectuate the purpose of this article, or take any other action thereon. (Municipal Facilities Building Committee)

>Motion made by Finance Committee (per Chairperson) and seconded: “Recommend and move that the Town appropriates \$4,575,850 to be expended by the Building Committee, subject to the requirements of applicable public procurement laws, to pay costs of designing, permitting, constructing and equipping new Town buildings and repairing, renovating and equipping existing Town-owned buildings, including, but not limited to, the Highway Department facility and the Public Safety complex, including the payment of all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. No amounts shall be borrowed or expended for the purposes of this motion unless and until the voters of the Town shall have voted to exclude the amounts required to repay principal and interest on \$2,775,850 of the principal amount authorized to be borrowed by this vote from the limitations on total property taxes contained in M.G.L. c. 59, §21C (also known as Proposition 2½).”

Motion to approve Article 22 passed by a 2/3 show of voting cards. (9:16 PM)

ARTICLE 23: 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 feet **“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, for the specific parcel as shown on Assessors Map 11-A-9”** the purpose of this article is to limit visibility of the solar array solely for this specific parcel, the current Zoning forces the project along the roadway, or take any other action relative thereto.

Proposed changes to the current section are shown in red **(Bold and underlined)** 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 exceptions 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, for the parcel known and designated as Map 11-A-9** as laid out by the Commonwealth of MA. [added May 2010] (By Petition)

>Motion made by Kevin Waddell and seconded: “I move to pass Article 23 as written.”
>Motion made by Susan Hilker and seconded: “I wish to amend Article 23 by inserting the following phrase after the words **Map 11-A-9** – ‘More particularly described as Lot 7 in Planbook 286, page 11 as recorded at the Hampden County Registry of Deeds on August 6, 1993’ ”

Motion to amend Article 23 passed by show of voting cards. (9:39 PM)

Motion to approve Article 23 as amended passed by a 2/3 show of voting cards. (9:41 PM)

ARTICLE 24: To see if the Town will vote to transfer \$1,299.67 from the Municipal Waterway Fund #14-3560 and \$11,000 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 incidental and related 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 \$1,299.67 from the Municipal Waterway Improvement Fund (14-3560-0146) and \$11,000 from the Thames River Grant (14-3562-0122) to the Lake Sherman Weed Control account (01-0630-5355) for the purpose stated in the article.”

Motion to approve Article 24 passed by show of voting cards. (9:43 PM)

ARTICLE 25: To see if the Town will vote and appropriate or otherwise transfer the amount of \$30,000 from the Thames River Grant #14-3562-0122 to the Lake Sherman Weed Control account #01-0630-5355 for repair of the Lake Sherman Dam, including all incidental and related expenses, to be expended by the Board of Selectmen for executing the next step of the NOI Lake Sherman Management plan dated February 2015 #117-0359; 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 \$30,000 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 25 passed by show of voting cards. (9:44 PM)

ARTICLE 26: To see if the Town will vote to amend Section 3 of the Zoning Bylaws, by inserting a new paragraph in Section 3.1 prohibiting the operation of so-called

“recreational” or “adult use” marijuana establishments in the Town of Brimfield, as set forth below, or take any other action relative thereto.

Acknowledging the continued application of the preceding paragraph, consistent with the provisions of G.L. c.94G, §3(a)(2), all types of “marijuana establishments” (sometimes referred to as “recreational” or “non-medical” marijuana establishments), as defined in G.L. c.94G, §1 to include marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, and specifically excluding medical marijuana treatment centers, shall be prohibited within the Town of Brimfield. (Panning Board)

>Motion made by Planning Board (per Chairperson) and seconded: *“The Planning Board moves to take no action.”*

Motion to take no action on Article 26 passed by a show of voting cards (9:45)

ARTICLE 27: To see if the Town will vote to raise and appropriate the sum of \$ _____ and 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 raise and appropriate the sum of \$248,000 and transfer the sum of \$487,522 from certified Free Cash to the Capital Purchase Stabilization Fund.”*
Motion to approve Article 27 passed by show of voting cards. (9:47 PM)

ARTICLE 28: 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 FY19 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 take no action for the purpose stated in the article.”*
Motion to take no action on Article 28 passed by show of voting cards. (9:47 PM)

ARTICLE 29: To see if the Town will vote to transfer the sum of \$ _____ from available funds to the 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 take no action for the purpose stated in the article.”*
Motion to take no action on Article 29 passed by show of voting cards. (9:48 PM)

Motion from the floor to adjourn the 2018 Annual Town Meeting was made, seconded and passed by voice vote at 9:49 PM