

TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, S.S.

TO THE TOWN CLERK OF BRIMFIELD, GREETING:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of Brimfield qualified to vote in Town affairs to meet at the St. Christopher's Parish Hall in said Brimfield on **MONDAY, the first day of JUNE, 2009 at TWELVE (12) O'CLOCK NOON** to act on the following:

To give their votes to the election of officers on one ballot for the following Town Officers: Moderator for one year; Selectman for three years; Assessor for three years; two Board of Health members for three years; Cemetery Commission for three years; one Tree Warden for one year; Treasurer for three years; Town Collector for three years; Town Clerk for three years; Five Constables for three years; Highway Surveyor for three years; two Elementary School Committee members for three years; one Planning Board member for five years; two Library Trustees for three years; one Harding Fund Trustee for three years; one Lincoln Fund Trustee for three years; and, one Housing Authority member for five years.

The polls will open at TWELVE (12) O'CLOCK NOON and will close at EIGHT (8) O'CLOCK in the evening. All business of said meeting except the election of such officers, and the determination of such matters as by law are required to be elected or determined by ballot shall be considered after **SEVEN (7) O'CLOCK in the evening on MONDAY, the eighteenth of MAY, 2009** at the **Brimfield Elementary School Cafeteria** to act on the following:

PROCEDURAL NOTE: The articles below marked (*) are routine articles requiring annual approval and have been approved at previous town meetings. The Finance Committee may, at its discretion, make a single consent motion for approval of these routine authorizations (Articles: 8, 9, 11, 12, 13)

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

ARTICLE 2: To see if the Town will vote to establish the following revolving funds under MGL Chapter 44, Section 53E ½, (Chart of Accounts in Appendix), or, take any other action thereon. (Various Boards and Departments)

SEE APPENDIX #1 ATTACHED AT THE END OF THE WARRANT

ARTICLE 3: To see if the Town will vote to raise and appropriate a sum of money for various elected town officers for the ensuing fiscal year July 1, 2009 to June 30, 2010; or, take any other action thereon. (Board of Selectmen)

ARTICLE 4: To see if the Town will vote to raise and appropriate a sum of money for various departments and activities of the Town, payment of debts and defraying of expenses of the ensuing fiscal year, July 1, 2009 to June 30, 2010, and direct how the same shall be expended; or, take any other action thereon. (Board of Selectmen)

ARTICLE 5: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, a sum of money to pay unpaid bills or overdrawn accounts for FY2009; or, take any other action thereon. (Board of Selectmen)

ARTICLE 6: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, a sum of money to pay unpaid bills or overdrawn accounts for any fiscal year prior to FY2009; or, take any other action thereon. (Board of Selectmen)

ARTICLE 7: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds in the treasuries, the sum of \$15,000 for Tax Title Expenditures; or, take any other action thereon. (Treasurer)

***ARTICLE 8:** To see if the Town will vote to accept as available funds, the sum of \$250,000 to be made available to the Town by the Massachusetts Highway Department, and, to use the funds for qualifying on state approved roads and Chapter 90 projects in the Town of Brimfield according to State contract; or, take any other action thereon. (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 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)

***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, 2009 in accordance with the provisions of the General Laws, chapter 44, section 4 and to issue a note or notes payable within one year and to renew any note or notes as may be given for a period of less than one year, in accordance with M.G.L. chapter 44, section 57; or, take any other action thereon. (Board of Selectmen)

***ARTICLE 13:** To see if the Town will authorize Selectmen, as required by Town Bylaw Article V, Section 2, to enter into contracts for general insurance, workers' compensation insurance, medical benefit insurance and ambulance services within the scope and requirements defined by M.G.L. chapter 30B as amended; or, take any other action thereon. (Board of Selectmen)

ARTICLE 14: 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. chapter 40, section 8C; or, take any other action thereon. (Conservation Committee)

ARTICLE 15: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, the sum of \$30,000 to the Highway Department for the purpose of oiling and Type-I work and other related materials on various roads,

to be expended by the Highway Department subject to applicable public bidding laws; or, take any other action thereon. (Highway Surveyor)

ARTICLE 16: To see if the Town will vote to transfer the sum of \$_____ of the FY2009 appropriation from the Cemetery Expense Account #04915460 to the Cemetery Perpetual Care Account # 04-91-3570; or, take any other action thereon. (Cemetery Commission)

ARTICLE 17: To see if the Town will vote to transfer the sum of \$2,796.59 from the Town Hall Gutters & Windows Account #01-01-95-6220 to the Town Building Improvements Account #01-01-95-6420; or, take any other action thereon. (Board of Selectmen)

ARTICLE 18: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, the sum of \$5,000 to pay for an actuarial study in compliance with GASB 45 (Governmental Accounting Standards Board) which requires the accounting for OPEB (Other Post Employment Benefits); or, take any other action thereon. (Board of Selectmen)

ARTICLE 19: To see if the Town will vote to raise and appropriate, otherwise transfer from available funds or transfer from the Capital Purchase Stabilization Fund, the sum of \$10,300 to be expended by the Board of Selectmen for aquatic vegetation management to eliminate and control the growth of milfoil in Lake Sherman; or, take any other action thereon. (Board of Selectmen)

ARTICLE 20: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, the sum of \$10,000 to be expended by the Planning Board to retain the services of Consultants to perform services relative to zoning and planning issues; or, take any other action thereon. (Planning Board)

ARTICLE 21: To see if the Town will vote, pursuant to M.G.L., chapter 82A, section 2, to designate the Board of Selectmen as the appointing authority for the Board or Officer responsible for the issuance of permits for the purpose of creating a trench as that term is defined by M.G.L., chapter 82A, section 4 and 520 CMR 14.00; or, take any other action thereon. (Board of Selectmen)

ARTICLE 22: To see if the Town will vote to approve submission of the application for and accept grant funds from the Executive Office of Transportation through its STRAP (Small Town Road Assistance Program, 720 CMR 11:00) program, to be expended by the Board of Selectmen subject to applicable public

bidding laws, and, to be utilized for the “Roadway Improvement Project – Sturbridge Road/Main Street (Route 20) at Brookfield Road, North Main Street and Wales Road (Route 19) in the Town of Brimfield” for engineering, redesign and construction of said project; or, take any other action thereon. (Board of Selectmen)

ARTICLE 23: To see if the Town will vote to transfer the sum of \$36,000 from the Capital Purchase Stabilization Fund, to be expended by the Highway Surveyor subject to the requirements of applicable public bidding laws, for the purchase of one $\frac{3}{4}$ Ton pickup truck with plow to replace the current 1984 Chevrolet $\frac{3}{4}$ ton pickup truck for use of the Highway Department, pursuant to the Town’s Capital Expenditure Plan; or, take any other action thereon. (Highway Surveyor)

ARTICLE 24: To see if the Town will vote to transfer the sum of \$31,000 from the Capital Purchase Stabilization Fund, to be expended by the Board of Selectmen subject to the requirements of applicable public bidding laws, for the purchase of one police vehicle pursuant to the Town’s Capital Expenditure Plan; or, take any other action thereon. (Police Chief)

ARTICLE 25: To see if the Town will vote to transfer the sum of \$12,000 from the Capital Purchase Stabilization Fund, to be expended by the Board of Selectmen subject to the requirements of applicable public bidding laws, for the replacement of the deteriorated handicap access ramp at the Town Hall Annex building referencing the October 31, 2008 notification from the Town’s insurance carrier, pursuant to the Town’s Capital Expenditure Plan; or, take any other action thereon. (Board of Selectmen)

ARTICLE 26: To see if the Town will vote to transfer the sum of \$25,000 from the Capital Purchase Stabilization Fund, to be added to the \$60,000 transferred from same by Special Town Meeting vote of November 6, 2008, for a total of \$85,000 to be expended by the Board of Selectmen, subject to the requirements of applicable public bidding laws, to replace the Fire Station building roof and for the payment of all other costs incidental and related thereto pursuant to the Town’s Capital Expenditure Plan; or, take any other action thereon. (Board of Selectmen)

ARTICLE 27: To see if the Town will vote to borrow the sum of \$290,000 for the purpose of purchasing and equipping a fire truck, including all costs incidental and related thereto. Purchase of said vehicle will be subject to the requirements of applicable public bidding laws; and further to authorize the Treasurer to borrow, with the approval of the Board of Selectmen, such sum of money pursuant to

M.G.L. chapter 44, section 7(9), or any other appropriate authority, and to issue bonds or notes as necessary for the purpose; or, take any other action thereon.
(Fire Chief)

ARTICLE 28 : To see if the Town will vote to transfer from the Capital Purchase Stabilization Fund, or otherwise fund, the sum of \$ _____ to fund the payment of the interest and principal due in FY2010 on the Fire Truck Debt authorized by May 2009 town meeting; or, take any other action thereon.
(Finance Committee)

ARTICLE 29: To see if the Town will vote to raise and appropriate, otherwise transfer from available funds or authorize the Treasurer to borrow, with the approval of the Board of Selectmen, pursuant to M.G.L. chapter 44, section 7(3A) or any other appropriate authority and to issue bonds or notes as necessary, the sum of \$ _____ for the purpose of retaining the services of a structural engineer, subject to the requirements of applicable public bidding laws, to prepare plans, specifications, calculations and a cost estimate for remodeling, reconstructing or making extraordinary repairs to the Town Hall including all costs incidental and related thereto; or, take any other action thereon. (Board of Selectmen)

ARTICLE 30: To see if the Town will vote to transfer from _____ Stabilization Fund, or otherwise fund, the sum of \$ _____ to fund the payment of the interest and principal due in FY2010 on the Town Hall engineering authorized by May, 2009 town meeting; or, take any other action thereon.
(Finance Committee)

ARTICLE 31: To see if the Town will vote to rezone that section of land on U.S. Route 20 from Warren Road, westerly to Crystal Brook, and northerly, to a depth of 500 feet, to a Business/Commercial Zone. The properties in question would include 1 Warren Road and 30, 34, & 36 Main Street, in order to conform with like properties on both sides of Route 20; or, take any other action thereon. (Citizens Petition)

ARTICLE 32: To see if the Town will vote to amend General Bylaws, ARTICLE VIII, Section J. Emergency Service Fees, (1) Emergency Service Fees, by deleting the text in its entirety and replacing the entire paragraph with the following:

“Within not more than 30 days following each Flea Market, the Selectmen shall determine the “emergency service cost” by adding the reasonable and necessary cost reasonably attributed to the Flea Market of the following: Police wages, Fire Department wages and Ambulance services”

or, take any other action thereon. (Board of Selectmen, Flea Market Advisory)

ARTICLE 33: To see if the Town will vote to amend General Bylaws, ARTICLE I. General Provisions, 1. Section 7 – Enforcement, b.) Non-criminal Disposition, by increasing the fine for Article VIII, Section 2C, flea market vendor permits, from \$25.00 to \$250.00 or, take any other action thereon. (Board of Selectmen)

ARTICLE 34: To see if the Town will vote to amend General Bylaws, ARTICLE VIII, Section L. Penalties, by adding the following text at the end of said section after the words, “(Town Bylaw article IV, section 6a)”:

Additionally, the flea market owner/operator shall pay a fine of \$250.00 per day, per violation, under this section.

or, take any other action thereon. (Board of Selectmen)

ARTICLE 35: To see if the Town will vote to amend the General Bylaws by making non-substantive, ministerial amendments thereto for the purpose of recodifying the General Bylaws to create a more uniform presentation, organized topical structure, reader-friendly format to aid searches and convenient format for inserting future amendments. The recodification of General Bylaws incorporates, without any change to text or punctuation, all bylaws in the version current to, and last published on, September 22, 2008. The recodification, with a cover sheet referencing current bylaws, is marked “Exhibit A: Presentation Draft of General Bylaws” and is on file * with the Town Clerk for reference. The recodification incorporates a renumbered outline format, addition of, or amendment to, headings and subheadings and amendment of internal references to existing bylaws. All changes are marked on the Presentation Draft; or, take any other action thereon. (Town Clerk)

**Note: In addition to being on file with the Town Clerk, the Presentation Draft will be available at the Selectmens Office, at required public hearings and on the town’s web site (www.brimfieldma.org) at least 14 days in advance of Town Meeting.*

ARTICLE 36: To see if the Town will vote to amend the Zoning Bylaws by making non-substantive, ministerial amendments thereto for the purpose of recodifying the Zoning Bylaws to create a more uniform presentation, organized topical structure, reader-friendly format to aid searches and convenient format for inserting future amendments. The recodification of Zoning Bylaws incorporates, without any change to text or punctuation, all bylaws in the version current to, and last published on, September 22, 2008. The recodification, with a cover sheet referencing current bylaws, is marked “Exhibit B: Presentation Draft of Zoning Bylaws” and is on file * with the Town Clerk for reference. The recodification incorporates a renumbered outline format, addition of, or amendment to, headings and subheadings and amendment of internal references to existing bylaws. All changes are marked on the Presentation Draft; or, take any other action thereon. (Town Clerk)

**Note: In addition to being on file with the Town Clerk, the Presentation Draft will be available at the Selectmens Office, at required public hearings and on the town’s web site (www.brimfieldma.org) at least 14 days in advance of Town Meeting.*

ARTICLE 37: Shall the town accept section 3 to 7, inclusive, of chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 1 ½% of the annual real estate tax levy against real property and that such surcharge shall commence in fiscal year 2011; and that the town hereby accepts the following exemptions from such surcharge under

Section 3a of said Act: \$100,000 of the value of each taxable parcel of residential real property and property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town as defined in Section 2 of said Act; or, take any other action thereon. (Board of Selectmen)

ARTICLE 38: To see if the Town will vote to transfer the sum of \$ from Free Cash to be added to the Capital Purchase Stabilization Fund; or, take any other action thereon. (Finance Committee)

ARTICLE 39: To see if the Town will vote to transfer a sum of money from the FY2009 School Expense Account: #01-0320-5700 to fund the Snow & Ice deficit; or, take any other action thereon. (Finance Committee)

ARTICLE 40: To see if the Town will vote to transfer from the Capital Purchase Stabilization Fund, or otherwise fund, the sum of \$ 33,355.00 to fund the payment of the interest and principal due in FY2010 on the Capital Purchase Debt authorized by FY2005; or, take any other action thereon. (Finance Committee)

ARTICLE 41: To see if the Town will vote to transfer a sum of money from Free Cash to be added to the Stabilization Fund; or, take any other action thereon. (Finance Committee)

ARTICLE 42: To see if the Town will vote to transfer a sum of money from Free Cash and other available funds to reduce the tax rate in FY2010 or for any other purpose; or, take any other action thereon. (Finance Committee)

And, you are hereby directed to serve this Warrant by posting attested copies thereof in at least five public places in the Town, seven days at least before the time of holding said meeting.

Hereof, fail not and make due return of this Warrant with your doings thereon at the times and place of meeting and election aforesaid.

Given under our hand this 30th day of March, 2009

BOARD OF SELECTMEN

_____ Diane M. Panaccione, Chairman

_____ Thomas C. Marino, Selectman

_____ Stephen R. Fleshman, Selectman

A true copy, ATTEST:

_____ Pamela Beall, Town Clerk

Posted this day of , 2009.

_____ Constable