

Town of Brimfield
The 293th Annual Town Meeting
June 12, 2023
Brimfield Winery 35 Main Street
Minutes and Actions

Michael Miller, Moderator, called the meeting to order at 6:05 pm.

137 registered voters were in attendance.

The Boy Scouts carried in the flags and led the Pledge of Allegiance.

Senator Ryan Fattman awarded the outgoing Select Board Vice Chair, Suzanne Collins, a Citation of Service from the Massachusetts Senate and thanked her for her service to the Community.

Procedural Announcements:

The Moderator announced that everyone must remain seated except Police Officers and those speaking in the microphone. All questions must go through the Moderator. All speakers must be recognized and will be limited to five minutes for the sponsors of the articles and two minutes for when addressing the meeting about a motion under discussion; and all motions are required to be seconded. The Moderator also discussed the first-time use of the Electronic Voting System (clickers) and that each article would allow for ten seconds to vote.

Other notes:

1. Articles marked with an asterisk (*) denote that they were taken out of order.
2. [brackets] are used to add explanatory information where necessary by the Town Clerk.
3. If an amendment to a motion is defeated, it is not recorded.
4. Articles placed on the Town Warrant by the Select Board shall be considered "seconded" by the Select Board but may not necessarily be supported by the Select Board.
5. Funds acquired through borrowing require a 2/3 vote.
6. Funds acquired through raise and appropriate (taxation) and transferring require a majority vote.
7. Transfers into Stabilization require a majority vote; Transfers out of Stabilization require a 2/3 vote.
8. Zoning Bylaws and Amendments require a 2/3 vote.
9. General Bylaws and Amendments require a majority vote.
10. Petition the General Court for a Special Act requires a majority vote.

11. Payment of bills from prior fiscal years requires 4/5ths vote at Annual Town Meeting and 9/10 vote at a Special Town Meeting.
12. The Finance Committee may, at its discretion, make a single consent motion for approval of these routine authorizations (Articles: 7, 8, and 9).

ARTICLE 1: To hear reports of the officers and agents heretofore chosen by the Town; or, take any other action thereon.

Sponsor: Select Board

This article passed by a vote of 85 in favor and 8 opposed.

ARTICLE 2: To see if the Town will vote pursuant to the provisions of G.L. c. 44, §53E½, as most recently amended, to establish FY2024 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 | Disposition at Close of FY2024 |
|--|--------------------------------------|--|
| Bike Trail Revolving Fund | \$5,000 | If reauthorized, amount shall carry forward to Bike Trail Revolving Fund in Subsequent Fiscal Year |
| Bins and Bags Revolving Fund | \$35,000 | If reauthorized, amount in excess of \$500 at close of FY2024 shall close to the general fund. |
| Cable TV Revolving Fund | \$1,500 | |
| Cemetery Revolving Fund | \$10,000 | |
| Conservation Commission | \$15,000 | If reauthorized, amount shall carry forward to Conservation Commission Revolving Fund in subsequent fiscal year. |
| Dog Revolving Fund | \$2,000 | If reauthorized, amount in excess of \$2000 at close of FY2024 shall close to the general fund. |
| HAZMAT Revolving Fund | \$10,000 | If reauthorized, amount in excess of \$1000 at close of FY2024 shall close to the general fund. |
| Historical Revolving Fund | \$10,000 | If reauthorized, amount shall carry forward to the Historical Revolving Fund in subsequent fiscal year. |
| Recreation Revolving Fund | \$20,000 | |
| Senior Center Revolving Fund | \$15,000 | |
| Subdivision Control Law Revolving Fund | \$40,000 | |
| Tobacco Revolving Fund | \$500 | If reauthorized, amount in excess of \$500 at close of FY2024 shall close to the general fund. |

or, take any other action thereon.

Sponsor: Various Boards and Departments

This article passed by a majority, 104 in favor and 9 opposed.

ARTICLE 3: To see if the Town will vote to raise and appropriate \$158,199.00 for various elected Town officers for the ensuing fiscal year July 1, 2023 to June 30, 2024; or, take any other action thereon.

Sponsor: Select Board

There was a hold placed on line 2, Select Board stipend. An amendment was proposed and seconded, to reduce the stipend from \$12,173 to \$5,000, allowing \$1,000 for each member.

The vote of line two, the Select Board stipend as written, was defeated, 58 yes and 63 no. The Moderator called for a vote on the amendment, which showed on the screen as failed 54 in favor and 54 opposed.

[Tied votes typically result in a failure unless the Moderator can break the tie. The Moderator declared that he had already voted and could not be a tie breaker. He chose to do a revote. He was questioned by the Town Clerk about doing a revote. Voting when he is supposed to be the tie breaker was also challenged by a resident.

The Moderator stated that it's his choice if he wants to vote or not and he checked with the Attorney General and the Mass Moderator's Association. He said that Town Counsel told him he can do a revote. He further went on to say that he's not singling anyone out but at least 15 people did not vote and everyone needs to vote this time.]

The revote of the amendment passed, 72 in favor and 56 opposed.

Article 3, as amended from \$158,199 to \$151,026 passed with 96 in favor and 20 opposed.

ARTICLE 4: To see if the Town will vote to raise and appropriate \$11,080,981.00 for various departments and activities of the Town, payment of debts and defraying of expenses of the ensuing fiscal year, July 1, 2023 to June 30, 2024 and direct how the same shall be expended; or, take any other action thereon.

Sponsor: Select Board

There was a motion to amend line 139, General Property and Liability Insurance from the Finance Committee and increase it to \$117,693. The amended motion passed, 101 in favor and 23 opposed. Article 4, as amended from \$11,080,981 to \$11,087,674 passed with 104 in favor and 22 opposed.

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 FY2023; or, take any other action thereon.

Sponsor: Select Board

No action taken

ARTICLE 6: 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 in excess of \$150,000 for FY2024 and provided further, that any funds remaining in said account over \$50,000 for FY2024 shall close to the General Fund; or, take any other action thereon.

Sponsor: Select Board

The article passed by a vote of 98 in favor and 9 opposed.

******Articles 7,8 and 9 are voted together.***

ARTICLE 7: To see if the Town will vote to accept as available funds, the sum of \$277,718.24, 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.

Sponsor: Highway Surveyor

ARTICLE 8: To see if the Town will vote to authorize the Brimfield Chief Procurement Officer with the approval of 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.

Sponsor: Highway Surveyor

ARTICLE 9: To see if the Town will vote to authorize the Brimfield Chief Procurement Officer with the approval of the Select Board, 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.

Sponsor: Select Board

Articles 7,8 and 9 passed with 91 in favor and 23 opposed.

ARTICLE 10: 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.

Sponsor: Conservation Commission

The article passed with 97 in favor and 9 opposed.

ARTICLE 11: To see if the Town will vote to raise and appropriate, borrow, or otherwise fund the sum of \$50,000 to be expended by the Select Board for the purpose of repairs, maintenance, renovations and weatherization of municipal buildings and or structures, other than schools,

owned by the Town of Brimfield, and including any incidental and related expenses; or take any other action thereon.

Sponsor: Select Board

The article passed with 89 in favor and 14 opposed.

ARTICLE 12: To see if the Town will vote to transfer the sum of \$12,462 received from the Thames River Grant #14-3562-0122 to the Lake Sherman Weed Control account #01-0630-5355, to be expended by the Select Board, for aquatic vegetation management to control the growth of milfoil in Lake Sherman, including all incidental and related expenses; or, take any other action thereon.

Sponsor: Select Board

The article passed with 95 in favor and 17 opposed.

ARTICLE 13: To see if the Town will raise and appropriate, borrow, or vote to transfer the sum of \$48,000 from the Capital Purchase Stabilization Fund, to be expended by Brimfield Chief Procurement Officer with the approval of the Select Board, subject to the requirements of applicable public bidding laws, for the purchase of one new Ford Interceptor, Dodge Durango, Chevy Tahoe or any other type vehicle for use by the Brimfield Police Department as a patrol vehicle, or take any other action thereon.

Sponsor: Police Department

The article passed with 75 in favor and 40 opposed.

ARTICLE 14: To see if the Town will vote to raise and appropriate, borrow, or otherwise fund the sum of \$14,000 to be expended by the Brimfield Chief Procurement Officer with the approval of the Highway Surveyor and Cemetery Commission. Subject to the requirements of applicable public bidding laws, for the purpose to purchase and new commercial lawn mower, pursuant to the Towns Capital Expenditure Plan; or take any other action thereon.

Sponsor: Highway Surveyor and Cemetery Commission

The article passed with 91 in favor and 20 opposed.

ARTICLE 15: To see if the Town will vote to raise and appropriate, borrow, or otherwise fund the sum of \$7,100 to be expended by the Brimfield Chief Procurement Officer with the approval of the Highway Surveyor subject to the requirements of applicable public bidding laws, for the purpose to purchase PTO mounted debris blower, pursuant to the Towns Capital Expenditure Plan; or take any other action thereon.

Sponsor: Highway Surveyor

The article passed with 75 in favor and 34 opposed.

ARTICLE 16: To see if the Town will vote to raise and appropriate, borrow or otherwise transfer from available funds, the sum of \$65,000, to be expended by the Brimfield Chief Procurement Officer with the approval of the Fire Chief for the purpose of purchasing and equipping a utility task vehicle (UTV) and trailer, including the payment of all other costs incidental and related thereto, subject to the requirements of applicable public bidding laws; and further, to authorize the Treasurer to borrow, with the approval of the Select Board, such sum of money pursuant to M.G.L. Chapter 44, Section 7, or any other appropriate authority, and to issue bonds or notes as necessary for the purpose; or, take any other action thereon.

Sponsor: Fire Chief

The article passed with 66 in favor and 46 opposed.

ARTICLE 17: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds in the Treasury \$50,000 to defray the Fiscal Year 2022 Gazebo Grant Earmark deficit; or take any other action thereon.

Sponsor: Town Accountant

The article passed with 76 in favor and 18 opposed.

ARTICLE 18: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds in the Treasury \$3,000 for a Federal Single Audit; or, take any other action thereon.

Sponsor: Town Accountant

The article passed with 84 in favor and 13 opposed.

ARTICLE 19: 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 Brimfield Chief Procurement Officer with the approval of 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 and or Senior Center, or take any other action thereon.

Sponsor: Building Committee

No Action. This article was withdrawn

ARTICLE 20: To see if the Town of Brimfield will vote to amend Section 7.3.1 of the Zoning Bylaw entitled “Application for Site Plan Approval” to change the number of copies of the site plans from eight (8) to three (3), by deleting the strikethrough text in said section and inserting the underlined text in place thereof the following: or, take any other action thereon.

7.3.1 Application for Site Plan Approval

7.3.1 Each application for Site Plan Approval shall be submitted to the Planning Board by the current owner of record, accompanied by ~~eight (8)~~ three (3) copies of the site plan and one electronic copy (i.e. PDF, etc.). [amended May 2008 and May 2014]

Sponsor: Planning Board

The article passed with 93 in favor and 12 opposed.

ARTICLE 21: To see if the Town of Brimfield will vote to amend Section 7.5.1 of the Zoning Bylaw entitled "Role of the Planning Board" to add the type of copies of the application the Planning Board shall refer, change the listing of boards/departments the applications shall be referred to and change the number of days for recommendations to be made by the boards to the Planning Board, by deleting the strikethrough text in said section and inserting the underlined text in place thereof or as inserted additional language in the following: or, take any other action thereon.

7.5.1 Role of Planning Board

7.5.1 The Planning Board shall refer paper copies or electronic copies of the application within 15 days to the ~~Building Inspector~~, Board of Health, ~~Conservation Commission~~, ~~Select Board~~, Highway Department, Fire Department and Police Department who shall review the application and submit their recommendations and comments to the Planning Board. Failure of Boards to make recommendations within ~~35~~ 30 days of the referral of the application shall be deemed to be lack of opposition. [amended May 2008]

Sponsor: Planning Board

The article passed with 85 in favor and 13 opposed.

ARTICLE 22: To see if the Town of Brimfield will vote to amend Chapter Two of the General Bylaw entitled "Appointed Officials, Boards and Committees" by adding a new section as follows:

Section 8.0 Capital Improvement Planning Committee

Section 8.1. The Select Board shall establish and appoint a committee to be known as the Capital Improvement Planning Committee, composed of one member of the Select Board, one member of the Finance Committee, one member of the Planning Board, one member of the Building Committee, and three residents of the town appointed by the Select Board. The Town Accountant (or Executive Secretary or other administrative officer) shall be an ex officio committee member without the right to vote. The committee shall choose its own officers.

Section 8.2. The committee shall study proposed capital projects and improvements involving major, nonrecurring, tangible projects and assets which:

- 1) are purchased or undertaken at intervals of not less than five (5) years;
- 2) have a useful life of at least five years; and
- 3) cost over \$25,000.

All officers, boards, and committees, including the select board, shall, by April 1st of each year, give to the committee, on forms prepared by it, information concerning all anticipated projects requiring town meeting action during the ensuing five years. The committee shall consider the relative need, impact, timing, and cost of these expenditures and the effect that each will have on the town's financial position. No appropriation shall be voted for a capital improvement requested by a department, board, or commission unless the proposed capital improvement is considered in the committee's report, or the committee shall first have submitted a report to the Select Board explaining the omission.

Section 8.3. The committee shall prepare an annual report recommending a capital improvement budget for the next fiscal year and a capital improvement program with recommended capital improvements for the following four fiscal years. The report shall be submitted to the Select Board for its consideration and approval. The board shall submit its approved capital budget to the annual town meeting for adoption by the town.

Section 8.4. Such capital improvement program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options, or appraisals. No such expenditure shall be incurred on projects that have not been so approved by the town through the appropriation of sums in the current year or in prior years or for preliminary planning for projects to be undertaken more than five years in the future.

Section 8.5. The committee's report and the Select Board's recommended capital budget shall be published and made available in a manner consistent with the distribution of the finance committee report. The committee shall deposit its original report with the town clerk.

Sponsor: Select Board

The article passed with 69 in favor and 31 opposed.

ARTICLE 23: To see if the Town will vote to accept the provisions of Chapter 32B, Section 7A of the Massachusetts General Laws and 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, pay a subsidiary or additional rate of ten percent, for a total of sixty percent, or take any other action thereon.

Sponsor: Select Board

The article passed with 77 in favor and 27 opposed.

ARTICLE 24: To see if the Town will vote to raise and appropriate \$161,227.14 and transfer the sum of \$426.00 from the Safety Complex BAN Premium #80-3931-000 and \$6,132.43 from the Safety Complex BOND Premium #80-3932-0000 and transfer the remaining balance of \$8,214.43 from the Facilities Bldg. Project 80-3930-0000 to be applied toward the principal and interest due in Fiscal Year 2024 on funds borrowed for

the Facilities Building Project. Article #22 voted at the May 21, 2018, Annual Town Meeting; or take any other action thereon.

Sponsor: Finance Committee

The article passed with 81 in favor and 20 opposed.

ARTICLE 25: To see if the Town will vote to transfer the sum of money from available funds to the Stabilization Fund; or, take any other action thereon.

Sponsor: Finance Committee

The article passed with 81 in favor and 12 opposed.

ARTICLE 26: To see if the Town will vote to raise and appropriate the sum of money and transfer from Free Cash the sum of money to be added to the Capital Purchase Stabilization Fund; or take any other action thereon.

Sponsor: Finance Committee

The article passed with 85 in favor and 12 opposed.

ARTICLE 27: To see if the Town will vote to transfer a sum of money from Free Cash and a sum of money from the Assessor's Overlay Surplus or from any other available funds, to reduce the tax rate in FY2024 or for any other purpose; or take any other action thereon.

Sponsor: Finance Committee

The article passed with 79 in favor and 4 opposed.

The meeting adjourned at 8:02 pm.

A true copy of the record.

Attest: _____
Debra J. Fagerstrom, Town Clerk