

**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 SEVENTH day of JUNE, 2010 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; one Selectman for three years; one Assessor for three years; one Assessor for two years; one Board of Health member for three years; one Board of Health member for two years; two Elementary School Committee members for three years; one Tantasqua Regional School Committee member for three years; one Planning Board member for five years; one Cemetery Commissioner for three years; Tree Warden for one year; 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 SEVENTEENTH of MAY, 2010** 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. (Board of 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, 2010 to June 30, 2011; 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, 2010 to June 30, 2011, 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 FY2010; 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 FY2010; 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, 2010 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 the Board of Selectmen, as required by Town Bylaw, Section 5.0, Subsection 5.1, 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 \$\_\_\_\_\_ 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 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. chapter 40, section 8C; or, take any other action thereon. (Conservation Committee)

**ARTICLE 16:** To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift or eminent domain or otherwise, for conservation, open space and passive recreation purposes in accordance with M.G.L. chapter. 40, section 8C, the remaining fee interest in the parcel of land on Steerage Rock Mountain off Steerage Rock Mountain Road, shown on Assessors Map 7, Block A, Lot 19 and described in a deed dated June 21, 1927 from Henry E. Corey to Donald C. Corey, recorded with the Hampden County Registry of Deeds in Book 1370, Page 11, such interest to be placed in the jurisdiction and control of the Conservation Commission; and further, to see if the Town will vote to raise, appropriate, transfer from available funds or borrow a sum of money for this purchase and any expenses related thereto; and, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition; or, take any other action relative thereon. (Board of Selectmen)

**ARTICLE 17:** To see if the Town will vote to authorize the Board of Selectmen to accept a deed in lieu of tax foreclosure pursuant to M.G.L. chapter 60, section 77C, conveying fee title to all or portions of the parcel of real estate owned by Lawrence E. Whitworth and Eugene Whitworth, and more particularly described as Brimfield Assessors parcel 6A-F-19 and further identified as Oakwood Road, recorded in Hampden County Registry of Deeds, Book 3842, Page 598; said land to be conveyed to the Town free and clear of any liens or encumbrances except for municipal tax liens securing payment of outstanding real estate taxes; and, upon conveyance to the Town, to be held for general municipal purposes or for disposition thereof by sale or otherwise. Furthermore, to authorize the Board of Selectmen to undertake any act or to execute any document necessary to consummate this transaction in accordance with the provisions of M.G.L., chapter 60, section 77C; or, take any other action thereon. (Board of Selectmen, Treasurer)

**ARTICLE 18:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act as set forth below to establish a special fund for operation of the Brimfield Flea Market subject to certain expenditure limitations as set forth therein; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and, provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

**AN ACT ESTABLISHING A SPECIAL FUND IN THE TOWN OF BRIMFIELD:**

Be it enacted by the Senate and House of Representatives in General Court assembled and by authority of the same, as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, there shall be established in the town of Brimfield a fund, to be known as the Brimfield Flea Market fund, to which shall be credited all fees, proceeds and other receipts received by the town in conjunction with the operation of the Brimfield Flea Market, which fund may be expended by the Brimfield Board of Selectmen without further appropriation for the administrative, operating and maintenance costs, including emergency services, associated with said flea market, provided, however, that town meeting shall annually impose a limit on expenditures there from and may provide that receipts remaining in the fund at the end of the fiscal year in excess of \$10,000 be returned to the general fund. Provided further that the Board of Selectmen may expend in any fiscal year an amount not exceeding the amount equivalent to five percent (5%) of the amount raised by taxation by the town in the most recent fiscal year for which a tax rate has been certified under section 213 of chapter 59 of the General Laws. The fund established pursuant to this act shall not be considered a revolving fund for the purposes of section 53E ½ of chapter 44 of the general laws or be included for purposes of determining the aggregate limit of all revolving funds authorized under section 53E ½ of said chapter 44.

**SECTION 2:** This act shall take effect upon its passage.

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

**ARTICLE 19:** Shall the town accept sections 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, preservation, rehabilitation and restoration 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, 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% 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: (1) \$100,000 of the value of each taxable parcel of

residential real property, and, (2) property owned and occupied as a domicile by any person who would qualify 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 20:** To see if the Town will vote to accept the provisions of M.G.L. chapter 64L, section 2(a) authorizing the imposition of a local excise in the statutory amount of .75% on the sale of restaurant meals originating within the town; or, take any other action thereon. (Board of Selectmen)

**ARTICLE 21:** To see if the Town will vote to clarify its February 26, 1990 special town meeting vote accepting M.G.L. chapter 64G, Section 3A, authorizing the imposition of a local excise tax on the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments within the town, to correct a typographical error in the statutory reference (i.e., from M.G.L. c.64O to M.G.L. c.64G), and, further to set the rate for said tax at six (6) percent of the total amount of rent for each such occupancy; or, take any other action thereon. (Board of Selectmen)

**ARTICLE 22:** To see if the Town will vote pursuant to M.G.L. chapter 59, section 5, clause 41C to adjust the senior tax exemption amount from \$750 to \$1000; or, take any other action thereon. (Board of Selectmen)

**ARTICLE 23:** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow, the sum of \$\_\_\_\_\_ for the purpose of retaining the services of an Architect and General Contractor and to undertake extraordinary repairs to the Town Hall including all costs incidental and related thereto; and, as funding therefore, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum and issue bonds and notes therefore pursuant to M.G.L. chapter 44, section 7(3A) or any other appropriate authority; or, take any other action thereon. (Board of Selectmen)

**ARTICLE 24:** To see if the Town will vote to transfer the sum of \$\_\_\_\_\_ from the FY2010 appropriation of the Cemetery Expense Account #04-91-5460 to the Cemetery Wage Account #04-91-5116; or, take any other action thereon. (Cemetery Commission)

**ARTICLE 25:** To see if the Town will vote to authorize the Board of Selectmen to sign a three (3) year contract for on-line banking services for the Town of Brimfield; or, take any other action thereon. (Tax Collector and Treasurer)

**ARTICLE 26:** To see if the Town will vote to adopt a new Zoning Map entitled, "Zoning Map for the Town of Brimfield, Massachusetts," dated January 12, 2010 with the drawing number of 09317, as on file with the Town Clerk; or, take any other action thereon. (Planning Board)

**ARTICLE 27:** To see if the Town will vote to amend the Zoning Bylaws by inserting in Section 1.2, a definition for "Business District" to read as follows:

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, as laid out by the Commonwealth of MA;

or, take any other action thereon. (Planning Board)

**ARTICLE 28:** To see if the Town will vote to transfer the sum of \$5,000 originally appropriated under Article 7 of the October 23, 2007 Special Town Meeting for annual operations and expenditures directly related to the establishment and maintenance of recreational trail systems in the Town of Brimfield for FY2011, annual operations and expenditures to include, but not be limited to postage, mailings, monthly newsletters, grant payments pending reimbursement of the Brimfield Bike Trail Committee; or, take any other action thereon. (Brimfield Bike Trail Committee)

**ARTICLE 29:** 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 Board of Selectmen, subject to the requirements of applicable public bidding laws, for the purchase and equipping of a ¾ ton pickup truck with plow for use of the Brimfield Highway Department; or, take any other action thereon. (Highway Surveyor)

**ARTICLE 30:** 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 and equipping of one new Ford Crown Victoria, Dodge Charger, Chevy Impala or similar type vehicle for use of the Brimfield Police Department as a patrol vehicle; or, take any other action thereon. (Police Chief)

**ARTICLE 31:** To see if the Town will vote to expand the purposes for which the sum of \$10,300 appropriated under Article 19 of the May 18, 2009 Annual Town Meeting, which sum was originally appropriated for vegetation management to eliminate and control the growth of milfoil in Lake Sherman, to include environmental engineering services to prepare lake management, chemical treatment and drawdown plans as required by the Department of Environmental Protection in preparation of the treatment of milfoil in Lake Sherman, Little Alum Pond and Mill Pond, said sum to be expended by the Board of Selectmen; or, take any other action thereon. (Board of Selectmen)

**ARTICLE 32:** To see if the Town will vote to raise and/or appropriate the sum of \$\_\_\_\_\_ plus the \$10,300 already voted on to treat the Mill foil for the historical Lake Sherman. (Petition)

**ARTICLE 33:** To see if the Town will vote to amend General Bylaw, Section 2.3 Flea Markets, Subsection 2.3.3 Owner/Operator Licensing, by striking the words, “within 30 days of the request for license.” or, take any other action thereon. (Board of Selectmen)

**ARTICLE 34:** Request that Hall Place Road be properly prepared for paving and then paved. (Petition)

**ARTICLE 35:** To see if the Town will vote to accept as a public way pursuant to a Definitive Plan signed by the Planning Board on February 23, 1987, all of Carriage Drive; or, take any other action thereon. (Petition)

**ARTICLE 36:** To see if the Town will vote authorize any & all municipal employees, whether appointed, elected, hired or volunteer to also be elected to a position within the same department providing the individual(s) is to be in full compliance with the following restrictions:

Said employees must have held the subordinate position prior to being elected to the superior position. Said employees will refrain from participating in discussion relative to the duties or responsibilities of the subordinate position. Also, employee must make full disclosure of all potential conflicts of interest according to MGL Ch-268A S-25A. Further, compensation for the subordinate position shall be fixed at the annual Town meeting and no other compensation will be allowed according to the provision of MGL Ch-41 S-108.

Elected Board member(s) will be required to obtain “Special Municipal Employee” required by MGL Ch-41 S-25. Said status, approval will be sought from a vote of the Board of Selectmen in accordance with above aforementioned MGL Ch. 41 S. 25. (Petition)

**ARTICLE 37:** To see if the Town will authorize a General & Personnel By-law change for said “Special Municipal Employees” to serve in FY2011 beginning July 1, 2010. (Petition)

**ARTICLE 38:** To see if the Town will vote to transfer \$24,600 from the Fire Station Roof Account #02-20-5873 to be used for up to a three percent (3%) wage/salary increase for Town employees; or, take any other action thereon. (Board of Selectmen)

**ARTICLE 39:** To see if the Town will vote to transfer a sum of money from the Fire Station Roof Account #02-20-5873 to be returned to the Capital Purchase Stabilization Fund; or, take any other action thereon. (Finance Committee)

**ARTICLE 40:** To see if the Town will vote to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, rights sufficient to use Carriage Drive, as heretofore laid out by the Board of Selectmen, for all purposes for which public ways are used in the Town of Brimfield; or, take any other action thereon. (Board of Selectmen)

**ARTICLE 41:** To see if the Town will vote to transfer a sum of money from FY2010 Regional School Assessment Account #03-20-5321 to be added to the Capital Purchase Stabilization Fund; or, take any other action thereon. (Finance Committee)

**ARTICLE 42:** To see if the Town will vote to transfer from the Capital Purchase Stabilization Fund, or otherwise fund, a sum of money to pay interest and principal due in FY2011 on the Capital Purchase Debt authorized in FY2005; or, take any other action thereon. (Finance Committee)

**ARTICLE 43:** To see if the Town will vote to transfer from Free Cash, raise and appropriate or otherwise fund, a sum of money to be added to the Capital Purchase Stabilization Fund; or, take any other action thereon. (Finance Committee)

**ARTICLE 44:** 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 FY2011, 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 29th day of March, 2010**

**BOARD OF SELECTMEN**

\_\_\_\_\_ **Diane M. Panaccione, Chairman**

\_\_\_\_\_ **Stephen R. Fleshman, Selectman**

\_\_\_\_\_ **Thomas C. Marino, Selectman**

**A true copy, ATTEST:**

\_\_\_\_\_ **Pamela Beall, Town Clerk**

**Posted this                    day of                    , 2010.**

\_\_\_\_\_ **Constable**