

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 sixth day of JUNE, 2011 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; one Elementary School Committee member for three years; one Tantasqua Regional School Committee member 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 sixteenth of MAY, 2011** 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 \$192,028 for various elected town officers for the ensuing fiscal year July 1, 2011 to June 30, 2012; or, take any other action thereon. (Board of Selectmen)

ARTICLE 4: To see if the Town will vote to raise and appropriate \$7,845,922 for various departments and activities of the Town, payment of debts and defraying of expenses of the ensuing fiscal year, July 1, 2011 to June 30, 2012, 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 FY2011; 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 FY2011; 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 Department of Transportation Highway Division, 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, 2011 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 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, 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 \$110,000 for Fiscal Year 2012 and provided further, that any funds remaining in said account over \$35,000 for FY12 shall close to the general fund; or, take any other action thereon. (Board of Selectmen)

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 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 17: To see if the Town will vote to amend the General Bylaws by inserting a new Section 3.0 in Chapter 6 (Roads and Highways), entitled, “Temporary Repair of Private Ways,” to provide as follows:

3.1 The Town of Brimfield is hereby authorized to make temporary repairs to private ways solely for the purpose of facilitating snow plowing of such ways, and, excluding all drainage repairs, as may be authorized by the Board of Selectmen as set forth in section 3.2.

3.2 No repair may be made to a private way under authority of this bylaw without the prior approval of the Board of Selectmen with regard to the location and scope of repair.

3.3 In order to be eligible for repair under this bylaw, a particular private way shall have been open to public use for a term of at least one year, unless such repair is otherwise determined by the Board of Selectmen to serve a public purpose.

3.4 It shall not be necessary that any such repair be deemed to be “required by public necessity” or that any abutters petition for such repair. No betterments shall be assessed for such repairs and no cash deposit shall be required.

3.5 The Town of Brimfield shall not be liable for bodily injury, death or damage to personal property caused by reason of a defect or want of repair in any private way, on account of any repair made under the authority of this bylaw. Temporary repairs undertaken pursuant to the authority set forth herein shall not constitute “maintenance” of such way so as to give the way the status of a way “maintained and used as a public way” under the Massachusetts Subdivision control Law.;

or take any other action thereon. (Highway Surveyor)

ARTICLE 18: To see if the Town will vote to transfer from Capitol Purchase Stabilization Account, raise and appropriate or otherwise fund, the sum of \$14,000 to be expended by the Board of Selectmen, subject to the applicable public bidding laws, to upgrade the fuel reading system located at the Highway Department; or, take any other action thereon. (Highway Surveyor)

ARTICLE 19: 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, preservation restoration and rehabilitation 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 1/2% of the annual real estate tax levy against real property and that such surcharge shall commence in fiscal year 2012; 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 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 20: To see if the Town will vote to approve the \$1,109,324 borrowing authorized by vote of the Tantasqua Regional School District on March 16, 2011, for the purpose of paying costs of the roof replacement at the Tantasqua Junior High School located at 320 Brookfield Road, Fiskdale, Massachusetts, and, for the payment of all costs incidental and related thereto; or, take any other action thereon. (Superintendent of Schools)

ARTICLE 21: To see if the Town will vote to transfer the sum of \$6,000 from the FY2011 appropriation for the Cemetery Expense Revolving Account #04-91-5460 to the Cemetery Perpetual Care Expendable Account # 04-91-3570; or, take any other action thereon. (Cemetery Commission)

ARTICLE 22: To see if the Town will vote to charge for each written demand issued by the Tax Collector, a fee of \$15.00 to be added to and collected as part of the tax, as authorized by Massachusetts General Laws, Chapter 60, Section 15, effective July 1, 2011; or, take any other action thereon. (Tax Collector and Board of Selectmen)

ARTICLE 23: To see if the Town will vote to amend the Brimfield General Bylaws, Chapter 2 (Appointed Officials, Boards and Committees) by inserting a new section after Section 1.1, as follows:

Section 1.1.1 Qualification

Appointments made by the Board of Selectmen or Moderator to any multi-person board or committee shall be from among the registered voters of the Town of Brimfield, unless specifically provided otherwise by the Massachusetts General Laws or these bylaws. All appointees shall, before entering upon their official duties, be sworn to the faithful performance thereof by the Town Clerk.

or, take any other action thereon. (Town Clerk)

ARTICLE 24: To see if the Town will vote to amend the Brimfield Zoning Bylaws, Section 7.5.2, by deleting the last word, “hearing” and replacing it with the following words, “the hearing closing,”; or, take any other action thereon. (Planning Board)

ARTICLE 25: To see if the Town will vote to amend the Brimfield Zoning Bylaws, Section 7.2, by inserting after the words, “external enlargements” in the last sentence, the following words, “or a change of use,”; or, take any other action thereon. (Planning Board)

ARTICLE 26: To see if the Town will vote to amend the Brimfield Zoning Bylaws, Section 7.6, by inserting after the words, “90 days following the” the following words, “closing of the,”; or, take any other action thereon. (Planning Board)

ARTICLE 27: To see if the Town will vote to raise and appropriate, borrow or otherwise transfer from available funds, the sum of \$5,000 to be expended by the Board of Selectmen to retain the services of a Planning Consultant to advise the Planning Board on zoning issues relevant to community growth; or, take any other action thereon. (Planning Board)

ARTICLE 28: To see if the Town will vote to raise and appropriate, borrow or otherwise transfer from available funds, the sum of \$12,000 to be expended by the Board of Selectmen to retain the services of a licensed design professional, subject to the requirements of applicable public bidding laws, to perform a full facility evaluation of the Town Hall to include, but not be limited to, necessary repairs and maintenance required due to facility deferred maintenance, energy efficiency and upgrades, hazardous material(s) and removal as well as other code conformance issues; and, further, to assess the current status of the building’s foundation, and primary and secondary structural systems, in order to develop a baseline for

proposing a comprehensive restoration plan for the structure; or, take any other action thereon. (Board of Selectmen)

ARTICLE 29: To see if the Town will vote to raise and appropriate, borrow or otherwise transfer from available funds, the sum of \$10,000 to be expended by the Board of Selectmen for the purpose of retaining the services of a licensed design professional, subject to the requirements of applicable public bidding laws, to prepare a formal needs study assessing the Town's municipal facilities for future growth; or, take any other action thereon. (Board of Selectmen)

ARTICLE 30: To see if the Town will vote to raise and appropriate, borrow or otherwise transfer from available funds, a sum of money to be expended by the Board of Selectmen to acquire by gift, purchase, or otherwise for general municipal purposes, the property described as Assessors Map #11, Block A, Lot 9, and further, to authorize the Board of Selectmen to acquire property, execute instruments, or, take any other action thereon needed to carry out the vote taken hereunder. (Board of Selectmen)

ARTICLE 31: To see if the Town will vote to raise and appropriate, borrow or otherwise transfer from available funds, or, transfer from the Capital Purchase Stabilization Fund, the sum of \$50,500 to be expended by the Board of Selectmen for aquatic vegetation management to eliminate and control the growth of milfoil in Lake Sherman, Little Alum Pond and Mill Pond; or, take any other action thereon. (Board of Selectmen)

ARTICLE 32: To see if the Town will vote to amend the Brimfield General Bylaws, Section 2.3.4.2 Distribution of Permits and Payment to the Town by deleting the number "10" and replacing it with the number "3," or, take any other action thereon. (Board of Selectmen)

ARTICLE 33: To see if the Town will vote to raise and appropriate, borrow or otherwise transfer from available funds, the sum of \$290,000, to be expended by the Board of Selectmen for the purpose of purchasing and equipping a fire truck, including all 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 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 34: To see if the Town will vote to transfer from the Capital Purchase Stabilization Fund, or otherwise fund, the sum of \$7,250 to pay the interest and principal due in FY2012 on the Fire Truck Debt authorized by May 2011 Annual Town Meeting; or, take any other action thereon. (Finance Committee)

ARTICLE 35: To see if the Town will vote to transfer the sum of \$33,000 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 of vehicle for the use of the Brimfield Police Department as a patrol vehicle; or, take any other action thereon. (Police Chief)

ARTICLE 36: To see if the Town will vote to transfer from the Capital Purchase Stabilization Fund, or otherwise fund, the sum of \$24,465 to pay the interest and principal due in FY2012 on the Town Hall engineering and repairs authorized by May, 2009 town meeting; or, take any other action thereon. (Finance Committee)

ARTICLE 37: To see if the Town will vote to transfer the sum of \$142,712 from Free Cash to be added to the Capital Purchase Stabilization Fund; or, take any other action thereon. (Finance Committee)

ARTICLE 38: To see if the Town will vote to transfer from the Capital Purchase Stabilization Fund, or otherwise fund, the sum of \$26,294 to pay the interest and principal due in FY2012 on the Capital Purchase Debt authorized in FY2005; or, take any other action thereon. (Finance Committee)

ARTICLE 39: 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 40: To see if the Town will vote to transfer \$274,709 from Free Cash, \$30,000 from the Assessors Overlay Surplus, and other available funds, to reduce the tax rate in FY2012 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 28th day of March, 2011

BOARD OF SELECTMEN

_____ Thomas C. Marino, Chairman

_____ Stephen R. Fleshman, Selectman

_____ Diane M. Panaccione, Selectman

A true copy, ATTEST:

_____ Pamela Beall, Town Clerk

Posted this _____ day of _____, 2011.

_____ Constable