

TOWN OF BRIMFIELD
COMMONWEALTH OF MASSACHUSETTS



ANNUAL TOWN MEETING WARRANT

TOWN MEETING – JUNE 13, 2022
TOWN ELECTION – JUNE 21, 2022

**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 Town Hall Great Meeting Hall, 21 Main Street, in said Brimfield on **TUESDAY, the twenty first day of JUNE, 2022 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; two Selectmen for three years; one Assessor for three years; one Town Clerk for three years; one Board of Health member for three years; two Elementary School Committee members for three years; one Planning Board member for five years; one Cemetery Commissioner for three years; one 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 Tantasqua Regional School Committee members for three 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 at the **OPENING SESSION after SIX THIRTY (6:30) O'CLOCK in the evening on MONDAY, the Thirteenth of June, 2022 at the Brimfield Winery, 35 Main Street in said Brimfield, MA**, then and there to act on Articles #1 to #38

The Finance Committee may, at its discretion, make a single consent motion for approval of these routine authorizations (Articles: 12, 13, 14, 15, and 17).

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

Sponsor: Board of Selectmen

ARTICLE 2: We the undersigned qualified voters of the Town of Brimfield, respectfully request the following article be included in the warrant for the next Annual/Special Town Meeting.

To see if the Town of Brimfield will vote to add the following section, whatever number that may, be to Chapter 5 Section 2.3 Flea Markets:

X Set-up and Tear-Down

Tents and any other temporary structures used for the flea market shall not be put up more than one week (7 days) in advance for the first day of each designated show date and shall not be left up more than one week (7 days) after the last day of each designated show date.

X.1 Violation

Any person, business, or other entity found to be in violation of the is section of the bylaw shall be subject to a non-criminal disposition of one hundred dollars (\$100.00) for each offense where each day a violation occurs shall be a separate offense. An offense shall mean any number of tents on any given day before or after the allowable one-week (7day) period. Enforceable by the police department.
(Citizens Petition)

ARTICLE 3: We the undersigned qualified voters of the Town of Brimfield, respectfully request the following article be included in the warrant for the next Annual/Special Town Meeting.

To see if the Town of Brimfield will vote to add the following section, whatever number that may be, to Chapter Four of the General Bylaws, Pubic Order and Safety:

Section XX Required Public Safety Details

XX.1 Purpose

To ensure that the public safety departments in the Town of Brimfield is not jeopardized or overburdened by private entities, persons, businesses or organizations conducting work alongside roadways, holding events drawing large crowds, or any other such event that would take away from the citizen's access to public safety whether police, fire or emergency medical services.

XX.2 Definitions

For purpose of this bylaw a police detail is an extra duty assignment assigned to a sworn Brimfield Police Officer or other sworn police officer as assigned by the Chief of Police not part of their regularly scheduled duty functions or shift., A fire detail is an extra duty assignment assigned to a sworn Brimfield Fire Fighter or other sworn fire fighter as assigned by the Chief of Fire not part of their regularly scheduled duty functions or shift.

XX.3 Required Details

Any person, entity, business, or organization performing or conducting construction, operation, excavation, maintenance, repair, installation, restoration, utility work or other work within, over, under or along any public way, street, sidewalk, road shoulder or other public place where traffic is affected within the Town shall first notify the Chief of Police or their designee and request a police detail. Any person, entity, business, or organization performing, hosting or conducting any event where the number of attendees (to include customers, vendors, staff and any combination thereof) exceeds 250 people within the Town where such event will likely negatively affect public safety staffing, response times or service to the residents of Brimfield shall notify both the Chief of Police and Chief of Fire or their designees and request a detail from both departments. Multiple events occurring at the same time shall not be considered one event and will require their own separate requests and details. It shall be the respective Chief's authority to determine whether an event needs a detail or not and how many personnel members are required.

XX.4 Payment

The person or entity performing such work or hosting such an event listed as described in 10.3 shall pay the Brimfield Police Department and the Brimfield Fire department where applicable at the prevailing rate for all such details as are provided by

the Brimfield Police Department and the Brimfield Fire Department. The Chief of Police and Chief of Fire shall adopt written criteria consistent with applicable law and with these bylaws concerning the process to be implemented, payments to be made for, and emergency exceptions (if any) to the procurement of such details. The Chief of Police and the Chief of Fire may require the posting of a bond or cash in advance of such work as reasonably necessary to secure payment for such police details.

Any entity that is not the Town of Brimfield shall pay the "out of town rate" set by the Chief of Police. "In-town" detail rates shall be reserved for details that are for work conducted by the Town of Brimfield and shall not be used for any other person or entity.

XX.5 Failure to Pay

Any such person or entity who fails to make payment for requested or required details when due shall pay to the Town, in addition to the cost of the police details as set forth above, interest at the rate equivalent to that assessed for unpaid taxes pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 57, as said provisions may from time to time be amended, calculated from the date the details are provided to the date on which the person or entity makes full payment for such police details as required hereunder.

XX.6 Violations

Any such person that violates any provision of this section shall be subject to a penalty of three hundred dollars (\$300.00) for each offense. Each day that such violation continues shall constitute a separate offense. The Chief of Police or his or her designee is hereby authorized to stop any work or event conducted in violation of any provision of this section and issue a violation. Continuance of any work or event after being stopped shall constitute a criminal violation.

(Citizen Petition)

ARTICLE 4: We the undersigned qualified voters of the Town of Brimfield, respectfully request the following article be included in the warrant for the next Annual/Special Town Meeting.

To see if the Town of Brimfield will vote to add the following section (number to be determined) to Chapter Two: Appointed Officials Boards and Committees: of the General Bylaws:

X Public Safety Personnel

x.1 Definitions

For the purposes of this bylaw, public safety personnel shall mean any member or the Brimfield Police or Fire Department.

x.2 Employee Status

In addition to their definition under Massachusetts General Law, members of the fire and police department shall be considered hired personnel for the town of Brimfield in addition to appointed.

x.3 Hiring, Firing, Appointment and Reappointment

Members of the Brimfield Police and Fire Departments shall be hired and terminated by their respective Chief. At the respective Chief's recommendation, the Board of Selectmen Shall appoint and reappoint the respective personnel. Should a Board of Selectmen fail to reach a quorum, refuse to appoint, or reappoint, this bylaw will automatically constitute an appointment after hiring by the Chief and the town clerk will move forward with swearing in the personnel member.

(Citizen Petition)

ARTICLE 5: We the undersigned qualified voters of the Town of Brimfield, respectfully request the following article be included in the warrant for the next Annual/Special Town Meeting.

To see if the Town of Brimfield will vote to add the following section, whatever that may be, to Chapter One of the General Bylaws, General Government:

Section X Public Access

X.1 Purpose

To ensure that no board or committee serving the town of Brimfield refuses the public its right to address the board during any meeting and to ensure that members of the public are allowed to speak during meetings.

X.2 Definitions

Public Access: A portion of a meeting of any board or committee where members of the public attending are allowed to speak.

X.3 Required Public Access

All boards and committees in the town of Brimfield shall have a dedicated portion of their meetings for the purpose of allowing public access. Each person wishing to speak shall be given a designated amount of time, no less than three (3) minutes, to address the board or committee as determined by the Chairperson of said board or committee.

(Citizen Petition)

ARTICLE 6: To see if the Town will vote pursuant to the provisions of G.L. c. 44, §53E½, as most recently amended, to establish FY2023 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 FY2023
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 FY2023 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 FY2023 shall close to the general fund.
HAZMAT Revolving Fund	\$10,000	If reauthorized, amount in excess of \$1000 at close of FY2023 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 FY2023 shall close to the general fund.

or, take any other action thereon.

Sponsor: Various Boards and Departments

ARTICLE 7: 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, 2022 to June 30, 2023; or, take any other action thereon.

Sponsor: Board of Selectmen

ARTICLE 8: 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, 2022 to June 30, 2023 and direct how the same shall be expended; or, take any other action thereon.

Sponsor: Board of Selectmen

ARTICLE 9: 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 FY2022; or, take any other action thereon.

Sponsor: Board of Selectmen

ARTICLE 10: 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 FY2022; or, take any other action thereon.

Sponsor: Board of Selectmen

ARTICLE 11: 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 \$150000 for FY23 and provided further, that any funds remaining in said account over \$50,000 for FY23 shall close to the General Fund; or, take any other action thereon.

Sponsor: Board of Selectmen

ARTICLE 12: To see if the Town will vote to accept as available funds, the sum of \$278,281, 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 13: 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.

Sponsor: Highway Surveyor

ARTICLE 14: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, a sum of money 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.

Sponsor: Highway Surveyor

ARTICLE 15: 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.

Sponsor: Board of Selectmen

ARTICLE 16: 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, 2022 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.

Sponsor: Board of Selectmen

ARTICLE 17: To see if the Town will vote to 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.

Sponsor: 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 \$30,000 to the Treasurer's Department for the purpose of paying costs associated with the tax title process; or, take any other action thereon.

Sponsor: Treasurer-Collector

ARTICLE 19: 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 Committee

ARTICLE 20: 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 Board of Selectmen 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: Board of Selectmen

ARTICLE 21: To see if the Town will vote to transfer the sum of \$11,983 received 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 in Lake Sherman, including all incidental and related expenses; or, take any other action thereon.

Sponsor: Board of Selectmen

ARTICLE 22: To see if the Town will vote to raise and appropriate, borrow or otherwise fund the sum of \$55,000 to be expended by the Highway Surveyor subject to the requirements of applicable public bidding laws, for the purpose of purchasing a new pickup truck with plow, pursuant to the Town's Capital Expenditure Plan; or take any other action thereon.

Sponsor: Highway Surveyor

ARTICLE 23: To see if the Town will vote to raise and appropriate, borrow or otherwise fund the sum of \$150,000 to be expended by the Highway Surveyor subject to the requirements of applicable public bidding laws, for the purpose of purchasing a new, used dump truck with plow and sander, pursuant to the Town's Capital Expenditure Plan; or take any other action thereon.

Sponsor: Highway Surveyor

ARTICLE 24: To see if the Town will raise and appropriate, borrow, or otherwise vote to transfer the sum of \$18,000 from the Capital Purchase Stabilization Fund, to be expended by the Chief of Police, subject to the requirements of applicable public bidding laws, for the purchase of two (2) new Yamaha ATVs and a trailer or any other type all-terrain vehicle(s) and necessary accessories for use by the Brimfield Police Department as a specialized patrol vehicle, or take any other action thereon.

Sponsor: Chief of Police

ARTICLE 25: To see if the Town will accept the provisions of General Laws, Chapter 59, Section 5, Clause 17E, enacted as Chapter 380, Section 1, of the Acts of 2000, or take any other action thereon.

Sponsor: Board of Assessors

ARTICLE 26: To see if the Town will accept the provisions of General Laws, Chapter 59, Clause 41D, enacted as Chapter 380, Section 2, or the Acts of 2000, or take any other action thereon.

Sponsor: Board of Assessors

ARTICLE 27: To see if the Town will vote to amend Chapter 4, Section 1.0 of the General Bylaws, entitled "Officers to be Elected, Terms", to change the Moderator term of office from a one (1) year term to a (3) year term, by deleting the strikethrough text in said section and inserting the underlined text in place thereof the following: or, take any other action thereon. And to change the Tree Warden from a one (1) year term, by deleting the strikethrough text in said section and inserting the underlined text in place thereof the following: or, take any other action thereon.

4.0 Election of Officials

4.1 Officers to be Elected, Terms

The Officers of the Town to be elected at the Annual Town Election in the years in which the terms of the incumbents expire, with their terms of office, shall be as follows:

5 Selectmen for 3 years each, 2 to be elected annually.

One Moderator for ~~the year~~ 3 years, One Town Clerk for 3 years.

3 Assessors for 3 years each

5 members of the Board of Health for 3 years each, 1 elected annually

5 members of the Planning Board for 5 years each, 1 elected annually

One Highway Surveyor for 3 years

5 Members of the Town School Committee for 3 years each

5 Constables for 3 years each

One Tree Warden for ~~one year~~ 3 years

6 Library Trustees for 3 years each, 2 elected annually

3 members of the Cemetery Commission for 3 years each, 1 elected annually

3 members of the Harding Fund Trustees, for 3 years each, 1 elected annually

3 members of the James D. Lincoln Library Fund Trustees for 3 years each, 1 elected annually.

4 members of the Brimfield Housing Authority for 5 years each, one elected as terms expire in accordance with the laws of the Commonwealth.

Members of the Tantasqua Regional District School Committee for 3 years

each, to be elected in accordance with the Regional District Agreement, annually

and/or as incumbent terms expires.

Sponsor: Moderator

ARTICLE 28: To see if the Town of Brimfield will vote to amend Chapter 2, Section 7.1 of the General Bylaws, entitled "Bylaw Committee", to delete the text stating June appointment and to change the term from one (1) year to a three (3) year term, and to add two (2) associate members, by deleting the strikethrough text in said section and inserting the underlined text in place thereof the following: or, take any other action thereon.

7.1 Authorization and Appointment

A Bylaw Committee shall be appointed ~~each June~~, as follows: one member and two associate members by the Board of Selectmen, one member by the Moderator and one

member by the appointees jointly. The Town Clerk shall serve as a non-voting member of the committee and shall serve as chairman until an organizational meeting of all members. Terms of appointment shall be ~~one~~ three (3) years, commencing July 1 ~~of each year~~.

Note: Duties of the Bylaw Committee are additionally noted in Chapter One, Section 1.2

Sponsor: Moderator

ARTICLE 29: To see if the Town of Brimfield will vote to amend Chapter 3, Section 3.4 of the General Bylaws, entitled "Additional Notice Special Meeting", to delete the text stating Mailed to each occupied dwelling house in the Town and to change it to posted on the Town website and the Town notices posting board, by deleting the strikethrough text in said section and inserting the underlined text in place thereof the following: or, take any other action thereon.

3.4 Additional Notice Special Meeting

At least five days before the day fixed in the warrant for any Special Town Meeting, the Selectmen shall cause an outline of the warrant to be ~~mailed to each occupied dwelling house in the Town~~ posted on the Town website and the Town notice posting board.

Sponsor: Town Clerk

ARTICLE 30: To see if the Town of Brimfield will vote to amend Section 7 of the Personnel Bylaws, entitled "Holidays and Holiday Pay", to add, If a holiday falls on any weekday a regular employee is not normally scheduled to work, the holiday will be observed on the employee's preceding workday, and further amending the list of paid holidays by adding Juneteenth by inserting the underlined text thereof the following: or, take any other action thereon.

Section 7: Holidays and Holiday Pay

Employees scheduled to work on a continuing basis for 20 or more hours per week are eligible for holiday pay. The following are paid holidays:

New Year's Day	Martin Luther King, Jr. Birthday
Presidents Day	Patriot's Day
Memorial Day	Independence Day
Labor Day	Columbus Day
Veterans Day	Thanksgiving
Christmas Day	<u>Juneteenth</u>

Holiday pay for employees working less than 35 hours, but more than 20 hours per week, shall be the pro-rated schedule of hours (or the employee's regularly scheduled hours for that week day that the holiday falls on). Temporary/seasonal employees will not receive holiday pay.

Example: An employee who normally works a five-day, 25-hour work schedule each week (5 days @ 5 hours each day), would be entitled to 5 hours holiday pay.

Holidays falling on Saturday shall be observed on Friday and holidays falling on Sunday shall be observed on Monday. If a holiday falls on any weekday a regular employee is not normally scheduled to work, the holiday will be observed on the employee's preceding workday.

Should an employee be required to work on the holiday, an employee shall receive either compensatory time or compensation on a time and one-half basis for every hour worked.
Sponsor: Board of Selectmen

ARTICLE 31: To see if the Town will vote to amend Section 7 of the Zoning Bylaw, by adding subsection 7.5.3 as follows:

7.5.3 The Planning Board shall require a certificate of compliance from the Zoning Officer. The Planning Board may waive any or all requirements of site plan review at their discretion.

Sponsor: Planning Board

ARTICLE 32: To see if the Town will vote to amend the General Bylaws of the Town of Brimfield, copies of which are on file with the Town Clerk and available on the municipal website, to rename the Board of Selectmen as the Select Board, by striking out, in every instance in which they appear, the words "Board of Selectmen" and inserting in place thereof the words "Select Board"; and by striking out, in every instance in which they appear, the word "Selectman" and "Selectmen" and inserting in place thereof the words "Select Board Member" or "Select Board Members"; and further, to authorize the Town Clerk to make any non-substantive, ministerial revisions to ensure that gender and numerical issues in the related text of the General Bylaws are revised to properly reflect such change in title; and, further, to amend the General Bylaws, Chapter One, "General Government", Section 6.0, "Legal Affairs," a copy of which is on file with the Town Clerk and available on the municipal website, by amending Section 6.1 as set forth below (amended language shown in boldface type); or take any action relative thereto.

Section 6.0 Legal Affairs

1. Duties of Select Board

The Select Board shall have all the powers and duties of a board of selectmen under the General Laws and any special laws, bylaws, regulations, or policies applicable to the Town, as well as such other powers and duties as are provided in the Town's Bylaws. The Select Board shall be agents of the Town to institute, prosecute, defend and settle any and all claims, actions and proceedings to which the Town is a party or in which the interests of the Town are or may be involved.

Sponsor: Board of Selectmen

ARTICLE 33: To see if the Town will vote to increase the number of voting members on the Historical Commission from seven (7) members to eleven (11) members, or take any other action thereon.

Sponsor: Historical Commission

ARTICLE 34: 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 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 Senior Center, or take any other action thereon.

Sponsor: Brimfield Facilities Study Committee

ARTICLE 35: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds a sum of money to pay principal and interest due in Fiscal Year 2023 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

ARTICLE 36: 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

ARTICLE 37: 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 FY23 or for any other purpose; or, take any other action thereon.

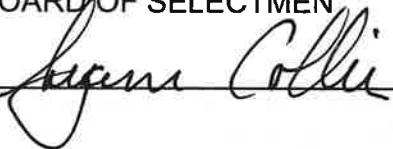
Sponsor: Finance Committee

ARTICLE 38: 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

Given under our hand this 16th day of May, 2022.

BOARD OF SELECTMEN

 Suzanne Collins, Chairman

_____ Harold Leaming, Vice Chair

 Paul McCarthy, Selectman

 Martin Kelly, Selectman

 ^{Michael}
~~Mike~~ Doyle, Selectman

A true copy, ATTEST:

Debra Fagerstrom Debra Fagerstrom, Town Clerk

Posted this 12th day of May, 2022.

Cathy [Signature] Constable

