



Annual Town Meeting Actions, May 18, 2009

The 278th Annual Town Meeting, having been duly posted, was called to order by Moderator Michael Miller at 7:10 PM on May 18, 2009 at the Town Hall. The Town Clerk reported a quorum was present.

*** denotes articles taken out of order**

PROCEDURAL NOTE: The Finance Committee may, at its discretion, make a single consent motion for approval of any routine authorizations.

POSTPONE: There was considerable debate lasting almost an hour on a proposal by selectmen to postpone votes on financial articles until June 23.

Motion made and seconded to postpone action on articles 3, 4, 14, 15, 18, 19, 20, 23, 24, 27, 28, 29, 30, 38, 39, 40, 41, and 42 until an adjourned session on June 23. **So voted overwhelmingly on a card count by the moderator of 58 yes and 50 no.** A subsequent motion was made and seconded to reconsider the vote on this article which failed on a call of the moderator.

FINANCIAL ARTICLES: As the meeting progressed, questions were raised about additional articles which were financial articles, not included in the original list put forward by selectman Diane Panaccione. The moderator allowed additional articles to be added to the postponement list, specifically articles 7, 8, 10, and 26.

ARTICLE 1: Motion made and seconded that the reports of the officers and agents be accepted as written in the Town Report. **So voted without dissent on May 18, 2009 at 7:49 PM.**

ARTICLE 2: Motion made and seconded to authorize revolving funds under MGL Chapter 44, Section 53E ½, (Chart of Accounts in Appendix). **So voted without dissent on May 18, 2009 at 7:50 PM.**
(chart of revolving funds, as voted, appended)

***ARTICLE 3:** Motion made and seconded to raise and appropriate the sum of \$185,453.00 for compensation to various elected town officers for the ensuing fiscal year July 1, 2009 to June 30, 2010. **So voted without dissent on June 23, 2009 at 8:31 PM.**

***ARTICLE 4:** Motion made and seconded to raise and appropriate the sum of \$7,816,821.00 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. **So voted without dissent on June 23, 2009 at 9:17 PM.**

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. **Passed over without motion or vote on May 18, 2009 at 7:50.**

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. **Passed over without motion or vote on May 18, 2009 at 7:50.**

***ARTICLE 7:** Motion made and seconded to raise and appropriate the sum of \$15,000 for Tax Title Expenditures. **So voted without dissent on June 23, 2009 at 9:18 PM.**

***ARTICLE 8:** Motion made and seconded 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. **So voted overwhelmingly on June 23 at 9:19 PM.**

ARTICLE 9: Motion made and seconded 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. **So voted without dissent on May 18, 2009 at 8:11 PM**

PROCEDURAL NOTE: Articles 9, 11, 12, and 13 were passed as a group on an omnibus motion from the Finance Committee.

***ARTICLE 10:** Motion made and seconded to appropriate any funds received from the Commonwealth for the construction, reconstruction and improvement of town roads. **So voted overwhelmingly on June 23, 2009 at 9:23 PM.**

ARTICLE 11: Motion made and seconded 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. **So voted without dissent on May 18, 2009 at 8:11 PM**

ARTICLE 12: Motion made and seconded 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 **So voted without dissent on May 18, 2009 at 8:11 PM**

ARTICLE 13: Motion made and seconded to 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. **So voted without dissent on May 18, 2009 at 8:11 PM**

***ARTICLE 14:** Motion made and seconded to raise and appropriate the sum of \$500 to be added to the Conservation Fund as authorized by M.G.L. chapter 40, section 8C. **So voted without dissent on June 23, 2009 at 9:24 PM.**

***ARTICLE 15:** Motion made and seconded to raise and appropriate 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. **So voted without dissent on June 23, 2009 at 9:24 PM.**

ARTICLE 16: Motion made and seconded to transfer the sum of \$ 700.00 of the FY2009 appropriation from the Cemetery Expense Account #04915460 to the Cemetery Perpetual Care Account # 04-91-3570. **So voted without dissent on May 18, 2009 at 8:12 PM.**

ARTICLE 17: Motion made and seconded 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. **So voted without dissent on May 18, 2009 at 8:16 PM.**

***ARTICLE 18:** Motion made and seconded to raise and appropriate 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). **So voted without dissent on June 23, 2009 at 9:24 PM.**

***ARTICLE 19:** Motion made and seconded to raise and appropriate 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. **So voted without dissent on June 23, 2009 at 9:52 PM.**

***ARTICLE 20:** Motion made and seconded to take no action on providing funds to be expended by the Planning Board to retain the services of Consultants to perform services relative to zoning and planning issues. **So voted without on June 23, 2009 at 9:53 PM.**

ARTICLE 21: Motion made and seconded to designate the Board of Selectmen as the appointing authority for the board or officer responsible for the issuance of trench permits in accordance with the provisions of M.G.L., chapter 82A, section 2 and 520 CMR 14.00. **So voted overwhelmingly on May 18, 2009 at 8:30 PM.**

ARTICLE 22: Motion made and seconded to authorize the Board of Selectmen to submit an 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. **So voted without dissent on May 18, 2009 at 8:35 PM.**

***ARTICLE 23:** Motion made and seconded to take no action on the request for funds to purchase one ¾ Ton pickup truck with plow to replace the current 1984 Chevrolet ¾ ton pickup truck for use of the Highway Department, pursuant to the Town's Capital Expenditure Plan. **So voted without dissent on June 23, 2009 at 9:54 PM.**

***ARTICLE 24:** Motion made and seconded to take no action on the request for funds to purchase one police vehicle pursuant to the Town's Capital Expenditure Plan. **So voted without dissent on June 23, 2009 at 9:54 PM.**

***ARTICLE 25:** Motion made and seconded 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. **So voted without dissent, on 2/3 vote call by the moderator on June 23, 2009 at 9:56 PM.**

***ARTICLE 26:** Motion made and seconded 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. **So voted without dissent, on 2/3 vote call by the moderator on June 23, 2009 at 9:57 PM.**

***ARTICLE 27:** Motion made and seconded to take no action on the request for funds to purchase a fire truck. **So voted without dissent on June 23, 2009 at 9:58 PM.**

***ARTICLE 28:** Motion made and seconded to take no action relative to payment of interest and principal on debt incurred by purchase of a fire truck. **So voted without dissent on June 23, 2009 at 9:58 PM.**

***ARTICLE 29:** Motion made and seconded to raise and appropriate the sum of \$ 20,000.00 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. **So voted overwhelmingly on June 23, 2009 at 10:01 PM.**

***ARTICLE 30:** Motion made and second to take no action relative to payment of interest and principal on debt incurred for hiring of a consulting engineer for repairs to the Town Hall. **So voted without dissent on June 23, 2009 at 10:01 PM.**

ARTICLE 31: Motion made and seconded to rezone the 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, as stated in the article.

PLANNING BOARD made oral report, recommending favorable action.

TABLED: Motion made and seconded to lay on the table Article 31. **So voted overwhelmingly on May 18, 2009 at 9:01 PM.**

ARTICLE 32: Motion made and seconded to amend General Bylaws, ARTICLE VIII: Junk Dealer Licenses, Section J. Emergency Service Fees, paragraph (1) Emergency Service Fees, by deleting the current text in its entirety and in place thereof 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.

So voted overwhelmingly on May 18, 2009 at 9:27 PM.

ARTICLE 33: Motion made and seconded to amend General Bylaws, Article I General Provision 1. Section 7 – Enforcement, (b) Non-criminal disposition, by increasing the fine for violation of Article VIII, Section 2C, Flea Market Vendor Permits, from \$25.00 to \$250.00. **So voted overwhelmingly on May 18, 2009 at 9:30 PM.**

ARTICLE 34: Motion made and seconded to amend General Bylaws, Article VIII: Junk Dealer Licenses, Section L. Penalties, by inserting a new sentence at the conclusion of said section, as follows: “Additionally, the flea market owner/operator shall pay a fine of \$250 per day, per violation, under this section. **So voted overwhelmingly May 18, 2009 at 9:37 PM.**

ARTICLE 35: Motion made and seconded to amend the General Bylaws, as presented in Exhibit A (May 2009 Presentation Draft as set forth in the handout), as on file with the Town Clerk, 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, all bylaws in the version current to, and last published on, September 22, 2008, a renumbered outline format, addition of, or amendment to, headings and subheadings, replacement of words all in capital letters with standard upper and lower case letters, and amendment of internal references to existing bylaws. All bylaw amendments approved by the Annual Town Meeting of May 18, 2009 and Special Town Meeting of June 23, 2009, shall be renumbered and incorporated into the recodification. **So voted overwhelmingly on June 23 at 10:07 PM.**

ARTICLE 36: Move to amend the Zoning Bylaws, as presented in **Exhibit B** (May 2009 Presentation Draft), as on file with the Town Clerk, 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, all bylaws in the version current to, and last published on, September 22, 2008, a renumbered outline format, addition of, or amendment to, headings and subheadings, replacement of words all in capital letters with standard upper and lower case letters, and amendment of internal references to existing bylaws. **So voted without dissent; 2/3 called by moderator on May 18, 2009 at 9:47 PM.**

ARTICLE 37: Motion was made and seconded to take no action. **Although the moderator took a vote on the question of no action, he set aside that vote when challenged by a number of voters as to the procedure for accepting a substitute motion and a substitute motion was subsequently presented and allowed.**

Motion made and second for the town to 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. **The motion was defeated by one vote, on card count of the moderator 46 in favor and 47 opposed on May 18, 2009 at 10:00 PM.**

**MEETING ADJOURNED AT 10:00 PM TO RECONVENE, AS PREVIOUSLY AGREED,
ON JUNE 23, 2009 TO TAKE UP FINANCIAL AND OTHER UNFINISHED ARTICLES.**

***ARTICLE 38:** Motion made and seconded to see if the Town will vote to transfer the sum of \$20,000 from Free Cash to be added to the Capital Purchase Stabilization Fund. **So voted overwhelmingly on June 23, 2009 at 10:08 PM.**

***ARTICLE 39:** Motion made and seconded to transfer the sum of \$28,000 from the FY2009 School Expense Account: #01-0320-5700 to the Snow & Ice deficit. **So voted without dissent on June 23, 2009 at 10:08 PM.**

***ARTICLE 40:** Motion made and seconded to transfer the sum of \$ 33,355.00 from the Capital Purchase Stabilization Fund to fund the payment of the interest and principal due in FY2010 on the Capital Purchase Debt authorized by FY2005. **So voted without dissent on June 23, 2009 at 10:09 PM.**

***ARTICLE 41:** Motion made and seconded to transfer a sum of \$50,000.00 from Free Cash to be added to the Stabilization Fund. **So voted without dissent on June 23, 2009 at 10:09 PM.**

***ARTICLE 42:** Motion made and seconded to transfer the sum of \$427,937 from certified Free Cash to reduce the tax rate in FY2010 or for any other purpose. **So voted without dissent on June 23, 2009 at 10:10 PM.**

Having no further business the 278th Annual Town Meeting of the Town of Brimfield was dissolved at 10:10 PM on June 23, 2009.

A true copy, ATTEST:

Pamela E. Beall, CMMC
Town Clerk