

Town of Brimfield
The 291th Annual Town Meeting
Brimfield Town Hall, 35 Main Street, Brimfield
Minutes and Actions

Michael Miller, Moderator, called the meeting to order at 6:45 PM

169 registered voters in attendance.

Procedural Announcements:

The Moderator announced that all speakers must be recognized and will be limited to five minutes when explaining an Article which they have placed before the meeting; individuals will be limited to two minutes when addressing the meeting about a motion under discussion; and all motions are required to be seconded.

Other notes:

- Articles that are marked with an asterisk (*) denote that they were taken out of order.
- [brackets] are used to add explanatory information where necessary by the Town Clerk.
- If an amendment to a motion is defeated it is not recorded.
- Articles placed on the Town Warrant by the Board of Selectmen shall be considered to be “seconded” by the Board of Selectmen but may not necessarily be supported by the Board of Selectmen.

-The Finance Committee may, at its discretion, make a single consent motion for approval of these routine authorizations (Articles: 8, 9, 11, 12 and 13)

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

>Motion made by Finance Committee (per Chairperson) and seconded: *“Recommend approval and move that the reports of the officers and agents be accepted as written in the Town Report.”*

Motion to approve Article 1 passed by show of voting cards. (6:54 PM)

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 FY2021 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
Bike Trail Revolving Fund	\$5,000
Bins and Bags Revolving Fund	\$35,000
Cable TV Revolving Fund	\$1,500
Cemetery Revolving Fund	\$10,000
Conservation Commission	\$15,000
Dog Revolving Fund	\$2,000
HAZMAT Revolving Fund	\$10,000
Historical Revolving Fund	\$10,000
Recreation Revolving Fund	\$20,000
Senior Center Revolving Fund	\$15,000
Subdivision Control Law Revolving Fund	\$40,000
Tobacco Revolving Fund	\$500

or, take any other action thereon. (Various Boards and Departments)

>Motion made by Finance Committee (per Chairperson) and seconded: *“Recommend approval and move to establish the FY22 expenditure limits for the revolving funds listed in the warrant, in the amounts set forth therein”.*

Motion to approve Article 2 passed by show of voting cards. (6:55 PM)

ARTICLE 3: To see if the Town will vote to raise and appropriate \$ for various elected Town officers for the ensuing fiscal year July 1, 2021 to June 30, 2022; or, take any other action thereon. (Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: *“Recommend and move that the Town raise and appropriate the sum of \$136,151 as detailed in the Finance Committee Recommendations accompanying the Warrant, for the purpose stated in the article.”*

Motion to approve Article 3 passed by show of voting cards. (6:57 PM)

ARTICLE 4: To see if the Town will vote to raise and appropriate \$ for various departments and activities of the Town, payment of debts and defraying of expenses of the ensuing fiscal year, July 1, 2021 to June 30, 2022 and direct how the same shall be expended; or, take any other action thereon. (Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: *“Recommend and move that the Town raise and appropriate the sum of \$10,203,005 as detailed in the Finance Committee Recommendations accompanying the Warrant, for the purpose stated in the article.”*

Motion to approve Article 4 passed by show of voting cards. (7:36 PM)

ARTICLE 5: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, a sum of \$ to pay unpaid bills or overdrawn accounts for FY21; or, take any other action thereon. (Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: *“Recommend and move that the Town take no action for the purpose stated in the article.”*

Motion to take no action passed by show of voting cards. (7:37 PM)

ARTICLE 6: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, a sum of \$ to pay unpaid bills or overdrawn accounts for any fiscal year prior to FY21; or, take any other action thereon. (Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: *“Recommend and move that the Town take no action for the purpose stated in the article.”*

Motion to take no action passed by show of voting cards. (7:38 PM)

ARTICLE 7: 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 FY22 and provided further, that any funds remaining in said account over \$50,000 for FY22 shall close to the General Fund; or, take any other action thereon. (Board of Selectmen)

Article 7 was withdrawn by the Selectmen due to a change in circumstances.

At the request of the Finance Committee, the Moderator allowed a single motion for approval to be made for Articles: 8, 9, 11, 12 and 13 (Routine Authorizations)

***ARTICLE 8:** To see if the Town will vote to accept as available funds, the sum of \$250,000, 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.

(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 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, 2021 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. (Board of Selectmen)

***ARTICLE 13:** 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. (Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: *“For the purpose of re-establishing a group of routine authorizations involving no change from prior year,*

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recommend approval of the following authorizations for FY 2022 and move such authorizations be re-established for the purposes stated in their respective articles: ”

Motion to approve Articles 8, 9, 11, 12 & 13 passed by show of voting cards. (7:40 PM)

***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)

>Motion made by Finance Committee (per Chairperson) and seconded: *“Recommend and move that the Town take no action for the purpose stated in the article.”*

Motion to take no action on Article 10 passed by show of voting cards. (7:41 PM)

ARTICLE 14: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds, the sum of \$15,000 to the Treasurer’s Department for the purpose of paying costs associated with the tax title process; or, take any other action thereon. (Treasurer-Collector)

>Motion made by Finance Committee (per Chairperson) and seconded: *“Recommend and move that the Town take no action for the purpose stated in the article.”*

Motion to take no action on Article 15 passed by show of voting cards. (7:42 PM)

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. c. 40, §8C; or, take any other action thereon. (Conservation Committee)

>Motion made by Finance Committee (per Chairperson) and seconded: *“Recommend and move that the Town raise and appropriate the sum of \$500 for the purpose stated in the article.”*

Motion to approve Article 15 passed by show of voting cards. (7:43 PM)

ARTICLE 16: 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. (Board of Selectmen)

“Recommend and move that the Town raise and appropriate the sum of \$50,000 to be expended by the Board of Selectmen for the purpose stated in the article.”

Motion to approve Article 16 passed by show of voting cards. (7:44 PM)

ARTICLE 17: To see if the Town will vote to transfer the sum of \$12,000 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. (Board of Selectmen)

>Motion made by Finance Committee (per Chairperson) and seconded: *“Recommend and move that the Town transfer the sum of \$12,000 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 the purpose stated in the article.”

Motion to approve Article 17 passed by show of voting cards. (7:46 PM)

ARTICLE 18: To see if the Town will vote to raise and appropriate, borrow or otherwise transfer from available funds, the sum of \$550,000, 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, or any other appropriate authority, and to issue bonds or notes as necessary for the purpose; or, take any other action thereon. (Fire Chief)

>Motion made by Finance Committee (per Chairperson) and seconded: “Recommend and move that the Town transfer from the Capital Stabilization Fund the sum of \$550,000.00 to be expended by the Chief of the Fire Department for the purpose stated in the Article.”

Motion to approve Article 18 passed by show of voting cards, 162 Yes to 7 No (7:50)

ARTICLE 19: To see if the Town will vote to raise and appropriate, borrow or otherwise fund the sum of \$4,000 to be expended by the Highway Surveyor subject to the requirements of applicable public bidding laws, for the purpose of purchasing and equipping a new, Mig Welder, pursuant to the Town’s Capital Expenditure Plan, including all costs incidental and related thereto; or take any other action thereon. (Highway Surveyor)

“Recommend and move that the Town raise and appropriate the sum of \$4,000 to be expended by the Highway Surveyor for the purpose stated in the article.”

Motion to approve Article 19 passed by show of voting cards. (7:51 PM)

ARTICLE 20: To see if the Town will vote to amend Section 7.2 of the Zoning Bylaw by adding the language indicated in underlined text, below, to the last sentence of said section:

The Planning Board may waive any or all requirements of site plan review for any municipal project or for projects that have been determined to be minimal impact projects after preliminary site plan review and for private projects involving external enlargements or changes of use of less than 25% of the existing floor area. [Amended May 2008, May 2011, May 2013 and May 2014] (Planning Board)

>Motion made by Planning Board (per Chairperson) and seconded: “Recommend approval and move that the Town pass the Article as written.”

Motion to approve Article 20 passed by a show of voting cards, 169 Yes to 0 No (7:52)

ARTICLE 21: To see if the Town will vote to amend Section 7.4 of the Zoning Bylaw, by changing the title of said section from “Required Site Plan Contents” to “Rules and Regulations”; and further to amend the unnumbered, introductory paragraph of said section by

Commented [A1]: Subsection 9 relates to purchase of computer hardware or software and does not seem applicable to this appropriation.

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deleting the language in strikethrough text and adding the language in underlined text, as follows:

7.4 Required Site Plan Contents Rules and Regulations

The Planning Board shall adopt and may, from time to time, amend Rules and Regulations governing site plan review under this Bylaw. Said Rules and Regulations shall include provisions governing the form, contents and number of copies of applications for site plan review. Said Rules and Regulations may also include design criteria and performance standards to ensure compliance with the requirements and intent of this Bylaw. Until such time as said Rules and Regulations are adopted, Aall site plans shall be prepared by a registered architect, landscape architect, ~~or~~ professional engineer and a or professional land surveyor, unless this requirement is waived by the Planning Board ~~because of unusually simple circumstances.~~ and Aall site plans shall be on standard 24" x 36" sheets and shall be prepared at a sufficient scale to show. (Planning Board)

>Motion made by Planning Board (per Chairperson) and seconded: "*Recommend approval and move that the Town pass the Article as written.*"

Motion to approve Article 21 passed by a show of voting cards, 167 Yes to 2 No (7:53)

ARTICLE 22: To see if the Town will vote to amend Section 12 of the Zoning Bylaw, by deleting the language in strikethrough text and adding the language in underlined text to various subsections, as follows:

- a. Amend Section 12.3 (Definitions) to add a new definition of Marijuana Delivery Establishment, as follows:

Marijuana Delivery Establishment: A Delivery Courier or Delivery Operator, or such other form of delivery licensee as may from time to time be authorized by the Cannabis Control Commission to perform deliveries of marijuana or marijuana products directly to consumers. (Planning Board)

- b. Amend Section 12.4.5, as follows:

With the exception of a licensed Marijuana Transporter or Marijuana Delivery Establishment, no Marijuana Establishment or RMD shall be permitted to operate from a moveable, mobile or transitory location. (Planning Board)

>Motion made by Planning Board (per Chairperson) and seconded: "*Recommend approval and move that the Town pass the Article as written.*"

Motion to approve Article 22 passed by a show of voting cards, 164 Yes to 5 No (7:53)

ARTICLE 23: To see if the Town will vote to amend Section 3 of the Zoning Bylaw, by deleting subsection 3.5.5.3 as follows:

Commented [A2]: Note that only the words "or Marijuana Delivery Establishment" are being added, so I have removed the underlining from the rest of this paragraph, which already exists in the bylaw.

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~~3.5.5.3 Display of a sign pertaining to a use permitted on the premises with a total area of not more than six (6) square feet. [adopted March 1975] (Zoning Officer and Planning Board)~~

>Motion made by Planning Board (per Chairperson) and seconded: “*Recommend approval and move that the Town pass the Article as written.*”

Motion to table Article 23 passed by a show of voting cards. (7:54 PM)

ARTICLE 24: To see if the Town will vote to replace Section 6 of the Zoning Bylaw, with the following:

Zoning Bylaw Section 6: Signs and Sign Regulations

6.1 Purpose and Definitions. For the purpose of this bylaw, a sign is defined as any outdoor surface with letters, words, numbers or other symbols, any of which exceed one inch in height, or any three-dimensional representation, intended to convey a message.

6.1.1 Permit Requirements. Applicants must submit sign permit applications with drawings to the Building Inspector prior to purchasing and affixing a sign. No permanent sign shall be erected, altered, replaced, or relocated without a permit issued by the Building Inspector. No sign shall be allowed unless it is in conformance with the current Massachusetts State Building Code except as specifically permitted.

6.1.2 Expiration. A signed permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months from the date of the permit. The Building Inspector may at their discretion issue extensions covering a period not to exceed one (1) year from the date of issue of the original permit.

6.1.3 Zoning Districts. Sign regulations vary based on the zoning district in which the sign is located. The Town of Brimfield has five (5) zoning districts:

1. General Business District
2. Residential District
3. Agricultural-Residential District
4. Multiple Dwelling District
5. Industrial District

6.1.4 Signs Not Allowed.

6.1.4.1 Signs erected on utility poles, traffic signs, wireless communication towers, fences, trees, shrubs or other natural features except for signs erected by the governmental entity or utility company which owns such structures.

6.1.4.2 Portable Signs designed to be transported by means of wheels, and signs attached to or painted on vehicles parked and visible from a street or a right of way customarily used by the

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general public, unless said vehicle is registered and used, as a vehicle, in the normal day-to-day operations of the business.

6.1.5 Construction and Maintenance.

6.1.5.1 Signs shall be constructed of durable and weatherproof materials.

6.1.5.2 Signs shall be maintained in safe structural condition and good visual appearance at all times and no sign shall be left in a dangerous or defective state.

6.1.5.3 All electrical equipment associated with a sign shall be installed and maintained in accordance with the National Electrical Code.

6.1.5.4 The Building Commissioner shall have the authority to inspect any sign and order the owner to paint, repair or remove a sign which constitutes a hazard, or a nuisance due to improper or illegal installation, dilapidation, obsolescence or inadequate maintenance. The Building Commissioner may require removal of signs if the use has been abandoned.

6.2 Allowed Signs and Sign Regulations

The following requirements shall apply to all signs and other advertising devices in all zoning districts:

6.2.1. No sign or other advertising device with visible moving or movable parts or with flashing, animated, or intermittent illumination shall be erected or maintained except as approved by the Zoning Enforcement Officer.

6.2.2 No illumination shall be permitted which is visible from any portion of a way so as to create a traffic hazard.

6.2.3 Signs may be illuminated by a steady stationary exterior white light of reasonable intensity shielded and directed solely at the sign.

6.2.4 All signs lighted externally shall be shielded or directed in such a way as to prevent spillage on the building or onto streets, parking, driveway areas, or surrounding properties.

6.2.5 No freestanding sign or other advertising device, or part thereof, shall be more than twenty (20) feet above ground level, not closer than fifteen (15) feet to the edge of a traveled way; signs on buildings not to exceed fifty (50) square feet and free-standing signs not to exceed twenty-five (25) square feet, neither class to be artificially illuminated from within or the rear.

6.2.6 No sign or other advertising device attached to a building shall project above the roof or parapet line.

6.2.7 No sign or other advertising device attached to a building shall project more than three (3) feet from a building or two-thirds the width of the sidewalk, whichever is less.

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6.2.8 No sign shall be erected in any manner that will completely cover windows or doors.

6.2.9 No signs shall be erected on public property without express written permission from the Town.

6.2.10 Any sign erected in violation of this Bylaw is prohibited, except that signs erected by the Town, Commonwealth or their agencies shall be exempt from these prohibitions.

6.3 Residential District & Agricultural-Residential District Regulations

The following additional requirements shall apply to all signs and other advertising devices in the Residential District and Agricultural-Residential District:

6.3.1 One (1) sign for each family residing on the premises indicating the name of the owner or occupant or pertaining to a permitted accessory use; provided, that each sign does not exceed six (6) square feet in area.

6.3.2 One (1) sign not over sixteen (16) square feet in area pertaining to permitted buildings, structures, and uses of the premises other than dwellings and their accessory uses.

6.3.3 Unlighted directional signs not exceeding six (6) square feet in area pertaining to churches, schools, institutions, and other nonprofit or public uses.

6.4 Temporary Signs Regulations

The following requirements shall apply to all signs and other advertising devices in all zoning districts.

6.4 Temporary Signs. The following signs, banners, pennants, easily removed sign attached to windows, or advertising displays are allowed on a temporary basis, may be freestanding, and do not need a permit from the Town. Temporary signs shall be removed within thirty (30) days of placement, unless specified below.

6.4.1. Construction Signs. One (1) unlighted sign of up to eight (8) square feet identifying individual parties involved in construction is allowed on the premises where the sign is located. Construction signage is temporary and limited to the span of the project's valid building permit. The sign shall be removed prior to the issuance of any occupancy permit or certificate of completion.

6.4.2. Real Estate Signs. Each sign pertaining to the sale or lease of the premises must be unlighted and not over eight (8) square feet in area, and all signs must not aggregate more than eighteen (18) square feet in area. Signs shall be removed within fourteen (14) days after sale, rental or lease.

6.4.3. Event Signs. Unlighted signs of up to thirty-two (32) square feet in Business District and Industrial District, and eight (8) square feet in the Residential District and Agricultural-Residential District, may be displayed on private property and are limited to one (1) per street

frontage announcing a drive or event of a civic, philanthropic, educational or religious organization. Signs shall be installed no sooner than thirty (30) days prior to the event and shall be removed within seven (7) days after the event.

6.4.4. Political Signs. Due to federal First Amendment rights, political signs are exempt from regulations except that they are subject to public safety requirements.

6.4.5. Banner Signs. Nonprofit, charitable, and community organizations shall be allowed to erect sign banners not to exceed one hundred (100) square feet in area. Banner signs shall be installed no sooner than thirty (30) days prior to the event and shall be removed within seven (7) days after the event.

6.4.6. Display Window/Door Signs. Signs on the surface of windows/doors or inside windows/doors can only be lit by the building illumination and cover no more than twenty-five (25) percent of the display window or door area.

6.4.7. Noncommercial Signs. Buildings occupied solely for the civic, philanthropic, educational, religious, or other noncommercial purposes are exempt from temporary sign regulations except that they are subject to public safety requirements.

6.4.8. Seasonal Decorative Signs. Seasonal decorative signs and residential decorative signs are exempt from temporary sign regulations, except that they are subject to the public safety requirements.

6.4.9. Yard/Garage Sale Signs. Not to exceed five (5) square feet displayed on private property and limited one to each premise. Not to be erected earlier than three (3) days preceding the sale and shall be removed within twenty-four (24) hours following.

6.4.10 Flea Market Signs. All temporary signs pertaining to Flea Market operations are to follow the regulations set forth in Sections 6.2.1 and 6.2.6 through 6.2.10. signs on buildings not to exceed fifty (50) square feet and free-standing signs not to exceed twenty-five (25) square feet. No freestanding sign or other advertising device, or part thereof, shall be more than twenty (20) feet above ground level, or closer than fifteen (15) feet to the edge of a traveled way. No illumination of temporary signs is allowed. Temporary Flea Markets Signs are allowed on fences. Signs shall be installed no sooner than seven (7) days prior to the event and shall be removed within seven (7) days after the event.

6.4.11 Business/Commercial Point of Sale. Allowed in the General Business District only. A sign which is not permanently affixed to a building or mounted in the ground. Such signs may consist of banners, posters, pennants, streamers or stakes in the ground that contain a commercial or non-commercial advertising message, to be unlighted and not exceed twenty-five (25) square feet. Signs that stay in place for more than sixty (60) days or replaced by similar signs for periods exceeding sixty (60) days shall not be considered temporary signs. Banners, flags, streamers or other decorations that do not convey commercial information shall not be considered to be temporary signs.

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6.4.12 Business/Commercial Event Signs. Allowed in the General Business District only. Unlighted signs of up to twenty-five (25) square feet may be displayed on private property and are limited to one (1) per street frontage announcing an event. Signs shall be installed no sooner than thirty (30) days prior to the event and shall be removed within seven (7) days after the event.

6.5 Removing or Reconstructing Signs Regulations

6.5 Removing or Reconstructing Signs. No sign heretofore approved and erected shall be repaired, altered or removed, nor shall any sign, or substantial part thereof, which is blown down, destroyed or removed, be re-erected, reconstructed, rebuilt or relocated, unless it is made to comply with all applicable requirements of this By-law. (Zoning Officer and Planning Board)

>Motion made by Planning Board (per Chairperson) and seconded: *"Recommend approval and move that the Town pass the Article as written."*

>Motion to amend Article 24 made by Amy Gerrish and seconded: *"I move that Article 24 section 6.5 be amend by adding the phrase: **Signs which are grandfathered-in may be replaced without applying for a permit.**"*

Motion to amend Article 24 passed by a show of voting cards. (8:05 PM)

Motion to approve Article 24 as amended failed by a show of voting cards, Yes – 104, No – 65 (8:06 PM)

[A 2/3 vote is required for a change to a Zoning Bylaw]

ARTICLE 25: To see if the town will vote to amend General Bylaws, Chapter Two, Section 6.2 Flea Market Advisory Board, ~~by renumbering said section as Section 6.0,~~ and by amending section 6.1 by adding in bold.

Commented [A3]: There seems to be a typo in the Bylaws as currently numbered. The other sections start out 4.0, 4.0, 7.0, but this section starts out 6.2. You may want to just take this opportunity to clean this up.

Section 6.2 Flea Market Advisory Board

6.1 Authorization and Appointment

Selectmen shall appoint a Flea Market Advisory Board to assist in the establishment of administrative procedures and policies. Said Advisory Board shall have seven members **consisting of 2 show promoters (who need not be Brimfield residents) and up to 5 Brimfield residents, including one representative each from the Police Department and Fire Department or 2 other representatives from emergency services;** or, take any other action thereon. (Board of Selectmen)

>Motion made by Board of Selectmen (per Chairperson) and seconded: *"Recommend approval and move that the Town pass the Article as written."*

Motion to approve Article 25 passed by a show of voting cards. (8:08 PM)

ARTICLE 26: To see if the town will vote to amend Chapter Five, Section 2.0 of the General Bylaws, entitled "Flea Market," by deleting the language shown in strikethrough text and adding the language shown in bold text as follows;

Remove: 2.3.4.4- Display of Vendor Permits: Each vendor shall prominently display the Vendor Permit during the conduct of business.

Replace with:

2.3.4.4 Vendor Permits:

Owner/operators are required to distribute a Vendor Permit to every vendor doing business on the owner/operator's field. Said permit shall be displayed at the vendor's site or otherwise made readily available by the vendor for inspection by any town official responsible for permit compliance. If a vendor is found to be without a vendor permit the owner/operator shall be notified and shall promptly distribute a permit to the vendor. Failure to comply with this requirement may result in a \$50 non-criminal fine to the owner/operator, with each day of noncompliance constituting a separate violation. Any member of the Brimfield Police Department shall have the authority to enforce the provisions of this section and to issue non-criminal fines hereunder.

~~Strike out completely: 2.3.4.5- Subletting: If it is determined by the Selectmen that a "vendor" is conducting business without a "vendor permit," the owner/operator shall be assessed the cost of the vendor permit and, for purposes of allocating emergency services costs, the number of "vendor days" attributable to such owner/operator shall be adjusted accordingly. The purpose of this provision is to control "subletting" whereby multiple spaces rented to a single vendor are actually used for the conduct of business by several vendors. [entire section amended May 21, 2007]~~

~~2.3.9.4.1- Violations and Enforcement of This Section: Any owner/operator or other land owner who knowingly violates this section or who permits any violation to continue shall be subject to a fine of \$200, in the case of an owner/operator, loss or non-renewal of their annual license. [Section amended May 21, 2007]~~

Rewrite to read: If an owner/operator, having been made aware of a violation of section 2.3.9.4, allows such violation to continue then said owner/operator may be issued a non-criminal fine of \$50.00, with each day of noncompliance constituting a separate violation. Any member of the Brimfield Police Department shall have the authority to enforce the provisions of this section and to issue non-criminal fines hereunder.

~~2.3.10.3- Daily Hours: No vendor may display wares for sale or otherwise conduct business until Town of Brimfield—General Bylaws May 2016 General Bylaws, Page 29 sunrise on the first legal day, or after sunset on the last legal day. Daily business shall extend no longer than sunrise to sunset. [section adopted Nov 4, 1991]~~

Rewrite To Read:

2.3.10.3- Daily Hours: No vendor may display wares for sale or otherwise conduct business until one-half hour before sunrise on the first legal day, or one-half hour after sunset on the last legal day. Daily business shall extend no longer than one-half hour before sunrise to one-half hour after sunset. For violation of this section a non-criminal fine of \$50.00 may be issued to the vendor and/or to the owner/operator, with each day of violation constituting a separate violation. Any member of the Brimfield Police Department shall have the authority to enforce the provisions of this section and to issue non-criminal fines hereunder.; or take any other action thereon. (Board of Selectmen)
>Motion made by Board of Selectmen (per Chairperson) and seconded: "Recommend approval and move that the Town pass the Article as written."

Commented [A4]: G.L. c.40, §21D requires that an enforcing person be indicated in the bylaw providing for noncriminal disposition. I have suggested any member of the Police Department, but it is of course up to the Town who to provide such enforcement authority.

Motion to approve Article 26 passed by a show of voting cards. (8:10)

ARTICLE 27: We, the undersigned registered voters of the Town of Brimfield, hereby petition the Board of Selectmen pursuant to M.G.L. Ch. 39, S.10 to insert the following article into the Warrant for the Brimfield Annual Town Meeting to be held on May 17, 2021 (or some other date as determined by the Board of Selectmen for the 2021 Annual Town Meeting)

Shall the town vote to have its elected Board of Health become an appointed Board of Health of the town? If a majority of votes cast at Annual Town Meeting in answer to said question is in the affirmative, and office or board shall become appointed in accordance with the provisions of MGL Chapter 41 Section 1B. (Citizens Petition)

>Motion made by the petitioner and seconded: *“Recommend approval and move that the Town pass the Article as written.”*

Motion to approve Article 27 failed by a show of voting cards: No -117, Yes – 28, Abstentions - 12. (8:50)

ARTICLE 28: We, the undersigned registered voters of the Town of Brimfield, hereby petition the Board of Selectmen pursuant to M.G.L. Ch. 39, S.10 to insert the following article into the Warrant for the Brimfield Annual Town Meeting to be held on May 17, 2021 (or some other date as determined by the Board of Selectmen for the 2021 Annual Town Meeting)

Addition to Chapter 3, adding Section 7: “Permit and Inspection Fees”:

7.1- “All permit and inspection fees shall be reviewed every year by their respective committees and boards and then submitted for review and approval by the Board of Selectmen no later than March 31st of each calendar year.”

7.2- “All Boards and Committees shall review and re-evaluate their permit and inspection fees at the beginning of the calendar year to ensure a fair and equitable permitting and inspection process.”

7.3- “No employee of the town of Brimfield will be paid a percentage of any inspection fee, permit fee, or any other such fee or fine.” (Citizens Petition)

>Motion made by the petitioner and seconded: *“Recommend approval and move that the Town pass the Article as written.”*

Motion to approve Article 28 failed by a show of voting cards. (8:48)

ARTICLE 29: We the undersigned registered voters of the Town of Brimfield, hereby petition the Board of Selectmen pursuant to MGL Ch. 39, S. 10 to insert the following article into the Warrant for the Brimfield Annual Town Meeting to be held on May 17, 2021 (or some other date as determined by the Board of Selectmen for the 2021 Annual Town Meeting) To see if the Town will vote the following article or to take any other action in relation thereto:

Any registered voter shall be eligible to hold elective town office except that no full or part-time employee of the town reporting to the Board of Selectmen (BOS), either directly or whose supervisor reports to the BOS, may simultaneously hold the position of Selectman.

Commented [A5]: I did not review any petitioned articles, consistent with past practice, as the language may not be revised, but I note generally that a change from elected to appointed must also be accepted by the voters via a ballot question held no later than 60 days after this vote, pursuant to G.L. c. 41, Section 1B.

In addition, no former member of the BOS shall be appointed to any compensated appointed town position until 12 months following the date on which the former member on the BOS has terminated. (Citizens Petition)

>Motion made by the petitioner and seconded: *“Recommend approval and move that the Town pass the Article as written.”*

Motion to approve Article 27 failed by a show of voting cards: No -81, Yes – 58, Abstentions - 12. (8:59)

ARTICLE 30: Article - To see if the Town will vote for the following article amending the Zoning Bylaw Section 4 by adding the following section 4.3 Estate Lots.

ESTATE LOTS

The purpose of this regulation is to allow for the creation of lots for single-dwelling units only, with less than the required frontage, in exchange for increased square footage, for the purposes of preservation of open space and decreasing density in given areas.

Single-family dwellings on estate lots shall be permitted in the residential and agricultural districts.

1. Estate lots shall be created from one conforming lot in existence at the time of adoption of this section and which conforms to all provisions of the zoning by-law. No more than three (3) estate lots may be created from an existing lot that was in existence at the time of the adoption of this estate lot by-law amendment and which conforms to all the provisions of the zoning by-law.
2. A filing fee in the amount of \$150 per lot, plus all legal notification fees will be paid by the applicant to the Town of Brimfield.
3. The estate lot(s) shall have a minimum street frontage of not less than forty (40) feet and an access width of not less than forty (40) feet from the front line to the principal structure. The host lot shall meet all the zoning dimensional requirements normally required in the district.
4. No more than three (3) estate lots, and the host lot, may be adjacent to each other at the street line.
5. The area of an estate lot shall be at least five (5) acres including the access strip.
6. Front, rear and side yards must equal or exceed those normally required in the district.
7. Estate lots shall only be allowed in Residential and Agricultural-Residential Districts.
8. The grade length and location of access driveways shall be constructed and maintained to provide adequate access and shall satisfy the following standards.

Commented [A6]: This term is not defined. Presumably it refers to the remainder of the original lot after the estate lot(s) are removed from it. If so, I recommend clarifying this point.

Commented [A7]: It is not clear what is intended here.

A) constructed travel width of at least fifteen (15) feet plus drainage and culverts where necessary.

B) No parking areas or structures shall be allowed in the access strip.

Commented [A8]: The Bylaw does not specify who determines the necessity of such drainage infrastructure.

9. There shall be maintained or kept a naturally occurring or a planted vegetated buffer zone of no less than five feet, between any estate lot(s) and any front lot sufficient to provide privacy between the two lots.

Commented [A9]: Is this intended to apply to the length of the access strip? If so, I recommend so specifying.

10. Plans submitted shall include the statement, "Lot(s) is in estate lot; the building is permitted only in accordance with the Brimfield Zoning By-laws;

Commented [A10]: The language of this required statement is confusing. If the intent is to require an ANR plan to contain such a statement, I would recommend changing this subsection to read: "Plans depicting the creation of one or more estate lots submitted to the Planning Board for endorsement as not requiring definitive subdivision approval shall contain a notation identifying each estate lot as such."

or, to take any other action in thereon. (Zoning Board of Appeals)

>Motion made by the Zoning Board of Appeals (per Chairman) and seconded: "Recommend that Article 30 be tabled to a future meeting"

Motion to table Article 30 passed by a show of voting cards. (9:16 PM)

ARTICLE 31: To see if the Town will vote to raise and appropriate, borrow, or otherwise transfer from available funds, the sum of \$9,800.00 to be expended by the Police Department, subject to the requirements of applicable public procurement laws, for the purchase of Motorola, or the equivalent, hand held and/or mobile radios for use by the police department, including any incidental and related expenses; or, take any other action thereon. (Police Department)

>Motion made by Board of Selectmen (per Chairperson) and seconded: "Recommend approval and move that the Town pass the Article as written."

Motion to approve Article 31 passed by a show of voting cards. (9:17 PM)

ARTICLE 32: To see if the Town will vote to raise and appropriate, borrow, or vote to transfer from available funds the sum of \$47,000.00 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 Interceptor, Dodge Ram, Chevy Tahoe or any other equivalent vehicle, for use by the Brimfield Police Department as a patrol vehicle, including any incidental and related expenses; or, take any other action thereon. (Chief of Police)

>Motion made by Board of Selectmen (per Chairperson) and seconded: "Recommend approval and move that the Town pass the Article as written."

Motion to approve Article 32 passed by a show of voting cards. (9:23 PM)

ARTICLE 33: To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$35,000.00 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 and equipping of one new Ford, Dodge, Chevy, or other equivalent vehicle for use by the Brimfield Police Department as a patrol vehicle, including any incidental and related expenses; or, take any other action thereon. (Chief of Police)

>Motion made by Board of Selectmen (per Chairperson) and seconded: "Recommend approval and move that the Town pass the Article as written."

Motion to approve Article 33 passed by a show of voting cards. (9:24 PM)

ARTICLE 34: To see if the Town will vote for the following article amending the Zoning Bylaws or to take any other action thereto. Proposed changes to the current section are shown **Bold and underlined.**

Business District – 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 (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 and with the exception of Large-Scale Ground-Mounted Solar Photovoltaic Installations (as allowed under the terms and definitions of Section 7A of these by-laws) to extend to a depth of 2,500 feet from established sidelines of US 20, for the parcel known and designated as Map 11-A-9, as laid out by the Commonwealth of MA. And an additional exception, adding specific parcel to the Business District exclusively for the construction of Large-Scale Ground-Mounted Solar Photovoltaic Installations (as allowed under the terms and definitions of Section 7A of these Zoning Bylaws) on the following parcels on Holland Road 17-D-6, 17-C-2 and 17-C-2.1, **and additionally parcel 9-B-1 on Dunhamtown-Palmer Road, as shown on the Assessors Maps for the Town of Brimfield.** (Citizen Petition)

>Motion made by the petitioner and seconded: *“Recommend approval and move that the Town pass the Article as written.”*

Motion to approve Article 34 failed by a show of voting cards. (9:43 PM)

ARTICLE 35: To see if the Town will vote to raise and appropriate, borrow, or otherwise fund the sum of \$ _____ to be expended by the Board of Selectmen for the purpose of digging a trench from the Annex to the Library to install a conduit which will house a fiber cables cable(s) for network upgrades, including any incidental and related expenses; or, take any other action thereon. (Board of Selectmen).

>Motion made by Finance Committee (per Chairperson) and seconded: *“Recommend move that the Town take no action on this article.”*

Motion to take no action on Article 33 passed by a show of voting cards. (9:44 PM)

ARTICLE 36: To see if the Town will vote to amend Chapter One, Section 3.0 of the General Bylaws, by deleting the language shown in strikethrough text and adding the language shown in bold text as follows:

3.1 Annual Meeting and Elections Dates by replacing in bold.

The Annual Business and Appropriations Meeting shall be held on the ~~third Monday in May~~ **second Saturday in June** of each year, and shall begin at a time to be determined and the Annual Town Election shall be held on the ~~first Monday in June~~ **third Monday in June** of ~~in~~ each year. The polls shall be opened at twelve o'clock noon and shall remain open until eight o'clock in the evening. (Adopted May 1975, amended May 1986, amended May 1994); or, take any other action thereon. (Board of Selectmen)

>Motion made by the Board of Selectmen (per Chairman) and seconded: *“Recommend approval of Article 36 with the following **changes** to the article as presented in the Warrant.”*

Amend Chapter One, Section 3.0 of the General Bylaws, by deleting the language shown in strikethrough text and adding the language shown in bold text as follows:

3.1 Annual Meeting and Elections Dates by replacing in bold.

The Annual Business and Appropriations Meeting shall be held on the ~~third Monday in May~~ **second Monday in June** of each year, and shall begin at a time to be determined and the Annual Town Election shall be held on the ~~first Monday in June~~ **third Tuesday in June** of ~~in~~ each year. The polls shall be opened at twelve o'clock noon and shall remain open until eight o'clock in the evening.

Motion to approve Article 36 passed by a show of voting cards. (9:47 PM)

ARTICLE 37: 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 2022 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. (Finance Committee)

>Motion made by the Finance Committee (per Chairman) and seconded: *"Recommend and move that the Town raise and appropriate the sum of \$175,953.00 to pay debt excluded interest and principal due in Fiscal Year 2022 on funds borrowed for the Facilities Building Project, Article #22 voted at the May 21, 2018."*

Motion to approve Article 37 passed by a show of voting cards (9:48 PM)

ARTICLE 38: To see if the Town will vote to raise and appropriate the sum of \$ and transfer from Free Cash the sum of \$ to be added to the Capital Purchase Stabilization Fund; or, take any other action thereon. (Finance Committee)

>Motion made by the Finance Committee (per Chairman) and seconded: *"Recommend and move that the Town raise and appropriate the sum of \$350,000.00 to the Capital Stabilization Fund."*

Motion to approve Article 38 passed by a show of voting cards (9:49 PM)

ARTICLE 39: To see if the Town will vote to transfer \$ from Free Cash and \$ from the Assessor's Overlay Surplus or from any other available funds, to reduce the tax rate in FY22 or for any other purpose; or, take any other action thereon. (Finance Committee)

>Motion made by the Finance Committee (per Chairman) and seconded: *"Recommend and move that the Town transfer the sum of \$393,179.00 from certified free cash to reduce the tax rate for FY 2022."*

Motion to approve Article 39 passed by a show of voting cards (9:50 PM)

ARTICLE 40: To see if the Town will vote to transfer the sum of \$ from available funds to the Stabilization Fund; or, take any other action thereon. (Finance Committee)

>Motion made by the Finance Committee (per Chairman) and seconded: *"Recommend and move that the Town take no action for the purposes stated in the Article."*

Motion to take no action on Article 40 passed by a show of voting cards. (9:51 PM)

2021 Annual Town Meeting, June 16, 2021

Motion from the floor to adjourn the meeting was made and seconded and passed at 9:52 PM