

Appendix of Optional Statutes

Adopted by the Town of Brimfield on the dates indicated.

Updated: June 2023

The list below itemizes statutes from the Massachusetts General Laws that have been adopted by the Town and are binding. These are in addition to specific statutes referred to in the text of any town bylaw. The list reflects Town approvals since 1957, the date the present basic bylaws were adopted by the town. Some earlier acceptance statutes are also noted. It is presumed that other statutes, not itemized here, were adopted prior to 1957.

Date Adopted:

Concerning:

June, 2023	MGL Chapter 32B, Section 7A, Contribution and withholding for premiums; subsidiary of additional rate; payments in lieu of withholding; acceptance of section. <i>(In addition to the payment of fifty percent of a premium for contributory group life and health insurance for employees in the service of the Town of Brimfield and their dependents, the Town voted in favor to pay a subsidiary or additional rate of ten percent, for a total of sixty percent.)</i>
June, 2020	Sections 1-8 of Chapter 337 of the Acts of 2018, amending MGL Chapter 23A and 64G, regarding short term rentals. MGL c.64G, s.3A, s.3D(a) and s.3D(b)
May, 2019	MGL Chapter 48 Sections 42, 43 and 44 as it pertains to the position of fire chief; and, consistent therewith, to rescind its acceptance of MGL Chapter 48, Section 42A
May, 2019	MGL Chapter 64N, Section 3, as amended, to impose a local excise sales tax on the sale or transfer of marijuana or marijuana products by a retail Marijuana Establishment operating within the town of Brimfield to anyone other than a Marijuana Establishment at the rate of 3% of the total sales price received by the retail Marijuana Establishment as consideration for the sale of marijuana or marijuana products.
May, 2019	MGL Chapter 64L, Section 2(a), Authorizing the imposition of a local excise tax in the statutory amount of .75% on the sale of restaurant meals originating within the town.
May, 2014	MGL Chapter 40, Section 22F, Allows elected boards and officials to set reasonable fees and that all such fees are to be retained by the Town
May, 2007	MGL Chapter 59, Section 59A, Providing for "Brownfields" tax abatements <i>(see companion bylaw)</i>

May, 2007	MGL Chapter 59, Subsection 5K, Providing for a property tax relief-work program for qualified senior taxpayers
May, 2005	MGL Chapter 32B, Section 9A, Providing for payment of premiums for retirees insurance
May, 2005	MGL Chapter 40, Section 15C, Re: scenic roads <i>(Also see vote of May, 1989; at this time the following roads were added to the designation: Brookfield Road, Monson Road, Mill Lane, Holland Road and Hollow Road)</i>
May, 2000	MGL Chapter 41, Section 19K, Providing additional compensation for Town Clerk certification
May, 2000	MGL Chapter 41, Section 108P, Providing additional compensation for Treasurer and Collector certification
May, 1998	MGL Chapter 90, Section 20A, authority and disposition of parking tickets (replaced authority of March 1982)
June, 1996	MGL Chapter 41, Section 41B, re: providing for optional payment of public employees by direct deposits
May, 1995	MGL Chapter 40, Section 57, re: linking certain licenses and permits to payment of delinquent taxes <i>(NOTE: Affirms vote of May 1986; was previously adopted)</i>
May, 1993	MGL Chapter 59, Section 5, Sub 41C, re: providing tax relief for certain persons of limited means over age 70
May, 1993	MGL Chapter 59, Section 5, Sub 17D, re: providing tax relief for certain persons and surviving spouses over age 70
May, 1993	Acts of 1992, C. 133, S.48 and Acts of 1992, C. 399, re: providing for early retirement incentive for certain municipal employees
May, 1992	MGL Chapter 140, Section 147A, re: withdrawing the town from Hampden County Dog Fund
May, 1991	MGL Chapter 473, Acts of 1990, re: regulating compensation of town clerk/registrars of voters
May, 1991	MGL Chapter 291, Acts of 1991, re: enhanced 911 service
Sept, 1990	MGL Chapter 148, Section 10A, fire inspection fees set
Sept, 1990	MGL Chapter 140, Section 2, fees set for Common Victualer (\$50 annual; \$25 seasonal/temporary)

May, 1990	MGL Chapter 40, Section 58, re: municipal charges liens (flea market licenses, emergency service charges)
May, 1990	MGL Chapter 653, Section 40, Acts of 1989, re: assessment dates for reporting new growth (<i>see GL Chapter 59, Section 2A paragraph 1a</i>)
May, 1990	MGL Chapter 653, Section 40, Acts of 1989, re: allowing quarterly tax bills (<i>see GL Chapter 59, Section 57 C</i>)
Feb, 1990	MGL Chapter 640, Section 3A, re: local excise tax on motel and hotel room occupancy
Aug, 1989	MGL Chapter 40, Section 58, re: providing for liens to be placed on real property for non-payment of fees
May, 1989	MGL Chapter 40, Section 15C, re: scenic roads (<i>See also the vote of May, 2005, when roads were further designated, amending the 1989 list</i>). Town voted to designate all town roads as "scenic roads" excepting U.S. Route 20; Route 19, Brookfield Road, Monson Road, Haynes Hill Road from Route 19 to intersection of Route 20, Mill Lane from Route 20 to Route 19, Holland Road, and Hollow Road.
May, 1988	MGL Chapter 44, Section 53e, re: offset appropriations/estimated receipts
May, 1987	MGL Chapter 41, Section 38A, re: Tax Collector authorized to collect various charges other than taxes
Jan, 1987	MGL Chapter 40, Section 8C, re: Conservation Commission fund authorized
May, 1986	MGL Chapter 59, Section 5, Clause 17C, re: real estate tax relief for certain persons and surviving spouses
May, 1986	MGL Chapter 59, Section 5, Clause 41B, re: real estate tax relief for certain persons of limited means, over age 70
May, 1986	MGL Chapter 40, Section 57, re: linking certain licenses and permits to payment of delinquent taxes
June 1983	MGL Chapter 48, Section 42A, re: organization of a fire department
June, 1983	MGL Chapter 138, Section 128, re: restriction on nude entertainment in public places
June, 1983	MGL Chapter 40, Section 4G, re: permitting purchases under \$4000 without bid process (<i>NOTE: repealed by legislative act, effective May, 1990</i>)
May, 1982	MGL Chapter 148, Section 26E, re: requiring smoke detectors in motels, etc.

Mar, 1982	MGL Chapter 90, Section 20 A and ½, re: issuance of parking tickets and collections (rescinded and revoked May 1998)
Mar, 1982	MGL Chapter 166, Section 32A, re: electrical inspectors doing business in town
May, 1977	MGL Chapter 808, re: providing for local zoning ordinances
May, 1977	MGL Chapter 40, Section 6H (repealed by legislative act effective 7-1-1978), re: permitting the town to repair private roads open to public for six years
May, 1976	MGL Chapter 40, Section 8B, re: establishment of a Council on Aging
Mar, 1973	MGL Chapter 44, Section 53C, re: establishment of an account for deposit and expenditure of monies for off-duty details of employees and others
Mar, 1972	MGL Chapter 40, Section 8D, re: establishment of an Historical Commission
Mar, 1972	Acts of 1971, Chapter 486, re: authorizing licenses for beano (ballot election)
Mar, 1970	MGL Chapter 40, Section 8C, re: establishment of a Conservation Commission
Mar, 1970	MGL Chapter 32B, re: contributory BC/BX health insurance plan (ballot election)
Mar, 1969	MGL Chapter 41, Sections 96, 96A, 97A and 98, re: establishment of a police department
Mar, 1969	MGL Chapter 40, Section 8A, re: establishment of a Development & Industries Commission
Mar, 1968	MGL Chapter 40, Section 6C (ballot election), re: permitting appropriations for ice and snow removal on private roads
Nov, 1946	MGL Chapter 32, Sections 1-28, re: contributory retirement system for employees (ballot election)
July, 1939	MGL Chapter 152, Sections 69-75, re: designation of town employees, except fire & police
Feb, 1936	MGL Chapter 138, Section 11, re: allow sale of alcoholic beverages (ballot election)
Feb, 1933	MGL Chapter 53, Section 121, re: provisions for a non-partisan citizens nominating caucus
June, 1927	MGL Chapter 41, Section 61, re: authorize appointment of a town accountant

APPENDIX: Recall Election

Chapter 457, Acts of 1986, as enacted by the Senate and House of Representatives in General Court, on petition of the Town of Brimfield, as voted at Annual Town Meeting, May 1986.

SECTION 1.

Any holder of an elective office in the Town of Brimfield may be recalled there from by the qualified voters of the town herein provided.

SECTION 2.

Any qualified voter of the town may make and file with the Town Clerk as affidavit containing the name of the officer sought to be removed and a statement of the grounds of removal. Said Town Clerk shall thereupon deliver to the voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. Said blanks shall be issued by the Town Clerk with his or her signature and official seal attached thereto; they shall be dated and addressed to the selectmen of said town, shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be recalled, the office from which recall is sought, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk within thirty days after the filing of the affidavit. Said petition before being returned and filed shall be signed by fifteen per cent of the qualified voters, and to every signature shall be added the place of residence of the signer, giving the street and number. The recall petition shall be submitted, at or before five o'clock in the afternoon of the Saturday preceding the day on which it must be filed, to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters of said town.

SECTION 3.

If the petition shall be found and certified by the Town Clerk to be sufficient, he or she shall submit the same with his or her certificate to said selectmen without delay, and said selectmen shall forthwith give written notice to said officer of the receipt of the certificate and shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order an election to be held on a Tuesday fixed by them not less than sixty nor more than seventy days after the date of the Town Clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within ninety days after the date of the said certificate, the selectmen may, in their discretion, postpone the holding of the removal election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed in this section.

SECTION 4.

Any officer sought to be recalled may be a candidate to succeed him or herself and, unless he or she requests otherwise in writing, the Town Clerk shall place his or her name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for a recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act. A majority of those voting at the recall election shall be sufficient to recall

such elected officer; provided, however, that at least thirty per cent of those persons qualified to vote, do so.

SECTION 5.

The incumbent shall continue to perform the duties of his or her office until the recall election. If then re-elected, he or she shall continue in office for the remainder of his or her unexpired term, subject to recall as before, except as provided in Section Seven. If not re-elected in the recall election, he or she shall be deemed removed upon qualification of his or her successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his or her election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6.

Ballots used in a removal election shall submit the following propositions in the order indicated:

1. For the removal of (name of officer)
2. Against the removal of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the direction "Vote for one" and beneath this the names of candidates nominated as herein before provided.

If a majority of the votes cast on the recall question is in the affirmative, then the candidate that received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes in the question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.

SECTION 7.

No removal petition shall be filed against an officer within three months after he or she takes office nor within three months of the end of his or her term nor in the case of an officer subjected to a recall election and not removed thereby, until at least three months after that election.

SECTION 8.

No person who has been removed from an office or who has resigned from office while removal proceedings were pending against him or her, shall be appointed to any town office within two years after such removal or resignation.