

**THE COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING WARRANT
NOVEMBER 18, 2011**

WORCESTER, SS:

TO EITHER OF THE CONSTABLES OF THE TOWN OF BROOKFIELD IN THE COUNTY OF WORCESTER

GREETINGS:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, YOU ARE HEREBY DIRECTED TO NOTIFY AND WARN THE INHABITANTS OF SAID TOWN, QUALIFIED TO VOTE IN TOWN AFFAIRS, TO MEET AT THE **BROOKFIELD ELEMENTARY SCHOOL, 37 CENTRAL STREET, BROOKFIELD, MA ON FRIDAY, NOVEMBER 18, 2011 at 7:00 P.M.** TO ACT ON THE FOLLOWING ARTICLES:

ARTICLE 1: To see if the Town will vote to approve the following change in the Tantasqua Regional School District Agreement:

Current Regional Agreement Language for Filling Vacancies:

d. Vacancies – How filled

Vacancies occurring in the Regional District School Committee shall be filled as follows in the case of members appointed by the School Committee of a Participating Town, by such School Committee, in the case of those elected at an annual town election, by the Selectmen to serve until the next annual town election.

Change to:

d. Vacancies – How filled

“Vacancies occurring in the Regional District School Committee shall be filled as follows: In the case of members appointed by the School Committee of a Participating Town, by such School Committee; in the case of those elected at an annual town election, by the selectmen and the remaining Committee members from the town concerned to serve until the next annual town election, at which election a successor shall be elected to serve for the balance of the unexpired term, if any.” Or take any action relative thereto.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: This change is proposed to fill any Brookfield vacancies on the Tantasqua School Committee in the same way that the Town fills vacancies on other elected boards and committees in town.

ARTICLE 2: To see if the Town will vote to amend the Town Bylaws Chapter V “Financial Affairs”, Section 7, by making the following change to paragraph one:

In the first sentence, deleting the phrase “one member of the Planning Board” and “One member of the Treasurer’s office” and inserting in its place “the Treasurer” and deleting “holding no appointed or elected office in the town”;

Deleting the fourth sentence and replacing it with the following “The community members shall serve staggered three-year terms. For the first fiscal year after the adoption of this bylaw as amended, the Board of Selectmen shall appoint one community member for a one-year term, one community member for a two-year term and one community member for a three-year term. ”;

In the original fifth sentence, changing 3) by deleting “cost over \$10,000” and replacing it with “cost over \$5,000”,
or take any action relative thereto.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen's Explanation: Currently the terms of the capital planning committee members all expire at the end of one year, which makes it likely that there will be significant turnover on the committee each year and/or that the Committee will go out of existence (as was the case over the last several years). The proposed language makes the capital planning committee a standing committee that can update the capital plan every year and ensure that capital needs are addressed and do not build up to become expensive emergencies.

ARTICLE 3: To see if the Town will vote to dissolve the Master Plan and Open Space & Recreation Committee that was formed as a result of favorable vote the June 26, 2009 Annual Town Meeting, or take any action relative thereto.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: The Committee has completed its work and has requested that it be dissolved.

ARTICLE 4: To see if the Town will vote to transfer the care, custody, management and control of a parcel of land known as Cooley Hill Reservoir in North Brookfield, containing approximately 15 acres as referenced in the following deeds recorded at the Worcester Registry of Deeds from:

- 1) Albert King to the Town of Brookfield Book 1263 Page 128;
- 2) Charles P. Blanchard Book 1367, Page 104,
- 3) Abbey F. Means Book 2006, Page 494 and
- 4) Grantor Abbey F. Means Book 2006, Pages 494 – 495

from the Board of Selectmen and Water Commissioners for the purpose for which such land is currently held to the Board of Selectmen for the purpose of conveyance and to authorize the Board of Selectmen to sell the parcel of land per the provisions of Massachusetts General Law Chapter 30B, as applicable, and further to authorize the Board of Selectmen to seek legislative authorization for the aforesaid transfer and conveyance under Article 97 of the Articles of Amendment to the Massachusetts Constitution, or take any other action relative thereto.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: The Cooley Hill Reservoir, located in North Brookfield, once served as a water supply, but is no longer needed for that purpose; the Water Commissioners recommend the sale of the property. The earthen dam is leaking and the cost of inspecting it and then fixing it to satisfy the Office of Dam Safety could be substantial. Our local history experts say that any historical significance was buried when the reservoir was built. If passed, the Article authorizes Selectmen to sell the property to a non-profit agency that would make the land available as open space for the enjoyment of Brookfield citizens.

ARTICLE 5: To see if the Town will vote to approve the following Resolution to Seek Lower Electric Rates in a Competitive Market or take any action relative thereto:

Whereas, the Commonwealth of Massachusetts, by enacting Chapter 164 of the Acts of 1997, has established a competitive marketplace through deregulation and restructuring of the electric utility industry, and

Whereas, the citizens of the Town of Brookfield in Worcester County have substantial economic, environmental, and social interests at stake; and

Whereas, Brookfield's residential and business consumers are interested in reducing their electricity rates;

Be it therefore resolved, that the Town Meeting of Brookfield grants the Board of Selectmen authority to develop and participate in a contract, or contracts, for power supply and other related services, independently, or in joint action with other municipalities through the Hampshire

Council of Governments. If such contracts are to be approved, individual consumers would retain the option not to participate and to choose any alternative service they desire; and

Be it further resolved, that the Board of Selectmen will appoint a representative for a committee to oversee such joint action.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: Currently, National Grid is the default provider of electricity for Brookfield residential customers and businesses. The Hampshire Council of Governments provides electricity for our Municipal buildings. This article, if passed, would allow the Selectmen to join other communities in petitioning the legislature to allow individual Brookfield residents and businesses to purchase power from the Hampshire Council of Governments as the default provider. Residents could opt out of that arrangement and purchase power from another supplier such as National Grid. Supporters of this proposal point to the savings the Town has enjoyed in getting power from the Hampshire Council of Governments (\$11,000 over the last three years). Opponents point to the last few months during which the Hampshire Council of Government's price has been higher than National Grid's price. Note that no matter who sells residents and businesses the power, National Grid will still maintain the power lines.

ARTICLE 6: To see if the Town will vote to transfer the sum of \$83,127.42 from Stabilization to lower the tax rate, or take any action relative thereto.

THE ADVISORY COMMITTEE AND THE SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED ON THE CONDITION THAT THE SAME SUM IS RESTORED TO THE STABILIZATION FUND AT THE FIRST TOWN MEETING IN 2012 AFTER FREE CASH IS CERTIFIED.

Selectmen Explanation: At the Special Town Meeting preceding the Annual Town Meeting, we failed to transfer \$83,127.42 from free cash to cover the snow and ice deficit from the previous winter. The good news is that there will be more free cash in the next fiscal year. But right now, we must fund the snow and ice deficit before the tax rate can be set. The Selectmen recommend that we transfer the required funds from Stabilization, but pay back Stabilization at the first Town Meeting after next year's free cash is certified.

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$7,000 for the cost of membership and services from the Central Massachusetts Mosquito Control Project for the first 3 months of a three-year project or take any other action relative thereto.

THE ADVISORY COMMITTEE HAS NO RECOMMENDATION; THE SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: Because we are already part way through the year, the cost of this program in this fiscal year is \$7,000, which would cover education, testing and pre-larval spraying. The cost in the next fiscal year will be \$28,000 for FY13 unless annual town meeting voters vote to discontinue the program. If the program is continued after July 1, adult mosquitoes would be sprayed in the summer and fall to significantly reduce the density of the mosquito population. Residents will be informed about preventive measures they can take to make their properties less of a mosquito breeding site. CMMCP collects mosquitoes and tests for the presence of either West Nile virus or EEE and informs residents if they need to take protective measures. Proponents point to the high satisfaction rate (90%) in towns such as Sturbridge that participate in the program and the use of sprays that do not harm the environment. Selectmen believe that three months of participation for a relatively low cost will give voters a good opportunity to see if the program should continue.

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer or borrow a sum not to exceed \$5,000 to be used by the Board of Assessors to contract with CMRPC

to convert Assessor maps into a digital format using GIS (Geographic Information System) Mapping, or take any action relative thereto.

THE ADVISORY COMMITTEE RECOMMENDS AND THE SELECTMEN VOTED 2-1 TO RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: The first phase of this project to transfer all parcel information into a digital format was done at no cost to the Town. This article will fund the second phase of the project. The Assessors will receive a complete set of large (24" x 36") paper maps, one set of paper (11" x 17") maps and CDs/DVDs of the large maps. Additional copies can easily be produced for other boards and taxpayers.

Dissent: This Selectman has no objection to the proposal but believes it should be put before the voters at the Annual Town Meeting.

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$3,600 to be used by Brookfield Emergency Management Agency to contract the services of Blackboard Connect to warn residents of emergencies such as storms, or take any action relative thereto.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: This notification system, costing \$3600 a year, is similar to the one used already by the schools. It allows Selectmen and Emergency personnel to notify residents of emergencies or to send important civic messages to all residents' telephones (including cell phones). Residents can be notified wherever they might be. Residents can decide which numbers they want included or opt out entirely. The company protects the database of phone numbers. The alternative (4 towers with air-raid style horns) is prohibitively expensive (\$100,000 plus annual maintenance) and is more limited.

ARTICLE 10: To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$17,000 to the Tree Warden Expense Account to be used for the removal of or trimming of certain hazardous trees on Town property, or take any action relative thereto.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: The Town's annual \$7500 tree warden budget (which has already been expended) is insufficient and has produced a backlog of hazardous trees that have the potential for injuring people and property and closing down roads during any kind of storm, but especially severe storms. This new funding will enable the Town to cut down the great majority of the backlog of hazardous trees.

ARTICLE 11: To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$115.00 to the Brookfield Water Department, a late bill of the Highway Department from Fiscal Year 2010, or take any action relative thereto. (9/10s vote)

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: This bill simply got missed at the end of the year.

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer or borrow, the sum of \$10,000 to a new Account to be called the Saw Mill Pond Repair and Maintenance Account, or take any action relative thereto.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: The Massachusetts Office of Dam Safety required that the Town perform maintenance on the dam or face penalties. The \$10,000 in this

article and the \$5,000 for labor in the next article cover the required Phase I repairs and avoid having the Office of Dam Safety mandate extremely expensive repairs.

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$5,000 to the Highway Overtime/Other Account, or take any action relative thereto.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: Please see the explanation for Article 12 above.

ARTICLE 14: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to be added to the Treasurer - Clerk Wage Account to reinstate the amount of Treasurer Clerk hours removed at the Annual Town meeting of 2011, or take any action relative thereto.

THE ADVISORY COMMITTEE RECOMMENDS AND THE SELECTMEN VOTED 2-1 TO RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: The Selectmen and Advisory Board reduced the number of clerk hours from the Treasurer and allocated them to the Tax Collector to help collect back taxes. However, the Treasurer has a large backlog of properties in tax title, many of which date from decades ago that need research and resolution. The Selectmen have asked the Treasurer to take the lead on a major project to revise the Town's personnel policies, develop an employee handbook and work on a health plan redesign to reduce costs. The \$4810 in clerk time will free up the Treasurer to generate much more in back taxes and savings on health care. Any reduction in clerical hours should be done for the FY13 budget.

Dissent: This Selectman believes that this is a premature request and that the matter should be addressed at a Spring Town Meeting.

ARTICLE 15: To see if the Town will vote to raise and appropriate, transfer, or borrow a sum of money not to exceed \$10,000 to a new account called Fire Station Roof Account, said amount to be used to replace roofs at the fire station, or take any action relative thereto.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: The roof on the fire barn is in bad shape and needs replacement. The proposal is to work with Tantasqua Vocational students to replace the roof for the cost of materials plus a 10% fee. The school's insurance would cover liability.

ARTICLE 16: To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$625 to be used to purchase and install new signage for the front lawn of the Police Station, or take any action relative thereto.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: The Police Station sign has rotted completely. The police expense budget has been cut back in the past couple of years, so this modest expense (for materials only – police will install the sign) cannot be covered by that budget.

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer or borrow a sum not to exceed \$4,300 to be used for the purchase of a fax/copier to be used by the Police Department, or take any action relative thereto.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: Normally a new copier would be requested at the Annual Town Meeting. The Department thought it could make the old copier last another year, but this summer the copier had a number of problems and the repairman said that parts are no longer available for the machine. This combination copier and fax machine means that we will not have to replace their aging fax machine. The police budget will cover the service contract.

ARTICLE 18: To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$1,000 for the Board of Health Clerk Expense Account, or take any action relative thereto.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: This amount of money was mistakenly omitted from the BOH budget.

ARTICLE 19: To see if the Town will vote to transfer the sum of \$1,200 from the Transfer Station Expense Account and the sum of \$400 from the Board of Health Agent Account to the Transfer Station Wages Account, or take any action relative thereto.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: In the beginning of the year because of staff turnover, the BOH staffed the Transfer Station relatively heavily to ensure quality of service. An analysis of staffing requirements and better use of volunteers have now reduced staffing costs, but the BOH needs to transfer these funds to cover the higher initial staffing levels.

ARTICLE 20: To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$350.00 for the Board of Appeals Clerk Account, or take any action relative thereto.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: Unanticipated hearings and administrative appeals have taken a considerable amount of clerical time.

ARTICLE 21: To see if the Town will vote to approve the transfer of the balance in the Prouty Street Acquisition Account to a new account to be called the Prouty Street Properties Expense Account, or take any action relative thereto.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: The Town voted a sum of \$135,000 to cover the expenses for purchasing the Prouty Street properties. Actual expenses related to purchasing total about \$130,000, but town meeting permission is required to allow the remaining balance to be spent on operating expenses such as heat, lights, accessibility, etc. This article closed out the purchase account and transfers the balance remaining to a maintenance account.

ARTICLE 22: To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$4,000 for the Unemployment Account to cover an anticipated deficit, or take any action relative thereto.

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: A former employee was granted unemployment benefits while also applying for a retirement pension, which the Worcester Retirement Board granted. The Town has a pending appeal of the decision to award the employee both unemployment and a pension for the same period of time. The Town has put aside about \$20,000 but if it loses the appeal, the Town must pay \$24,000 within 30 days or face fines. If the appeal is decided in the Town's favor, the \$24,000 will be put back into the general fund.

Dissent: The Advisory Committee should be asked to fund the \$4,000 from the Reserve Fund but if not, this Selectmen will support the article if the Advisory Committee is not willing to fund the balance.

ARTICLE 23: To see if the Town will: (1) authorize the Board of Selectmen to acquire, on behalf of the Town, by gift, purchase, or eminent domain, the fee in the parcel of land located near the Quaboag River Street Bridge, on the east side of Fiskdale Road, described in a deed recorded with the Worcester Registry of Deeds in Book 3997, Page 492 and shown on Assessor's Map 6C as Parcel 40, for general municipal purposes, including, but not by way of limitation, for use as a site for ingress and egress for boats to the Quaboag River, and for possible conveyance to the Commonwealth of Massachusetts, Division of Fisheries and Wildlife, in mitigation for property of the Commonwealth of Massachusetts, Division of Fisheries and Wildlife, in connection with the reconstruction of the Quaboag River Street Bridge, and, further (2) petition the General Court, for approval under Article 97 of the Amendments to the Massachusetts Constitution, if such approval is deemed by the Board of Selectmen to be needed, of the use of the aforesaid property of the Commonwealth of Massachusetts, Division of Fisheries and Wildlife, in connection with the reconstruction of the Quaboag River Street Bridge, said property to be mitigated by the property to be acquired by the Town pursuant to clause (1) hereof, and, further (3) vote to raise and appropriate or transfer from available funds or borrow sums of money for the acquisition of the property to be acquired by the Town pursuant to clause (1) hereof, and any expenses related thereto, and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition; or take any action relative thereto. (2/3rds vote)

THE ADVISORY COMMITTEE & SELECTMEN RECOMMEND THAT THIS ARTICLE BE APPROVED.

Selectmen Explanation: The state is funding a complete reconstruction of the Route 148 bridge over the Quaboag River. The Town owns this bridge and therefore must acquire all rights of way for the project, including gaining title to a half-acre piece of property to be used partly for the right of way and partly to build a paved driveway for a canoe and kayak launch, and for a parking, picnic and fishing area. Because time is short to meet the deadlines of the bridge project, we have been advised that the quickest way to acquire title is by taking the property through eminent domain by paying an appraisal price into an escrow account. If no one comes forward to claim property ownership within a specified time, the Town can put the money back into the general fund.

Dissent Explanation: This Selectman is opposed in principle to eminent domain and prefers taking the property via the tax title process.

THIS WARRANT HAS A TOTAL OF 23 ARTICLES.

And you are directed to serve this warrant, by posting up attested copies thereof, at the Town Hall and Post Office in said Town, fourteen days at least before the time of the holding of said meeting.

Hereof, fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of the meeting, as aforesaid. Given under our hands this _____ () day of November 2011, in the year of our Lord, Two Thousand and Eleven.

Respectfully Submitted,

SELECTMEN OF BROOKFIELD

Peter S. O'Connell, Chairman

Rudy Heller, Vice Chairman

Stephen J. Comtois II, Clerk

A True Copy, Attest:

Constable of Brookfield

Worcester, SS:
Brookfield, Massachusetts

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Brookfield by posting up attested copies of same at the U.S. Post Office on ____ day, November, 2011 at _____ a.m./p.m. and at the Brookfield Town Hall at _____ a.m./p.m. on the same day.

Fourteen days before the date of the meeting, as within directed.

Constable of Brookfield

A TRUE COPY ATTEST:

MICHAEL P. SEERY, TOWN CLERK