

SPECIAL TOWN MEETING
October 24, 1983

WORCESTER.....SS

To either of the Constables of the Town of Brookfield in the County of
Worcester GREETING

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 elections and in Town affairs, to meet at the Town Hall Auditorium in said Brookfield on Monday, the twenty fourth day of October next, at 7:00 o'clock in the after noon, then and there to act on the following articles;

Meeting opened at 7:00 P.M., James W. Allen, Moderator. 175 voters present.

ARTICLE 1. To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature to allow the Town of Brookfield, notwithstanding the provisions of Section 21 of Chapter 59 of the General Laws or any other general or special law to the contrary, to assess for taxes in Fiscal Year 1984 an amount equal to one hundred and two and one-half percent (102%) of Fiscal Year 1982 allowable tax levy limit, as established by the Commissioner of Revenue for said Town; provided, however, the total taxes assessed within said Town shall not exceed two and one-half percent (2-1/2%) of the full and fair cash valuation of said Town, or take any action relative thereto.

Motion was made and seconded to authorize the Board of Selectmen to petition the Legislature to allow the Town of Brookfield, notwithstanding the provisions of Section 21 of Chapter 59 of the General Laws or any other general or special law to the contrary to assess the taxes in Fiscal Year 1984 in the amount of \$715,000; said amount being less than one hundred and two and one-half percent of the Fiscal Year 1982 allowable tax levy limit, as established by the Commissioner of Revenue for the Town; the effect thereof being that the total taxes assessed will not exceed two and one-half percent of the full and fair cash valuation of the Town. Article 1 was defeated 63 In Favor
78 Opposed

ARTICLE 2. To see if the Town will vote to authorize the Board of Selectmen to enter into one or more intermunicipal agreements with the Towns of East Brookfield and Sturbridge for the purpose of the implementation of the Diagnostic and Feasibility Study of Lakes Quaboag and Quacumquasit including watershed management and in-lake restoration techniques within the said lakes, or take any action relative thereto.

It was voted to authorize the Board of Selectmen to enter into one or more intermunicipal agreements with the Towns of East Brookfield and Sturbridge for the purpose of the implementation of the Diagnostic and Feasibility Study of Lakes Quaboag and Quacumquasit including watershed management and in-lake restoration techniques within the said lakes.

ARTICLE 3. To see if the Town will vote to transfer a sum of money to the Water Department from available funds for the purpose of surging the Quaboag Street well, or take any action relative thereto.

It was voted to transfer \$5,790.00 received from the Water Dept. Assessment to the Water Dept. Surging Account for the purpose fo surging the Quaboag Street well.

ARTICLE 4. To see if the Town will vote to amend Section 7 of Chapter XII of the By-Laws of the Town of Brookfield to provide for a seven-member Council on Aging, or take any action relative thereto.

It was voted to amend Chapter XII, Section 7 of the Town of Brookfield By-Laws increasing the membership of the Brookfield Council on Aging from 5 to 7 members, one of said appointments to be a three year term and one of said appointments to be a two year term, their successors to be appointed for terms of three years each. Vote was unanimous.

ARTICLE 5. To see if the Town will vote to adopt the following by-law to be known as Chapter XII, Section 1.6 (a):

"Any owner or keeper of a dog who fails to license said dog prior to July 1 of any given year, shall pay a late fee of \$5.00 before obtaining any license for said dog. Any owner or keeper of a dog brought into the Town as provided in Chapter 140, Section 138 of MGLA shall be required to license said dog within 60 days of its arrival. Failure to license said dog within 60 days shall make the owner or keeper liable for the same late fee as provided in the first sentence of this section. Any person ~~maintaining a kennel~~ in the Town of Brookfield, who fails to license said kennel as prescribed by

the by-laws of the Town of Brookfield and the laws of the Commonwealth, shall pay a late fee of \$5.00 plus an additional fee of \$1.00 per month prior to obtaining said kennel license." or take any action relative thereto.

It was voted to adopt the following by-law to be known as Chapter XII, Section 1.6 (a):

"Any owner or keeper of a dog who fails to license said dog prior to July 1 of any given year, shall pay a late fee of \$5.00 before obtaining any license for said dog. Any owner or keeper of a dog brought into the Town as provided in Chapter 140, Section 138 of MGLA shall be required to license said dog within 60 days of its arrival. Failure to license said dog within 60 days shall make the owner or keeper liable for the same late fee as proved in the first sentence of this section. Any person maintaining a kennel in the Town of Brookfield, who fails to license said kennel as prescribed by the by-laws of the Town of Brookfield and the laws of the Commonwealth, shall pay a late fee of \$5.00 plus an additional fee of \$1.00 per month prior to obtaining said kennel license."

Vote was unanimous.

ARTICLE 6. To see if the Town will vote to amend Section 1.3 of Chapter XII of the By-Laws of the Town of Brookfield to allow for the sum of \$3.00 per day for the care of dogs as provided by Chapter 137 of the Acts of 1983, or take any action relative thereto.

It was voted to amend Section 1.3 of Chapter XII of the ByLaws of the Town of Brookfield to allow for the sum of \$3.00 per day for the care of dogs as provided by Chapter 137 of the Acts of 1983. Vote was unanimous.

ARTICLE 7. To see if the Town will vote to amend Section 3 of Chapter X of the By-Laws of the Town of Brookfield by adding the following Section to be known as Section 3.1, and to read as follows:

"No person who is not an officer or an employee of the Town shall dig up, excavate, assist in digging up or excavating any part of a town property unless he has obtained a written permit from the Board of Selectmen" or take any action relative thereto.

It was voted to amend Section 3 of Chapter X of the By-Laws of the Town of Brookfield by adding the following section to be known as Section 3.1 and to read as follows:

"No person who is not an officer or an employee of the Town shall dig up, excavate, assist in digging up or excavating any part of a town property unless he has obtained a written permit from the Board of Selectmen."

Vote was unanimous.

ARTICLE 8. To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the purpose of plowing private roads in the Town, or take any action relative thereto.

It was voted to authorize the plowing of private roads and to transfer for that purpose the sum of \$1000.00 from the Highway Dept. Expense Account to the Plowing of Private Roads Account. Vote was unanimous

ARTICLE 9. To see if the Town will vote to delete the last sentence of Section 6 of Chapter XIII of the By-Laws of the Town of Brookfield and add the following:

"Building permit fees will be for all new building, mobile homes, wood stoves and major structural changes to existing building, as outlined in Mass. State Building Code.

Fee Schedule as follows:

1. 5 cents per square foot for all new buildings, excluding unfinished cellars, crawl spaces, attics, etc.
2. Minimum fees for all buildings, i.e. (storage sheds, etc.) over 100 sq. ft. shall be \$10.00.
3. Minimum fees for wood stoves and chimney permits issued will be \$5.00.
4. All fees for buildings to be razed shall be \$15.00 for a demolition permit.
5. All fees for inspections and building permits shall be paid by check or money order payable to the Town of Brookfield and must be paid at the time the application for the permit is filed."

or take any action relative thereto.

A motion was made and seconded to amend Item 4 by reducing the demolition fee from \$15.00 to \$1.00. This motion was defeated. It was voted to delete the last sentence of Section 6 of Chapter XIII of the By-Laws of the Town of Brookfield and add the following:

"Building permit fees will be for all new building, mobile homes, wood stoves and major structural changes to existing building, as outlined in Mass. State Building Code.

Fee Schedule as follows:

1. 5 cents per square foot for all new buildings, excluding unfinished cellars, crawl spaces, attics, etc.
2. Minimum fees for all building, i.e. (storage sheds, etc.) over 100 sq. ft. shall be \$10.00.
3. Minimum fees for wood stoves and chimney permits issued will be \$5.00.
4. All fees for buildings to be razed shall be \$15.00 for a demolition permit.
5. All fees for inspections and building permits shall be paid by check or money order payable to the Town of Brookfield and must be paid at the time that the application for the permit is filed."

Standing vote was In Favor 130

Opposed 24

ARTICLE 10. To see if the Town will vote to accept a deed of easement from Luigi Bianco for drainage purposes along Town Farm Road, or take any action relative thereto.

It was voted to accept a deed of easement from Luigi Bianco for drainage purposes along Town Farm Road. Vote was unanimous.

ARTICLE 11. To see if the Town will vote to accept Section 5 of Chapter 653 of the Acts of 1982 regarding Clause 41B of Real Estate Tax Exemptions, or take any action relative thereto.

It was voted to accept Section 5 of Chapter 653 of the Acts of 1982 regarding Clause 41B of Real Estate Tax Exemptions.

ARTICLE 12. To see if the Town will vote to accept Section 3 of Chapter 258 of the Acts of 1982 regarding Clause 37A Real Estate Tax Exemption for Blind Persons, or take any action relative thereto.

It was voted to accept Section 3 of Chapter 258 of the Acts of 1982 regarding Clause 37A Real Estate Tax Exemption for Blind Persons.

ARTICLE 13. To see if the Town will vote to accept the provisions of Chapter 44, Section 53C regarding private work details and to establish an administrative fee of 10% to be paid by persons requesting private detail, or take any action relative thereto.

It was voted to accept the provisions of Chapter 44, Section 53C regarding private work details and to establish an administrative fee of 10% to be paid by persons requesting private detail.

ARTICLE 14: To see if the Town will vote to amend Chapter XIII of the By-Laws of the Town of Brookfield by adding the following as Sections 8-12 to be known as the MOBILE HOME BY-LAW:

Section 8: No mobile home as defined in Chapter 140, Section 32L of the General Laws shall be placed on any lot in the Town for use thereon as living quarters. This section shall not apply to mobile homes or trailers situated on authorized spaces in recreational camps, overnight camps or in mobile home parks licensed under the provisions of Chapter 140, Section 32A to 32I.

Section 9: No premises, not licensed by the Board of Health, shall be used for recreational camp or overnight camp.

Section 10: This by-law shall not apply to mobile homes placed on agricultural land and intended exclusively for the seasonal occupancy of harvest laborers under the jurisdiction of the Mass. Department of Public Safety.

Section 11: This by-law shall not apply to any mobile home or camping trailer which is registered with Registry of Motor Vehicles of any state and not intended for use as living quarters for less than 20 days in the aggregate in any calendar year on its location.

Section 12: Any persons violating any provision of this by-law shall forfeit and pay a fine not exceeding fifty dollars for each offense and each day that such violation continues to constitute a separate offense. The Board of Selectmen shall enforce this by-law."

or take any action relative thereto.

It was voted not to amend Chapter XIII of the By-Laws of the Town of Brookfield by adding Sections 8-12 to be known as the MOBILE HOME BY-LAW.

ARTICLE 15. To see if the Town will vote to accept the following to be known as Chapter XIII, Section 13, NUDE DANCING BY LAW, of the By-Laws of the Town of Brookfield in accordance with the provisions of Chapter 138, Section 12B of the MGLA to read as follows:

"The following acts or conduct in or on premises licensed under M.G.L.c.138, sections 1 and 12, are deemed contrary to the public need and to the common good, and are therefore prohibited within said premises:

- (a) To employ or permit any person in or on the licensed premises while such person is unclothed or in such attire as to expose to view any portion of the aureola of the female breast or any portion of the pubic hair, cleft of the buttocks or genitals;
- (b) To employ or permit any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire as described in Paragraph (a) above;
- (c) To encourage or permit any person in or on the licensed premises, to touch, caress, or fondle the breasts, buttocks or genitals of any other person;
- (d) To employ or permit any person to wear or use any device of covering exposed to view which stimulates the breasts, buttocks, pubic hair, or genitals or any portions thereof;
- (e) To employ or permit any person in or on the licensed premises to perform an act or acts, or to simulate an act or acts of:
 - (1) sexual intercourse, masturbation, sodomy, flagellation or any sexual acts prohibited by law;
 - (2) touching, caressing or fondling of the breasts, buttocks, or genitals of another;
- (f) to employ or permit any person in or on the licensed premises to show motion picture films, television-type cassettes, still pictures, or other photographic reproductions depicting any of the acts or simulation of any of the acts, prohibited in Paragraphs (a) - (e) inclusive, as above stated;
- (g) To employ, use the services of, or permit upon said premises, licensed under M.G.L.c.138, Sections 1 and 12, any employee, entertainer or other person who by his or her attire or conduct violates any General Law, Special Act or By-Law of the Town of Brookfield.

Whoever violates any provision of this by-law shall be punished by a fine of \$200 for each such offense."

or take any action relative thereto.

It was voted to accept a NUDE DANCING BY-LAW, to be known as Chapter 13, Section 13 of the By-Laws of the Town of Brookfield in accordance with the provisions of Chapter 138 of Section 12B of the Mass. General Laws to read as follows:

CHAPTER XIII, Section 13.

"The following acts or conduct in or on premises licensed under M.G.L.c.138, sections 1 and 12, are deemed contrary to the public need and to the common good, and are therefore prohibited within said premises:

- (a) to employ or permit any person in or on the licensed premises while such person is unclothed or in such attire as to expose to view any portion of the aureola of the female breast or any portion of the pubic hair, cleft of the buttocks or genitals;
- (b) To employ or permit any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire as described in Paragraph (a) above.
- (c) To encourage or permit any person in or on the licensed premises, to touch, caress, or fondle the breasts, buttocks or genitals of any other person;
- (d) to employ or permit any person to wear or use any device of covering exposed to view which stimulates the breasts, buttocks, pubic hair, or genitals or any portions thereof;
- (e) to employ or permit any person in or on the licensed premises to perform an act or acts, or to simulate an act or acts of:
 - (1) sexual intercourse, masturbation, sodomy, flagellation or any sexual acts prohibited by law;
 - (2) touching, caressing or fondling of the breasts, buttocks, or genitals of another;
- (f) To employ or permit any person in or on the licensed premises to show motion picture films, television-type cassettes, still pictures, or other photographic reproductions depicting any of the acts or simulation of any of the acts, prohibited in Paragraphs (a) - (e) inclusive, as above stated;
- (g) To employ, use the services of, or permit upon said premises, licensed under M.G.L.c.138, Sections 1 and 12, any employee, entertainer or other person who by his or her attire or conduct violates any General Law, Special Act or By-Law of the Town of Brookfield.

Whoever violates any provision of this by-law shall be punished by a fine of \$200 for each such offense." Vote was unanimous.

A motion to reconsider Article 1 at this time was defeated.

Vote was In Favor 71
Opposed 88

ARTICLE 16. To see if the Town will vote a reduction in various expenditures authorized by Article 2 of the May 6, 1983 Annual Town Meeting for the purpose of bringing the Town within the requirements of MGLA, Chapter 59 (Proposition 2-1/2) or take any action relative thereto.

A motion was made that the Town vote to reduce the appropriations authorized by Article 2 of the May 6, 1983 Annual Town Meeting of the Town of Brookfield as follows:

Reduce the Elementary School Budget by \$18,000 from \$607,540 to \$589,540.
Reduce the Highway Dept. budget by \$5,128 taking \$1000 from the Sidewalks Account, \$2,128 from Article 21 of the May 6 Annual Town Meeting and \$2,000 from Article 13 of the May 6 Annual Town Meeting.
Reduce the Police Dept. budget by \$5,000 from 45,536 to \$40,536.
Reduce the Municipal Fuel budget by \$2000 from \$18,000 to \$16,000.
Reduce the Library budget by \$800 from \$14,225 to \$13,425
Reduce the Fire Dept. budget by \$500 from 10,695 to \$10,195.
Reduce the Street Lighting budget by \$500 from \$7000 to \$6500.
Reduce the Emergency Squad budget by \$500 from \$4895 to \$4395.
Reduce the Pest Control budget by \$500 from \$500 to 0
Reduce the Civil Defense budget by \$250 from \$500 to \$250.

A motion to vote on each reduction separately was made and withdrawn. A motion was made to allow the assessors to use \$9,891.15 from free cash to reduce the tax rate and to lower the Highway Department Budget by \$3,500.00. This amount was amended to reduce the Highway Sidewalks Appropriation from \$1,000 to zero, the Municipal Fuel Appropriation reduced by \$500.00 to \$17,500 and the appropriation authorized by Article 21 for drainage for the highway yard reduced by \$2,128.00.

It was voted to authorize the Assessors to use \$9,891.15 from Available Funds in the Treasury for the reduction of the Tax Levy for the period from July 1, 1983 to June 30, 1984, and to reduce the appropriations authorized at the May 6, 1983 Annual Town Meeting of the Town of Brookfield as follows: Highway Sidewalks Appropriation from \$1000.00 to zero, the Municipal Fuel Appropriation by \$500.00 to \$17,500 and to reduce the appropriation authorized by Article 21 for drainage for the highway yard by \$2,128.00.

Meeting adjourned 9:25 P.M.

And you are directed to serve this Warrant, by posting up attested copies thereof at TOWN HALL, POST OFFICE AND FRAZIERS NEWS in said Town Fourteen days at least before the time of holding 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 meeting, as aforesaid.

Given under our hands this Fourth day of October in the year of our Lord one thousand nine hundred and eighty-three.

S/ Joseph F. Murray
George, W. Beeman
Bonita R. Porter

SELECTMEN OF BROOKFIELD

A true copy. Attest:
S/ Bonita R. Porter.....Constable

WorcesterSS

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Brookfield by posting up attested copies of the same at

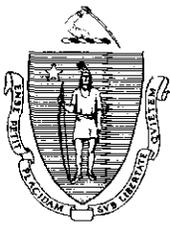
TOWN HALL	October 7, 1983	2:25 P.M.
POST OFFICE	October 7, 1983	2:30 P.M.
FRAZIERS NEWS	October 7, 1983	2:35 P.M.

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

S/ Bonita R. Porter
Constable of Brookfield

A true copy Attest

Leamana Terry
Town Clerk
Town of Brookfield



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE ATTORNEY GENERAL
JOHN W. MC CORMACK STATE OFFICE BUILDING
ONE ASHBURTON PLACE, BOSTON 02108

FRANCIS X. BELLOTTI
ATTORNEY GENERAL

December 22, 1983

Leamana Terry, Town Clerk
Office of Town Clerk
Brookfield, Massachusetts 01506

Dear Ms. Terry:

I enclose the amendments to general by-laws adopted under Articles 4, 5, 6, 7, 9 and 15 of the warrant for the Brookfield Special Town Meeting held October 24, 1983, with the approval of the Attorney General endorsed thereon.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Henry F. O'Connell".

Henry F. O'Connell
Assistant Attorney General

enclosure

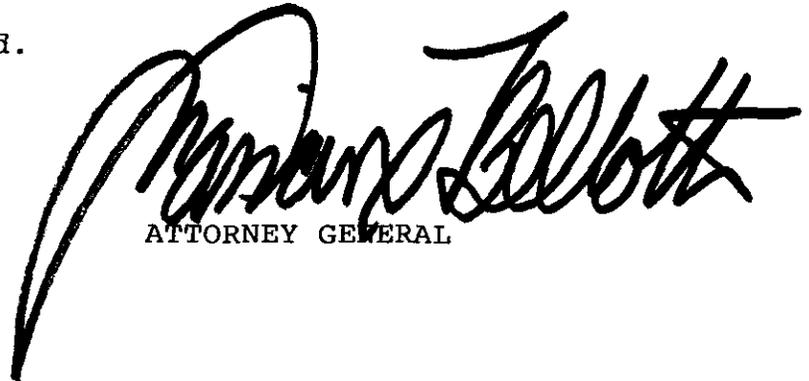
HFO/ehm

B

December 22, 1983

Boston, Massachusetts

The foregoing amendments to the general by-laws adopted under Articles 4, 5, 6, 7, 9 and 15 of the warrant for the Brookfield Special Town Meeting held October 24, 1983, are hereby approved.

A large, stylized handwritten signature in black ink, appearing to read "Anthony J. Blawie". The signature is written in a cursive, flowing style with a prominent initial "A".

ANTHONY J. BLAWIE
ATTORNEY GENERAL



OFFICE OF THE
BOARD OF SELECTMEN
BROOKFIELD, MASSACHUSETTS

May 6, 1983

Dear Townspeople,

You may be aware that we have had several public office holders who have not wished to return to their positions during the recent past.

The Town Meeting is an opportune time to publicly thank all those who serve us and especially the following members who have done an exceedingly fine job in our behalf.

To Jim and Jean Dahler, who, as members of the Tantasqua and Brookfield School Committees, devoted several years, long and trying hours to provide the children of our community with a sound educational environment, and sacrificed much time with their families, we extend our sincere appreciation;

To Marguerite Desmond, who, as a member of the Brookfield Elementary School cafeteria staff for twenty-two years, assured us our children were being fed nutritious and enjoyable lunches, and then provided them with just that little touch of motherly attention, we are extremely grateful;

To Joan Faugno, who, as a teacher in the Brookfield Elementary School for nineteen years, committed herself to the difficult task of teaching our youngsters and preparing them for the future, we are most appreciative;

To Sandra Luce, who, as a Trustee of the Merrick Public Library, dedicated herself to providing us with the opportunity to enrich our lives through the world of books, we are very grateful;

To Bob Turner, who as Town Treasurer for 24 years, provided us with a continuous and capable financial officer, for the dedication to our town which provided for the performance of his duty beyond all expectations, we are truly indebted. Our appreciation of Bob would not be complete without our expression of gratitude to Bob's lovely wife, Barbara. Her able assistance and understanding has added immensely to the contribution made by Bob to our Town.



OFFICE OF THE
BOARD OF SELECTMEN
BROOKFIELD, MASSACHUSETTS

Public office can be gratifying to those civic-minded individuals who are willing to share their lives in an attempt to enrich and promote the community. It may also be a bitter pill at times by the gaul of indifference and unpopular decision making.

We can only encourage participation for the betterment of all the residents of our community.

On behalf of the residents of Brookfield, the Selectmen would like to request a standing ovation in appreciation for a job well done and extend best wishes in your future endeavours.

Thank you.