

SPECIAL TOWN MEETING
JUNE 24, 1996 7:30 P.M.

ARTICLE 1. To see if the town will vote to transfer a sum of money from the Housing Rehabilitation/Recapture Account to pay for professional services rendered in preparation for the Town's application for funding from the Massachusetts Small Cities Program/Community Development Fund FY 96 grant program, or take any action relative thereto. (Sponsored by the Board of Selectmen).

The Town voted unanimously to transfer the sum of \$1,200.00 from the Housing Rehabilitation/Recapture Account to pay for engineering services rendered in preparation for the Town's application for funding from the Massachusetts Small Cities Program/Community Development Fund FY 96 grant program.

ARTICLE 2. To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the addition and renovation project at the Brookfield Elementary School, or take any action relative thereto. (Sponsored by the School Building Committee).

The Town voted unanimously to transfer the sum of \$2,319.68 from the Preliminary Plans-School Addition Account and the sum of \$7,180.32 from Free Cash to the Elementary School Construction Project Account.

ARTICLE 3. To see if the Town will vote to transfer a sum of money from the Planning Board Clerk Salary Account to the Planning Board Expenses Account, or take any action relative thereto. (Sponsored by the Planning Board).

The Town voted unanimously to transfer the sum of \$1,000.00 from the Planning Board Clerk Salary Account to the Planning Board Expenses Account.

ARTICLE 4. To see if the Town will vote to transfer a sum of money from the Landfill Engineering Services Account to the Landfill Expenses Account, or take any action relative thereto. (Sponsored by the Board of Health).

The Town voted by majority to transfer the sum of \$500.00 from the Landfill Engineering Services Account to the Landfill Expenses Account.

ARTICLE 5. To see if the Town will vote to transfer a sum of money from the Group Insurance Account to the Medicare-Town's Share Account, or take any action relative thereto. (Sponsored by the Treasurer).

The Town voted unanimously to transfer the sum of \$1,000.00 from the Group Insurance Account to the Medicare-Town's Share Account.

ARTICLE 6. To see if the Town will vote to transfer a sum of money from the Group Insurance Account to the Unemployment Insurance Account, or take any action relative thereto. (Sponsored by the Treasurer).

The Town voted by majority to transfer the sum of \$1,000.00 from the Group Insurance Account to the Unemployment Insurance Account.

ARTICLE 7. To see if the Town will vote to transfer a sum of money from the Interest on Temporary Loans Account to the Maturing Debt/Interest Account, or take any action relative thereto. (Sponsored by the Treasurer).

The Town voted unanimously to transfer the sum of \$60.00 from the Interest on Temporary Loans Account to the Maturing Debt/Interest Account.

ARTICLE 8. To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the Reserve Fund, or take any action relative thereto. (Sponsored by the Advisory Board).

The Town voted to pass over this article.

ARTICLE 9. To see if the Town will vote to transfer any unexpended balances of FY 96 appropriations, hitherto made, to other accounts, or take any action relative thereto. (Sponsored by the Accountant).

The Town voted transfer the following unexpended balances of FY 96 appropriations: \$750.00 from the General Insurance Account to the Dog Officer Expense Account, \$500.00 from the General Insurance Account to the Landfill Cover Material Account, \$500.00 from the General Insurance Account to the Cemetery Expense Account, \$56.00 from the General Insurance Account to the Town Accountant Expense Account, \$440.00 from the Water Department-Secondary Operator Account to the Water Department Clerk Salary Account, \$904.63 from the General Insurance Account to the Municipal Fuel Account, and \$200.00 from the General Insurance Account to the Board of Health Inspectors Account.

The meeting adjourned at 7:40 PM. Forty-two (42) people attended the meeting.

And you are directed to serve this Warrant, by posting up attested copies thereof, at the Town Hall and Post Office in said Town, seven 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 seventh day of June in the year of our Lord, one thousand nine hundred and ninety-six.

Respectfully submitted,

S/ Richard A. Chaffee
Robert R. Ayers, Sr.
Philip A. Peirce
SELECTMEN OF BROOKFIELD

A True Copy, Attest:

Harvey Bennett. *Constable*

A True Copy, Attest:

Linda M. Lincoln, *Town Clerk*

SPECIAL TOWN MEETING
SEPTEMBER 23, 1996 7:00 P.M.

ARTICLE 1. To see if the town will vote to authorize the Board of Selectmen, on behalf of the Assessors and Tax Collector, to enter into an intermunicipal agreement to establish a CAMA consortium and to authorize the Assessors and Tax Collector to participate therein for the purpose of improving CAMA and tax administration software and to engage in joint purchasing of products and services related to such software, or take any action relative thereto. (Sponsored by the Board of Assessors).

The town voted by majority to authorize the Board of Selectmen, on behalf of the Assessors and Tax Collector, to enter into an intermunicipal agreement to establish a CAMA consortium and to authorize the Assessors and Tax Collector to participate therein for the purpose of improving CAMA and tax administration software and to engage in joint purchasing of products and services related to such software.

ARTICLE 2. To see if the town will vote to accept the provisions of Chapter 324 of the Acts of 1993, which amended Chapter 143 of the Mass. General Laws, which allows the Inspector of Buildings to work in the town in which he or she is serving as Inspector, or take any action relative thereto. (Sponsored by the Inspector of Buildings).

The town voted unanimously to accept the provisions of Chapter 324 of the Acts of 1993, which amended Chapter 143 of the Mass. General Laws, which allows the Inspector of Buildings to work in the town in which he or she is serving as Inspector.

ARTICLE 3. To see if the town will vote to pay bills from fiscal year 1996 for which no funds are available, or take any action relative thereto. (Sponsored by the Town Accountant). **9/10 vote required**

The town voted unanimously to raise and appropriate the sum of \$985.69 to pay bills from fiscal year 1996 for which no funds are available. \$15.00 for Library Expense Account, \$300.00 for the Board of Health Inspectors Account, and \$670.69 for the Police Expense Account.

ARTICLE 4. To see if the town will vote to transfer a sum of money from the Cemetery Improvement Account to the Highway Expense Account, or take any action relative thereto. (Sponsored by the Cemetery Commissioners).

The town voted unanimously to transfer the sum of \$400.00 from the Cemetery Improvement Account to the Highway Expense Account.

ARTICLE 5. To see if the town will vote to reconsider the action taken on Article #34 of the Annual Town Meeting held on May 10, 1996, or take any action relative thereto. (Sponsored by the Town Accountant).

The town voted unanimously to amend the amount of free cash voted to reduce the fiscal 1997 tax rate as approved under Article #34 of the Annual Town Meeting held on May 10, 1996, by lowering the amount from \$207,500.00 to \$107,500.00 (a reduction of \$100,000.00).

ARTICLE 6. To see if the town will vote to raise and appropriate, transfer or borrow a sum of money for the Stabilization Fund, or take any action relative thereto. (Sponsored by the Town Accountant).

The town voted unanimously to transfer the sum of \$100,000.00 from free cash to the Stabilization Account.



SCOTT HARSHBARGER
ATTORNEY GENERAL

(617) 727-2200

The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place,
Boston, MA 02108-1698

November 7, 1996

Linda M Lincoln
Town Clerk
P.O. Box 397
Brookfield, Massachusetts 01506

Dear Ms. Lincoln:

I return the amendments to the general by-laws adopted under article 12 of the warrant for the Brookfield special town meeting that first convened on September 23, 1996, with the enclosed approval of this Office. We will review article 17 from the same warrant upon receipt of two certified copies of the text of the article.

Sincerely,

A handwritten signature in black ink that reads "Jonathan A. Abbott".

Jonathan A. Abbott
Assistant Attorney General
Chief, Municipal Law Unit
(617) 727-2200 x 2096

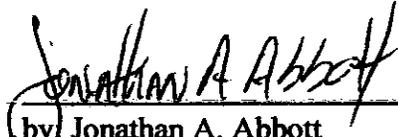
Enc.

cc: Vincent McCaughey, Esq.

Boston, Massachusetts

The foregoing amendments to the general by-laws adopted under article(s) 12 of the warrant for the Brookfield town meeting that convened on September 23, 1996, are approved.

SCOTT HARSHBARGER
ATTORNEY GENERAL


by Jonathan A. Abbott
Assistant Attorney General

November 7, 1996

ARTICLE 7. To see if the town will vote to raise and appropriate, transfer or borrow a sum of money for the purpose of providing drainage from property abutting Kimball Street and to authorize the Board of Selectmen to enter into a drainage easement for that purpose, or take any action relative thereto. (Sponsored by the Board of Selectmen).

The town voted unanimously to raise and appropriate the sum of \$2,500.00 for the purpose of providing drainage from property abutting Kimball Street and to authorize the Board of Selectmen to enter into a drainage easement for that purpose.

ARTICLE 8. To see if the town will vote to accept the first apportionment of monies allocated under the 1996 state transportation bond issue and to appropriate such sum as available funds for highway construction or such other allowable purposes subject to the conditions detailed by the Massachusetts Highway Department and pursuant to Chapter 113 of the Acts of 1996, or take any action relative thereto. (Sponsored by the Board of Selectmen).

The town voted unanimously to accept the first apportionment of monies in the amount of \$136,393.00 allocated under the 1996 state transportation bond issue and to appropriate such sum as available funds for highway construction or such other allowable purposes subject to the conditions detailed by the Massachusetts Highway Department and pursuant to Chapter 113 of the Acts of 1996.

ARTICLE 9. To see if the town will vote to transfer a sum of money from the Landfill Cover Material Account to the Highway Used Truck Account, or take any action relative thereto. (Sponsored by the Highway Department).

The town voted unanimously to transfer the sum of \$1,287.00 from the Landfill Cover Material Account to the Highway Used Truck Account.

ARTICLE 10. To see if the town will vote to raise and appropriate, transfer or borrow a sum of money to purchase an enclosed bulletin board, or take any action relative thereto. (Sponsored by the Constable).

The town voted unanimously to raise and appropriate the sum of \$315.00 to purchase an enclosed bulletin board.

ARTICLE 11. To see if the town will vote to raise and appropriate, transfer or borrow a sum of money to pay for the data conversion of the Town Clerk's census database to be compatible with the Voter Registration Information System which is linked to the Central Voter Registry in the Secretary of the Commonwealth's office, or take any action relative thereto. (Sponsored by the Town Clerk).

The town voted unanimously to raise and appropriate the sum of \$1,520.00 to pay for the data conversion of the Town Clerk's census database to be compatible with the Voter Registration Information System which is linked to the Central Voter Registry in the Secretary of the Commonwealth's office.

ARTICLE 12. To see if the town will vote to amend Section 5 of Chapter I of the **Town of Brookfield's By-Laws** by increasing the criminal penalty for violation of a by-law and by adding a new section to provide for a noncriminal disposition of a violation pursuant to M.G.L. Chapter 40, section 21D, or take any action relative thereto. (Sponsored by the Board of Selectmen).

A. Criminal Complaint

Whoever violates any provision of these By-laws may be penalized on complaint brought in the Western Worcester District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose the maximum penalty for each offense, brought in such manner, shall be three hundred dollars.

ARTICLE 13. To see if the town will vote to amend Section 2 of the **Personnel By-Law** by adding the position of Assistant Landfill Monitor, or take any action relative thereto. (Sponsored by the Personnel Board).

The town voted by majority to amend Section 2 of the **Personnel By-Law** by adding the position of Assistant Landfill Monitor.

ARTICLE 14. To see if the town will vote to transfer a sum of money from the Landfill Well Tests Account to the Landfill Monitor Salary Account, or take any action relative thereto. (Sponsored by the Board of Health).

The town voted unanimously to transfer the sum of \$1,500.00 from the Landfill Well Tests Account to the Landfill Monitor Salary Account.

ARTICLE 15. To see if the town will vote to amend Section 2 of the **Personnel By-Law** by adding the position of Administrative Sergeant for the Police Department, or take any action relative thereto. (Sponsored by the Personnel Board).

The town voted unanimously to amend Section 2 of the **Personnel By-Law** by adding the position of Administrative Sergeant for the Police Department.

ARTICLE 16. To see if the town will vote to amend Section 2 of the **Personnel By-Law** by regrading the position of Highway Operator from Grade 5 to Grade 8, or take any action relative thereto. (Sponsored by the Personnel Board).

The town voted unanimously to amend Section 2 of the **Personnel By-Law** by regrading the position of Highway Operator from Grade 5 to Grade 8.

ARTICLE 17. To see if the town will vote to amend the **Zoning By-Law** concerning rear lots as follows with proposed amendments underlined,:

Amend Section 7.B.1. to read:

1. The area of said lot is at least double the minimum area normally required for the district, as shown in the Dimensional Regulation Table. The "Access Strip", as shown on the illustration below, shall not be included in the calculation of the square footage of the lot. The measurement of the area for qualification as a rear lot shall begin where the lot width widens at least to the street frontage width required for a regular lot in the district. This line shall be called the Rear Lot Calculation Line (see diagram for illustration) and shall be designated on the plan along with the calculated square footage of the Access Strip and the square footage of the remainder of the lot.

Amend Section 7.B.2. to read:

2. A building line is designated on the plan, and the width of the lot at that line equals or exceeds the number of feet normally required for street frontage in that district. The building line shall be set back from the "Rear Lot Calculation Line" a distance equal to the front yard setback requirement for the district. Rear and side yard measurements shall conform to the requirements of the Dimensional Regulation Table.

Add Section 7.B.5. to read:

5. The Zoning Board of Appeals may grant a Special Permit for a rear lot which contains, without including the area of the Access Strip, at least one and one-quarter (1.25) but less than two (2) times the minimum area normally required for the district if, after a duly advertised public hearing, the Zoning Board of Appeals makes a determination in writing that all applicable conditions of Section 11.C.10 (Conditions for Granting a Special Permit) are met, and that the granting of approval for such rear lot is not detrimental to abutters nor to the zoning district in which it is located, and that all other requirements of Section 7.B.1. through 4 above are met. or take any action relative thereto. (Sponsored by the Planning Board and the Zoning Board of Appeals). **2/3 vote required.**



SCOTT HARSHBARGER
ATTORNEY GENERAL

(617) 727-2200

The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place,
Boston, MA 02108-1698

November 12, 1996

Linda M. Lincoln
Town Clerk
P.O. Box 397
Brookfield, Massachusetts 01506

Dear Ms. Lincoln:

I return the amendments to the zoning by-laws adopted under article 17 of the warrant for the Brookfield special town meeting that first convened on September 23, 1996, with the enclosed approval of this Office.

Sincerely,

A handwritten signature in black ink that reads "Jonathan A. Abbott". The signature is written in a cursive style with a large initial "J".

Jonathan A. Abbott
Assistant Attorney General
Chief, Municipal Law Unit
(617) 727-2200 x 2096

Enc.

cc: Vincent McCaughey, Esq., P.O. Box 601, Warren, MA 01083

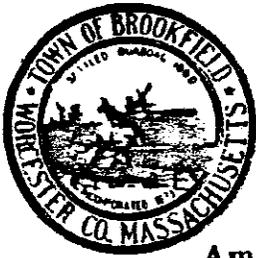
Boston, Massachusetts

The foregoing amendments to the zoning by-laws adopted under article 17 of the warrant for the Brookfield town meeting that convened on September 23, 1996, are approved.

SCOTT HARSHBARGER
ATTORNEY GENERAL


by: Jonathan A. Abbott
Assistant Attorney General

November 12, 1996



OFFICE OF THE

TOWN CLERK

BROOKFIELD, MASSACHUSETTS 01506

Amendments to Section 7.B.: Rear Lots (proposed amendments underlined)

ARTICLE 17

Amend Section 7.B.1. to read:

1. The area of said lot is at least double the minimum area normally required for the district, as shown in the Dimensional Regulation Table. The "Access Strip", as shown on the illustration below, shall not be included in the calculation of the square footage of the lot. The measurement of the area for qualification as a rear lot shall begin where the lot width widens at least to the street frontage width required for a regular lot in the district. This line shall be called the Rear Lot Calculation Line (see diagram for illustration) and shall be designated on the plan along with the calculated square footage of the Access Strip and the square footage of the remainder of the lot.

Amend Section 7.B.2. to read:

2. A building line is designated on the plan, and the width of the lot at that line equals or exceeds the number of feet normally required for street frontage in that district. The building line shall be set back from the "Rear Lot Calculation Line" a distance equal to the front yard setback requirement for the district. Rear and side yard measurements shall conform to the requirements of the Dimensional Regulation Table.

Add Section 7.B.5. as follows:

5. The Zoning Board of Appeals may grant a Special Permit for a rear lot which contains, without including the area of the Access Strip, at least one and one-quarter (1.25) but less than two (2) times the minimum area normally required for the district if, after a duly advertised public hearing, the Zoning Board of Appeals makes a determination in writing that all applicable conditions of Section 11.C.10. (Conditions for Granting a Special Permit) are met, and that the granting of approval for such rear lot is not detrimental to abutters nor to the zoning district in which it is located, and that all other requirements of Section 7.B. 1. through 4. above are met.

This is to certify that Article 17 was voted upon and passed by a unanimous vote at a Special Town Meeting held on September 23, 1996.

Linda M. Lincoln

A True Copy Attest: Linda M. Lincoln, Town Clerk

B. Noncriminal Disposition

Whoever violates any provision of these By-Laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in Mass. General Laws Chapter 40, section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following by-laws and sections of by-laws are to be included within the scope of this subsection, that the specific penalties as listed below shall apply in such cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such sections; each day on which any violation exists shall be deemed to be a separate offense.

CHAPTER XII, Section 1.5 - PENALTY

| | |
|--|---------|
| Violation of leash law, first offense | \$25.00 |
| Violation of leash law, second offense | \$35.00 |
| Violation of leash law, third offense | \$50.00 |
| Failure to license dog | \$25.00 |
| Failure to provide rabies vaccination (M.G.L. C.140, section 145B) | \$50.00 |

The town voted by majority amend Section 5 of Chapter I of the Town of Brookfield's By-Laws by replacing the entire section with a new Section 5 to read:

A. Criminal Complaint

Whoever violates any provision of these By-laws may be penalized on complaint brought in the Western Worcester District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose the maximum penalty for each offense, brought in such manner, shall be three hundred dollars.

B. Noncriminal Disposition

Whoever violates any provision of these By-Laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in Mass. General Laws Chapter 40, section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following by-laws and sections of by-laws are to be included within the scope of this subsection, that the specific penalties as listed below shall apply in such cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such sections; each day on which any violation exists shall be deemed to be a separate offense.

CHAPTER XII, Section 1.5 - PENALTY

| | |
|--|---------|
| Violation of leash law, first offense | \$25.00 |
| Violation of leash law, second offense | \$35.00 |
| Violation of leash law, third offense | \$50.00 |
| Failure to license dog | \$25.00 |
| Failure to provide rabies vaccination (M.G.L. C.140, section 145B) | \$50.00 |

The town voted unanimously to amend the **Zoning By-Law** concerning rear lots as follows:

Amend Section 7.B.1. to read:

1. The area of said lot is at least double the minimum area normally required for the district, as shown in the Dimensional Regulation Table. The "Access Strip", as shown on the illustration below, shall not be included in the calculation of the square footage of the lot. The measurement of the area for qualification as a rear lot shall begin where the lot width widens at least to the street frontage width required for a regular lot in the district. This line shall be called the Rear Lot Calculation Line (see diagram for illustration) and shall be designated on the plan along with the calculated square footage of the Access Strip and the square footage of the remainder of the lot.

Amend Section 7.B.2. to read:

2. A building line is designated on the plan, and the width of the lot at that line equals or exceeds the number of feet normally required for street frontage in that district. The building line shall be set back from the "Rear Lot Calculation Line" a distance equal to the front yard setback requirement for the district. Rear and side yard measurements shall conform to the requirements of the Dimensional Regulation Table.

Add Section 7.B.5. to read:

5. The Zoning Board of Appeals may grant a Special Permit for a rear lot which contains, without including the area of the Access Strip, at least one and one-quarter (1.25) but less than two (2) times the minimum area normally required for the district if, after a duly advertised public hearing, the Zoning Board of Appeals makes a determination in writing that all applicable conditions of Section 11.C.10 (Conditions for Granting a Special Permit) are met, and that the granting of approval for such rear lot is not detrimental to abutters nor to the zoning district in which it is located, and that all other requirements of Section 7.B.1. through 4 above are met. or take any action relative thereto. (Sponsored by the Planning Board and the Zoning Board of Appeals). **2/3 vote required.**

ARTICLE 18. To see if the town will vote to amend the **Zoning By-Law** to reorganize, expand and reword the regulations concerning the Flood Plain District as printed in a document entitled "**Proposed Revisions to the Town of Brookfield Zoning By-Law, September 1996**", or take any action relative thereto. (Sponsored by the Planning Board). **2/3 vote required.**

The town voted to defeat this article.

The meeting was adjourned at 8 p.m. 30 people attended the meeting.

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 5th day of September in the year of our Lord, one thousand nine hundred and ninety-six.

S/Robert R. Ayers, Sr.

Philip H. Peirce

Richard A. Chaffee

SELECTMEN OF BROOKFIELD

A True Copy, Attest:

Harvey Bennett, Constable

WORCESTER SS

A True Copy, Attest:

Linda M. Lincoln, Town Clerk