



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

SCOTT HARSHBARGER
ATTORNEY GENERAL
(617) 727-2200

November 5, 1997

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 3 of the warrant for the Brookfield special town meeting that first convened on September 23, 1997, with the enclosed approval of this Office.

Sincerely,

Kathryn B. Palmer
Assistant Attorney General
Coordinator, Municipal Law Unit
(617) 727-2200 x 2085

Enc.

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

RECEIVED
NOV 6 1997
BROOKFIELD TOWN CLERK



OFFICE OF THE
TOWN CLERK

LINDA M. LINCOLN

P. O. BOX 397
BROOKFIELD, MASSACHUSETTS 01506
508-867-8004

October 3, 1997

This is to certify that at a Special Town Meeting held on September 23, 1997, Article #3 was approved by a unanimous vote.

ARTICLE 3. To see if the town will vote to amend the Town of Brookfield's By-Laws so as to provide appropriate numerical sequences for various sections that are currently improperly numbered, or take any action relative thereto. (Sponsored by the Board of Selectmen).

I move that the town vote to amend the Town of Brookfield's By-Laws so as to provide appropriate numerical sequences for various sections by renumbering Section 6 of Chapter V to Section 8 and renumbering Section 7 of Chapter XII to Section 5.

A true copy, Attest:

Linda M. Lincoln

Linda M. Lincoln
Town Clerk



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

SCOTT HARSHBARGER
ATTORNEY GENERAL

REPLY TO:
DEPT. OF THE ATTORNEY GENERAL
WESTERN MASS. DIVISION
436 DWIGHT STREET
SPRINGFIELD, MASSACHUSETTS 01103-1317
(413) 784-1240

August 10, 1998

Linda M. Lincoln, Town Clerk
P. O. Box 397
6 Central Street
Brookfield, MA 01506

**Re: Brookfield Annual Town Meeting of May 8, 1998
Warrant Article # 30 (General) and # 31 (Zoning)**

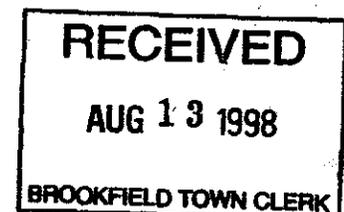
Dear Ms. Lincoln:

I return the amendments to the General by-laws adopted under Article 30 of the warrant for the annual town meeting that convened on May 8, 1998, with the enclosed approval of this Office. I also return the amendments to the Zoning by-laws adopted under Article 31, with the approval of this office, deleting and disapproving, however, from Section 11G all of subsections (2) and (3). Section 11G excepts from the operation of the by-law towers used in accordance with the terms of any amateur radio license issued by the Federal Communications Commission, but conditions this exception on such tower having a replacement cost of less than \$10,000 [Exception (2)] and requires that such tower be removed if use is discontinued for one year [Exception (3)]. Neither of these two qualifications is consistent with the broad exemption conferred by Section 3 of Chapter 40A of the General Laws, which provides in part as follows:

No zoning ordinance or by-law shall prohibit the construction or use of an antenna structure by a federally licensed amateur radio operator. Zoning ordinances and by-laws may reasonably regulate the location and height of such antenna structures for the purposes of health, safety, or aesthetics; provided, however, that such ordinances and by-laws reasonably allow for sufficient height of such antenna structures so as to effectively accommodate amateur radio communications by federally licensed amateur radio operators and constitute the minimum practicable regulation necessary to accomplish the legitimate purposes of the city or town enacting such ordinance or by-law.

So long as the amateur radio operator is licensed as provided for in this section, such licensee enjoys the protections of the section, independent of replacement cost or duration of actual use.

H:\WP61\DOCS\TOWNS\BROOKFLD\980508AB.C01



Accordingly, with this deletion, the rest of the by-law adopted under Article 31 is approved.

Sincerely,

Robert W. Ritchie
Assistant Attorney General
Director, Municipal Law Unit
(413) 784-1240 x 26
(617) 727-2200 x 2073

enc.

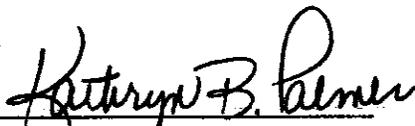
pc:

Town Counsel
Vincent McCauthey
P. O. Box 602
Warren MA 01083

Boston, Massachusetts

The foregoing amendments to the general by-laws adopted under article(s) 3 of the warrant for the Brookfield town meeting that convened on September 23, 1997, are approved.

SCOTT HARSHBARGER
ATTORNEY GENERAL



by: Kathryn B. Palmer
Assistant Attorney General

November 5, 1997

SPECIAL TOWN MEETING
SEPTEMBER 23, 1997 7:30 P.M.

ARTICLE 1. To see if the town will vote to amend Section 16 of the town's Personnel By-Law so as to provide a different method of computing vacation pay and to provide payment of unused vacation days, or take any action relative thereto. (Sponsored by the Personnel Board).

The Town voted by majority to amend Section 16 of the town's Personnel By-Law so as to provide a different method of computing vacation pay and to provide payment of unused vacation days.

ARTICLE 2. To see if the town will vote to amend Section 2 of the town's Personnel By-Law by adding the position of Library Page, or take any action relative thereto. (Sponsored by the Personnel Board).

The Town voted unanimously to amend Section 2 of the town's Personnel By-Law by adding the position of Library Page.

ARTICLE 3. To see if the town will vote to amend the Town of Brookfield's By-Laws so as to provide appropriate numerical sequences for various sections that are currently improperly numbered, or take any action relative thereto. (Sponsored by the Board of Selectmen).

The Town voted unanimously to amend the Town of Brookfield's By-Laws so as to provide appropriate numerical sequences for various sections by renumbering Section 6 of Chapter V to Section 8 and renumbering Section 7 of Chapter XII to Section 5.

ARTICLE 4. To see if the town will vote to amend Section 2 of the town's Zoning By-Law, *Definitions*, by deleting the words "*other than a mobile home*" from the definition of "*Dwelling - Single Family*", or take any action relative thereto. (Sponsored by the Planning Board).

The Town voted unanimously to pass over this article.

ARTICLE 5. To see if the town will vote to authorize the Board of Library Trustees to grant an historical preservation restriction in accordance with the provisions of M.G.L. Chapter 184, Sections 31-33, to the Massachusetts Historical Commission, upon such terms and conditions as the Board shall determine to be appropriate for the parcel upon which the public library is located, described in a deed recorded with the Worcester District Registry of Deeds, Book 1142, Page 2, or take any action relative thereto. (Sponsored by the Board of Library Trustees).

The Town voted unanimously to authorize the Board of Library Trustees to grant an historical preservation restriction in accordance with the provisions of M.G.L. Chapter 184, Sections 31-33, to the Massachusetts Historical Commission, upon such terms and conditions as the Board shall determine to be appropriate for the parcel upon which the public library is located, described in a deed recorded with the Worcester District Registry of Deeds, Book 1142, Page 2.

ARTICLE 6. To see if the town will vote to authorize the Board of Selectmen to dispose of a base generator by giving same to the Brookfield Fire Battalion, or take any action relative thereto. (Sponsored by the Board of Selectmen).

The Town voted unanimously to authorize the Board of Selectmen to dispose of a base generator by giving same to the Brookfield Fire Battalion.

ARTICLE 7. To see if the town will vote to authorize the Board of Selectmen to dispose of the 1955 American Lafrance pumper truck by giving same to the Brookfield Fire Battalion, or take any action relative thereto. (Sponsored by the Board of Selectmen).

The Town voted by majority to authorize the Board of Selectmen to dispose of the 1955 American Lafrance pumper truck by giving same to the Brookfield Fire Battalion.

ARTICLE 8. To see if the town will vote to transfer a sum of money from the Water Department Expense Account to a new account to be called the Highway Department Asset/Repair/Replacement Account, or take any action relative thereto. (Sponsored by the Highway Department).

The Town voted unanimously to transfer the sum of \$450.00 from the Water Department Tie-in Account to a new account to be called the Highway Department Asset/Repair/Replacement Account.

ARTICLE 9. To see if the town will vote to transfer a sum of money from the Chapter 204 Account to the Highway Department Asset/Repair/Replacement Account, or take any action relative thereto. (Sponsored by the Highway Department).

The Town voted unanimously to transfer the sum of \$305.80 from the Chapter 204 Account to the Highway Department Asset/Repair/Replacement Account.

ARTICLE 10. To see if the town will vote to transfer a sum of money from the Landfill Cover Material Account to the Highway Department Asset/Repair/Replacement Account, or take any action relative thereto. (Sponsored by the Highway Department).

The Town voted unanimously to transfer the sum of \$1,845.00 from the Landfill Cover Material Account to the Highway Department Asset/Repair/Replacement Account.

ARTICLE 11. To see if the town will vote to raise and appropriate, transfer or borrow an additional sum of money to be used as Brookfield's share of matching funds to be used in conjunction with a Massachusetts Historical Commission Preservation Projects Fund Grant for library roof repairs, or take any action relative thereto. (Sponsored by the Board of Library Trustees).

The Town voted unanimously to raise and appropriate the additional sum of \$675.00 to be used as Brookfield's share of matching funds to be used in conjunction with a Massachusetts Historical Commission Preservation Projects Fund Grant for library roof repairs.

ARTICLE 12. To see if the town will vote to raise and appropriate, transfer or borrow a sum of money to complete the restoration of the town's World War II Roll of Honor, or take any action relative thereto. (Sponsored by the Director of Veterans Services).

The Town voted unanimously to raise and appropriate the sum of \$400.00 to complete the restoration of the town's World War II Roll of Honor.

ARTICLE 13. To see if the town will vote to raise and appropriate, transfer or borrow a sum of money for the Landfill Closure Account, or take any action relative thereto. (Sponsored by the Board of Health).

The Town voted unanimously to raise and appropriate the sum of \$50,000.00 for the Landfill Closure Account.

ARTICLE 14. To see if the town will vote to raise and appropriate, transfer or borrow a sum of money for the New Ambulance Account, or take any action relative thereto. (Sponsored by the Emergency Squad).

The Town voted unanimously to raise and appropriate the sum of \$45,000.00 for the New Ambulance Account.

ARTICLE 15. To see if the town will vote to raise and appropriate, transfer or borrow a sum of money to be used with monies approved at the May 1997 Annual Town Meeting to remove and replace existing underground tanks at the library and the Town Hall, or take any action relative thereto. (Sponsored by the Board of Selectmen & Board of Library Trustees).

The Town voted unanimously to raise and appropriate the sum of \$8,000.00 to be used with monies approved at the May 1997 Annual Town Meeting to remove and replace existing underground tanks at the library and the Town Hall.

ARTICLE 16. To see if the town will vote to raise and appropriate, transfer or borrow a sum of money to purchase a portable master stream appliance for the Fire Department, or take any action relative thereto. (Sponsored by the Fire Chief).

The Town voted unanimously to raise and appropriate the sum of \$3,000 to purchase a portable master stream appliance for the Fire Department.

ARTICLE 17. To see if the town will vote to raise and appropriate, transfer or borrow a sum of money to purchase radios for the Fire Department, or take any action relative thereto. (Sponsored by the Fire Chief).

The Town voted unanimously to raise and appropriate the sum of \$2,200.00 to purchase radios for the Fire Department.

ARTICLE 18. To see if the town will vote to raise and appropriate, transfer or borrow a sum of money to equip a second forestry unit for the Fire Department, or take any action relative thereto. (Sponsored by the Fire Chief).

The Town voted by majority to raise and appropriate the sum of \$5,000.00 to equip a second forestry unit for the Fire Department.

ARTICLE 19. To see if the town will vote to raise and appropriate, transfer or borrow a sum of money to purchase a new fire truck, or take any action relative thereto. (Sponsored by the Fire Chief).

The Town voted unanimously to pass over this article.

ARTICLE 20. To see if the town will vote to raise and appropriate, transfer or borrow a sum of money to be used for the testing and replacement of the Fire Department ladders, or take any action relative thereto. (Sponsored by the Fire Chief).

The Town voted unanimously to raise and appropriate the sum of \$5,000.00 to be used for the testing and replacement of the Fire Department ladders.

The meeting was adjourned at 8:35 p.m. Fifty-four (54) 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 said meeting. Given under our hands this eighth day of September in the year of our Lord one thousand nine hundred and ninety-seven.

S/Robert R. Ayers Sr.
Philip A. Peirce
Floyd L. Moores

SELECTMEN OF BROOKFIELD

A true copy. Attest:
S/Harvey H. Bennett, Constable

WORCESTER SS

A true copy. Attest:
Linda M. Lincoln, Town Clerk