

**THE COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING WARRANT
January 30thth, 2006**

The Commonwealth of Massachusetts
Worcester SS:

To any 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 elections and in town affairs, to meet at the **Town Hall, Banquet Room**, 6 Central Street, Brookfield, MA on **Monday the thirtieth day of January in the year 2006 at 7:00 p.m.** in the evening, then and there to act on the following:

ARTICLE 1

To see if the Town will vote to amend the By Laws of the Town of Brookfield by adding under CHAPTER XII, Miscellaneous By-Law, Section 2 INOPERABLE OR UNREGISTERED MOTOR VEHICLES the following:

Fines and violations:

This by-law will be enforced by the Police Department. Any violation of this by-law shall be punishable by a fine of not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00), AS PROVIDED FOR IN Chapter I, General Provisions, and Section 5.

The Town voted by a majority vote to amend the By Laws of the Town of Brookfield by adding under CHAPTER XII, Miscellaneous By-Law, Section 2 INOPERABLE OR UNREGISTERED MOTOR VEHICLES the following:

Fines and violations:

This by-law will be enforced by the Police Department. Any violation of this by-law shall be punishable by a fine of not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00), as provided for in Chapter I, General Provisions, and Section 5. (By-Law Committee; Selectmen)

ARTICLE 2

To see if the Town will vote to amend the By Laws of the Town of Brookfield by adding under CHAPTER I, General Provisions, Section 5 the following:

Violation of Inoperable or Unregistered Motor Vehicles:

First offense	\$25.00
Second offense	\$50.00
Third offense	\$100.00

The Town voted by a vote of 26 yes and 16 no, motion carried to amend the By Laws of the Town of Brookfield by adding under CHAPTER I, General Provisions, Section 5 the following:

Violation of Inoperable or Unregistered Motor Vehicles:

First offense	\$25.00
Second offense	\$50.00
Third offense	\$100.00

ARTICLE 3

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to reimburse the Municipal Heating Expense Account for emergency repairs performed on the Merrick Public Library Heating & Air Conditioning System, or take any action relative thereto.

The Town voted unanimously to transfer from Free Cash the sum of \$1240.00 to reimburse the Municipal Heating Expense Account for emergency repairs performed on the Merrick Public Library Heating & Air Conditioning System. (Selectmen; Library Trustees)



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

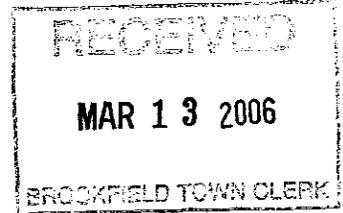
WESTERN MASSACHUSETTS DIVISION
1350 MAIN STREET
SPRINGFIELD, MASSACHUSETTS 01103-1629

THOMAS F. REILLY
ATTORNEY GENERAL

(413) 784-1240
www.ago.state.ma.us

March 10, 2006

Linda M. Lincoln, Town Clerk
6 Central Street
Brookfield, MA 01506



RE: Brookfield Special Town Meeting of January 30, 2006 — Case # 3732
Warrant Articles # 1, 2, and 8 (General)

Dear Ms. Lincoln:

Articles 1, 2, and 8 - I return with the approval of this Office the amendments to the town by-laws adopted under these Articles on the warrant for the Brookfield special town meeting that convened on January 30, 2006.

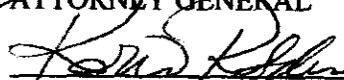
Note: Under G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of this section. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

If the Attorney General has disapproved and deleted one or more portions of any by-law or by-law amendment submitted for approval, only those portions approved are to be posted and published pursuant to G.L. c. 40, § 32. We ask that you forward to us a copy of the final text of the by-law or by-law amendments reflecting any such deletion. It will be sufficient to send us a copy of the text posted and published by the Town Clerk pursuant to this statute.

Nothing in the Attorney General's approval authorizes an exemption from any applicable state law or regulation governing the subject of the by-law submitted for approval.

Very truly yours,

THOMAS F. REILLY
ATTORNEY GENERAL


by: Robert W. Ritchie, Assistant Attorney General
Director, Municipal Law Unit
1350 Main Street, 4th Floor
Springfield, MA 01103-1629
(413) 784-1240, x 116

enc.
pc: Town Counsel



**OFFICE OF THE TOWN CLERK
LINDA M. LINCOLN CMMC
6 CENTRAL STREET
BROOKFIELD, MA 01506
508-867-2930 EXT. 12**

This is to certify at the Special Town Meeting held on January 30, 2006, the Brookfield Town Hall, 6 Central Street that Articles 1, 2, and 8 were voted on approved, they are as follow:

ARTICLE 1

To see if the Town will vote to amend the By Laws of the Town of Brookfield by adding under CHAPTER XII, Miscellaneous By-Law, Section 2 INOPERABLE OR UNREGISTERED MOTOR VEHICLES the following:

Fines and violations:

This by-law will be enforced by the Police Department. Any violation of this by-law shall be punishable by a fine of not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00), AS PROVIDED FOR IN Chapter I, General Provisions, and Section 5.

The Town voted by a majority vote to amend the By Laws of the Town of Brookfield by adding under CHAPTER XII, Miscellaneous By-Law, Section 2 INOPERABLE OR UNREGISTERED MOTOR VEHICLES the following:

Fines and violations:

This by-law will be enforced by the Police Department. Any violation of this by-law shall be punishable by a fine of not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00), as provided for in Chapter I, General Provisions, and Section 5. (By-Law Committee

ARTICLE 2

To see if the Town will vote to amend the By Laws of the Town of Brookfield by adding under CHAPTER I, General Provisions, Section 5 the following:

Violation of Inoperable or Unregistered Motor Vehicles:

First offense	\$25.00
Second offense	\$50.00
Third offense	\$100.00

The Town vote by a vote of 26 yes and 16 no to amend the By Laws of the Town of Brookfield by adding under CHAPTER I, General Provisions, Section 5 the following:

Violation of Inoperable or Unregistered Motor Vehicles:

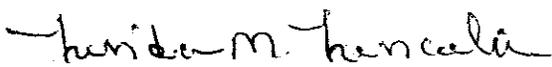
First offense	\$25.00
Second offense	\$50.00
Third offense	\$100.00

ARTICLE 8

To see if the Town will vote to amend Chapter XII, Miscellaneous By-Law, Dogs, Section 1.6(a) of the Town's By-laws relative to dog licenses by deleting the following: "ten dollars (\$10) per dog owner and fifteen dollars (\$15) per kennel owner per month, up to a maximum of twenty dollars (\$20) per dog owner and twenty-five (\$25) per kennel owner" and inserting in its place the following: "twenty-five dollars (\$25) per dog owner and per kennel owner shall be charged to each dog owner or kennel owner who fails to license said dog or dogs on or before April 1st of each year. These late fees will begin on April 6th and must be paid before obtaining any license for said dog or dogs" and further vote to amend Chapter I, General Provisions, Section 5 by deleting the following: "Failure to license dog - \$25.00", or take any action relative thereto.

The Town voted unanimously to amend Chapter XII, Miscellaneous By-Law, Dogs, Section 1.6(a) of the Town's By-laws relative to dog licenses by deleting the following: "ten dollars (\$10) per dog owner and fifteen dollars (\$15) per kennel owner per month, up to a maximum of twenty dollars (\$20) per dog owner and twenty-five (\$25) per kennel owner" and inserting in its place the following: "twenty-five dollars (\$25) per dog owner and per kennel owner shall be charged to each dog owner or kennel owner who fails to license said dog or dogs on or before April 1st of each year. These late fees will begin on April 6th and must be paid before obtaining any license for said dog or dogs" and further vote to amend Chapter I, General Provisions, Section 5 by deleting the following: "Failure to license dog - \$25.00".

Certified this 13th day of February 2006



Linda M. Lincoln CMMC

ARTICLE 4

To see if the Town will vote to transfer a sum of money from the 325th Anniversary Fund to the General Fund and further to transfer the balance of the 325th Anniversary Fund to the Cultural Council Town Hall and Common Improvement Account, or take any action relative thereto.

The Town voted unanimously to transfer the sum of \$7,412.73 from the 325th Anniversary Fund to the General Fund and further to transfer \$1,073.40, the balance of the 325th Anniversary Fund to the Cultural Council, Town Hall and Common Improvement Account. (Selectmen; Town Accountant)

ARTICLE 5

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the Stabilization Fund, or take any action relative thereto.

An amendment to the motion of Article 5 was made by Michael Seery it is as follows: I move that the Town transfer the sum of \$25,000 to reduce the tax rate and \$25,000 to the Stabilization Fund from Free Cash. The vote was 15 yes and 26 no, the motion was defeated.

The original motion is as follows:

The Town voted by a majority to transfer from Free Cash the sum of \$50,000 to the Stabilization Fund. (Advisory Committee)

ARTICLE 6

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to reimburse the Town Hall Roof Account for the feasibility study, or take any action relative thereto.

The Town voted majority vote to transfer from Free Cash the sum of \$7,500.00 to reimburse the Town Hall Roof Account for the feasibility study. (Selectmen; Treasurer)

ARTICLE 7

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to the Assistant Town Clerk Salary Account, or take any action relative thereto.

The Town voted unanimously to transfer from Free Cash the sum of \$1,730 to the Assistant Town Clerk Salary Account. (Town Clerk)

ARTICLE 8

To see if the Town will vote to amend Chapter XII, Miscellaneous By-Law, Dogs, Section 1.6(a) of the Town's By-laws relative to dog licenses by deleting the following: "ten dollars (\$10) per dog owner and fifteen dollars (\$15) per kennel owner per month, up to a maximum of twenty dollars (\$20) per dog owner and twenty-five (\$25) per kennel owner" and inserting in its place the following: "twenty-five dollars (\$25) per dog owner and per kennel owner shall be charged to each dog owner or kennel owner who fails to license said dog or dogs on or before April 1st of each year. These late fees will begin on April 6th and must be paid before obtaining any license for said dog or dogs" and further vote to amend Chapter I, General Provisions, Section 5 by deleting the following: "Failure to license dog - \$25.00", or take any action relative thereto.

The Town voted unanimously to amend Chapter XII, Miscellaneous By-Law, Dogs, Section 1.6(a) of the Town's By-laws relative to dog licenses by deleting the following: "ten dollars (\$10) per dog owner and fifteen dollars (\$15) per kennel owner per month, up to a maximum of twenty dollars (\$20) per dog owner and twenty-five (\$25) per kennel owner" and inserting in its place the following: "twenty-five dollars (\$25) per dog owner and per kennel owner shall be charged to each dog owner or kennel owner who fails to license said dog or dogs on or before April 1st of each year. These late fees will begin on April 6th and must be paid before obtaining any license for said dog or dogs" and further

vote to amend Chapter I, General Provisions, Section 5 by deleting the following:
"Failure to license dog - \$25.00". (Town Clerk; Animal Control Officer)

ARTICLE 9

To see if the Town will vote to transfer a sum of money from the Police Full-Time Salary Account to the Police Part-Time Salary Account, or take any action relative thereto.

The Town voted unanimously to transfer the sum of \$22,500.00 from the Police Full-Time Salary Account to the Police Part-Time Salary Account. (Police Chief)

ARTICLE 10

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the Fire Department Expense Account in anticipation of reimbursement from FEMA and MEMA for expenses relative to the October 2005 flooding, or take any action relative thereto.

The Town voted unanimously to transfer from Free Cash the sum of \$1,133.31 for the Fire Department Expense Account in anticipation of reimbursement from FEMA and MEMA for expenses relative to the October 2005 flooding. (Fire Chief)

ARTICLE 11

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the Highway Department Road Reconstruction Account in anticipation of reimbursement from FEMA and MEMA for expenses relative to the October 2005 flooding, or take any action relative thereto.

The Town voted unanimously to transfer from Free Cash the sum of \$11,377.21 to the Highway Department Road Reconstruction Account in anticipation of reimbursement from FEMA and MEMA for expenses relative to the October 2005 flooding. (Highway Superintendent)

ARTICLE 12

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the Highway Department Expense Account in anticipation of reimbursement from FEMA and MEMA for expenses relative to the October 2005 flooding, or take any action relative thereto.

The Town voted unanimously to transfer from Free Cash the sum of \$1,550.50 for the Highway Department Expense Account in anticipation of reimbursement from FEMA and MEMA for expenses relative to the October 2005 flooding. (Highway Superintendent)

ARTICLE 13

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the Highway Department Overtime Wages Account in anticipation of reimbursement from FEMA and MEMA for expenses relative to the October 2005 flooding, or take any action relative thereto.

The Town voted unanimously to transfer from Free Cash the sum of \$2,034.24 for the Highway Department Overtime Wages Account in anticipation of reimbursement from FEMA and MEMA for expenses relative to the October 2005 flooding. (Highway Superintendent)

ARTICLE 14

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the Test Wells Account for the purpose of complying with the DEP mandated testing during the next two groundwater monitoring rounds a number of inorganics, pursuant to state regulations 310 CMR (19.132(1)(h)(1&2), or take any action relative thereto.

The Town voted unanimously to transfer from Free Cash the sum of \$2,030.00 for the Test Wells Account for the purpose of complying with the DEP mandated testing during the next two groundwater monitoring rounds a number of inorganics, pursuant to state regulations 310 CMR (19.132(1)(h)(1&2). (Board of Health)

ARTICLE 15

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to pay a fiscal year 2005 past due invoice to Waste Management to cover a short paid bill from June of 2005, or take any action relative thereto. 2/3 vote

The Town vote unanimously to transfer from Free Cash the sum of \$905.41 to pay a fiscal year 2005 past due invoice to Waste Management to cover a short paid bill from June of 2005. (Board of Health)

ARTICLE 16

To see if the Town will vote to authorize the Board of Health, in accordance with MGL Chapter 40, Section 4A to enter into an intermunicipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an intermunicipal mutual aid agreement to be entered into between the Town and various units, or take any action relative thereto.

The Town voted unanimously to authorize the Board of Health, in accordance with MGL Chapter 40, Section 4A to enter into an intermunicipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an intermunicipal mutual aid agreement to be entered into between the Town and various units. (Board of Health)

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 twelfth (12th) day of January in the year of our Lord, two thousand and six.

RESPECTFULLY SUBMITTED,

**Joseph J. Klimavich, Chairman
Beverly A. Lund, Vice Chairman
James W. Allen, Clerk**

SELECTMEN OF BROOKFIELD

A TRUE COPY, ATTEST

**Linda M. Lincoln, CMMC
Town Clerk**

**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 January 13, 2006 at 10:40 a.m. and the Brookfield Town Hall at 10:30 a.m.. on the same day.

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

**Joseph F. Murray
CONSTABLE OF THE TOWN OF BROOKFIELD**

Forty-eight (48) residents (voters) attended the meeting. The Meeting adjourned at 8:05 PM.

**A TRUE COPY ATTEST: Linda M. Lincoln CMMC
Town Clerk**