

**THE COMMONWEALTH OF MASSACHUSETTS  
SPECIAL TOWN MEETING WARRANT  
NOVEMBER 19<sup>TH</sup>, 2007**

**ARTICLE 1:** To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the General Insurance account, or take any action relative thereto.

The Town voted unanimously to transfer the sum of \$5,596 from the School Assessment Account to the General Insurance Account.

**ARTICLE 2:** To see if the Town will vote to transfer the sum of \$1,250 from the Landfill Closure Account to the Board of Health Account to pay a contract shortage for the current fiscal year, or take any action relative thereto.

The Town voted unanimously to transfer the sum of \$1,250 from the Landfill Closure Account to the Board of Health Account to pay a contract shortage for the current fiscal year.

**ARTICLE 3:** To see if the Town will vote to raise and appropriate, transfer, or borrow the sum of \$135 to the Municipal Telephone Account to pay a telephone invoice from fiscal year 2007, or take any action relative thereto. (9/10's vote needed)

The Town voted unanimously to appropriate the sum of \$135 to the Municipal Telephone Account from the FY08 Municipal Telephone Account to pay a late telephone invoice from Fiscal Year 2007.

**ARTICLE 4:** To see if the Town will vote to raise and appropriate, transfer, or borrow the sum of \$49.98 to the Animal Control Officer Expense Account to pay a bill from fiscal year 2007, or take any action relative thereto. (9/10's vote needed)

The Town voted unanimously to appropriate the sum of \$49.98 to the Animal Control Officer's Expense Account from the FY08 Animal Control Expense Account to pay a late invoice from Fiscal Year 2007.

**ARTICLE 5:** To see if the Town will vote to raise and appropriate, transfer, or borrow the sum of \$15.49 to the Town Clerk Expense Account to pay a late bill from fiscal year 2007, or take any action relative thereto. (9/10's vote needed)

The Town voted unanimously to appropriate the sum of \$15.49 to the Town Clerk Expense Account from the FY08 Town Clerk Expense Account to pay a late invoice from Fiscal Year 2007.

**ARTICLE 6:** To see if the Town will vote to transfer a sum of money from the Dog Fund to the Merrick Public Library Trustee Account, or take any action relative thereto.

The Town vote unanimously to pass over this Article 6.

**ARTICLE 7:** To see if the Town will vote to appropriate or transfer the sum of money received by the Town as reimbursement for insurance damages resulting from the August break in to the Town Hall and to authorize the Selectmen and Town Accountant to reimburse departments affected by the break-in for the losses incurred and to transfer any funds that may remain after such reimbursement to the Town Hall Improvement Account, or take any action relative thereto.

The Town voted unanimously to pass over this Article 7.

**ARTICLE 8:** To see if the Town will vote to amend the Town of Brookfield Zoning By-Laws by revising Section 3.A.5.b. to delete the words "or solid foundations" so the section will read: "Intent: It is the intent of this zoning by-law that no new building or other structures requiring septic systems [or solid foundations] (delete underlined word)



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

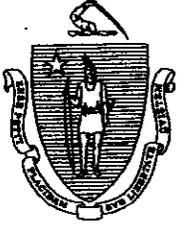
**This is to certify at the Special Town Meeting held November 19, 2007 at the Brookfield Town Hall, 6 Central Street, Brookfield, that Article 8 was voted on and approved it is as follows:**

**ARTICLE 8:** To see if the Town will vote to amend the Town of Brookfield Zoning By-Laws by revising Section 3.A.5.b. to delete the words or solid foundations so the section will read: "Intent: It is the intent of this zoning by-law that no new building or other structures requiring septic systems [or solid foundations] (delete underlined word) shall be erected or constructed in the Flood Plain District except by special permit as provided in Section 4.D (Use Regulation Table). See also Section 4.C.2., or take any action relative thereto. 2/3 vote is required.

The Town voted unanimously to amend the Town of Brookfield Zoning By-Laws by revising Section 3.A.5.b. to delete the words "or solid foundations" so the section will read: "Intent: It is the intent of this zoning by-law that no new building or other structures requiring septic systems shall be erected or constructed in the Flood Plain District except by special permit as provided in Section 4.D (Use Regulation Table). See also Section 4.C.2.".

**Certified this 11<sup>th</sup> day of February 2008.**

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



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

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

MARTHA COAKLEY  
ATTORNEY GENERAL

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

March 4, 2008

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

RE: Brookfield Special Town Meeting of November 19, 2007 — Case # 4619  
Warrant Article # 8 (Zoning)

Dear Ms. Lincoln:

**Article 8** - I return with the approval of this Office the amendments to the town by-laws adopted under this Article on the warrant for the Brookfield special town meeting that convened on November 19, 2007.

In approving the amendments adopted under Article 8, we remind the town of the requirements of G.L. c. 40, § 32. Section 32 pertains to the by-law review process. Specifically, Section 32 provides in pertinent part as follows:

Except to the extent that a zoning by-law may take effect as provided in section five of chapter forty A, before a by-law takes effect it shall be approved by the attorney general or ninety days shall have elapsed without action by the attorney general after the clerk of the town in which a by-law has been adopted has submitted to the attorney general a certified copy of such by-law with a request for its approval, a statement clearly explaining the proposed by-law, including maps and plans if necessary, and adequate proof that all of the procedural requirements for the adoption of such by-law have been complied with. Such request and proof shall be submitted by the town clerk within thirty days after final adjournment of the town meeting at which such by-law was adopted. If the town clerk fails to so submit such request and proof within such thirty days, the selectmen, within fifteen days thereafter, may submit a certified copy of such by-law with a request for its approval, a statement explaining the proposed by-law, including maps and plans, if necessary, and adequate proof that all procedural requirements for the adoption of such by-law has been complied with. . . . Before a by-law or an amendment thereto takes effect it shall also be published in a town bulletin or pamphlet, copies of which shall be posted in at least five public places in the town; and if the town is divided into precincts, copies shall be posted in one or more public places in each precinct of the town; or instead of such publishing in a town bulletin or pamphlet and such posting, copies thereof may be published at least twice at least one week apart in a newspaper of general circulation in the town (emphasis added).

FILE COPY



General Laws Chapter 40, Section 32, requires the town clerk to submit proposed by-law amendments to the Attorney General for review and approval thirty days after the final adjournment of town meeting. The amendments voted under Article 8 were adopted at the November 19, 2007, Special Town Meeting but not received by our Office until February 13, 2008.

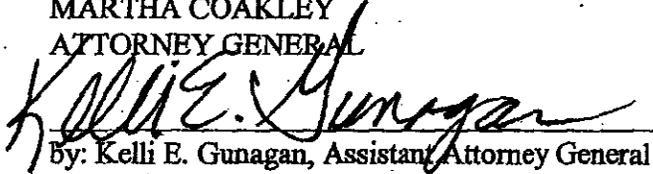
**Note:** Under G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of this section. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing 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,

MARTHA COAKLEY  
ATTORNEY GENERAL

  
By: Kelli E. Gunagan, Assistant Attorney General  
By-law Coordinator, Municipal Law Unit  
1350 Main Street, 4<sup>th</sup> Floor  
Springfield, MA 01103-1629  
(413) 784-1240, x 117

enc.

pc:

Town Counsel

shall be erected or constructed in the Flood Plain District except by special permit as provided in Section 4.D (Use Regulation Table). See also Section 4.C.2.”, or take any action relative thereto.

The Town voted unanimously to amend the Town of Brookfield Zoning By-Laws by revising Section 3.A.5.b. to delete the words “or solid foundations” so the section will read: “Intent: It is the intent of this zoning by-law that no new building or other structures requiring septic systems [or solid foundations] (delete underlined word) shall be erected or constructed in the Flood Plain District except by special permit as provided in Section 4.D (Use Regulation Table). See also Section 4.C.2.”.

**ARTICLE 9:** To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$15,000 to hire an architectural firm to do a feasibility study of three options for a police station, or take any action relative thereto.

The Town voted by a majority vote to transfer the sum of \$15,000 from the School Assessment Account to hire an architectural firm to do feasibility study of three town sites for a police station.

**ARTICLE 10:** To see if the Town will vote raise and appropriate, transfer, or borrow a sum of money to match a formal purchase offer on a property or properties for cemetery expansion or take any action relative thereto.

The Town votes unanimously to pass over this Article 10.

**ARTICLE 11:** To see if the Town will vote to raise and appropriate, borrow, or borrow from available funds a sum of money to repair or replace the Town Clerk’s vault doors and for additional masonry expenses relating to the repair and replacement in the Town Hall, or take any action relative thereto.

The Town unanimously to transfer the sum of \$10,838 from the School Assessment Account to repair or replace the Town Clerk’s vault in the Town Hall.

**ARTICLE 12:** To see if the Town will vote to raise and appropriate, transfer, or borrow a sum of money to finish construction of a Highway Department Salt Shed or take any action relative thereto.

The Town voted to pass over this Article 12.

**ARTICLE 13:** To see if the Town will discontinue as a public town way a portion of the way known as Lake Road, situated on the Southerly side of Lake Road, being a portion of the road layout shown on a plan entitles “Plan of Lake Road in the Town of Brookfield, Worcester County, Altered and Laid Out as a County Road by the County Commissioners,” Scale 1 inch – 40 feet, dated October 7, 1954, which plan is recorded with the Worcester South District Registry of Deeds at Plan Book 201 Plan 20 (hereinafter the “Plan”) and being more particularly described as follows:

BEGINNING at a point on the easterly corner, which point is located on the southerly side of the Lake Road layout as shown on the Plan a distance of 181± feet westerly from the Brookfield/East Brookfield town line along a curve to the left with a radius of 570± feet;

THENCE S. 88° W. a distance of 440.00 feet by land of the Commonwealth of Massachusetts Division of Fisheries and Wildlife to a Worcester County Highway bound; THENCE easterly along a non-tangent curve to the right with a radius of 570+ feet and a chord bearing of N. 88°13’ 40” E. a distance of 451.73+ feet to the point of beginning. Containing 13,059.59± square feet, and will transfer from the Board of Selectmen for public way purposes to the Board of Selectmen for the purpose of conveyance all of the Town’s rights, title and interest in said portion of Lake Road, that the Town acquired under Chapter 336 of the Acts of 2006 Through By Order of Taking by County Commissioners recorded with Worcester District Registry of Deeds in Book 3631, Page 444 and shown on plan entitled “Plan of Lake Road in the Town of Brookfield Worcester

County Altered and Laid Out as a County Road by the County Commissioners” dated October 7, 1954 and recorded with said Deeds in Plan Book 201, Plan 20, and authorize the Board of Selectmen to execute a Grant of Easement to the Commonwealth of Massachusetts, on such terms and conditions and for such consideration as the Selectmen may determine, which may be nominal consideration of \$1.00; or take any action relative thereto.

The Town allowed Jud Nielsen, a non-resident and President of QQLA to speak on the discontinued public Way.

The Town voted by a majority vote to discontinue as a public town way a portion of the way known as Lake Road, situated on the Southerly side of Lake Road, being a portion of the road layout shown on a plan entitles “Plan of Lake Road in the Town of Brookfield, Worcester County, Altered and Laid Out as a County Road by the County Commissioners,” Scale 1 inch – 40 feet, dated October 7, 1954, which plan is recorded with the Worcester South District Registry of Deeds at Plan Book 201 Plan 20 (hereinafter the “Plan”) and being more particularly described as follows:

BEGINNING at a point on the easterly corner, which point is located on the southerly side of the Lake Road layout as shown on the Plan a distance of 181+ feet westerly from the Brookfield/East Brookfield town line along a curve to the left with a radius of 570+ feet;

THENCE S. 88° W. a distance of 440.00 feet by land of the Commonwealth of Massachusetts Division of Fisheries and Wildlife to a Worcester County Highway bound;

THENCE easterly along a non-tangent curve to the right with a radius of 570+ feet and a chord bearing of N. 88°13’ 40” E. a distance of 451.73+ feet to the point of beginning. Containing 13,059.59+ square feet, and will transfer from the Board of Selectmen for public way purposes to the Board of Selectmen for the purpose of conveyance all of the Town’s rights, title and interest in said portion of Lake Road, that the Town acquired under Chapter 336 of the Acts of 2006 Through By Order of Taking by County Commissioners recorded with Worcester District Registry of Deeds in Book 3631, Page 444 and shown on plan entitled “Plan of Lake Road in the Town of Brookfield Worcester County Altered and Laid Out as a County Road by the County Commissioners” dated October 7, 1954 and recorded with said Deeds in Plan Book 201, Plan 20, and authorize the Board of Selectmen to execute a Grant of Easement to the Commonwealth of Massachusetts, on such terms and conditions and for such consideration as the Selectmen may determine, which may be nominal consideration of \$1.00; or take any action relative thereto.

The Board of Selectmen recommends this article.

**ARTICLE 14:** To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum not to exceed \$1,000 for demolition of the old EMS Garage, or take any action relative thereto.

The Town voted by a vote of 23 yes an 18 no to pass over Article 14.

**ARTICLE 15:** To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$8545 to the Highway Department’s Expense Account to cover emergency repairs motor replacement to the 1995 Dresser Loader, take any action relative thereto.

The Town voted to pass over Article15.

**ARTICLE 16:** To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$3,000 to the Tree Warden Account for hazardous tree removal, or take any action relative thereto.

The Town voted unanimously to transfer from available funds the sum of \$3,000 to the Tree Warden Account for hazardous tree removal, or take any action relative thereto.

**ARTICLE 17:** To see if the Town will vote to create the position of Elementary School Resource Officer, said position to be under the direction of the Police Chief, or take any action relative thereto.

The Town voted to pass over this Article 17.

**ARTICLE 18:** To see if the Town will vote to raise and appropriate, borrow or transfer, a sum of money for the Elementary School Resource Officer for the remainder of the fiscal year, or take any action relative thereto.

The Town voted unanimously to pass over Article 18.

**ARTICLE 19:** To see if the Town will vote to transfer a sum of money from the Police Department Part Time Wages Account to the Police Department Full Time Wages Account and further that a sum of money be raised and appropriated, borrowed or transferred to supplement the Police Department Full Time Wages Account to cover the additional funds needed to create a new full time position in lieu of part time positions, or take any action relative thereto.

The Town voted to allow Treasurer James Dunbar to talk on this Article 19.

The Town voted by a vote of 23yes and 9no to transfer the sum of \$10,044 from the Police Department Part Time Wages Account to the Police Department Full Time Wages Account and further that the sum of \$3,800 be transferred from the School Assessment Account to supplement the Police Department Full Time Wages Account to cover the additional funds needed to create a new full time position in lieu of part time positions. The Board of Selectmen recommends this article.

**ARTICLE 20:** To see if the Town will vote to raise and appropriate, borrow or transfer a sum of money to supplement the Police Department Full-Time Wages Account due to a change in the Grade and Step for an officer after the Fiscal Year 2008 budget had been appropriated at the Annual Town Meeting, or take any action relative thereto.

The Town voted by a majority vote to transfer \$1,276 School Assessment Account to the Police Department Full Time Wages Account to correct a grade and step problem for a full-time Police Officer.

**ARTICLE 21:** To see if the Town will vote to raise and appropriate, borrow or transfer a sum of money from available funds to the Police Department Part Time Wages Account to reimburse the account for officer wages for Halloween coverage and further to raise and appropriate, borrow or transfer a sum of money from available funds to the Police Department Overtime Wages Account to reimburse the account for officer wages for the Apple Country Fair coverage, or take any action relative thereto.

The Town voted to pass over Article 21.

**ARTICLE 22:** To see if the Town will vote to raise and appropriate, borrow or transfer a sum of money for the installation and maintenance of additional street lights along Fiskdale Road (Route 148) between Mill Street and Long Hill Road, or take any action relative thereto.

The Town voted by a majority vote to authorize the Board of Selectmen to provide for the installation and maintenance of an additional street light along Fiskdale Road (Route 148) between Mill Street and Long Hill Road.

**ARTICLE 23:** To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the Stabilization Account, or take any action relative thereto. (2/3rds vote)

The Town voted to allow Accountant Louise Benoit to speak on Free Cash.

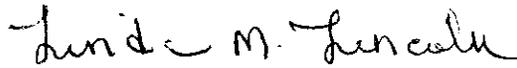
The voted by a majority vote to transfer \$40,000 from Free Cash to the Stabilization Account.

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, aforesaid. Given under our hands this sixteenth day of October, in the year of our Lord, Two Thousand and Seven.

Respectfully Submitted,  
Selectman of Brookfield  
James W. Allen, Chairman  
Ronald J. Dackson, Vice Chairman  
Rudy Heller, Clerk

The meeting adjourned at 8:35PM, Forty-Nine (49) registered voters were in attendance.



A true copy attest: Linda M. Lincoln CMMC  
Town Clerk