

**THE COMMONWEALTH OF MASSACHUSETTS  
ANNUAL TOWN MEETING WARRANT  
MAY 8<sup>TH</sup>, 2009**

WORCESTER, SS:

The Meeting was called to order:

1<sup>st</sup> order of Business will be to recognize Senator Brewer and Representative Gobi who will have a presentation for the Town Clerk Linda Lincoln and Mary O'Connell for their years of service to the Town.

TO EITHER 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 HALL, 6 CENTRAL STREET, BROOKFIELD, MA ON MONDAY THE FOURTH DAY OF MAY IN THE YEAR 2009 FROM 7:00 A.M. TO 7:00 P.M. THEN AND THERE TO ACT ON THE FOLLOWING ARTICLE:

**ARTICLE 1:** To elect all on one ballot the following officers: One Moderator for one year; One Selectman for three years; One Assessor for three years; One member of the Elementary School Committee for three years; One member of the Tantasqua School Committee for three years; One Water Commissioner for three years; One member of the Board of Health for three years; Two members of the Planning Board, one for three years and one for five years; One Cemetery Commissioner for three years; One Trustee for the Merrick Public Library for three years; One member of the Housing Authority for five years.

**Question:**

Shall the Town of Brookfield cease assessing the excise imposed under General Laws Chapter 59, Section 8A on certain animals, machinery, and equipment owned by individual and non-corporate entities principally engaged in agriculture?

Yes \_\_\_\_\_

No \_\_\_\_\_

ALSO TO MEET AT THE BROOKFIELD ELEMENTARY SCHOOL, 37 CENTRAL STREET, BROOKFIELD, MA ON FRIDAY, MAY 8, 2009 AT 7:00 P.M. TO ACT ON THE FOLLOWING:

**ARTICLE 2:** To see if the Town will vote to accept the annual report of the Town officials, as printed or take any action relative thereto.

The Town voted unanimously to accept the annual report of the Town officials, as printed.

**Chairman Rudolf Heller made a motion that the Annual Town Meeting be adjourned to 7:00 pm on Friday, June 26, 2009 when all Articles that are money-related will be considered; this would include Articles 3, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 26, 27, 28, 42 and 43.**

The Town voted by a majority vote that the Annual Town Meeting be adjourned to 7:00 pm on Friday, June 26, 2009 when all Articles that are money-related will be considered; this would include Articles 3, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 26, 27, 28, 42 and 43.

**ARTICLE 3:** To see if the Town will vote to raise and appropriate such sums of money as may be necessary to defray the expenses of the Town for the ensuing year, or take any action relative thereto.

The Town will voted by a majority vote to raise and appropriate such sums of money as may be necessary to defray the expenses of the Town for the ensuing year.

Articles shown in the boxes below are on the Annual Town Meeting Warrant every year and are often voted as a block.

**ARTICLE 4:** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2009 in accordance with the provisions of Massachusetts General Laws, Chapter 44, section 4 and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, section 17, or take any action relative thereto.

**ARTICLE 5:** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to foreclose on certain Tax Titles held by the Treasurer, or take any action relative thereto.

**ARTICLE 6:** To see if the Town will vote to instruct the Selectmen or their agent to sell for the Town any land or building acquired by the Town by Tax Title foreclosure after first giving notice of said sale by posting a notice at the Town Hall and the Post Office 14 days at least before said sale stating what parcels are to be sold, or offered for sale and the time and place of holding said sale, or take any action relative thereto.

**ARTICLE 7:** To see if the Town will vote to authorize the Selectmen to sell any old and obsolete equipment or personal property by sealed bids; at public auction after first giving notice of the time and place of sale by posting such notice of sale in some convenient and public place in Town, and by advertising once in a local newspaper, fourteen days at least before the sale, any old and obsolete equipment or personal property, provided that the Selectmen or whomsoever they may authorize to hold such auction or sale may reject any bid which they deem inadequate; or at an established market, or take any action relative thereto.

**ARTICLE 8:** To see if the Town will vote to authorize the Board of Selectmen to apply for any and to expend any State, Federal or other grants that may become available to the Town of Brookfield, or take any action relative thereto.

**ARTICLE 9:** To see if the Town will vote to authorize the Board of Health to appoint one of its members to hold the position of Health Agent, Title V Administrator, and Transfer Station Administrator and to provide compensation therefore, or take any action relative thereto.

**ARTICLE 10:** To see if the Town will vote to establish a revolving fund for the Brookfield Local Public Access under M.G.L. Chapter 44, section 53E ½ and to authorize the license fee paid by Charter Cable and all monies raised through advertising and fundraising to be deposited in said revolving fund, provided that no monies shall be expended in excess of \$15,000.00, or take any action relative thereto.

**ARTICLE 11:** To see if the Town will vote to establish a revolving fund for the Board of Health under M.G.L. Chapter 44, section 53E ½ and to receive monies derived from engineering, inspection, and review fees charged in relation to witnessing of percolation test, septic plan review, site inspections, and resolution of variances, and to expend these monies to pay all costs associated with the Inspector's/Professional Engineer's review of said activities provided that no monies shall be expended in excess of \$20,000.00, or take any action relative thereto.

**ARTICLES 4 – 11:** The Town voted unanimously to approve all of the annual recurring Articles 4 through 11.

**ARTICLE 12:** To see if the Town will vote to raise and appropriate, transfer or borrow a sum to the Cemetery Preservation Fund Account, or take any action relative thereto.

The Town voted by a majority vote to transfer from Free Cash \$970.01 to the Cemetery Preservation Fund Account.

**ARTICLE 13:** To see if the Town will vote to transfer a the sum of money from the Ambulance Billing Receipts Account which was established according to Chapter 40, section 5F to the Municipal Diesel Fuel Account, or take any action relative thereto.

The Town voted by a majority vote to raise and appropriate \$26,464.00 and transfer from Free Cash \$4,536.00 for a total of \$31,000.00 to the Highway Construction, Reconstruction and Improvement of Town Roads, Bridges and Sidewalks Account.

**ARTICLE 24:** To see if the Town will vote to accept and to expend a sum of money from Chapter 90 funds or take any action relative thereto.

The Town voted unanimously to accept and to expend a sum \$127,147.00 from Chapter 90 funds.

**ARTICLE 25:** To see if the Town will vote pursuant to MGL Ch. 82A §2, to designate the Board of Selectmen as the means by which the Town shall designate the Board or Officer to issue permits for the excavation of trenches, as the term "trench" is defined by MGL Ch. 82A, §and 520 CMR 14.02, on privately owned land and for the excavation of a public way of the town; or take any action relative thereto.

The Town voted by a majority vote pursuant to MGL Ch. 82A §2, to designate the Board of Selectmen as the means by which the Town shall designate the Board or Officer to issue permits for the excavation of trenches, as the term "trench" is defined by MGL Ch. 82A, §and 520 CMR 14.02, on privately owned land and for the excavation of a public way of the Town.

**ARTICLE 26:** To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to the Brownfield's Clean Up – Mill Street Account for the Brownfield MCP Phase III Project, or take any action relative thereto.

The Town Voted to pass over Article 26.

**ARTICLE 27.** To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to design and construct a Police Station on Town-owned property, or take any action relative thereto.

The Town Voted to pass over Article 27.

**ARTICLE 28:** To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to be used for the purchase, rental or lease of or accept a gift of property to be used by the Police Department on such terms and conditions as the Board of Selectmen deem appropriate, or take any action relative thereto.

The Town voted to pass over article 28.

**ARTICLE 29:** To see if the Town will vote to authorize the Board of Selectmen, upon such terms and conditions as it deems appropriate, to (a) grant, convey or transfer to, or to consent to an eminent domain taking by the Massachusetts Department of Fish and Game town-owned land located on both sides of Long Hill Road as identified in Brookfield Assessor's Map 5B, Lots 11 and 24, being those properties foreclosed upon for non-payment of taxes as described in tax lien judgments recorded in the Worcester District Registry of Deeds in Book 43428, Page 83 and Book 4337, Page 235, and (b) authorize the Board of Selectmen to take all actions and to enter into any and all agreements, covenants, or other instruments necessary to effectuate this vote.

The Town voted by a majority vote to authorize the Board of Selectmen, upon such terms and conditions as it deems appropriate, to (a) grant, convey or transfer to, or to consent to an eminent domain taking by the Massachusetts Department of Fish and Game town-owned land located on both sides of Long Hill Road as identified in Brookfield Assessor's Map 5B, Lots 11 and 24, being those properties foreclosed upon for non-payment of taxes as described in tax lien judgments recorded in the Worcester District Registry of Deeds in Book 43428, Page 83 and Book 4337, Page 235, and (b) authorize the Board of Selectmen to take all actions and to enter into any and all agreements, covenants, or other instruments necessary to effectuate this vote

**ARTICLE 30:** To see if the Town will vote to authorize the Board of Selectmen, upon such terms and conditions as it deems appropriate, to (a) grant, convey or transfer to, or to consent to an eminent domain taking by the Massachusetts Department of Fish and Game town-owned land

located on both sides of Long Hill Road as identified in Brookfield Assessor's Map 5B, Lots 11 and 24, being those properties foreclosed upon for non-payment of taxes as described in tax lien judgments recorded in the Worcester District Registry of Deeds in Book 43428, Page 83 and Book 4337, Page 235, and (b) authorize the Board of Selectmen to take all actions and to enter into any and all agreements, covenants, or other instruments necessary to effectuate this vote.

The Town Voted to pass over Article 30.

**ARTICLE 31:** To see if the Town will vote to amend the Brookfield Zoning Bylaws by adding Section 12C16 to read:

"There shall be one Associate Member of the Planning Board who shall be appointed by the Board of Selectmen for a term of two (2) years. The Planning Board shall make a recommendation to the Board of Selectmen for appointment, but the failure of the Planning Board to make such a recommendation shall not prevent the Board of Selectmen from appointing an Associate Member. The Associate Member shall sit on the Board upon designation by the Planning Board chairman for purposes of acting on special permit applications in which the Planning Board is the special permit granting authority in the case of absence, inability, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board."

Or take any action relative thereto. . (2/3rds vote needed)

The Town voted unanimously to amend the Brookfield Zoning Bylaws by adding Section 12C16 to read:

"There shall be one Associate Member of the Planning Board who shall be appointed by the Board of Selectmen for a term of two (2) years. The Planning Board shall make a recommendation to the Board of Selectmen for appointment, but the failure of the Planning Board to make such a recommendation shall not prevent the Board of Selectmen from appointing an Associate Member. The Associate Member shall sit on the Board upon designation by the Planning Board chairman for purposes of acting on special permit applications in which the Planning Board is the special permit granting authority in the case of absence, inability, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board."

**ARTICLE 32:** To see if the Town will vote to amend the Town of Brookfield Zoning Bylaws by deleting Section 4.B.6 (junk car bylaw), or take any action relative thereto. (2/3rds vote needed)

The Town voted by a vote of 62 yes and 1 no to amend the Town of Brookfield Zoning Bylaws by deleting Section 4.B.6 (junk car bylaw).

**ARTICLE 33:** To see if the Town will vote to amend the by-laws of the Town by inserting the following new section as:

**13.13 Public Consumption Or Use Of Marijuana Or Tetrahydrocannabinol.**

- A. No person, whether in or upon a vehicle, motor vehicle, conveyance, or on foot, shall burn, smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any area owned by or under the control of the Town, including but not limited to, any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, school, school grounds, cemetery, or parking lot; or in or upon any place to which the public has a right of access as invitees or licensees.
- B. Any marijuana or tetrahydrocannabinol burned, smoked, ingested, or otherwise used or consumed in violation of this bylaw shall be seized, held, and disposed of in accordance with G.L. c. 94C, § 47A.
- C. Whoever is found in violation of this bylaw shall, when requested by an official authorized to enforce this bylaw, state his true name and address to said official.
- D. This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by non-criminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen, or their duly authorized agents, or any police officer.
- E. The fine for a violation of this bylaw shall be three hundred dollars (\$300.00) for each offense. A penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.



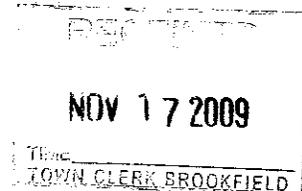
MARTHA COAKLEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

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

(413) 784-1240  
www.mass.gov/ago

November 16, 2009



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

**RE: Brookfield Annual Town Meeting of May 8, 2009 — Case # 5313  
Warrant Article # 34 (General)  
Warrant Articles # 31 and 32 (Zoning)**

Dear Ms. Lincoln:

**Articles 31 and 32** - We return with the approval of this Office the amendments to the Town by-laws adopted under these Articles on the warrant for the Brookfield Annual Town Meeting that convened on May 8, 2009.

**Article 34** - We return with the approval of this Office the amendments to the Town by-laws adopted under this Article, except as provided below. [See page 2 for Disapproval # 1 of 1]

The amendments adopted under Article 34 add a new Chapter XVI, "Non-Zoning Wetlands Protection By-law." Our comments on specific portions of the proposed by-law are provided below.

1. **Section VIII. Regulations.**

Section VIII of the proposed by-law authorizes the Conservation Commission ("Commission") to promulgate rules and regulations to effectuate the purposes of the proposed by-law.

We approve Section VII, but caution the Town that the Commission does not have the power to adopt rules and regulations, which are inconsistent with state law. "A town may not promulgate a regulation that is inconsistent with State law." *American Lithuanian Naturalization Club v. Board of Health of Athol*, 446 Mass. 310, 321 (2006). We suggest that the Commission discuss with Town Counsel any proposed rules or regulations to ensure they comply with state law.



2. Section X. Security.

Section X authorizes the Conservation Commission to require a bond, deposit of money or other negotiable securities under a written third-party escrow or other financial responsibility sufficient in the opinion of the Commission to cover work performed pursuant to a wetlands permit.

We approve Section X, but caution the Town that any funds received from a bond, deposit of money or other negotiable securities do not become Town funds unless and until the applicant defaults on the obligations imposed under the permit. If the Town must use, for example, the bond proceeds to pay for work required under the wetlands permit, an appropriation is required before an expenditure is made to do any work.

For example, if funds are received from a performance bond company, the Town must comply with the requirements of G.L. c. 44, § 53. General Laws Chapter 44, Section 53, provides that “[a]ll moneys received by a city, town or district officer or department, except as otherwise provided by special acts and except fees provided for by statute, shall be paid by such officers or department upon their receipt into the city, town or district treasury.” Under Section 53 all moneys received by the Town become a part of the general fund, unless the Legislature has expressly made other provisions that are applicable to such receipt. In the absence of any general or special law to the contrary, performance security funds of the sort contemplated here must be deposited with the Town Treasurer and made part of the Town’s general fund, pursuant to G.L. c. 44, § 53. The Town must then appropriate the money for the specific purpose of completing the work under the permit. We suggest that the Town discuss this issue in more detail with Town Counsel.

3. Section XI. Enforcement.

Section XI authorizes the Conservation Commission to enforce the proposed by-law through the use of the non-criminal disposition method of G.L. c. 40, § 21D. Specifically, Section XI provides in pertinent part as follows (with emphasis added):

The Commission shall have authority to enforce this bylaw, its regulations, and permits issued there under by letters, phone calls, electronic communication and other informal methods, violation notices, non-criminal citations under G.L. ch. 40 § 21D, and civil and criminal court actions. . . .

\* \* \*

Any person, who violates any provision of this bylaw, or regulations, permits, or administrative orders issued there under, shall be punished by a fine of not more than \$300. . . .

We disapprove and delete the above underlined text in Section XI of the proposed by-law because it is inconsistent with G.L. c. 40, § 21D. [Disapproval # 1 of 1] General Laws Chapter

40, Section 21D, allows municipalities to use non-criminal disposition as a method to enforce Town by-laws. However, G.L. c. 40, § 21D, has several specific requirements, including the requirement that the violation be subject to a specific penalty. While Section XI provides that a person violating the proposed by-law, regulations, permits, or administrative orders shall be punished by a fine of "not more than \$300" such text is not a "specific penalty" as required under G.L. c. 40, § 21D. In order for the Town to utilize the non-criminal disposition method of G.L. c. 40, § 21D, it will have to amend its by-laws to establish a specific penalty for violations of the proposed by-law.

**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.

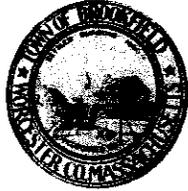
Very truly yours,

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 7717

enc.

cc: Town Counsel



**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 that at the Annual Town Meeting held at the Brookfield Elementary on Friday May 8<sup>th</sup> 2009, that Article 31 was voted on and approved, it is as follows:

**ARTICLE 31:** To see if the Town will vote to amend the Brookfield Zoning Bylaws by adding Section 12C16 to read:

"There shall be one Associate Member of the Planning Board who shall be appointed by the Board of Selectmen for a term of two (2) years. The Planning Board shall make a recommendation to the Board of Selectmen for appointment, but the failure of the Planning Board to make such a recommendation shall not prevent the Board of Selectmen from appointing an Associate Member. The Associate Member shall sit on the Board upon designation by the Planning Board chairman for purposes of acting on special permit applications in which the Planning Board is the special permit granting authority in the case of absence, inability, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board."  
Or take any action relative thereto. . (2/3rds vote needed)

The Town voted unanimously to amend the Brookfield Zoning Bylaws by adding Section 12C16 to read:

"There shall be one Associate Member of the Planning Board who shall be appointed by the Board of Selectmen for a term of two (2) years. The Planning Board shall make a recommendation to the Board of Selectmen for appointment, but the failure of the Planning Board to make such a recommendation shall not prevent the Board of Selectmen from appointing an Associate Member. The Associate Member shall sit on the Board upon designation by the Planning Board chairman for purposes of acting on special permit applications in which the Planning Board is the special permit granting authority in the case of absence, inability, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board."

Certified this 17<sup>th</sup> day of August 2009

A handwritten signature in cursive script that reads "Linda M. Lincoln".

Linda M. Lincoln CMMC  
Town Clerk



**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 that at the Annual Town Meeting held at the Brookfield Elementary on Friday May 8<sup>th</sup> 2009, that Article 32 was voted on and approved, it is as follows:

**ARTICLE 32:** To see if the Town will vote to amend the Town of Brookfield Zoning Bylaws by deleting Section 4.B.6 (junk car bylaw), or take any action relative thereto. (2/3rds vote needed)

The Town voted by a vote of 62 yes and 1 no to amend the Town of Brookfield Zoning Bylaws by deleting Section 4.B.6 (junk car bylaw)

Certified this 17<sup>th</sup> day of August 2009

A handwritten signature in cursive script that reads "Linda M. Lincoln".

Linda M. Lincoln CMMC  
Town Clerk

Or take any action relative thereto.

The Town voted to pass over Article 33

**ARTICLE 34:** To see if the Town will vote to amend the Town's by-laws by a new Chapter, "Chapter XVI, and Non-Zoning Wetlands Protection By-Law" to read:

The Town voted by a vote of 34 yes and 24 no to amend the Town's by-laws by a new Chapter, "Chapter XVI, **Non-Zoning Wetlands Protection By-Law**", as printed in the Warrant and to waive the reading, it is as follows:

#### **WETLANDS PROTECTION BYLAW**

##### **I. Purpose**

The purpose of this bylaw is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Brookfield by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect on resource area values, including but not limited to the following: public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention including water quality, prevention and control of pollution, fisheries, shellfisheries, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the "resource area values protected by this bylaw").

This bylaw is intended to utilize the Home Rule authority of this municipality so as to protect the resource areas under the Wetlands Protection Act (G.L. Ch.131 §40; the Act) to a greater degree, to protect additional resource areas beyond the Act recognized by the Town as significant, to protect all resource areas for their additional values beyond those recognized in the Act, and to impose in local regulations and permits additional standards and procedures stricter than those of the Act and regulations thereunder (310 CMR 10.00), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant bylaws of the Town of Brookfield.

##### **II. Jurisdiction**

Except as permitted by the Conservation Commission no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater marshes, wet meadows, bogs, swamps, vernal pools, springs, banks, reservoirs, lakes, ponds of any size, and lands under water bodies; intermittent streams, brooks and creeks; lands adjoining these resource areas out to a distance of 100 feet, known as the buffer zone; perennial rivers, streams, brooks and creek; lands adjoining these resource areas out to a distance of 200 feet, known as the riverfront area; lands subject to flooding or inundation by groundwater or surface water; and lands subject to flooding (collectively the "resource areas protected by this bylaw"). Said resource areas shall be protected whether or not they border surface waters.

The jurisdiction of this bylaw shall not extend to uses and structures of agriculture that enjoy the rights and privileges of laws and regulations of the Commonwealth governing agriculture, including work performed for normal maintenance or improvement of land in agricultural or aquacultural uses as defined by the Wetlands Protection Act regulations, found at 310 CMR 10.04 .

##### **III. Exemptions and Exceptions**

The applications and permits required by this bylaw shall not be required for work performed for normal maintenance or improvement of land in agricultural and aquacultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04.

The applications and permits required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Conservation Commission prior to commencement of

work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.

The applications and permits required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than stated in this bylaw, the exceptions provided in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) shall not apply under this bylaw.

#### IV. Applications and Fees

Written application shall be filed with the Conservation Commission to perform activities affecting resource areas protected by this bylaw. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

The Commission in an appropriate case may accept as the application and plans under this bylaw any application and plans filed under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00), but the Commission is not obliged to do so.

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a Request for Determination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) filed under the Act shall include information and plans as are deemed necessary by the Commission.

At the time of an application, the applicant shall pay a filing fee specified in regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act and regulations.

Pursuant to G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts in order to aid in the review of proposed projects. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively

incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.

The applicant may appeal the selection of an outside consultant to the Selectboard, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received within ten (10) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

#### V. Notice and Hearings

Any person filing a permit or other application or RDA or ANRAD or other request with the Conservation Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to abutters also shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing on any permit application, RDA, or ANRAD with written notice given at the expense of the applicant, at least five business days prior to the hearing, in a newspaper of general circulation in the municipality. The Commission shall commence the public hearing within 21 days from receipt of a completed permit application, RDA, or ANRAD unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission in its discretion, based on comments and recommendations of the boards and officials listed in §VI.

The Commission shall issue its permit, other order or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant. The Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act (G.L. Ch.131 §40) and regulations (310 CMR 10.00).

#### VI. Coordination with Other Boards

Any person filing a permit application, RDA, or ANRAD with the Conservation Commission shall provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the select board, planning board, zoning board of appeals, board of health, and building inspector. A copy shall be provided in the same manner to the Commission of the adjoining municipality, if the application or RDA pertains to property within 300 feet of that municipality. An affidavit of the person providing notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The Commission shall not take final action until the above boards and officials have had 14 days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

#### VII. Permits and Conditions

If the Conservation Commission, after a public hearing, determines that the activities which are subject to the permit application, or the land and water uses which will result

there from, are likely to have a significant individual or cumulative effect on the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such effect. The Commission also shall take into account any loss, degradation, isolation, and replacement or replication of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, and foreseeable future activities.

The Commission shall presume that all areas meeting the definition of "vernal pools" under §IX of this bylaw perform essential habitat functions including any adjacent area that the Commission reasonably deems necessary to maintain the function and values of the vernal pool. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act regulations.

A permit, Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one-year period, provided that a request for a renewal is received in writing by the Commission prior to expiration. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.

For good cause the Commission may revoke any permit, DOA, or ORAD or any other order, determination or other decision issued under this bylaw after notice to the holder, the public, abutters, and town boards, pursuant to §V and §VI, and after a public hearing.

Amendments to permits, DOAs, or ORADs shall be handled in the manner set out in the Wetlands Protection Act regulations and policies thereunder.

The Commission in an appropriate case may combine the decision issued under this bylaw with the permit, DOA, ORAD, or Certificate of Compliance (COC) issued under the Wetlands Protection Act and regulations.

No work proposed in any application shall be undertaken until the permit, or ORAD issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded. If the applicant fails to perform such recording, the Commission may record the documents itself and require the Applicant to furnish the recording fee therefore, either at the time of recording or as a condition precedent to the issuance of a COC.

#### VIII. Regulations

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw, effective when voted and filed with the town clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. At a minimum these regulations shall reiterate the terms defined in this bylaw, define additional terms not inconsistent with the bylaw, and impose filing and consultant fees.

#### IX. Definitions

The following definitions shall apply in the interpretation and implementation of this bylaw.

The term "agriculture" shall refer to the definition as provided by G.L. Ch. 128 §1A.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- C. Drainage, or other disturbance of water level or water table
- D. Dumping, discharging, or filling with any material which may degrade water quality
- E. Placing of fill, or removal of material, which would alter elevation
- F. Driving of piles, erection, expansion or repair of buildings, or structures of any kind
- G. Placing of obstructions or objects in water
- H. Destruction of plant life including cutting or trimming of trees and shrubs
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
- J. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater
- K. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term "pond" shall follow the definition of 310 CMR 10.04 except that the size threshold of 10,000 square feet shall not apply.

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless whether the site in which they occur has been previously identified by the Division.

The term "vernal pool" shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression.

Except as otherwise provided in this bylaw or in associated regulations of the Conservation Commission, the definitions of terms and the procedures in this bylaw shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

#### X. Security

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Conservation Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or both of the methods described below:

- A. By a proper bond, deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a COC for work performed pursuant to the permit.
- B. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

#### XI. Enforcement

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

The Conservation Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, non-criminal citations under G.L. Ch. 40 §21D, and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

Upon request of the Commission, the Selectboard and town counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the chief of police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this bylaw, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

#### XII. Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

#### XIII. Appeals

A decision of the Conservation Commission shall be reviewable in the superior court in accordance with G.L. Ch. 249 §4.

#### XIV. Relation to the Wetlands Protection Act

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) thereunder. It is the intention of this bylaw that the purposes, jurisdiction, authority, exemptions, regulations,

specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Wetlands Protection Act and regulations.

**XV. Severability**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

**ARTICLE 35:** To see if the Town will vote to amend the Town By-laws Chapter XV, Section 23 (Reimbursement for Education & Training Expenses), item a., by deleting the words “and the Personnel Board”, or take any action relative thereto.

The Town voted by a majority vote to amend the Town By-laws Chapter XV, Section 23 (Reimbursement for Education & Training Expenses), item a., by deleting the words “and the Personnel Board”.

**ARTICLE 36:** To see if the Town will vote to amend the Town By-Laws Chapter XV, Section 25 (Grievance Procedure) where it reads “Personnel Board/Board of Selectmen” to read “Personnel Board and Board of Selectmen”, or take any action relative thereto.

The Town voted unanimously to amend the Town By-Laws Chapter XV, Section 25 (Grievance Procedure) where it reads “Personnel Board/Board of Selectmen” to read “Personnel Board and Board of Selectmen”.

**ARTICLE 37:** To see if the Town will vote to amend the Town By-Laws Chapter XV, Section 26 (Personnel Board), second paragraph that states “as well as adjustments to salaries”, to read “as well as review any recommended adjustments in salaries only to assure that they fall into the appropriate Step of said position”, or take any action relative thereto.

The Town voted unanimously to amend the Town By-Laws Chapter XV, Section 26 (Personnel Board), second paragraph that states “as well as adjustments to salaries”, to read “as well as review any recommended adjustments in salaries only to assure that they fall into the appropriate Step of said position”.

**ARTICLE 38:** To see if the Town will vote to amend the Town By-Laws Chapter XV, Section 2, by deleting:

Grade 8	(Points) 285	Highway Operator
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And inserting instead:

Grade 10	360	Highway Operator, Level 1
Grade 6	240	Highway Operator, Level 2

Or take any action relative thereto.

The Town voted unanimously to amend the Town By-Laws Chapter XV, Section 2, by deleting:

Grade 8	(Points) 285	Highway Operator
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And inserting instead:

Grade 10	360	Highway Operator, Level 1
Grade 6	240	Highway Operator, Level 2

**ARTICLE 39:** To see if the Town will vote to amend the Town By-Laws Chapter XV, Section 2, (Mandatory Classification) by inserting “Grade 2, Points 110” by Library Custodian to read::

Grade 2	110	Library Custodian
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And by inserting “90” under points for Grade 1, Special Police Officer to read:

Grade 1	90	Special Police Officer
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And by inserting "Grade 2, 115" for Election Warden to read:

Grade 2                    115    Election Warden

And by inserting "Grade 6, 230" for Tax Collector/Treasurer, to read:

Grade 6                    230    Tax Collector and Treasurer

Or take any action relative thereto.

The Town voted unanimously to amend the Town By-Laws Chapter XV, Section 2, (Mandatory Classification) by inserting "Grade 2, Points 110" by Library Custodian to read::

Grade 2                    110    Library Custodian

And by inserting "90" under points for Grade 1, Special Police Officer to read:

Grade 1                    90     Special Police Officer

And by inserting "Grade 2, 115" for Election Warden to read:

Grade 2                    115    Election Warden

And by inserting "Grade 6, 230" for Tax Collector/Treasurer, to read:

Grade 6                    230    Tax Collector and Treasurer

**ARTICLE 40:** To see if the Town will vote amend the Town By-Laws Chapter XV, Section 3. (Employee Categories) item A., which reads "at least thirty-five" to read "at least thirty-five", or take any action relative thereto.

The Town voted unanimously to amend the Town By-Laws Chapter XV, Section 3. (Employee Categories) item A., which reads "at least thirty-five" to read "at least thirty-five".

**ARTICLE 41:** To see if the Town will vote to amend the Town's By-Laws Chapter XV, Section 2. (Separability Provision) to read (Severability Provision), or take any action relative thereto.

The Town vote unanimously to amend the Town's By-Laws Chapter XV, Section 2. (Separability Provision) to read (Severability Provision).

**ARTICLE 42:** To see if the Town will vote to transfer a sum of money from Free Cash to the Stabilization Account, or take any action relative thereto.

The Town voted unanimously to transfer the sum of \$64,000.00 into the Stabilization Account.

**ARTICLE 43:** To see if the Town will vote to raise and appropriate, borrow or transfer a sum of money to pay for contract services for a re-evaluation of assessed properties under the Board of Assessors, or take any action relative thereto.

The Town voted to pass over Article 43.

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 sixteenth (16<sup>th</sup>) day of April, in the year of our Lord, Two Thousand and Nine.

Respectfully Submitted,

**SELECTMEN OF BROOKFIELD**

James W. Allen, Chairman

Ronald J. Dackson, Vice Chairman

Rudy Heller, Clerk

A True Copy, Attest:

Joseph F. Murray, Constable of Brookfield  
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 April 16, 2009 at 1:20 pm and at the Brookfield Town Hall at 1:25 pm on the same day.

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

Joseph F. Murray, Constable of Brookfield

The Annual Town Meeting was adjourned at 8:15 PM and will resume on June 26, 2009 at 7:00 PM. Sixty-four (64) registered voters were in attendance.

The adjourned session of The Annual Town Meeting resumed on June 27, 2009 at 7:00 PM and at adjourned at 8:41 PM. Seventy-three (63) registered voters were in attendance.

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

:

Certification	<u>1,000</u>	001-161-5700-001
<b>Total Town Clerk</b>	<b>35,853</b>	
Elections & Registrations wages	4,040	001-162-5110-000
Elections & registration expenses	<u>5,000</u>	001-162-5700-000
<b>Total Elections &amp; registration</b>	<b>9,040</b>	
Conservation Commission Clerk	758	
Conservation Commission	<u>500</u>	001-171-5700-000
	1,258	
Central MA Regional Planning Comm	735	001-174-5600-000
Municipalities Organized for Region	0	001-173-5700-000
Planning board clerk wages	3,121	001-175-5110-000
Planning Board salary	2,652	001-175-5110-001
Planning board expenses	<u>1,110</u>	001-175-5700-000
<b>Total Planning Board</b>	<b>6,883</b>	
Board of appeals expenses	<u>1,000</u>	001-176-5700-000
<b>Total Board of Appeals</b>	<b>1,000</b>	
Town Hall Custodian wages	11,729	001-192-5110-000
Town Hall expenses	<u>8,015</u>	001-192-5700-000
<b>Total Town Hall</b>	<b>19,744</b>	
Print town report	1,800	001-195-5200-000
Municipal Heating fuel	32,348	001-199-5700-000
Municipal Diesel fuel	17,117	001-199-5701-000
Municipal Gasoline	28,000	001-199-5702-000
<b>TOTAL GENERAL GOVERNMENT</b>	<b><u>498,125</u></b>	

PUBLIC SAFETY

POLICE DEPARTMENT

Police wages Full Time	114,229	001-210-5110-000
Police Chief salary	59,243	001-210-5110-001
Police wages Part Time	48,211	001-210-5110-002
Police Dept. Clerk wages	9,074	001-210-5110-003
Police OT wages	15,150	001-210-5110-004
Police expenses	31,554	001-210-5700-000
Police station expenses	<u>23,300</u>	001-210-5701-000
<b>Total Police</b>	<b>300,761</b>	

FIRE DEPARTMENT

Fire Department wages	9,405	001-220-5110-000
FD Chief salary	1,334	001-220-5110-001
FD Brush Fire/Special Duty wages	4,545	001-220-5110-003
FD expenses	26,399	001-220-5700-000
FD recurring recertification/testing	3,829	001-220-5705-000
FD asset repair/replacement	<u>7,000</u>	001-220-5750-000
<b>Total Fire Department</b>	<b>52,512</b>	

Telephone Contract/Leases	11,600	001-235-5200-000
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Building Inspector salary	13,774	001-241-5110-000
Assistant Building Inspector wages	299	001-241-5110-007

Building Inspector expenses	0	001-241-5700-000
<b>Total Building Inspector</b>	<u>14,073</u>	
Gas & Plumbing Inspector salary	3,407	001-242-5110-000
Asst. Gas & Plumbing Inspector wages	290	001-242-5110-007
Gas & Plumbing Inspector expenses	720	001-242-5700-000
<b>Total Gas &amp; Plumbing Inspector</b>	<u>4,417</u>	
Wiring Inspector salary	3,386	001-245-5110-000
Assistant Wiring Inspector wages	299	001-245-5110-007
Wiring Inspector expenses	400	001-245-5700-000
<b>Total Wire Inspector</b>	<u>4,085</u>	
Zoning enforcement officer salary	8,608	001-249-5110-000
Zoning enforcement officer expenses	380	001-249-5700-000
<b>Total Zoning Enforcement Officer</b>	<u>8,988</u>	
Emergency Management Agency salaries(BEMA)	361	001-291-5110-000
BEMA expenses	3,873	001-291-5700-000
<b>Total BEMA</b>	<u>4,234</u>	
Animal control officer salary	4,967	001-292-5110-000
Assistant Animal Control Officer wages	558	001-292-5110-007
Animal control officer expenses	2,000	001-292-5700-000
<b>Total Animal Control Officer</b>	<u>7,525</u>	
Parking clerk & hearing officer salary	244	001-293-5110-000
Parking ticket expenses	100	001-293-5700-000
<b>Total Parking Tickets</b>	<u>344</u>	
Tree Warden expenses	7,400	001-294-5700-000
Shade Tree expenses	2,400	001-296-5700-000
<b>TOTAL PUBLIC SAFETY</b>	<u>418,339</u>	

SCHOOLS

School committee salary	1,500	001-310-5110-001
Regional committee salary	1,000	001-310-5110-002
Regional school assessment	1,275,167	001-310-5600-000
Transportation	39,863	001-310-5601-000
School expenses	2,819,330	001-310-5700-000
<b>TOTAL SCHOOLS</b>	<u>4,136,860</u>	

PUBLIC WORKS

Highway Supt. wages	46,470	001-422-5110-000
Highway Operator wages	38,655	001-422-5110-001
Additional Operator		
Highway OT/Other wages	2,239	001-422-5110-003
Highway wages PT/Office Clerk	18,665	001-422-5110-004
Highway expenses	54,560	001-422-5700-000
Plow private roads	1	001-422-5789-000
Bridges, rails & signs	1,600	001-422-5790-000
Police Detail		001-422-5110-005
<b>Total Highway</b>	<u>162,190</u>	
Snow & ice account	50,000	001-423-5700-000

Street lights	14,000	001-424-5200-000
Sidewalks	1,000	001-432-5700-000
Cemetery wages	13,130	001-491-5110-000
Cemetery Supt. salary	4,343	001-491-5110-001
Cemetery expenses	6,000	001-491-5700-000
Cemetery improvements	1,500	001-492-5841-000
<b>Total Cemetery</b>	<u>24,973</u>	

**TOTAL PUBLIC WORKS** 252,163

**HEALTH, SANITATION AND SPECIAL SERVICES**

BOH salary	3,585	001-510-5110-000
BOH Clerk wages	2,020	001-510-5110-001
Health Agent	2,000	001-510-5110-002
Animal Inspector salary	1,000	001-510-5110-006
Title V administration	949	001-510-5110-009
BOH expenses	2,000	001-510-5700-000
Community health program	950	001-522-5200-002
<b>Total Board of Health</b>	<u>12,504</u>	

Inspectors 0

Transfer Station wages	19,420	001-515-5110-000
Well tests	11,700	001-515-5250-000
Transfer station expenses	109,350	001-515-5700-000
<b>Total Transfer Station</b>	<u>140,470</u>	

Outreach worker	1,500	001-541-5110-000
Tri valley crisis intervention	558	
Medi-car	2,000	001-541-5260-000
Council on aging expenses	442	001-541-5700-000
<b>Total Senior Services</b>	<u>4,500</u>	

Director of Veterans Services salary	677	001-543-5110-000
Veterans-Agent salary	2,716	001-544-5110-000
Veterans Agent expenses	240	001-544-5700-000
Case work	15,000	001-544-5740-000
<b>Total Veterans</b>	<u>18,633</u>	

**TOTAL HEALTH, SANIT. AND SPEC. SERVICES** 176,107

**CULTURE AND RECREATION**

Library Director wages	34,084	001-610-5110-001
Library Custodian wages	6,015	001-610-5110-002
Library Assts. wages	26,437	001-610-5110-003
Library Sat/holidays/Vacation	4,124	001-610-5110-004
Library expenses	9,974	001-610-5700-000
Library books, videos, periodicals	19,679	001-610-5700-001
<b>Total Library</b>	<u>100,313</u>	

Recreation salaries	2,840	001-630-5110-000
Recreation commission expenses	5,500	001-630-5700-000
Lewis field maintenance expenses	2,200	001-630-5801-000
South Pond Wages	0	
South Pond Beach expense	0	001-630-5803-000
<b>Total Recreation Commission</b>	<u>10,540</u>	

Historical commission	1,125	001-691-5700-000
Memorial day	3,200	001-692-5700-000
Cultural Council expenses	6,650	001-693-5700-000

<b>TOTAL CULTURE AND RECREATION</b>	<u>121,828</u>	
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**DEBT & INTEREST**

Maturing principal (B.E.S.)	275,000	001-710-5910-000
Regional School	156,972	001-710-5920-000
Maturing interest (B.E.S.)	87,775	001-751-5915-000
Highway Garage principal	88,205	
Highway Garage interest	32,200	
Town Hall Roof (principal)	31,795	
Town Hall Roof (interest)	11,600	
Fire Truck Principal	21,500	
Fire Truck Interest	5,600	

<b>TOTAL DEBT AND INTEREST</b>	<u>710,647</u>	
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**ASSESSMENTS & OTHER MANDATED EXPENSES**

Worcester county retirement	116,043	001-911-5100-000
Abington retirement	0	001-911-5100-001
Pension Liability	0	001-911-5100-001
Unemployment insurance	10,000	001-913-5100-000
Group health & life insurance	305,000	001-914-5105-000
Medicare: town share	39,475	001-916-5115-000
General insurance	120,000	001-945-5600-000

<b>TOTAL ASSESSMENTS &amp; OTHER MANDATED EXP.</b>	<u>590,518</u>	
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**WATER DEPARTMENT**

WD commissioners salary	1,809	002-000-5110-000
WD Clerk wages	9,562	002-000-5110-001
WD superintendent salary	57,277	002-000-5110-002
WD Secondary Operator wages	3,663	002-000-5110-003
WD Temporary Help	1,000	002-000-5110-004
WD expenses	44,968	002-000-5700-000

<b>TOTAL WATER DEPARTMENT</b>	<u>118,279</u>	
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<b>TOTAL OPERATING BUDGET</b>	<b>7,022,866</b>	
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**ANNUAL TOWN ELECTION MAY 4, 2009 - ELECTION RESULTS**

**MODERATOR 1YR**

William Frangiamore 468  
Blanks 120  
Scattered 12

**WATER COMMISSIONER 3YRS**

Roger J. Charpentier 483  
Blanks 116  
Scattered 1

**SELECTMAN 3YRS**

Ronald J. Dackson 142  
Peter S. O'Connell 456  
Blanks 2  
Scattered 0

**BOARD OF HEALTH 3YRS**

Kim D. Longe 455  
Blanks 145  
Scattered 0

**ASSESSOR 3YRS**

Philip H. Peirce 472  
Blanks 124  
Scattered 4

**TRUSTEE FOR MERRICK PUBLIC LIBRARY 3YRS-2**

Linda E. Barron 437  
Matthew T. Bansfield 401  
Blanks 361  
Scattered 1

**PLANNING BOARD 5YRS**

Kristen Cassuci 74  
Blanks 497  
Scattered 29

**HOUSING AUTHORITY 5YRS**

Linda M. Lincoln 474  
Blanks 124  
Scattered 2

**PLANNING BOARD 3YRS**

Clifford A. Fontaine 407  
Blanks 185  
Scattered 8

**CEMETERY COMMISSIONER 3YRS**

Arthur H. Jay 450  
Blanks 149  
Scattered 1

**ELEMENTARY SCHOOL COMMITTEE 3YRS**

Barbara R. Wilson 449  
Blanks 145  
Scattered 6

**Question #1**

Yes 352  
No 91  
Blanks 157  
Scattered 0

**REGIONAL SCHOOL COMMITTEE 3YRS**

James A. Cooke 434  
Blanks 158  
Scattered 8

**TOTAL VOTES CAST 600**

**A TRUE COPY ATTEST: LINDA M. LINCOLN CMMC**