THE COMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING WARRANT
June 26, 2009

WORCESTER, SS:

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 TO MEET AT THE **BROOKFIELD ELEMENTARY SCHOOL, 37 CENTRAL STREET, BROOKFIELD, MA ON FRIDAY, JUNE 26, 2009 AT 6:00** P.M. TO ACT ON THE FOLLOWING ARTICLES:

ARTICLE 1: To see if the Town will vote to amend Chapter XV, Section 16 (Vacations with Pay) of the Town Personnel By-Laws by inserting the words unless otherwise voted by the Board of Selectmen so that the by-law would read as below (with new language noted in bold):

Section 16. Vacations with Pay

Annual vacation with pay will be granted to all full-time and part-time employees with benefits. Paid vacation time is equal to the number of hours an employee would be regularly scheduled to work during the week or day requested. Following the completion of one year of service, vacations will be calculated on July 1 of each year in the following manner:

More than one year of service	1 week
Two to four years of service	2 weeks
Five to nine years of service	3 weeks
Ten to nineteen years of service	4 weeks
Twenty or more years of service	5 weeks

Vacation days must be used in the year they are granted or they will be forfeited **unless otherwise voted by the Board of Selectmen**. Pay will not be given in lieu of vacation days. When a holiday falls within an employee's vacation week, the holiday is charged as a holiday and not as a vacation day. Requests for vacation leave of 5 or more work days must be approved at least a week in advance by the department head. In cases where more than one employee from a department requests vacation leave, seniority will prevail. All requests for vacation time are subject to approval in advance by the department head

The Town voted unanimously to amend Chapter XV, Section 16 (Vacations with Pay) of the Town Personnel By-Laws by inserting the words "unless otherwise voted by the Board of Selectmen" so that the by-law would read as below (with new language noted in bold):

Section 16. Vacations with Pay

Annual vacation with pay will be granted to all full-time and part-time employees with benefits. Paid vacation time is equal to the number of hours an employee would be regularly scheduled to work during the week or day requested. Following the completion of one year of service, vacations will be calculated on July 1 of each year in the following manner:

More than one year of service	1 week
Two to four years of service	2 weeks
Five to nine years of service	3 weeks
Ten to nineteen years of service	4 weeks
Twenty or more years of service	5 weeks

Vacation days must be used in the year they are granted or they will be forfeited **unless otherwise voted by the Board of Selectmen**. Pay will not be given in lieu of vacation days. When a holiday falls within an employee's vacation week, the holiday is charged as a holiday and not as a vacation day. Requests for

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of the water of the State of Water Supply Conservation. Any restriction imposed under section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Section 7: Termination of a State of Water Supply Conservation; Notice
A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by section 6.

Section 8: State of Water Supply Emergency; Compliance with DEP Orders
Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

Section 9: Penalties
Any person violating this by-law shall be liable to the Town in the amount of $50.00 for the first violation and $100 for each subsequent violation which shall inure to the Town. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws and the Town's By-laws, Chapter 1, Section 5. Each day of violation shall constitute a separate offense.

Section 10: Severability
The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof

The Town voted unanimously to amend the General By-Laws by adding a new Chapter XVI, Water Use Restriction By-Law, the text of which is as follows:

Water Use Restriction By-Law

Section 1 Authority
This By-law is adopted by the Town under its police powers to protect public health and welfare and its powers under MGL Chapter 41, §21 et seq. and implements the Town's authority to regulate water use pursuant to MGL c. 41, § This by-law also implements the Town's authority under MGL c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection (DEP) or when the Massachusetts Drought Management Task Force declares drought level of advisory or higher. Watch warning or emergency for the Chicopee Water Shed Basin.

Section 2: Purpose
The purpose of this by-law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town of by the Department of Environmental Protection.

Section 3: Definitions
Person shall mean any individual, corporation trust, partnership or association, or other entity. State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under MGL, c21G, § State of Water Supply conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to section4 of this by-law.

Water Users or Water Consumers shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

Section 4: Declaration of State of Water Supply Conservation
The Town, through its Board of Water Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 6 of this by-law before it may be enforced.

Section 5: Restricted Water Uses
A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 6.

a) Odd/Even Day Outdoor Watering: Outdoor watering by water users with odd numbered

addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.

b) Outdoor Watering Ban: Outdoor watering is prohibited.

c) Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.

d) Filling Swimming Pools: Filling of swimming pools is prohibited.

e) Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited.

Section 6: Public Notification of a State of Water Supply Conservation; Notification of DEP
Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of the water of the State of Water Supply Conservation. Any restriction imposed under section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Section 7: Termination of a State of Water Supply Conservation; Notice
A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by section 6.

Section 8: State of Water Supply Emergency; Compliance with DEP Orders
Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

Section 9: Penalties
Any person violating this by-law shall be liable to the Town in the amount of $50.00 for the first violation and $100 for each subsequent violation which shall inure to the Town. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws and the Town's By-laws, Chapter 1, Section 5. Each day of violation shall constitute a separate offense.

Section 10: Severability
The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof

ARTICLE 5: To see if the Town will vote to replace the Open Space & Recreation Committee established under Article 48 of the May 2005 Annual Town Meeting and the Master Plan Committee established by the Board of Selectmen on July 26, 2005 with a Committee to be called the Master Plan and Open Space & Recreation Committee, to be composed of nine (9) members, including

- one (1) member from the Conservation Commission,
- one (1) member from the Recreation Commission, and
- one (1) member from the Planning Board,

  each of whom shall be designated by their respective Commissions or Board and appointed by the Board of Selectmen for a term of one year beginning July 1st of each year, and
- six (6) members at large who shall be appointed by the Board of Selectmen with initial appointments to be made as follows:

  two (2) members for terms to expire June 30, 2010, two (2) members for terms to expire June 30, 2011, and two (2) members for terms to expire June 30, 2012.

A vacancy on the Master Plan/Open Space & Recreation Committee created by the resignation of one of the members shall be filled in the same manner as the original appointment, with the end of the appointment term to be the same as that of the member who has resigned.

The purpose of this Committee shall be to develop and then facilitate the implementation of the Town's Open Space and Recreation Five-Year Plan, update this Plan every five (5) years, seek appropriate grants, raise funds, and propose Town expenditures that further the goals of this Plan, and further, to develop a Master Plan for approval by the Town of Brookfield and to make recommendations for the implementation thereof,
or take any action relative thereto.

A motion was made to change the number of members and their terms, the motions was voted on and approved it is follows:

The Town voted unanimously to replace the Open Space & Recreation Committee established under Article 48 of the May 2005 Annual Town Meeting and the Master Plan Committee established by the Board of Selectmen on July 26, 2005 with a Committee to be called the Master Plan and Open Space & Recreation Committee, Existing members to remain on the committee, to be composed of seven (7) members, including:

- one (1) member from the Conservation Commission,
- one (1) member from the Recreation Commission, and
- one (1) member from the Planning Board,
  each of whom shall be designated by their respective Commissions or Board and appointed by the Board of Selectmen for a term of one year beginning July 1st of each year, and
- four (4) members at large who shall be appointed by the Board of Selectmen with initial appointments to be made as follows:
  two (2) members for terms to expire June 30, 2010, one (1) member for a term to expire June 30, 2011, and one(1) members for a to expire June 30, 2012.

A vacancy on the Master Plan/Open Space & Recreation Committee created by the resignation of one of the members shall be filled in the same manner as the original appointment, with the end of the appointment term to be the same as that of the member who has resigned.

ARTICLE 6: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, or otherwise, for cemetery purposes pursuant G. L. c. 114 and to accept a deed to the Town of Brookfield of a fee simple interest in 34 acres or less located on West Main Street, Brookfield, Worcester County, Massachusetts and being a portion of lot shown on Assessors Map 6B as Lot 9 and to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be deemed by the Selectmen necessary or appropriate for the dedication of the premises to cemetery purposes; and as funding therefore to raise and appropriate, transfer from available funds or borrow a sum of money pursuant to G.L. c. 44 Section 7(3) or any other

The Town voted to pass over Article 6.

ARTICLE 7: To see if the Town will vote to transfer a sum of money from Overlay Surplus to a new account to be called Professional Services, or take any action relative thereto.

The Town voted unanimously to transfer the sum of $35,000 from Overlay Surplus to a new account to be called Professional Services.

ARTICLE 8: To see if the Town will vote to transfer a sum of money from available funds to the Snow & Ice Account to cover the FY09 deficit, or take any action relative thereto.

The Town voted unanimously to transfer the sum of $56,174 from Free Cash to the Snow & Ice Account to cover the FY09 deficit.

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 tenth (10th) day of June, in the year of our Lord, Two Thousand and Nine.

Respectfully Submitted,

SELECTMEN OF BROOKFIELD

Rudy Heller, Chairman
James W. Allen, Vice Chairman
Peter S. O'Connell, 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 Wednesday, June 10th 2009 at 12:00 p.m. and at the Brookfield Town Hall at 12:30 p.m. on the same day.

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

Joseph F. Murray, Constable of Brookfield

Forty-three (43) voters were in attendance, the meeting adjourned at 6:25 PM

A True Copy Attest:

Linda M. Lincoln CMMC

Town Clerk

THE COMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING WARRANT
June 26, 2009

WORCESTER, SS:
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 TO MEET AT THE BROOKFIELD ELEMENTARY SCHOOL, 37 CENTRAL STREET, BROOKFIELD, MA ON FRIDAY, JUNE 26, 2009 AT 6:00 P.M. TO ACT ON THE FOLLOWING ARTICLES:

ARTICLE 1: To see if the Town will vote to amend Chapter XV, Section 16 (Vacations with Pay) of the Town Personnel By-Laws by inserting the words unless otherwise voted by the Board of Selectmen so that the by-law would read as below (with new language noted in bold):

Section 16. Vacations with Pay

Annual vacation with pay will be granted to all full-time and part-time employees with benefits. Paid vacation time is equal to the number of hours an employee would be regularly scheduled to work during the week or day requested. Following the completion of one year of service, vacations will be calculated on July 1 of each year in the following manner:

More than one year of service	1 week
Two to four years of service	2 weeks
Five to nine years of service	3 weeks
Ten to nineteen years of service	4 weeks
Twenty or more years of service	5 weeks

Vacation days must be used in the year they are granted or they will be forfeited unless otherwise voted by the Board of Selectmen. Pay will not be given in lieu of vacation days. When a holiday falls within an employee's vacation week, the holiday is charged as a holiday and not as a vacation day. Requests for vacation leave of 5 or more work days must be approved at least a week in advance by the department head. In cases where more than one employee from a department requests vacation leave, seniority will prevail. All requests for vacation time are subject to approval in advance by the department head

The Town voted unanimously to amend Chapter XV, Section 16 (Vacations with Pay) of the Town Personnel By-Laws by inserting the words "unless otherwise voted by the Board of Selectmen" so that the by-law would read as below (with new language noted in bold):

Section 16. Vacations with Pay

Annual vacation with pay will be granted to all full-time and part-time employees with benefits. Paid vacation time is equal to the number of hours an employee would be regularly scheduled to work

during the week or day requested. Following the completion of one year of service, vacations will be calculated on July 1 of each year in the following manner:

More than one year of service	1 week
Two to four years of service	2 weeks
Five to nine years of service	3 weeks
Ten to nineteen years of service	4 weeks
Twenty or more years of service	5 weeks

Vacation days must be used in the year they are granted or they will be forfeited unless otherwise voted by the Board of Selectmen. Pay will not be given in lieu of vacation days. When a holiday falls within an employee's vacation week, the holiday is charged as a holiday and not as a vacation day. Requests for vacation leave of 5 or more work days must be approved at least a week in advance by the department head. In cases where more than one employee from a department requests vacation leave, seniority will prevail. All requests for vacation time are subject to approval in advance by the department head.

ARTICLE 2: To see if the Town will vote to transfer a sum of money from the Driveway Permit Fund to a new account to be called Highway Driveway Construction Account, or take any action relative thereto.

The Town voted unanimously to transfer the sum of $13,500 from the Driveway Permit Fund to a new account to be called Highway Driveway Construction Account.

ARTICLE 3: To see if the Town will vote to set the fees charged by the Tax Collector's office for demands on delinquent accounts at $15 per demand; or take any action relative thereto.

A motion was made that the Town vote to set the fees charged by the Tax Collector's office for demands on delinquent accounts at $25 per demand instead of $15. The voters at the meeting voted unanimously on the motion to change the demand to $25.

The town voted unanimously to the set fees charged by the Tax Collector's office for demands on delinquent accounts to $25.

ARTICLE 4: To see if the Town will vote to amend the General By-Laws by adding a new Chapter XVI, Water Use Restriction By-Law, the text of which is as follows, or take any action relative thereto.

Water Use Restriction By-Law

Section 1 Authority

This By-law is adopted by the Town under its police powers to protect public health and welfare and its powers under MGL Chapter 41, §21 et seq. and implements the Town's authority to regulate water use pursuant to MGL c. 41, § This by-law also implements the Town's authority under MGL c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection (DEP) or when the Massachusetts Drought Management Task Force declares drought level of advisory or higher. Watch warning or emergency for the Chicopee Water Shed Basin.

Section 2: Purpose

The purpose of this by-law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply

Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town of by the Department of Environmental Protection.

Section 3: Definitions
Person shall mean any individual, corporation trust, partnership or association, or other entity. State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under MGL, c21G, § State of Water Supply conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to section4 of this by-law.

Water Users or Water Consumers shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

Section 4: Declaration of State of Water Supply Conservation
The Town, through its Board of Water Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 6 of this by-law before it may be enforced.

Section 5: Restricted Water Uses
A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 6.

a) Odd/Even Day Outdoor Watering: Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.
b) Outdoor Watering Ban: Outdoor watering is prohibited.
c) Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
d) Filling Swimming Pools: Filling of swimming pools is prohibited.
e) Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited.

Section 6: Public Notification of a State of Water Supply Conservation; Notification of DEP
Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of the water of the State of Water Supply Conservation. Any restriction imposed under section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Section 7: Termination of a State of Water Supply Conservation; Notice
A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by section 6.

Section 8: State of Water Supply Emergency; Compliance with DEP Orders
Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

Section 9: Penalties
Any person violating this by-law shall be liable to the Town in the amount of $50.00 for the first violation and $100 for each subsequent violation which shall inure to the Town. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws and the Town's By-laws, Chapter 1, Section 5. Each day of violation shall constitute a separate offense.

Section 10: Severability
The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof

The Town voted unanimously to amend the General By-Laws by adding a new Chapter XVI, Water Use Restriction By-Law, the text of which is as follows:

Water Use Restriction By-Law

Section 1 Authority
This By-law is adopted by the Town under its police powers to protect public health and welfare and its powers under MGL Chapter 41, §21 et seq. and implements the Town's authority to regulate water use pursuant to MGL c. 41, § This by-law also implements the Town's authority under MGL c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection (DEP) or when the Massachusetts Drought Management Task Force declares drought level of advisory or higher. Watch warning or emergency for the Chicopee Water Shed Basin.

Section 2: Purpose
The purpose of this by-law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town of by the Department of Environmental Protection.

Section 3: Definitions
Person shall mean any individual, corporation trust, partnership or association, or other entity. State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under MGL, c21G, § State of Water Supply conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to section4 of this by-law.

Water Users or Water Consumers shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

Section 4: Declaration of State of Water Supply Conservation
The Town, through its Board of Water Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water

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.mass.gov/ago

January 20, 2010

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

RE: Brookfield Special Town Meeting of June 26, 2009 — Case # 5342
Warrant Article # 4 (General)

Dear Ms. Lincoln:

Articles 4 - We 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 June 26, 2009.

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

Margaret J. Hurley

Margaret J. Hurley, Assistant Attorney General
Chief, Central Massachusetts Division
Director, Municipal Law Unit
One Exchange Place
Worcester, MA 01608
508-792-7600, x. 4402

enc.

cc: Town Counsel

consumers. Public notice of a State of Water Conservation shall be given under section 6 of this by-law before it may be enforced.

Section 5: Restricted Water Uses

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 6.

a) Odd/Even Day Outdoor Watering: Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.

b) Outdoor Watering Ban: Outdoor watering is prohibited.

c) Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.

d) Filling Swimming Pools: Filling of swimming pools is prohibited.

e) Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited.

Section 6: Public Notification of a State of Water Supply Conservation; Notification of DEP

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of the water of the State of Water Supply Conservation. Any restriction imposed under section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Section 7: Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by section 6.

Section 8: State of Water Supply Emergency; Compliance with DEP Orders

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

Section 9: Penalties

Any person violating this by-law shall be liable to the Town in the amount of $50.00 for the first violation and $100 for each subsequent violation which shall inure to the Town. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws and the Town's By-laws, Chapter 1, Section 5. Each day of violation shall constitute a separate offense.

Section 10: Severability

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof

ARTICLE 5: To see if the Town will vote to replace the Open Space & Recreation Committee established under Article 48 of the May 2005 Annual Town Meeting and the Master Plan

Committee established by the Board of Selectmen on July 26, 2005 with a Committee to be called the Master Plan and Open Space & Recreation Committee, to be composed of nine (9) members, including

- one (1) member from the Conservation Commission,
- one (1) member from the Recreation Commission, and
- one (1) member from the Planning Board,

  each of whom shall be designated by their respective Commissions or Board and appointed by the Board of Selectmen for a term of one year beginning July 1st of each year, and
- six (6) members at large who shall be appointed by the Board of Selectmen with initial appointments to be made as follows:
- two (2) members for terms to expire June 30, 2010, two (2) members for terms to expire June 30, 2011, and two (2) members for terms to expire June 30, 2012.

A vacancy on the Master Plan/Open Space & Recreation Committee created by the resignation of one of the members shall be filled in the same manner as the original appointment, with the end of the appointment term to be the same as that of the member who has resigned.

The purpose of this Committee shall be to develop and then facilitate the implementation of the Town's Open Space and Recreation Five-Year Plan, update this Plan every five (5) years, seek appropriate grants, raise funds, and propose Town expenditures that further the goals of this Plan, and further, to develop a Master Plan for approval by the Town of Brookfield and to make recommendations for the implementation thereof,
or take any action relative thereto.

A motion was made to change the number of members and their terms, the motions was voted on and approved it is follows:

The Town voted unanimously to replace the Open Space & Recreation Committee established under Article 48 of the May 2005 Annual Town Meeting and the Master Plan Committee established by the Board of Selectmen on July 26, 2005 with a Committee to be called the Master Plan and Open Space & Recreation Committee, Existing members to remain on the committee, to be composed of seven (7) members, including:

- one (1) member from the Conservation Commission,
- one (1) member from the Recreation Commission, and
- one (1) member from the Planning Board,

  each of whom shall be designated by their respective Commissions or Board and appointed by the Board of Selectmen for a term of one year beginning July 1st of each year, and
- four (4) members at large who shall be appointed by the Board of Selectmen with initial appointments to be made as follows:
- two (2) members for terms to expire June 30, 2010, one (1) member for a term to expire June 30, 2011, and one(1) members for a to expire June 30, 2012.

  A vacancy on the Master Plan/Open Space & Recreation Committee created by the resignation of one of the members shall be filled in the same manner as the original appointment, with the end of the appointment term to be the same as that of the member who has resigned.

ARTICLE 6: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, or otherwise, for cemetery purposes pursuant G. L. c. 114 and to accept a deed to the Town of Brookfield of a fee simple interest in 34 acres or less located on West Main Street, Brookfield, Worcester County, Massachusetts and being a portion of lot shown on Assessors Map 6B as Lot 9 and to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be deemed by the Selectmen necessary or appropriate for the dedication of the premises to cemetery purposes; and as funding therefore to raise and appropriate, transfer from available funds or borrow a sum of money pursuant to G.L. c. 44 Section 7(3) or any other

The Town voted to pass over Article 6.

ARTICLE 7: To see if the Town will vote to transfer a sum of money from Overlay Surplus to a new account to be called Professional Services, or take any action relative thereto.

The Town voted unanimously to transfer the sum of $35,000 from Overlay Surplus to a new account to be called Professional Services.

ARTICLE 8: To see if the Town will vote to transfer a sum of money from available funds to the Snow & Ice Account to cover the FY09 deficit, or take any action relative thereto.

The Town voted unanimously to transfer the sum of $56,174 from Free Cash to the Snow & Ice Account to cover the FY09 deficit.

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 tenth (10th) day of June, in the year of our Lord, Two Thousand and Nine.

Respectfully Submitted,
SELECTMEN OF BROOKFIELD
Rudy Heller, Chairman
James W. Allen, Vice Chairman
Peter S. O'Connell, Clerk

A True Copy, Attest:
Joseph F. Murray, Constable of Brookfield
A true copy attest: Linda M. Lincoln CMMC, Town Clerk

Forty-three (43) voters were in attendance, the meeting adjourned at 6:25 PM

Linda M. Lincoln

A True Copy Attest; Linda M. Lincoln CMMC
Town Clerk