

**THE COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING WARRANT
October 29, 2010**

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 TOWN AFFAIRS, TO MEET AT THE **BROOKFIELD ELEMENTARY SCHOOL, CAFETERIA, 37 CENTRAL STREET, BROOKFIELD, MA ON FRIDAY, October 29, 2010 at 7:00 P.M. TO ACT ON THE FOLLOWING ARTICLES:**

Following the opening of the meeting and pledge of allegiance, the selectmen welcomed Mr. Michael Blanchard, newly appointed Chief of Police to the town. He then took the oath of office from the Town Clerk, Michael P. Seery.

ARTICLE 1: To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$629.00 to the Advisory Committee's Expense Account to pay a late invoice from Fiscal Year 2009, or take any action relative thereto. (9/10 vote)

The Town voted unanimously to raise and appropriate the sum of \$629.00 to the Advisory Committee's Expense Account to pay a late invoice from Fiscal Year 2009.

ARTICLE 2: To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$77.00 to the Highway Department Expense Account to pay a late invoice from Fiscal Year 2010, or take any action relative thereto. (9/10 vote)

The Town voted unanimously to transfer the sum of \$77.00 from the Worcester Regional Retirement Account to the Highway Department Expense Account to pay a late invoice from fiscal year 2010.

ARTICLE 3: To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$159.80 to the Planning Board Expense Account to pay a late invoice from Fiscal Year 2010, or take any action relative thereto. (9/10 vote)

The Town voted unanimously to raise and appropriate the sum of \$159.80 to the Planning Board Expense Account to pay a late invoice from fiscal year 2010.

ARTICLE 4: To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$2,750.99 to the Legal Services Account to pay a bill of the prior fiscal year for legal expenses, or take any action relative thereto. (9/10 vote)

The Town voted to transfer the sum of \$2,750.99 from the Worcester Regional Retirement Account to the Legal Services Account to pay a late invoice from fiscal year 2010. A standing vote determined 119 in favor and 8 opposed. The vote exceeded the 9/10ths required.

ARTICLE 5: To see if the Town will vote to transfer the sum of \$27,335.00, which was received as an insurance payment, to the Police Vehicle Acquisition Account, and to raise, appropriate, transfer or borrow, the sum of \$4,498 to the Police Vehicle Acquisition Account for the purchase of a police cruiser, for a total purchase price of \$31,833; or take any action relative thereto.

The Town voted unanimously to transfer the sum of \$27,335.00 received as an insurance payment, to the Police Vehicle Acquisition Account, and to transfer the sum of \$4,498.00 from the Police Chief Salary Account to The Police Vehicle Acquisition Account to pay for the purchase of a police cruiser, for a total purchase price of \$31,833.00.

ARTICLE 6: To see if the Town will vote to transfer a sum of money from the Police Department Full-Time Account to the Police Department Part-Time Account or take any action relative thereto.

The Town voted unanimously to transfer the sum of \$15,000.00 from the Police Department Full-Time Account to the Police Department Part-Time Account.

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to be added to the salary of the Brookfield Police Chief, or take any action relative thereto.

The Town voted unanimously to pass over Article 7.

ARTICLE 8: To see if the Town will vote to authorize the Board of Selectmen, upon such terms and conditions as they may determine, to acquire on behalf of the Town, by purchase, gift or eminent domain, from the Trustees of McKeon Family Revocable Living Trust, for general municipal purposes, certain premises, being 3 Prouty Street (045/006.C-0001-0036.0), 5 Prouty Street (045/006.C-0001-0037.0) and 7 Prouty Street (045/006.C-0001-0038.0), being a portion of the property described in a deed recorded with the Worcester South District Registry of Deeds in Book 45977, Page 262, and further to raise, appropriate, transfer from available funds, or borrow a sum of money not to exceed \$160,000.00 for the afore-described parcels and any expenses related thereto, or take any action relative thereto. (2/3 vote)

The Town voted to defeat Article 8 by a standing majority of 91 in favor and 71 opposed. The vote was short of the 2/3rds required for borrowing. A motion was made and accepted to reconsider the article. The final vote after reconsideration was 102 in favor and 57 opposed. The vote was again short of the 2/3rds required for borrowing and Article 8 was defeated.

Initiative Petition:

ARTICLE 27: Do the voters for the Town of Brookfield want the Town of Brookfield's Tax Collector to become an elected position not appointed by the Board of Selectman.

The Town voted by a standing majority 74 in favor and 73 opposed to authorize and direct the Board of Selectmen to petition the legislature for a special act establishing that the Tax Collector of Brookfield be an elected position, rather than appointed, at intervals of three years commencing with the 2011 Annual Town Election and such act shall supercede any other provisions which may be in effect. A motion was made and defeated by voice majority vote to reconsider the article.

ARTICLE 9: To see if the Town will vote to reduce by a sum of money, the vote of Annual Town Meeting, June 18, 2010, Article 2, for maturing debt and interest for the Brookfield Elementary school; or take any action relative thereto.

The Town voted unanimously to reduce the amounts voted at the Annual Town Meeting, June 18, 2010, Article 2, maturing debt for the Brookfield Elementary School by \$220,303.00 and maturing interest Brookfield Elementary School by \$90,068.00.

ARTICLE 10: To see if the Town will vote to amend the amount voted at the Annual Town Meeting on June 18, 2010 for Brookfield's share of the FY11 Tantasqua Regional transportation assessment, or take any action relative thereto.

Article 8 – For the purchase of 3, 5 and 7 Prouty Street (next to Post Office)

Description

Total land: approximately 36,000 sq ft. divided into a house & small lot (yellow house at 7 Prouty, lot and cement foundation (3 Prouty behind former doctor's office), and open land (5 Prouty);

House: 7 Room Colonial (3 bedrooms, 1-1/2 baths), built in 1860; 1291 sq ft. In good condition with major renovations in 2000, but a new septic system will be required and work is needed on the furnace and cellar columns. Previously rented for \$900 per month, but currently vacant.

Assessed Value: \$222,600. **Asking Price:** \$150,000 for the three parcels "as is".

History of negotiations: The Town has attempted to purchase this property since the 1990s to:

1. Construct an expandable Title V septic system serving Town Hall/Fire Station and EMS without putting it under the Town Hall parking lot, which carries potentially costly risks;
2. Locate the Police Department in a Town facility, saving the payment of rent;
3. Provide a safe entry/exit for Public Safety vehicles that does not interfere with parking;
4. Increase municipal parking and ease the Post Office parking crunch;
5. Mitigate the dangerous exit from the Post Office onto Route 9.

However, the former owner's asking prices ranged from high (over \$250,000) to completely unrealistic (\$1,000,000). When the owner's heirs put the properties on the market for \$150,000, the Selectmen offered \$130,000 but the sellers were unresponsive and the Realtor continued to show the property to others. Rather than risking a bidder war with others before the Town could act, and after comparing the McKeon House price to the asking price for the location of the current police department (\$290,000 - \$310,000), the Selectmen offered and the sellers agreed to a purchase price of \$150,000, contingent on Town meeting approval.

Options:

1. Rent the house as a residence for 2-3 years at \$850-\$1000 per month, which pays for an expandable Town Hall / Municipal Facilities septic system that also serves the house and pays for most needed repairs to the house.
2. Develop and implement a site and facilities plan including modest physical changes/additions to use the house as a Police Station beginning in 2013 (current Police Station lease is 3 years), saving \$18,000 per year in Police Station rent and for Town Hall parking, driveway, & WRTA bus stop.

Concerns:

Weren't there fuel tanks on the property? Yes. Our current Fire Chief oversaw the removal of the tanks as required by law and reported that the tanks were sound and there was no sign of leakage. Otherwise, the Chief would have called an environmental engineer to work with the owner to clean up the soil.

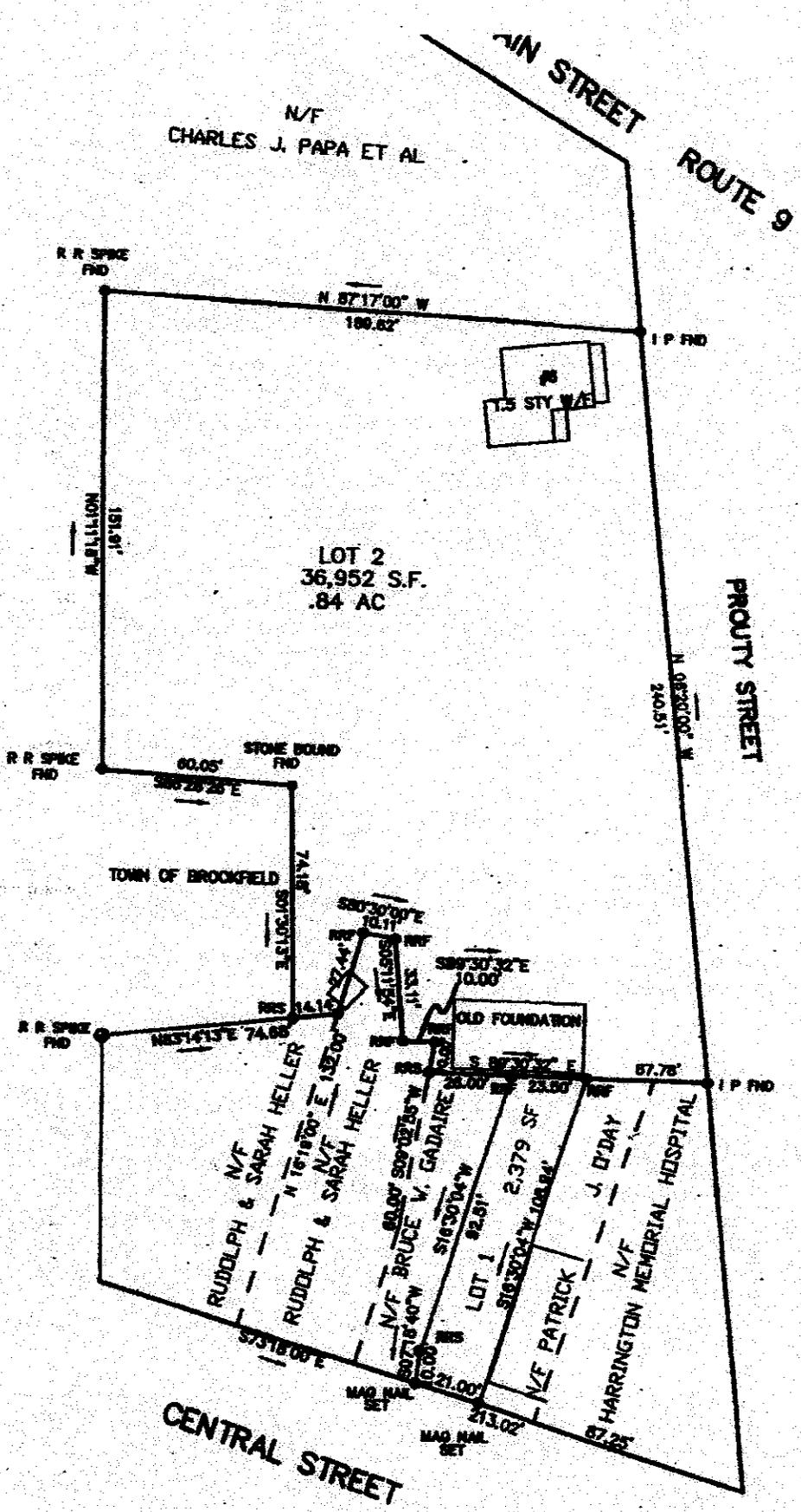
Isn't there a need for an environmental 21E hazardous materials study? No. Our insurance company won't require soil testing. During installation of a septic system, should hazardous materials be discovered, the Town can apply for state and federal grants to address the issue. Note that the risks of such discoveries are substantially higher for installing a septic system under the Town Hall parking lot than for Prouty Street.

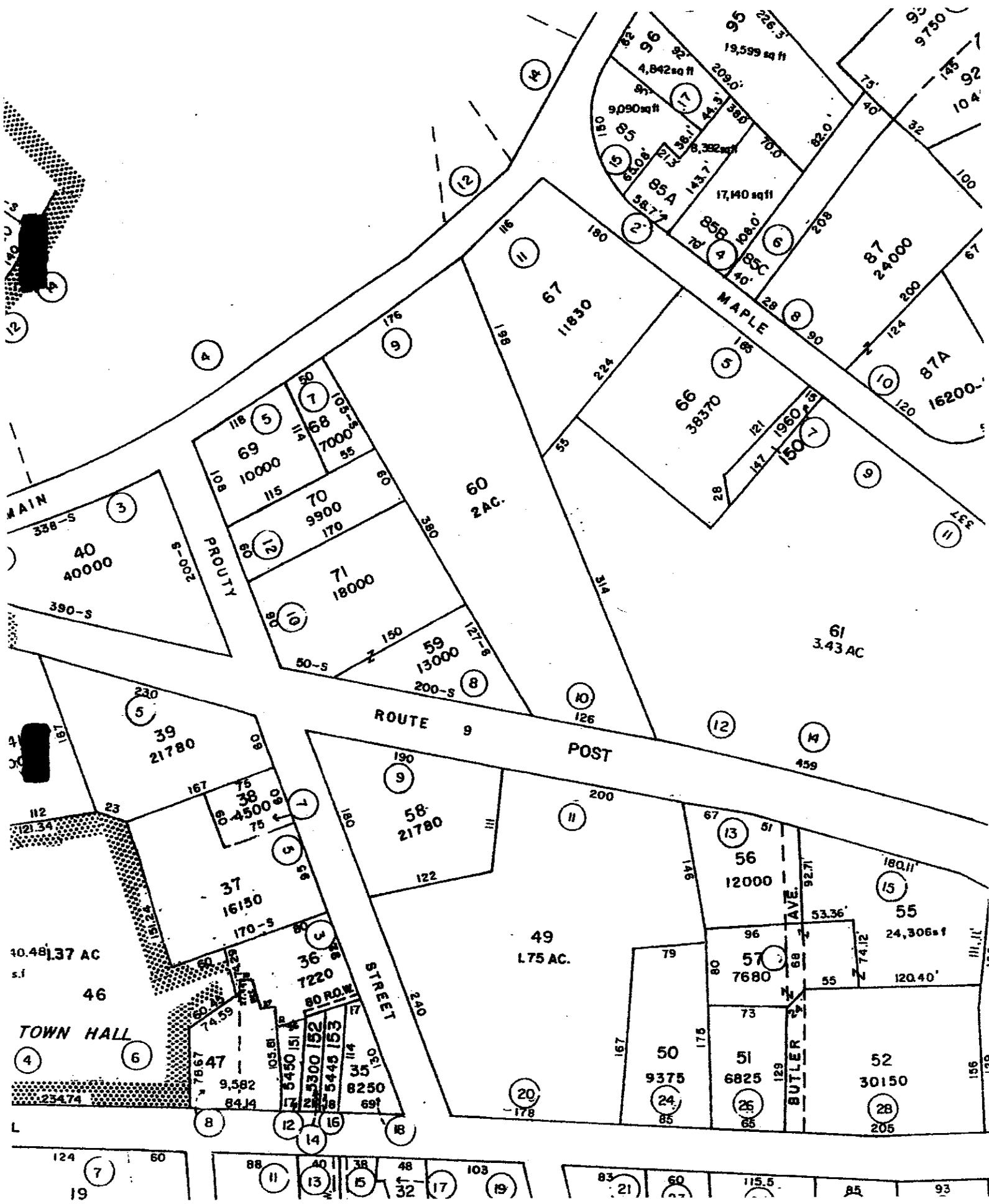
Proposed financing:

The Selectmen recommend borrowing the entire amount over a ten year period at historically low interest rates. This keeps the Stabilization Fund healthy. Should interest rates rise more quickly than projected, the Town could transfer funds from Stabilization to pay off the loan more quickly.

The loan would be paid from the operating budget at cost of \$16,000 - \$17,000 per year, so there would be no additional impact on the tax rate beyond the limitations of proposition 2 1/2.

Free cash will increase substantially in the next 3 years because of improved back tax collection, so the Town should be able to pay off the loans in fewer years without drawing on the Stabilization Fund.





124 60 7 19
88 40 38 48 103 11 13 15 32 17 19
83 60 115.5 85 93



The Town voted unanimously to reduce by \$16,881.00 the amount voted at the Annual Town Meeting on June 18, 2010, Article 2, Brookfield's share of the FY11 Tantasqua Regional Assessment.

ARTICLE 11: To see if the Town will enact a temporary tax amnesty program during fiscal year 2011 in accordance with Chapter 188, Section 68 of the Acts of 2010, or take any other action relative thereto.

Section 1. Amnesty Period:

The Amnesty period will begin on **November 1, 2010** and end on May 13, 2011.

Section 2. Program Scope:

A taxpayer who meets all eligibility requirements set forth in Section 3 below shall receive a waiver of **50%** of accrued interest, collection costs, and penalties owed on real estate taxes assessed under M.G.L. Chapter 59 for the fiscal years **2002 through 2010** inclusive upon full payment of the outstanding property tax liability and all interest, collection costs, and penalties not waived by the end of the amnesty period.

Section 3. Eligibility Requirements:

- A. The tax amnesty will apply automatically to any delinquent taxpayer who is current on all FY11 taxes and who pays all outstanding liabilities including water department fees, real estate and personal property taxes, motor vehicle excise taxes, and boat excise taxes.
- B. Any taxpayer who is the subject of a criminal investigation or prosecution for failure to pay a property tax, motor vehicle excise tax, or boat excise when the amnesty program begins **may not participate in the tax amnesty program or be granted a waiver.**
- C. A taxpayer who had a delinquency, made a partial payment sufficient to pay the principal amount of the tax or excise before those payments were prohibited by G.L. Chapter 60, Section 3E, and now owes only accrued interest, collection costs and penalties does not have an unpaid liability and **may not receive a waiver of the balance due.**

Section 4. Definitions:

- A. The **taxpayer** is the person assessed the tax and is personally liable for its payment. The taxpayer may also be the administrator of an estate or the executor of a will of the assessed owner, the current owner of the parcel, a tenant obligated to pay more than half of the assessed taxes on the parcel or anyone else who has an interest in or possession of the property.
- B. The **liability** is the principal amount of the real estate tax that is overdue and unpaid. A real estate tax includes any municipal charge, fee, fine, penalty or other amount committed as part of the tax by the assessors for collection purposes.
- C. The **covered amount** is the maximum amount that may be waived under the program. It is the total of accrued interest, collection fees, charges and penalties that (1) are assessed by and due to the collector or treasurer under G.L. Chapter 60, Section 15 or otherwise as part of the real estate or excise liability because of the taxpayer's failure to pay the liability (2) are unpaid, and (3) are required to be paid for that tax or excise to be considered paid in full, **EXCEPT**
 - 1) Collection fees, charges and penalties due on a real estate tax where the taxpayer has been given notice that a warrant to collect the tax or excise has been issued.
 - 2) Accrued interest attributable to municipal charges, fees, fines, or other amounts committed as part of the tax by the assessors for collection purposes, where the committed amounts stem from violations of statutes, by-laws or ordinances other than those requiring timely payment.

- D. The **waived amount** is determined by applying the chosen waiver percentage to the covered amount.

The Town voted unanimously to defeat Article 11.

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the Treasurer/Tax Collector's Tax Title Account; or take any action relative thereto.

The Town voted to pass over Article 12.

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer or borrow a sum not to exceed \$6,000 to be transferred to the Highway Department Expense Account and the Highway Department Overtime/Wages Account; or take any action relative thereto.

The Town voted unanimously to transfer the sum of \$2,000.00 from the General Insurance Account to the Highway Department Expense Account and the sum of \$4,000.00 to the Highway Department Overtime/Wages Account.

ARTICLE 14: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to meet the Municipal Appropriation Requirement for the Merrick Public Library Book Account, or take any action relative thereto.

The Town voted unanimously to transfer the sum of \$1,616.00 from the General Insurance Account to the Merrick Public Library Book Account.

ARTICLE 15: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the Computer Maintenance Account; or take any action relative thereto.

The Town voted unanimously to transfer the sum of \$2,000.00 from the General Insurance Account to the Computer Maintenance Account.

ARTICLE 16: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the Unemployment Account; or take any action relative thereto.

The Town voted to pass over Article 16.

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to be added to the Veteran's Case Worker Account for Fiscal Year 2011; or take any action relative thereto.

The Town voted unanimously to raise and appropriate the sum of \$5,000.00 to be added to the Veteran's Case Worker Account for fiscal year 2011.

ARTICLE 18: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to be used for the repair of the Town Hall roof; or take any action relative thereto.

The Town voted to pass over Article 18.

ARTICLE 19: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the Fiscal Year 2011 Legal Expense Account; or take any action relative thereto.

The Town voted by a voice majority to raise and appropriate the amount of \$15,000.00 for the Fiscal Year 2011 Legal Expense Account.

ARTICLE 20: To see if the Town will vote to accept the job descriptions of Municipal Clerk I and II and include their titles, grades and points in the Personnel By-Law, Chapter XV, Section 2, Mandatory Classification; or take any action relative thereto.

The Town voted by a voice majority to accept the job description of Municipal Clerk II and include title of Municipal Clerk II, grade 4 185 points in the Personnel By-Law, Chapter XV, Section 2, Mandatory Classification.

ARTICLE 21: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for municipal clerk wages; or take any action relative thereto.

The Town voted by a standing majority of 66 in favor and 43 opposed to transfer the sum of \$2,000.00 from the General Insurance Account to the Municipal Clerk Wages Account.

ARTICLE 22: To see if the Town will vote to amend the Personnel By-Law, Chapter XV, Section 2, Mandatory Classification, regarding Grade and Points for the position of Administrative Assistant; or take any action relative thereto.

The Town voted by a standing majority of 65 in favor and 42 opposed to amend the Personnel By-Law, Chapter XV, Section 2, Mandatory Classification, changing the Grade from 8 with 285 points to Grade 10 with 355 points for the position of Administrative Assistant, as calculated by the Personnel Board.

ARTICLE 23: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the Administrative Assistant as provided for in the amendment to the Personnel By-Law, Chapter XV, Section 2, Mandatory Classification set forth in Article 12, above; or take any action relative thereto.

The Town voted by a voice majority to transfer the sum of \$2,086.00 from the General Insurance Account to the Administrative Assistant wages account.

ARTICLE 24: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to the Stabilization Account; or take any action relative thereto.

The Town voted unanimously to raise and appropriate and transfer the sum of \$11,000.00 To the Stabilization Account. (A 2/3rds vote is required).

ARTICLE 25: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to be used to reduce the tax levy; or take any action relative thereto.

The Town voted unanimously to transfer the sum of \$80,000.00 from the Stabilization Account to reduce the tax rate. (A 2/3rds vote is required).

ARTICLE 26: To see if the Town will vote to accept as a Town By-Law, a new Chapter:

Chapter XVII: Right to Farm By-Law

Section 1. Legislative Purpose and Intent

The purpose and intent of this By-Law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Brookfield restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-Law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of

Brookfield by allowing agricultural uses and related activities to function with minimal conflict with abutters and local agencies. This By-Law shall apply to all jurisdictional areas within the Town.

Section 2. Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- Farming in all its branches and the cultivation and tillage of the soil;
- Dairying; production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- Growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- Raising of livestock including horses;
- Keeping of horses; and
- Keeping and raising of poultry, swine, cattle, sheep, goats, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- Operation and transportation of slow-moving farm equipment over roads within the Town;
- Control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals, preferably through non-chemical, non-toxic means;
- Application of manure, fertilizers and pesticides;
- Conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to the agricultural output or services of the farm;
- Processing, slaughtering and packaging of the agricultural output of the farm and the operation of a farmers' market or farm stand including signage thereto;
- Maintenance, repair, or storage or seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and On-farm relocation of earth and the clearing of ground for farming operations.

Section 3. Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Brookfield.

The above described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-Law are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm By-Law shall be deemed as acquiring any interest in land or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4. Precedence

In the event of conflict between this By-Law and federal or state law, federal or state law shall take precedence respectively.

Section 5. Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of a grievance does not suspend the time within which to pursue any other available remedies that the aggrieved person may have.

The Zoning Enforcement Officer or the Board of Health shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

Section 6. Severability Clause

If any part of this By-Law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-Law. The Town of Brookfield hereby declares the provisions of this By-Law to be severable.

The Town voted to pass over Article 26.

NO OTHER ARTICLES – 27 total.

There were 175 voters in attendance. The meeting adjourned at 10:30 P.M.

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 15th day of October, in the year of our Lord, Two Thousand and Ten.

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 Friday, October 15th, 2010 at 11:30 a.m. and at the Brookfield Town Hall at 11:35 p.m. on the same day.

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

Joseph F. Murray
Constable of Brookfield

A TRUE COPY ATTEST:

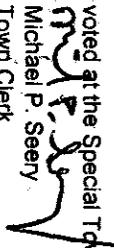
MICHAEL P. SEERY, TOWN CLERK

Town of Brookfield

Special Town Meeting Held Friday October 29, 2010

| ARTICLE # | TOTAL APPROPRIATION | TAX LEVY | FREE CASH | FROM OTHER AVAILABLE FUNDS | BORROW | SOURCES FROM FUNDING | SOURCES TO FUNDING |
|-----------|---------------------|---------------|-----------|----------------------------|--------|-------------------------------------|--------------------------------------|
| 1 | \$629.00 | \$629.00 | | | | Worcester Regional Asset Acct. | Advisory Committee Expense Account |
| 2 | \$77.00 | | | \$77.00 | | Worcester Regional Retirement Acct. | Highway Department Expense Account |
| 3 | \$159.80 | \$159.80 | | | | Worcester Regional Retirement Acct. | Planning Board Expense Account |
| 4 | \$2,750.99 | | | \$2,750.99 | | Worcester Regional Retirement Acct. | Legal Services Account |
| 5 | \$27,335.00 | | | \$27,335.00 | | Insurance Payment | Police Vehicle Acquisition Account |
| 5 | \$4,498.00 | | | \$4,498.00 | | Police Chief Salary Account | Police Vehicle Acquisition Account |
| 6 | \$15,000.00 | | | \$15,000.00 | | Police Dept. Full Time Account | Police Department Part Account |
| 9 | -\$220,303.00 | | | | | Maturing Debt BES | To reduce appropriations |
| 9 | -\$90,068.00 | | | | | Maturing Interest BES | To reduce appropriations |
| 10 | -\$16,881.00 | | | | | Regional School Transportation | Reduce the Appropriations |
| 13 | \$2,000.00 | | | \$2,000.00 | | General Insurance Account | Highway Department Expense Account |
| 13 | \$4,000.00 | | | \$4,000.00 | | General Insurance Account | Highway Dept. Overtime/Wages Acct. |
| 14 | \$1,616.00 | | | \$1,616.00 | | General Insurance Account | Merrick Public Library Book Account |
| 15 | \$2,000.00 | | | \$2,000.00 | | General Insurance Account | Computer Maintenance Account |
| 17 | \$5,000.00 | | | | | Raise & Appropriate | Veterans Case Worker Account |
| 19 | \$15,000.00 | | | | | Raise & Appropriate | Legal Expense Account |
| 21 | \$2,000.00 | | | \$2,000.00 | | General Insurance Account | Municipal Clerk Wages Account |
| 23 | \$2,086.00 | | | \$2,086.00 | | General Insurance Account | Administrative Assistant Wages Acct. |
| 24 | \$11,000.00 | | | \$11,000.00 | | Raise & Appropriate | Stabilization Account |
| TOTALS | -\$232,100.21 | -\$295,463.20 | \$0.00 | \$63,362.99 | \$0.00 | | |

I hereby certify that the foregoing appropriations and the provisions for the meeting the same were

voted at the Special Town Meeting held on Friday October 29, 2010

 Michael P. Seery
 Town Clerk

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

WORCESTER SS.

To the Constables of the Town of Brookfield

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in the State Election to vote at The Brookfield Town Hall, 6 Central Street, Brookfield, TUESDAY, THE SECOND DAY OF NOVEMBER, 2010, from 7 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices:

| | |
|--|--|
| GOVERNOR/LT. GOVERNOR | FOR THIS COMMONWEALTH |
| ATTORNEY GENERAL | FOR THIS COMMONWEALTH |
| SECRETARY OF STATE. | FOR THIS COMMONWEALTH |
| TREASURER | FOR THIS COMMONWEALTH |
| AUDITOR | FOR THIS COMMONWEALTH |
| REPRESENTATIVE IN CONGRESS | SECOND DISTRICT |
| COUNCILLOR | SEVENTH DISTRICT |
| SENATOR IN GENERAL COURT | WORCESTER, HAMPDEN, HAMPSHIRE AND FRANKLIN DISTRICT |
| REPRESENTATIVE IN GENERAL COURT. | FIFTH WORCESTER DISTRICT |
| DISTRICT ATTORNEY | MIDDLE DISTRICT |
| SHERIFF | WORCESTER COUNTY |

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

SUMMARY

This proposed law would remove the Massachusetts sales tax on alcoholic beverages and alcohol, where the sale of such beverages and alcohol or their importation into the state is already subject to a separate excise tax under state law. The proposed law would take effect on January 1, 2011.

A **YES VOTE** would remove the state sales tax on alcoholic beverages and alcohol where their sale or importation into the state is subject to an excise tax under state law.

A **NO VOTE** would make no change in the state sales tax on alcoholic beverages and alcohol.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

SUMMARY

This proposed law would repeal an existing state law that allows a qualified organization wishing to build government-subsidized housing that includes low- or moderate-income units to apply for a single comprehensive permit from a city or town's zoning board of appeals (ZBA), instead of separate permits from each local agency or official having jurisdiction over any aspect of the proposed housing. The repeal would take effect on January 1, 2011, but would not stop or otherwise affect any proposed housing that had already received both a comprehensive permit and a building permit for at least one unit.

Under the existing law, the ZBA holds a public hearing on the application and considers the recommendations of local agencies and officials. The ZBA may grant a comprehensive permit that may include conditions or requirements concerning the height, site plan, size, shape, or building materials of the housing. Persons aggrieved by the ZBA's decision to grant a permit may appeal it to a court. If the ZBA denies the permit or grants it with conditions or requirements that make the housing uneconomic to build or to operate, the applicant may appeal to the state Housing Appeals Committee (HAC).

After a hearing, if the HAC rules that the ZBA's denial of a comprehensive permit was unreasonable and not consistent with local needs, the HAC orders the ZBA to issue the permit. If the HAC rules that the ZBA's decision issuing a comprehensive permit with conditions or requirements made the housing uneconomic to build or operate and was not consistent with local needs, the HAC orders the ZBA to modify or remove any such condition or requirement so as to make the proposal no longer uneconomic. The HAC cannot order the ZBA to issue any permit that would allow the housing to fall below minimum safety standards or site plan requirements. If the HAC rules that the ZBA's action was consistent with local needs, the HAC must uphold it even if it made the housing uneconomic. The HAC's decision is subject to review in the courts.

A condition or requirement makes housing "uneconomic" if it would prevent a public agency or non-profit organization from building or operating the housing except at a financial loss, or it would prevent a limited dividend organization from building or operating the housing without a reasonable return on its investment.

A ZBA's decision is "consistent with local needs" if it applies requirements that are reasonable in view of the regional need for low- and moderate-income housing and the number of low-income persons in the city or town, as well as the need to protect health and safety, promote better site and building design, and preserve open space, if those requirements are applied as equally as possible to both subsidized and unsubsidized housing. Requirements are considered "consistent with local needs" if more than 10% of the city or town's housing units are low- or moderate-income units or if such units are on sites making up at least 1.5% of the total private land zoned for residential, commercial, or industrial use in the city or town. Requirements are also considered "consistent with local needs" if the application would result, in any one calendar year, in beginning construction of low- or moderate-income housing on sites making up more than 0.3% of the total private land zoned for residential, commercial, or industrial use in the city or town, or on ten acres, whichever is larger.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would repeal the state law allowing the issuance of a single comprehensive permit to build housing that includes low- or moderate-income units.

A NO VOTE would make no change in the state law allowing issuance of such a comprehensive permit.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

SUMMARY

This proposed law would reduce the state sales and use tax rates (which were 6.25% as of September 2009) to 3% as of January 1, 2011. It would make the same reduction in the rate used to determine the amount to be deposited with the state Commissioner of Revenue by non-resident building contractors as security for the payment of sales and use tax on tangible personal property used in carrying out their contracts.

The proposed law provides that if the 3% rates would not produce enough revenues to satisfy any lawful pledge of sales and use tax revenues in connection with any bond, note, or other contractual obligation, then the rates would instead be reduced to the lowest level allowed by law.

The proposed law would not affect the collection of moneys due the Commonwealth for sales, storage, use or other consumption of tangible personal property or services occurring before January 1, 2011.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would reduce the state sales and use tax rates to 3%.

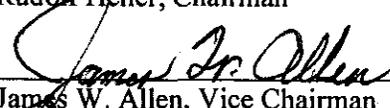
A NO VOTE would make no change in the state sales and use tax rates.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

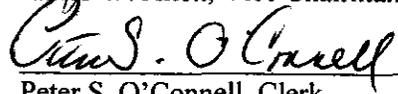
Given under our hands this 14th day of October, 2010.



Rudolf Heller, Chairman



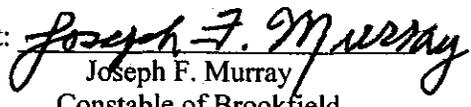
James W. Allen, Vice Chairman



Peter S. O'Connell, Clerk
Selectmen of Brookfield

Worcester, SS

Pursuant to within Warrant, I have notified and warned the inhabitants of the Town of Brookfield by posting attested copies of same October 14, 2010. Seven days before the date of the posting, as within directed. Posted at the Brookfield Town Hall at ~~10~~ P.M. and Brookfield Post Office at ~~10~~ P.M.

A True Copy Attest: 

Joseph F. Murray
Constable of Brookfield

12:05 PM

A True Copy Attest: 

Michael P. Seery
Town Clerk



**OFFICE OF THE TOWN CLERK
MICHAEL P. SEERY
6 CENTRAL STREET
BROOKFIELD, MA 01506
508-867-2930 EXT. 12**

This is to certify that article 27 was voted and approved at the Special Town Meeting held on October 29, 2010 at the Brookfield Elementary School. It is as follows:

Initiative Petition:

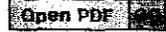
ARTICLE 27: Do the voters for the Town of Brookfield want the Town of Brookfield's Tax Collector to become an elected position not appointed by the Board of Selectman.

The Town voted by a standing majority 74 in favor and 73 opposed to authorize and direct the Board of Selectmen to petition the legislature for a special act establishing that the Tax Collector of Brookfield be an elected position, rather than appointed, at intervals of three years commencing with the 2011 Annual Town Election and such act shall supercede any other provisions which may be in effect. A motion was made and defeated by voice majority vote to reconsider the article.

Certified November 3, 2010

A True Copy Attest:


**Michael P. Seery
Town Clerk**



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SENATE DOCKET, NO. 2803 FILED ON: 11/12/2010

SENATE No. 2651

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen M. Brewer

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the tax collector in the town of Brookfield.

PETITION OF:

| | |
|-------------------|--|
| NAME: | DISTRICT/ADDRESS: |
| Stephen M. Brewer | Worcester, Hampden, Hampshire and Franklin |

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

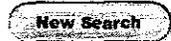
An Act relative to the tax collector in the town of Brookfield.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any other general or special law, rule or regulation to the contrary, the office of Tax Collector in the town of Brookfield shall not be appointed by the Board of Selectman but shall be elected by the voters of said town for a term of three years commencing with the 2011 annual town election. A vacancy in the elected office shall be filled by special election for the unexpired portion of the term.

SECTION 2. Notwithstanding section 1 an incumbent in the office of Tax Collector on the effective date of this act shall continue to hold the office and perform the duties thereof until the election of a Tax Collector to perform the duties pursuant to the terms of this act.

SECTION 3. This act shall take effect upon its passage.



THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Ten

AN ACT PROVIDING FOR AN ELECTED TAX COLLECTOR IN THE TOWN OF BROOKFIELD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary, the tax collector in the town of Brookfield shall be elected by the voters of said town for a term of 3 years commencing with the 2011 annual town election. A vacancy in the elected office shall be filled by special election and the person elected shall serve for the remainder of the unexpired term.

SECTION 2. Notwithstanding section 1, an incumbent in the office of tax collector on the effective date of this act shall continue to hold the office and perform the duties thereof until the election of a tax collector pursuant to this act.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, December 30, 2010.

Passed to be enacted,

Paul Donato

, Speaker.

In Senate, December 30, 2010.

Passed to be enacted,

Steve Tolman

, President.

5 January, 2011.

Approved,

at

3

o'clock and 03 minutes, P. M.

[Signature]
Governor.

Chapter 421

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Ten

AN ACT PROVIDING FOR AN ELECTED TAX COLLECTOR IN THE TOWN OF BROOKFIELD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary, the tax collector in the town of Brookfield shall be elected by the voters of said town for a term of 3 years commencing with the 2011 annual town election. A vacancy in the elected office shall be filled by special election and the person elected shall serve for the remainder of the unexpired term.

SECTION 2. Notwithstanding section 1, an incumbent in the office of tax collector on the effective date of this act shall continue to hold the office and perform the duties thereof until the election of a tax collector pursuant to this act.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, December 30, 2010.

Passed to be enacted,

Paul Donato

, Speaker.

In Senate, December 30, 2010.

Passed to be enacted,

Steven Tolman

, President.

5 January, 2011.

Approved,

at

3

o'clock and 03 minutes, P. M.

[Signature]
Governor.



CHARGE AND COMPOSITION TOWN OF BROOKFIELD BY-LAW COMMITTEE

Established - June 2002; Revised 2005; Revised Sept. 2010

The Brookfield Board of Selectmen hereby charges the By-law committee with the following responsibilities and duties:

1. The election of officers including at least a Chairman, Vice Chairman and Secretary.
2. The recording of minutes and votes of all meetings. Minutes are to be signed by the Secretary of the committee upon approval and copies of the minutes submitted to the Board of Selectmen.
3. The Committee shall comply with the "Open Meeting Law" and be governed by the "Conflict of Interest Laws."
4. The Committee shall:
 - A. Conduct a thorough review of all current general by-laws to ensure that they have been adopted by Town Meeting, submitted to the Attorney General, approved by the Attorney General, published according to the requirements of Massachusetts General Laws and the directives of the Office of the Attorney General. The Committee shall draw on all necessary public records of the Town Clerk and the Office of the Attorney General to confirm the validity and completeness of the basic by-law document.
 - B. Confirm the validity of any individual by-law before proposing any revisions for repeal in the relevant by-law for action by voters at Special or Annual Town Meetings.
 - C. Propose edits and changes to improve clarity in by-laws and review all requests from others for by-law changes. This review shall include but not be limited to the following:
 - An analysis of the pros and cons of the requested change;
 - A report concerning how employees, committees, boards, and commissions would be affected by the change;
 - A determination of the financial impact, if any, on the Town;
 - Confirmation of the legality of the proposed change (with advice of Town Counsel if approved by the Board of Selectmen, or Attorney General should this be necessary to make that determination), and
 - Assembling of any and all other pertinent information that will allow the voters to make a conscientious decision regarding the proposed change.

5. The Committee shall file a report of its findings and recommendations with the Board of Selectmen and shall yearly file an annual report to the Town.
9. The Committee shall be ongoing and consist of no more than five members appointed from the citizenry at-large by the Board of Selectmen to three-year staggered terms. In making appointments to the Committee, the Board of Selectmen will strive to maintain a balance of points of view and philosophies of government. Although a member of the By-Law Committee may serve on other Town committees, the member shall not be considered to represent another Committee in the deliberations of the By-Law Committee. In making initial appointments, the Selectmen shall appoint one person to a three-year term, two persons to two-year terms, and two persons to one-year terms.
10. This charge may be amended by the Board of Selectmen at any time.

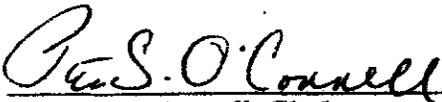
Approved at the October 5, 2010 meeting of the Board of Selectmen:



Rudy Heller, Chairman



James W. Allen, Vice Chairman



Peter S. O'Connell, Clerk

Oct 5, 2010