

**THE COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING WARRANT
FRIDAY JUNE 8TH, 2012**

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 **ELEMENTARY SCHOOL**, 37 CENTRAL STREET, BROOKFIELD, MA ON **FRIDAY THE EIGHTH DAY OF JUNE IN THE YEAR 2012 AT 7:00 P.M.** THEN AND THERE TO ACT ON THE FOLLOWING ARTICLES:

ARTICLE 1: 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 town report of the town officials, as printed.

ARTICLE 2: 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 voted 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. The Board of Selectmen and the Advisory Committee unanimously support these articles.

ARTICLE 3: 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, 2012 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 4: 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 5: 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 6: 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 7: 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 8: 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 9: 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 or any successor committee 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 per year, or take any action relative thereto.

ARTICLE 10: 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 per year, or take any action relative thereto.

The town unanimously voted to approve articles 3 through 10.

ARTICLE 11: To see if the Town will vote to transfer a sum of money from the General Fund to the Cemetery Preservation Fund, or take any action relative thereto.

This dollar amount is the annual interest earned from the money raised and deposited for the Cemetery Preservation Fund. The Board of Selectmen and the Advisory Committee unanimously support this article.

The Town unanimously voted to transfer the sum of \$117.35 from Free Cash to the Cemetery Preservation Fund.

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the Cemetery Preservation Fund Account to be used toward the matching portion of the cemetery archway restoration grant, or take any action relative thereto.

The Cemetery Commission has applied for a grant to finish the restoration of the granite entrance archway to the cemetery. This \$7,500 will supplement additional Cemetery funds to meet the 1:1 matching requirement. The Board of Selectmen and the Advisory Committee unanimously support this article.

The Town voted to transfer the sum of \$7,500.00 from Free Cash to the Cemetery Preservation Fund Account to be used toward the matching portion of the Cemetery Archway Restoration Grant.

ARTICLE 13: To see if the Town will vote to transfer a sum of money from the Ambulance Billing Receipts Account which was established according to Chapter 40, section 5F to the fiscal year 2013 Ambulance Expense Account, or take any action relative thereto.

The Town voted to transfer the sum of \$32,380.00 from the Ambulance Billing Receipts Account which was established according to Chapter 40, section 5F to the fiscal year 2013 Ambulance Expense Account.

ARTICLE 14: To see if the Town will vote to transfer a sum of money from the Ambulance Billing Receipts Account which was established according to Chapter 40, section 5F to fund the Ambulance Wages Account for fiscal year 2013, or take any action relative thereto.

The two above Articles are presented to the ATM every year and they are transfers within the EMS Department. They make the ambulance services virtually self-supporting. The Board of Selectmen and the Advisory Committee unanimously support Articles 13 and 14.

The Town voted to transfer the sum of \$116,159.00 from the Ambulance Billing Receipts Account which was established according to Chapter 40, section 5F to fund the Ambulance Wages Account for fiscal year 2013

ARTICLE 15: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to be used for air bottle replacement for the Fire Department, or take any action relative thereto.

The Fire Department must replace 11 air bottles by 2014 at a cost of approximately \$1100 per bottle. The amount requested will replace five bottles, with another six planned for replacement next year. The Board of Selectmen and the Advisory Committee unanimously support this article.

The Town unanimously voted to transfer the sum of \$5,000.00 from Free Cash to purchase air bottles for the Fire Department.

ARTICLE 16: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for repairs to Engine #3, or take any action relative thereto.

Engine # 3 requires radiator repairs and repairs to the pump, without which the engine may fail inspection in July or it may fail to work when on a call. The cost for a replacement used fire engine is approximately \$200,000. Repairs now will enable the engine to remain in service. The Board of Selectmen and the Advisory Committee unanimously support this article.

The Town unanimously voted to transfer the sum of \$14,500.00 to be used for repairs to Engine 3.

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$1,955.77 to be used to pay the second of three installments of the 2012 Workers' Compensation invoice dated December 1, 2011, or take any action relative thereto.

This is the result of an invoice received from the Town's Workers' Compensation Carrier (similar invoices have gone to all of their customers) for a surcharge to be paid in three installments (the first of which was voted at the Special Town Meeting). This article funds the second installment of \$1,937.55 due on or before 7/1/2013; the third payment/installment of \$2,193.87 is due on or before 7/1/2014. The Board of Selectmen and the Advisory Committee unanimously support this article.

The Town voted unanimously to transfer the sum of \$1,955.77 from Free Cash to be used to pay the second of three installments of the 2012 Workers' Compensation invoice dated December 1, 2011.

ARTICLE 18: To see if the Town will vote to raise and appropriate, transfer or borrow, a sum of money for the Highway Construction, Reconstruction and Improvement of Town Roads, Bridges and Sidewalks Account, or take any action relative thereto.

These are funds that we allocate on a yearly basis for roadwork. The Board of Selectmen and the Advisory Committee unanimously support this article.

The Town voted unanimously to transfer the sum of \$32,000.00 from Free Cash for the Highway Construction, Reconstruction and Improvement of Town Roads, Bridges and Sidewalks Account.

ARTICLE 19: To see if the Town will vote to raise and appropriate, transfer or borrow a sum to be used for Phase II assessment of the costs of repairing or breaching of Saw Mill Pond Dam; or take any action relative thereto.

The Massachusetts Office of Dam Safety has mandated that the Town conduct a study to determine how best to repair or breach Saw Mill Pond Dam to ensure that water levels for a 100 year flood can be safely passed downstream without washing out Lake Road. The Board of Selectmen and the Advisory Committee unanimously support this article.

The Town voted unanimously to raise and appropriate the sum of \$30,380.00 to be used for Phase II assessment of the costs of repairing or breaching of Saw Mill Pond Dam.

ARTICLE 20: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to be used for covering the ditch at Lewis Field, or take any action relative thereto.

The burial of the ditch is the first phase of capital improvements at Lewis Field and addresses a safety issue. The Board of Selectmen recommends passing over this article; the Advisory Committee does NOT recommend this article; they feel that a multi-phase plan should be presented to Town Meeting that outlines the time frame and all costs associated with each phase.

The Town passed over article 20.

ARTICLE 21: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to be used for building maintenance at Merrick Public Library, or take any action relative thereto.

The Merrick Public Library has an ongoing building maintenance plan and has already replaced their heating/air conditioning system and begun pointing the bricks on the outside. It is intending to use this \$20,000 for more outside repairs, including repairs to the gargoyles, etc. The Board of Selectmen and the Advisory Committee unanimously support this article.

The Town unanimously voted to raise and appropriate the sum of \$20,000.00 to be used for building maintenance at the Merrick Public Library.

ARTICLE 22: To see if the Town will vote to:

(1) authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, the fee or lesser interests, including, but not limited to permanent and temporary easements, for bridge, bridge support, public way, highway, highway drainage or temporary construction purposes, in connection with improvements to be made to the Quaboag Bridge, located upon Fiskdale Road (Route 148) in the Town of Brookfield, within the areas shown on the plan entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Fiskdale Road (Route 148) Over Quaboag River (Bridge No. B-26-002)," as may be amended, on file with the Town Clerk, or within all or any portion of any parcel of land located within 100 feet of such areas; and, further, to see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for this purpose and any expenses related thereto and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out these acquisitions; and

(2) authorize the Board of Selectmen to convey certain property, being Tract II in Book 4092, Page 505 of the Worcester Registry of Deeds, to the Commonwealth of Massachusetts, acting through the Division of Fisheries and Wildlife, in exchange for a portion of a parcel of property owned by the Commonwealth of Massachusetts, described in a deed recorded with the Worcester Registry of Deeds in Book 6676, Page 115, upon which parcel of property certain of the improvements to the Quaboag Bridge shall be located, and which property of the Commonwealth of Massachusetts is protected by the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; and

(3) authorize the Board of Selectmen to petition the Massachusetts General Court to approve the disposition of the property owned by the Commonwealth of Massachusetts, as described above, to the Town, to be used in connection with improvements to the Quaboag Bridge; or take any action relative thereto. (2/3rds vote)

The Town owns the Route 148 bridge over the Quaboag River. The Commonwealth will pay for the design and construction of a new bridge, but the Town is responsible for acquiring the rights of way through either the acquisition of property from abutters or the rights of way through temporary or permanent easements. The amount requested is to pay for the cost of appraiser fees, sign relocations, awards of damages, recording fees at the Registry of Deeds, attorney fees, and other costs related to the acquisition of the rights of way from abutters. The Selectmen voted 2-1 to support this article. One member is philosophically opposed to the taking of land by eminent domain.

The Town voted to defeat article 22. The vote was 84 Aye and 55 Nay. Note: A two thirds 2/3rds vote was required for this article.

ARTICLE 23: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the Computer Acquisition Account to be used for municipal computer purchases with related equipment and software, or take any action relative thereto.

Although most departments now have “new” equipment, the majority of this requested sum will be used for computers for the Police Department whose office and in-vehicle computers are very old and need immediate replacement. Some money is included in the event of a need to replace machines in an emergency. The Board of Selectmen and the Advisory Committee unanimously support this article.

The Town voted unanimously to transfer the sum of \$10,000.00 from Free Cash to the Computer Acquisition Account to be used for municipal computer purchases with related equipment and software.

ARTICLE 24: To see if the Town will vote to amend the General By-laws of the Town by adding a new Section 19, Chapter II, that provides as follows:

“The Board of Selectmen shall insert on any Annual Town Meeting Warrant any subject requested of them in writing, submitted by 10 or more registered voters. The Selectmen shall insert on any Special Town Meeting warrant any subject requested of them in writing, submitted by 100 registered voters or 10 percent of the town’s total number of registered voters, whichever is the lesser. Such written requests shall not be valid unless the required number of signatures of registered voters not only sign their name but also state their residence and the provisions of G.L. c. 39, s. 10 are otherwise satisfied.”

Or take any action relative thereto. (Sponsored by the By-Law Committee)

A favorable vote on this amendment would serve no purpose. These provisions are already state law the Town already observes. The Board of Selectmen voted 2-1 to not support this article.

The Town voted by a standing majority of 70 aye and 38 nay to amend the General By-Laws of the Town by adding a new Section 19, Chapter II, that provides as follows:

“The Board of Selectmen shall insert on any Annual Town Meeting Warrant any subject requested of them in writing, submitted by 10 or more registered voters. The Selectmen shall insert on any Special Town Meeting warrant any subject requested of them in writing, submitted by 100 registered voters or 10 percent of the town’s total number of registered voters, whichever is the lesser. Such written requests shall not be valid unless the required number of signatures of registered voters not only sign their name but also state their residence and the provisions of G.L. c. 39, s. 10 are otherwise satisfied.”

ARTICLE 25: To see if the Town will vote to strike the text of Section 4 of Chapter II of Town’s General By-laws and replace with the following text:

The Board of Selectmen shall print and mail a copy of any annual or special town meeting warrant to each household in town at least 10 days prior to the meeting date. The Selectmen shall also post an electronic version of the warrant on the Town website at the same time of the mailing.

The Board of Selectmen and Advisory Committee shall provide a detailed explanation as to their support or disapproval of any warrant article. That explanation shall be included in the warrant mailing to households.

Or take any action relative thereto. (Sponsored by the By-Law Committee)

This amendment would mandate the mailing to each household of ALL Special and Annual Town Meeting Warrants and could cost the Town an average of about \$2,000/year in mailing costs. The Warrant currently is posted at the Town Hall, Post Office and Library; is put on the Town’s webpage; hard copies are available upon request and the Advisory Committee prints a Warrant Book each year which includes the Articles for the June Annual and Special Town Meetings, along with the budget to be voted upon. The Warrant Book also includes the recommendations of the Advisory Committee and the Board of Selectmen. The Selectmen voted 2-1 to not support this article.

The Town voted to defeat Article 25 by a standing majority of 63 Nay and 56 Aye.

ARTICLE 26: To see if the Town will vote to change Section 1 of Chapter II of the Town By-laws to:

“To see if the Town will vote to amend Section 1 of Chapter II of the Town’s General By-laws: by inserting “of June” following “first Friday” in the second sentence so that the By-law would provide: “The Annual Town Meeting shall be held on the first Friday of June each year following the Annual Town Election in May.”

Or take any action relative thereto. (Sponsored by the By-Law Committee)

This amendment would not change the date of the Town Election; a favorable vote to include this by-law would serve no purpose as the Board of Selectmen already have the power to choose a date for the Annual Town Meeting, regardless of the Town’s by-law, so long as it is before July 1st when a new fiscal year starts. The Board of Selectmen voted 2-1 to not support this article.

The Town voted to defeat Article 26 by a standing majority of 60 Nay and 37 Aye.

ARTICLE 27: To see if the Town will vote to amend the Town’s General By-laws by adding a new Section 20 of Chapter II that provides as follows:”

Any capital expenditure exceeding \$25,000 shall be considered only at an Annual Town meeting unless deemed an emergency expenditure for a Special Town Meeting by a vote of the Board of Selectmen.

Or take any action relative thereto. (Sponsored by the By-Law Committee)

A favorable vote to create this by-law would serve no purpose as the Board of Selectmen already have the power to include or not include articles on Town Meeting Warrants. The Selectmen voted 2-1 to not support this article.

The Town voted to defeat Article 27 by a voice majority.

ARTICLE 28: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to be used for contracting an actuarial computation service, or take any action relative thereto.

This article would bring the Town into compliance with GASBE requirement to determine the Town’s pension liabilities. The Board of Selectmen (unanimous) and the Advisory Committee (4 to 1) support this article.

The Town voted to pass over this Article 28.

ARTICLE 29: To see if the Town will vote to transfer a sum of money from free cash to the Stabilization Account or take any action thereto.

The Town must transfer available FY12 free cash into the Stabilization Account or it will “fall” to next year’s free cash. The amount to be transferred, if any, depends on whether articles recommended to be funded from free cash receive favorable votes. The Board of Selectmen and the Advisory Committee unanimously support this article.

The Town voted unanimously to transfer the sum of \$44,000 from Free Cash to the Stabilization Account.

The meeting adjourned at 10:04 p.m. 156 voters attended the Annual Town Meeting of 2012.

THIS WARRANT HAS TOTAL OF 29 ARTICLES.

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 22nd day of May, in the year of our Lord, Two Thousand and Twelve.

Respectfully Submitted,
SELECTMEN OF BROOKFIELD

Stephen J. Comtois II, Chairman

Nicholas M. Thomo, 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 May 24, 2012 at 9:35 a.m. and at the Brookfield Town Hall at 9:40 a.m. on the same day.

Seven 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