THE COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING WARRANT
SEPTEMBER 7, 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 TOWN AFFAIRS, TO MEET AT THE **BROOKFIELD ELEMENTARY SCHOOL, 37 CENTRAL STREET, BROOKFIELD, MA ON FRIDAY, SEPTEMBER 7, 2011 at 7:100P.M.** TO ACT ON THE FOLLOWING ARTICLES:

ARTICLE 1: 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 unanimously to support this article.

ARTICLE 2: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to be paid to the Department of Unemployment Assistance for late bills from fiscal years 2009, 2010 and 2011, or take any action relative thereto. (Sponsored by the Treasurer) (9/10's vote needed)

The Town contested unemployment benefits for a former employee and had been advised to not pay anything until the matter was resolved. After considerable research, I very recently learned that advice was wrong and now the Town owes $46,734.42 as of June 2012. Of this amount, we have $20,967.03 and need the balance of $25,767.39. We expect to get credit for some of the $46,734.42 but the entire amount must be paid now or more penalties will accrue. The Selectmen approve the passage of this article.

ARTICLE 3: To see if the Town will vote to authorize and approve an Agreement for Payment in Lieu of Taxes (PILOT) pursuant to the provisions of MGL Chapter 59, Section 38H9(b), and Chapter 164, Section 1, or any other enabling authority, between the Town and EPG Solar LLC for a certain sum and a certain term of years to be negotiated by the Board of Selectmen for real property and personal property relating to a solar renewable energy generation facility to be installed, owned and operated by EPG Solar LLC on Town-owned land located at Quaboag Street, Brookfield, and shown on Assessors' Map 6C as Parcels 2 and 43;or take any action relative thereto.

The Solar Review Committee, with the approval of the Board of Selectmen, has been negotiating for a solar farm at the capped part of the Town's Landfill. Passage of this article would generate $6500 of revenue annually for twenty years for the Town as a payment in lieu of taxes. The Selectmen approve the passage of this article.

ARTICLE 4:

"To see if the Town will vote to:

(1) Approve the option presented by State DOT officials to the Town of July 9thth 2012 to replace the complete superstructure of the Rt. 148 Quaboag River Bridge. This option does not include or require any major reconstruction of Rt. 148 on the south side of the said bridge such as the extensive roadway reconstruction proposed in the plan presented at prior informational public meetings. (referenced in Article 1).

(2) The bridge superstructure replacement option does not require any eminent domain takings, temporary land takings, permanent alterations of, or permanent reconstruction of lands for easements on or from parcel 39. (present location of White's Landing) The owners of parcel 39 are in favor of this option."

This article was a result of a citizen's petition. Town Counsel's opinion: "The article, if approved, would be a non-binding resolution as to the intent of the Town Meeting. In my opinion, the article would not legally require the Board of Selectmen or the Town to take any action to acquire any interests in land or to make any agreements regarding the Route 148 Quaboag Bridge. I also note that if the vote under Article 1 fails, the legal effect would be the same as the approval of the petitioned article." The Selectmen do not approve the passage of this article.

THIS WARRANT HAS A TOTAL OF 4 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, 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 twenty second (22nd) day of ~~May~~ august, in the year of our Lord, Two Thousand and Twelve MPS

Respectfully Submitted,

SELECTMEN OF BROOKFIELD

Stephen J. Comtois II, Chairman

Nicholas Thomo, Vice Chairman

Rudy Heller, Clerk

A True Copy, Attest:

Richard A. Lapreire
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 23 day, Aug, 2012 at 1:05 a.m./p.m. and at the Brookfield Town Hall at 1:00 a.m./p.m. on the same day.

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

Richard Lapreire
Constable of Brookfield

A TRUE COPY ATTEST:

MICHAEL P. SEERY, TOWN CLERK