

**THE COMMONWEALTH OF MASSACHUSETTS  
SPECIAL TOWN MEETING WARRANT  
NOVEMBER 1, 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 THURSDAY, NOVEMBER 1, 2012 at 7:00 P.M.** TO ACT ON THE FOLLOWING ARTICLES:

**ARTICLE 1:** To see if the Town will vote to transfer from FEMA-4051 (2011 Halloween Snowstorm) and reimburse certain departments the following amounts: Cemetery Department the amount of \$69.75; Water Department the sum of \$510.00; EMS Department the sum of \$92.65, Highway Department Road Reconstruction Account the amount of \$5,500; and Highway Department Vehicle Acquisition Account the sum of \$62,979.47, or take any action relative thereto. (Sponsored by the Highway Department, the Cemetery, Water, and EMS Departments)

**The funding will come from the federal reimbursement for the October 2011 storm and these figures are from costs that these departments incurred from the storm.**

The Selectmen and the Advisory Committee support this article (Advisory Committee by majority vote).

**The Town voted by a majority voice vote to transfer from FEMA-4051 (2011 Halloween Snowstorm) contingent on the receipt from FEMA of the amounts set forth herein to the following accounts in the following amounts: Cemetery Department the amount of \$69.75; to the Water Department the sum of \$510.00 and to the EMS Department the sum of \$92.65, \$5,500 to the Highway Department Road Reconstruction Account and \$62,979.47 to the Highway Department Vehicle Acquisition Account.**

**ARTICLE 2:** To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$500.00 as the Town's portion of a stipend for inter-municipal highway administration, or take any action relative thereto. (Sponsored by the Highway Superintendent)

**The grant (RHE COOP) which allows funds for this position ends on December 31, 2012. The Town has achieved significant savings through participation in the Regional Highway Equipment Sharing Cooperative and the Highway Department**

*would like to continue this participation.*

**ARTICLE 3:** To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money not to exceed \$20,000 for the purpose of contracting with an architect/engineer for a study of a new 6,000 square foot Police Station to be built on the town-owned property at Prouty Street, or take any action relative thereto. (Sponsored by the Municipal Facilities Planning Committee)

**The Municipal Facilities Planning Committee (MFPC) has been charged to develop a plan to replace the existing 2,400 sq. ft., leased structure which currently serves as the Brookfield Police Station. The existing house is inadequate and substandard for the Town's purpose and does not meet the needs of the Police Department or the Town. The MFPC supports the construction of a new 6,000 sq. ft. Police Station on town-owned property on Prouty Street. The funds requested (NTE \$20,000) will be used to contract with an architect/engineer for professional services to prepare a study for the new Police Station, the scope of which will include: site visits by the architect, attendance at meetings with town officials, development of a preliminary facility plan, and preparation of an Estimated Construction Cost (ECC). The funds will also cover all costs associated with site borings and survey of the property, if necessary.**

The Selectmen support this article. The Advisory Committee voted unanimously to NOT support this article, preferring to see a design/build article in the spring.

**The Town voted to pass over Article 3 by a standing majority 92 in favor and 31 opposed.**

**ARTICLE 4:** To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$307 to pay a late bill for fiscal year 2012 for wages for the Assistant Wiring Inspector, or take any action relative thereto. (Sponsored by the Treasurer and Wiring Inspector) (9/10's vote)

**The Assistant Wiring Inspector is owed \$307 for his wages for fiscal year 2012 and the request for payment was not submitted in time to be paid the normal way.**

The Selectmen and the Advisory Committee support this article (AC by unanimous vote).

**The Town voted by a voice majority to transfer the sum of \$307 from the County Retirement Assessment Account to pay a late bill for fiscal year 2012 for wages for the Assistant Wiring Inspector. (9/10's vote needed)**

**ARTICLE 5:** To see if the Town will vote to raise and appropriate, transfer, or borrow the sum of \$1,050 to pay a penalty for late filing of the 2010 1099 forms, or take any action relative thereto. (Sponsored by the Treasurer) (9/10's vote)

**Notice has just arrived that the 1099's were not filed in a timely manner in 2010 and the penalty for this is \$1050.00. This happened during the time that the former Treasurer was here so we do not know the reason for the late filing and thus cannot file a rebuttal.**

The Selectmen and the Advisory Committee support this article (AC by unanimous vote).

**ARTICLE 6:** To see if the Town will vote to transfer a sum of money from the Engine 3 Repairs Account to the Fire Department Asset Repair/Replacement Account or take any action relative thereto.

**Repairs to other items have left this account low for this early in the fiscal year. The figure transferred will be the balance of the Engine 3 Account. One invoice is still pending.**

The Selectmen and the Advisory Committee support this article (AC by unanimous vote).

**The Town unanimously voted to transfer the balance of \$4,270.65 from the Engine 3 Repairs Account to the Fire Department Asset Repair/Replacement Account.**

**ARTICLE 7:** To see if the Town will vote to transfer a sum of money for the purpose of paying interest related to an abatement of FY2009 personal property taxes assessed upon Verizon New England, Inc., or take any action relative thereto.

**\$6,889.44 may be transferred from Overlay for 2003 Account to the general fund and then appropriate the amount \$4,651.58 from the general fund to pay the interest due, the balance of \$2,237.86 will stay in the general fund or be appropriated by town meeting vote for other invoices.**

The Selectmen and the Advisory Committee support this article (AC by unanimous vote).

**The Town voted unanimously to transfer from Overlay Surplus to the Assessors' Interest on Refunds Account, the sum of \$4,800 which represents the interest on \$17,017.95, the amount to be refunded to Verizon New England for an Appellate Tax Board settlement of an appeal to FY2009 Personal Property Taxes; the interest to be calculated at 8% per year to a time after this Town Meeting, and pro-rated, accordingly.**

**ARTICLE 8:** To see if the Town will vote to amend Chapter XVIII DOGS of the Town's by-laws to delete Section 2.d Dog Fund Account which currently reads:

“Monies placed in the Dog Fund shall be available for special projects proposed by the Animal Control Officer and approved by the Board of Selectman. Funds in the Dog Fund Account exceeding \$2,000 on December 31<sup>st</sup> of each year shall be returned to the General Fund. The \$2,000 bar may be raised or suspended indefinitely or for a fixed time by a vote of the Board of Selectmen.”Or take any action relative thereto.

**The reason for this proposal is that the fund has rarely been used in the years since it was established and creates unnecessary work when turning money over to the treasurer. If money is needed it can be raised or appropriated transferred or borrowed. Note that this has not yet been discussed by the By-Law Committee. We will be discussing it in the near future and if approved at meeting can discuss the committees' recommendation to the selectmen.**

This Selectmen and the Advisory Committee support this article (AC by unanimous vote)

**ARTICLE 9:** To see if the Town will vote to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation and preservation of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, land for recreational use and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property and the fiscal year in which such surcharge shall commence; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or to take any other action relative thereto.

**This Article is a result of a citizen's petition. It is understood that the purpose of this Article is to set aside funding, from the voters, that will be 100% match from the Commonwealth and this funding may go toward a future renovation of the Town Hall to make it handicapped accessible as well any other project that may be eligible.**

The Selectmen and the Advisory Committee support this article (Advisory Committee by majority vote).

**The Town voted by a standing majority 70 in favor and 63 opposed to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation and preservation of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, land for recreational use and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 3% of the annual real estate tax levy against real property commencing in fiscal year 2014; and that the Town hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act: property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act, and \$100,000 of the value of each taxable parcel of residential real property.**

**ARTICLE 10:** To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$75,000 to be used to cover the fall snowstorm deficit, or take any action relative thereto. (Sponsored by the Selectmen)

Deficit spending for the October 2011 storm was approved by the Board of

**The Town voted to transfer the sum of \$75,000 from Stabilization to the General Fund to be used to cover the fall snowstorm deficit in the FY 2012 Budget. (2/3rds vote)**

**ARTICLE 11:** To see if the Town will authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise for general municipal purposes a certain parcel of land, located at 15 Post Road, Brookfield, being the same premises described in a deed recorded with the Worcester Registry of Deeds in Book 6306, Page 39, and shown on Assessors Map 6.C-1, as Parcel 55, now or formerly owned by Richard D. Finney and Nancy Lee Finney, and further to authorize the Board of Selectmen to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the purpose of this article, or take any action relative thereto.

**This property is in tax title and at one time or another will be owned by the Town. There was an oil spill there many years ago so the property is considered a "Brownfield". Since this means that cleanup of the property will be very expensive, transferring it between private parties will be very difficult. If the property is owned by the Town, we can apply for grants for the clean up (like we did for the Mill Street Brownfield Project). These grants are available ONLY to municipalities, and it is the Selectmen's intent to clean up the property through such grants, so that we can eventually put the property back on the market. This is an excellent location for a business, and Brookfield can certainly use the tax dollars such a property and business will generate.**

The Selectmen support this article. By a unanimous vote, the Advisory Committee voted to NOT support this article.

**The Town voted by a voice majority to pass over Article 11.**

**ARTICLE 12:** To see if the Town will vote to raise and appropriate, transfer, or borrow a sum of money for the renewal of the Human Resource contract with Kopelman & Paige, or take any action relative thereto.

**This article will fund an extension of an inter-municipal agreement that the Selectmen signed with Town Counsel. This agreement allows the Town to consult with Town Counsel any matter related to human resources (HR) "without the meter running". HR issues are an increasingly larger portion of managing the Town. The agreement includes all HR matters, including generating job descriptions, establishing organizational charts, defining employee benefits and responsibilities, and creating an employee manual, but does NOT include litigation or collective bargaining. The Selectmen estimate at this time that the cost will be \$6,000 or less.**

The Selectmen and the Advisory Committee support this article (AC by unanimous vote).

**The Town voted unanimously to transfer from Stabilization the sum of \$6,000 for the renewal of the Human Resource contract with Kopelman & Paige. (2/3rds vote)**

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 18th day of October, 2012.

Respectfully Submitted,  
**SELECTMEN OF BROOKFIELD**

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Stephen J. Comtois II, Chairman

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Nicholas Thomo, Vice Chairman

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Rudy Heller, Clerk

A True Copy, Attest:

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Richard A. Lapierre  
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 Thursday, October 18, 2012 at 2 p.m. and at the Brookfield Town Hall at 1:55 p.m. on the same day.

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