

**THE COMMONWEALTH OF MASSACHUSETTS  
SPECIAL TOWN MEETING WARRANT  
FRIDAY, NOVEMBER 22, 2013**

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, NOVEMBER 22, 2013 at 7:00 P.M.** TO ACT ON THE FOLLOWING ARTICLES:

**Note: Prior to addressing the articles Moderator Mr. Donald Faugno asked for a moment of silence on this the 50<sup>th</sup> anniversary of the assassination of President John F. Kennedy.**

**ARTICLE 1:** To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 800, **TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS also known as REGISTERED MARIJUANA DISPENSARIES**, that would provide as follows, and further to amend the Table of Contents to add Section 800, "Temporary Moratorium on Medical Marijuana Treatment Centers also known as Registered Marijuana Dispensaries:"

Section 800A PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health issued regulations implementing the law effective May 24, 2013. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town of Brookfield and the regulations promulgated by the State Department of Public Health to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers, which are referred to as Registered Marijuana Dispensaries in the regulations. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of such uses and to address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Medical Marijuana Treatment Centers also known as Registered Marijuana Dispensaries and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers also known as Registered Marijuana Dispensaries so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

Section 800B DEFINITION

"Medical Marijuana Treatment Center also known as a Registered Marijuana Dispensary" shall mean a "not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."

Section 800C TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center also known as a Registered Marijuana Dispensary. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town

shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations , and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers also known as Registered Marijuana Dispensaries and related uses.

Or take any action relative thereto.

**Explanation:** This article will delay anyone from setting up a marijuana treatment center or registered marijuana dispensary until after June 30, 2014, in order to give the Town time to address any zoning issues connected with this type of business. This article was voted on favorably by a majority at the June 7, 2013 Annual Town Meeting, but the procedure for recording the vote was not followed correctly and so the article needs to be re-voted.

### **Requires a 2/3rds majority vote**

**The Town voted by a standing 2/3rds majority 86 in favor and 2 opposed to amend the Brookfield Zoning By-Law by adding a new Section 800, TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS also known as REGISTERED MARIJUANA DISPENSARIES, that would provide as follows, and further to amend the Table of Contents to add Section 800, “Temporary Moratorium on Medical Marijuana Treatment Centers also known as Registered Marijuana Dispensaries:”**

### **Section 800A PURPOSE**

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### **Section 800B DEFINITION**

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### **Section 800C TEMPORARY MORATORIUM**

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**the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations , and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers also known as Registered Marijuana Dispensaries and related uses.**

**ARTICLE 2:** To see if the Town will vote pursuant to G.L. c. 40, §15 to authorize the Board of Selectmen to convey a non-exclusive right and easement for the purpose of installing, maintaining, repairing and replacing a sewer pipe, and such other related appurtenances, across Pine Lane, a public way, which pipe runs from the septic system located upon the property known as 42 Pine Lane, owned by Harry I. Spencer, Jr. and Violet V. Spencer, described in a deed recorded with the Worcester South Registry of Deeds in Book 4113, Page 433, across said public way, to the leach field on the said property of Spencer, as shown on a plan on file with the Town Clerk, on such terms and conditions as the Board of Selectmen deems appropriate, or take any action relative thereto.

**Explanation:** The Town granted a license for this property allowing the owner to run sewer pipes across the street. This article will turn that license into a permanent easement. The easement allows the property owners to maintain their septic system.

**Requires a 2/3rds majority vote**

**The Town voted unanimously pursuant to G.L. c. 40, §15 to authorize the Board of Selectmen to convey a non-exclusive right and easement for the purpose of installing, maintaining, repairing and replacing a sewer pipe, and such other related appurtenances, across Pine Lane, a public way, which pipe runs from the septic system located upon the property known as 42 Pine Lane, owned by Harry I. Spencer, Jr. and Violet V. Spencer, described in a deed recorded with the Worcester South Registry of Deeds in Book 4113, Page 433, across said public way, to the leach field on the said property of Spencer, as shown on a plan on file with the Town Clerk, on such terms and conditions as the Board of Selectmen deems appropriate.**

**ARTICLE 3:** To see if the Town will vote pursuant to G.L. c. 40, §15 to authorize the Board of Selectmen to convey a non-exclusive right and easement for the purpose of installing, maintaining, repairing and replacing a sewer pipe, and such other related appurtenances, across Pine Lane, a public way, from the septic system located upon the property known as 44 Pine Lane, owned by Susan Joy Spencer Thorlakson, described in a deed recorded with the Worcester South Registry of Deeds in Book 49777, Page 1, across said public way, to the leach field located upon property known as 39 Pine Lane, owned by Susan Joy Spencer Thorlakson, described in a deed recorded with the Registry of Deeds in Book 49777, Page 1, as shown on a plan on file with the Town Clerk, on such terms and conditions as the Board of Selectmen deems appropriate, or take any action relative thereto.

**Explanation:** The Town granted a license for this property allowing the owner to run sewer pipes across the street. This article will turn that license into a permanent easement. The easement allows the property owner to maintain her septic system.

**Requires a 2/3rds majority vote**

**The Town voted unanimously to authorize the Board of Selectmen to convey a non-exclusive right and easement for the purpose of installing, maintaining, repairing and replacing a sewer pipe, and such other related appurtenances, across Pine Lane, a public way, from the septic system located upon the property known as 44 Pine Lane, owned by Susan Joy Spencer Thorlakson, described in a deed recorded with the Worcester South Registry of Deeds in Book 49777, Page 1, across said public way, to the leach field located upon property known as 39 Pine Lane, owned by Susan Joy Spencer Thorlakson, described in a deed recorded with the Registry of Deeds in Book 49777, Page 1, as shown on a plan on file with the Town Clerk, on such terms and conditions as the Board of Selectmen deems appropriate.**

**ARTICLE 4:** To see if the Town will vote pursuant to G.L. c. 40, §15 to authorize the Board of Selectmen to convey a non-exclusive right and easement for the purpose of installing, maintaining, repairing and replacing a sewer pipe, and such other related appurtenances, across Mill Street, a public way, from the septic system at property known as 2 Mill Street, being property now or formerly of Louise B. Willett, Tax Map 6C, Lot 36, described in a deed recorded with the Worcester South Registry of Deeds in Book 5070, Page 347, across said public way, to the leach field located upon property known as 3 (sometimes as 9) Mill Street, owned now or formerly by Gussie L. Willett and Louise B. Willett, Tax Map 6C, Lot 8A, described in a deed recorded with the Registry of Deeds in Book 45638, Page 394 and property known as 11 Mill Street, owned now or formerly by Custom Pallets, Inc., Tax Map 6C, Lot 8, described in a deed recorded with the Registry of Deeds in Book 8190, Page 263, all as shown on a plan on file with the Town Clerk, on such terms and conditions as the Board of Selectmen deems appropriate, including, but not limited to, the grant by the owners of the above-described properties of an easement for drainage to the Town upon said properties, or take any action relative thereto.

**Explanation:** The Town granted a license for this property allowing the owner to run sewer pipes across the street. This article will turn that license into a permanent easement. The easement allows the property owners to maintain their septic system.

**Requires a 2/3rds majority vote**

**The Town voted unanimously to authorize the Board of Selectmen to convey a non-exclusive right and easement for the purpose of installing, maintaining, repairing and replacing a sewer pipe, and such other related appurtenances, across Mill Street, a public way, from the septic system at property known as 2 Mill Street, being property now or formerly of Louise B. Willett, Tax Map 6C, Lot 36, described in a deed recorded with the Worcester South Registry of Deeds in Book 5070, Page 347, across said public way, to the leach field located upon property known as 3 (sometimes as 9) Mill Street, owned now or formerly by Gussie L. Willett and Louise B. Willett, Tax Map 6C, Lot 8A, described in a deed recorded with the Registry of Deeds in Book 45638, Page 394 and property known as 11 Mill Street, owned now or formerly by Custom Pallets, Inc., Tax Map 6C, Lot 8, described in a deed recorded with the Registry of Deeds in Book 8190, Page 263, all as shown on a plan on file with the Town Clerk, on such terms and conditions as the Board of Selectmen deems appropriate, including, but not limited to, the grant by the owners of the above-described properties of an easement for drainage to the Town upon said properties.**

**ARTICLE 5:** To see if the Town will vote to amend the Bylaws Chapter X Section 3 by deleting: “No person who is not in the employ of the Town or of some office or department thereof, having authority so to do, shall dig up or excavate or assist in breaking or digging up or excavating any part of a public street, highway or town-way or remove any gravel or other material from a public street, highway or town-way unless he has obtained from the Board of Selectmen a written permit therefore. Whoever, by virtue of such a permit, breaks, digs up or excavates or causes to be dug or broken up or excavated any part of a public street, highway or town-way shall cause a rail or other sufficient barriers to be placed so as to enclose the part of the street so dug or broken up or excavated; and he or they shall cause a sufficient number of lighted lanterns for public protection to be attached to some part of such barrier and so kept from the beginning of twilight through the whole of every night during all of the time such street, highway or town-way remains dug or broken up or such excavation exists,” and adding in it’s place “Any person desiring to dig up or excavate or assist in breaking or digging up or excavating any part of a public way shall make written application to the Highway Superintendent. The applicant also shall pay an application fee to the Town and comply with all requirements of the application. The application shall be approved by the Highway Superintendent so long as it is in the public interest and consistent with state law,” or take any action relative thereto.

**Explanation:** The reason behind the proposed amendment to this by-law is to protect the town roads from damage caused by contractors and utilities that may dig in the roads while performing their jobs and to hold these entities accountable for repairing damage caused by their excavation. The former by-law as written required the selectmen to issue permits and oversee the work. (This has not been done in a very long time.)It appears to be more sensible and in the best

interest of the town to have the Highway Superintendent issues permits and oversee the work in the town roads.

**The Town voted unanimously to pass over Article 5.**

**ARTICLE 6:** To see if the Town will vote to transfer a sum of money from the Pump Station Account to the Water Main Improvement account for the maintenance of wells, or take any action relative thereto.

**Explanation:** This transfer is needed to surge and replace pumps in up to three wells.

**The Town voted unanimously to transfer the sum of \$30,000 from the Water Department Surplus Account to the Water Department Pump Station Account for the maintenance of wells.**

**ARTICLE 7:** To see if the town will vote to transfer a sum of money from the Transfer Station Expense account to the Board of Health to pay a prior year Board of Health bill or take any action relative thereto.

**Requires a 9/10ths majority vote.**

**Explanation:** This article is proposed to pay a past due bill that came in later than July 15, 2013 and could not be encumbered. There are enough funds in the Transfer Station Expense account to pay for this bill.

**The Town unanimously voted to allow the Board of Health to pay a prior year bill in the amount of \$4,288.03.**

**ARTICLE 8:** To see if the Town will vote to transfer or borrow a sum of money to be used for the purchase of a new copier for the Town Hall, or take any action relative thereto.

**Explanation:** The Town Hall copier only works some of the time. A lower price was negotiated on a legal contract, saving the Town \$6,000. The funding for the copier will come from this savings.

**The Town voted unanimously to transfer the sum of \$6,000 from the Legal Expenses Account to the Selectmen's Expenses Account to be used for the purchase of a new copier for the Town Hall.**

**ARTICLE 9:** To see if the Town will vote to rescind the vote of June 8, 2013 for the following budgetary line items:

Line Item 86, New Police Officer at the cost of \$39,213;

Line Item 217, Worcester County Retirement at the cost of \$187,922;

Line Item 219, Group Health and Life Insurance at the cost of \$415,000;

or take any action relative thereto.

**Explanation:** These amounts voted at the Annual Town Meeting have changed, due to circumstances not foreseen at the time of the Annual Town Meeting. These figures will be re-voted in Article 10.

**The Town voted unanimously to rescind the vote of June 7, 2013 for the following budgetary line items:**

**Line Item 86, New Police Officer at the cost of \$39,213;**

**Line Item 217, Worcester County Retirement at the cost of \$187,922;**

**Line Item 219, Group Health and Life Insurance at the cost of \$415,000.**

**ARTICLE 10:** To see if the Town will vote to raise and appropriate the funds for the following budgetary line items:

Line Item 86, New Police Officer at the cost of \$36,213;

Line Item 217, Worcester County Retirement at the cost of \$184,375;

Line Item 219, Group Health and Life Insurance at the cost of \$397,000;

**Explanation:** This article establishes new figures for the Line Items rescinded in Article 9.

**The Town voted unanimously to raise and appropriate the funds for the following budgetary line items:**

**Line Item 86, New Police Officer at the cost of \$36,213;**

**Line Item 217, Worcester County Retirement at the cost of \$184,375;**

**Line Item 219, Group Health and Life Insurance at the cost of \$397,000.**

**ARTICLE 11:** To see if the Town will vote to raise and appropriate, transfer or borrow \$1,000 to the Library Expense Account and \$710 to the Library Book Expense Account, for a total of \$1,710, or take any action relative thereto.

**Explanation:** Public libraries are required by state law to maintain certain standards in order to keep their doors open, one of them being a certain municipal appropriation for each year. This year's municipal appropriation was underfunded by \$1,710. If this amount is not voted, the library will not receive its certification, and the money will have to eventually be paid anyway.

**Requires a 2/3rds majority vote**

**The Town voted by a standing 2/3rds majority vote 102 in favor and 2 opposed to transfer the sum of \$1,710 from the Stabilization Account, with \$1,000 to the Library Expense Account and \$710 to the Library Book Expense Account.**

**ARTICLE 12:** To see if the Town will vote to transfer or borrow a sum of money to the Veteran's Case Work account or take any action relative thereto.

**Explanation:** These funds are for additional Chapter 115 benefits for veterans. The Town is required to pay these benefits to qualifying veterans. The original budget request has been sufficient in past years, but due to an increase in the number of veterans receiving Chapter 115 benefits – the number has gone from 3 to 6 – more funds are needed.

**Requires a 2/3rds majority vote**

**The Town voted unanimously to transfer the sum of \$17,000 dollars from the Stabilization Account to the Veterans Case Work Account.**

**ARTICLE 13:** To see if the Town will vote to transfer or borrow a sum of money to the Short-Term Interest account, or take any action relative thereto.

**Explanation:** This is interest due on a Great West Retirement Withholdings that was not paid to Great West.

**Requires a 2/3rds majority vote**

**The Town voted unanimously to transfer the sum of \$2,000 dollars from the Stabilization Account to the Short Term Interest Account.**

**ARTICLE 14:** To see if the Town will vote to appropriate the sum of \$1.95 million (one million nine hundred and fifty thousand dollars) to pay for the costs of designing, constructing, and equipping a new police station, including site improvements and all related activities, on Town-owned land on Prouty Street, and to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow up to \$1.95 million (one million nine hundred and fifty thousand dollars) under G.L. c.44 §§7 or 8, or any other enabling authority, and to issue bonds or notes therefore, and further, that the Board of Selectmen is authorized to enter into any and all contracts necessary to carry out such project, provided that the amount authorized to be borrowed hereunder shall be contingent upon the vote at a Town election to exempt from the provisions of Proposition 2½, so called, G.L. c.59, §21C(k), the amount required to satisfy the obligations, including principal and interest, under the bonds.

**Explanation:** The Municipal Facilities Planning Committee (MFPC) was charged to evaluate the existing 1,200 SF leased building, which serves as the Brookfield Police Station, and to develop a plan to replace the building with an adequate facility. It is the conclusion of the MFPC that the existing building is inadequate, substandard and does not meet the needs of the Police Department or the Town of Brookfield. The MFPC proposes the construction of a new NTE 5,500 GSF Police Station on town owned property on Prouty Street. The funds will cover all costs necessary for the engineering, design, construction and furnishings of a new facility.

**Requires a 2/3rds majority vote.**

**The Town voted by a standing 2/3rds majority 78 in favor and 36 opposed to appropriate the sum of \$1.6 million (one million and six hundred thousand dollars) to pay for the costs of designing, constructing, and equipping a new police station, including site improvements and all related activities, on Town-owned land on Prouty Street, and to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow up to \$1.6 million (one million and six hundred thousand dollars) under G.L. c.44 §§7 or 8, or any other enabling authority, and to issue bonds or notes therefore, and further, that the Board of Selectmen is authorized to enter into any and all contracts necessary to carry out such project, provided that the amount authorized to be borrowed hereunder shall be contingent upon the vote at a Town election to exempt from the provisions of Proposition 2½, so called, G.L. c.59, §21C(k), the amount required to satisfy the obligations, including principal and interest, under the bonds.**

**Note: This article was initially defeated by a standing majority 65 in favor and 50 opposed for the proposed sum of \$1.95 million dollars. It did not meet the 2/3rds required majority. After the article was defeated it was allowed by the moderator to be reconsidered by a 79 in favor and 35 opposed majority vote.**

**The Board of Selectmen and Advisory Committee support all of these articles.**

**The meeting adjourned at 9 p.m. 120 voters attended the meeting.**

**THIS WARRANT HAS A TOTAL OF 14 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 seventh (7th) day of November, in the year Two Thousand and Thirteen.

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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Linda Lincoln, Clerk

A True Copy, Attest:

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Bruce Gadaire  
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 attested copies of same at the U.S. Post Office on Thursday, November 7th, 2013 at 2:15 p.m. and at the Brookfield Town Hall at 2 p.m. on the same day.

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

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Bruce Gadaire  
Constable of Brookfield

A TRUE COPY ATTEST:

MICHAEL P. SEERY, TOWN CLERK